

1894\_01

Southampton County Chancery - Beale & Co.

vs

Taylor, W. P. et al

to get an "attachment" on  
property to satisfy debt

Beale & Co. { Beale, Ben  
Pete, T. E.  
Myrick, W. A.

Beaton, E. B.  
Kindred, D. H. (Trustee)



To  
The Hon. Wm. H. Hill Judge Circuit Court  
for Southampton County.  
- In Chancery. -

Your complainants Ben. Deale, J. E. Pate,  
& W. A. Myrick late merchants & partners trading under  
the firm name of Ben Deale & Co. complaining shew-  
eth to the Court the following case: that W. P. Fayton  
who is a non resident of the State of Virginia, is  
indebted to your complainants in the sum of  
\$115.<sup>00</sup>/<sub>4</sub> due by open account for diverse car loads  
of pine logs shipped by your complainant to, and  
received by W. P. Fayton during the early part of  
the year 1892. with interest on said amount from  
August 1st. 1892. - All of which will appear by  
reference to the said account filed herewith as a  
part of the bill marked "A" and asked to be read  
as a part of the same. that no part of said account  
has been paid to your complainant or to any other  
person for them although the same has been due for  
nearly two years.

Your complainants further sheweth that  
on the 1st day of November 1892 E. B. Deaton,  
by deed duly executed & recorded in the Clerk's office  
of this County, conveyed in Trust to D. H. Kendrick,  
Trustee, certain personal property to secure a  
promissory note for \$300. due to W. P. Fayton all  
of which will appear by reference to a certified

copy of said deed marked "B" & filed herewith as an exhibit in this cause. That in pursuance of instructions from the said Taylor, the personal property conveyed under the aforesaid deed of trust is advertised to be sold on Jan'y 20th 1894 to satisfy the aforesaid note due to W.P. Taylor who is not a resident of the State of Virginia.

Your complainants are advised, & therefore aver and charge that they are entitled to have an attachment issue against the property of the said Taylor, whether the same be of a legal or equitable nature, to satisfy their claim against him.

In tender consideration whereof & for as much as your complainants are without adequate relief save in a court of Equity where such matters are alone & properly cognizable to the end therefore that justice may be done upon Complainants pray that W. P. Taylor, E. B. Beaton & O. H. Kindred Trustees may be made parties defendant to this bill and required to answer the same under oath. That an attachment, directed to the proper officer, may issue and attach & preserve the property of said W. P. Taylor whether the same be in its nature legal or equitable; that out of the same your complainant's debt may be paid; that all such orders & decrees may be entered; accounts directed, or relief, general or special, granted as the nature of this case may require or to equity may seem meet

And notice is hereby given that the Court will  
be asked to allow a reasonable fee to plaintiff  
counsel conducting this cause.

And as in duty bound your complaisance  
will ever pray &c.

J. L. Fox-Lemmon p. q.

*Beale & Co*

vs. }

AFFIDAVIT FOR  
ATTACHMENT.

*Pay for et al*

Filed the *19* day of *Jan* 189*4*

In the Circuit Court of the County of Southampton

Ben Beale, J. E. Peete & Wm A.  
late merchants & partners trading  
under the firm name of Ben  
Beale & Co.

Plaintiff

against

W. P. Taylor, E. B. Beaton  
& D. H. Kindred Trustees

IN Equity

Defendant

Ben Beale a member of the firm of Beale & Co. maketh oath and saith, that he believes  
the claim, for which the above entitled action is instituted, to be just; that he, the affiant, believes that

The plaintiffs are entitled to and ought to recover in said action  
\$115<sup>00</sup>/<sub>100</sub> (at the least), with interest thereon, to be computed at the rate of 6%  
per centum per annum, from the 1<sup>st</sup> day of August 1892, till paid; and that to the

best of his belief the said defendant : W. P. Taylor

1. a foreign corporation, or Is not a resident of this State, and has estate or debts  
owing to said defendant within the County of Southampton in which the action is or  
is sued with a defendant residing therein; on that the defendant W. P.

2. removing or about to remove out of this State, with intent to change domicile;

3. removing, or intend to remove, or has removed

Taylor, being a non-resident of this state, is entitled to the  
benefit of a lien, legal or equitable on property, real or personal  
within the County of Southampton in which the action is,  
own estate, or the proceeds of the sale of property, or a material part of such estate or

proceeds, out of this State, so that process of execution on a judgment, when obtained in said action, will  
be unavailing;

4. converting, or about to convert, or has converted property or some part  
thereof into money, securities, or evidences of debt, with intent to hinder, delay or defraud creditors;

5. Has assigned or disposed of, or about to assign or dispose of, estate, or some  
part thereof, with intent to hinder, delay, or defraud creditors:

Ben Beale

Subscribed and sworn to before me this 19 day of Jan 1894.

J. M. Howard Co. C.

Beale's law

to } State Rules

Taylor et al

Dismissed

Ben Beale, T. E.

Beale & W. A. Myrick. Plff

late merchants and  
partners trading under  
the firm name of Ben  
Beale & Co.

vs

Wm L. Hancock

W. O. Taylor, E. B.

Beaton & D. H. Kindred Deft.

Traders.

1894 Jan 19" Process issued to 2 Felby Rules  
" 2" Felby Rules Process over Executed  
Bill & Ex filed decree  
nisi:

1894 1 Mch Rules. Dismissed by  
order of Plffs Atty.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

*W. O. Taylor, E. B.  
Beaton & D. H. Kindred, Trustees,*

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for  
the said Court on the *2nd* Monday in *July 1894* next, to answer a Bill in Chancery  
exhibited against *them* in our said Court by *Ben Beale, T. E. Pate*

*& Wm A. Mayrick late merchants &  
partners trading under the firm name  
of Ben Beale & Co.*

And this *they* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, T. M. HOWARD, Clerk of our said Court, at the Courthouse, this *19* day of  
*January*, 189*4*, in the 11*th* year of the Commonwealth.

TESTE:

*T. M. Howard,* C. C.

Memorandum:

To the Sheriff of Southampton Cen.

The plaintiffs in this suit having made affidavit as required by law it is hereby ordered that the Officer to whom this writ is directed do attach the estate of the defendant H. P. Taylor & especially the following Estate to wit: such debts as are due to or are to become due from the defendants E. B. Beaton & D. W. Thindes Trust or either of them to the defendant H. P. Taylor & any other estate or debts belonging or due to the said H. P. Taylor in whosever Land found or so much as may be necessary to satisfy the plaintiffs claim in said suit of \$115.00 with interest from Aug 17 1892 & costs therein incurred, And that you secure such estate so attached in your Land, or so provide that the same may be forthcoming and liable to further proceedings thereupon to be had before our Circuit Court of Southampton County on the first day of the May Term 1894, and that you have then & there this writ, and make return to the said Court how you have executed the same.

Witness D. W. Howard Clerk of our said Court at the Court House, this 19<sup>th</sup> day of Jan'y 1894 in the 11<sup>th</sup> year of the Commonwealth.

Dated: D. W. Howard, C. C.

Beaton & Lea

Plaintiffs

Defendants

1894 2<sup>nd</sup> day Decr

Ex. Ct.

Ex. Ct. Jan'y 20 1894 by

delivering a copy of this summons to E. B. Beaton & D. W. Thindes Trust they being the parties designated as having effect of the defendants & Taylor in their hands.

E. B. Beaton & D. W. Thindes

for Mr. Beaton's

Not shown to

I hereby acknowledge having received a true copy of this summons in the State of North Carolina, which is the State of my residence on the 1st day of February 1894. H. P. Taylor & D. W. Thindes

Branchville Va  
Apr 26 94

Jas L Moore  
Courtland Va  
Dr to R. B. Moore

for serving 3 warrants  
on Deaton & Hindsed H. Taylor 1.00

R

M. W. P. Taylor  
 1892 To Ben. Peck & Co. Dr.  
 July 4. " 2 cars of logs  
 " 8 " 2 " " "  
 " 19 " 1 " " "  
 " 25 " 1 " " " } 25.560 ft. \$115.04

Interest claimed from August 1st 1892

State of Cash in Chey Suit of  
Beauleen vs Taylor et al

|              |                |
|--------------|----------------|
| Chk, T.M. 26 | \$5.10         |
| Shff J.W.W.  | 1.00           |
| Lauoe J.L.M. | 16.50          |
|              | <u>\$22.60</u> |

Oct 4-1894.

A Copy

Test: T.M. Howard, C.C.

In the Chancery cause of Den Deal  
Co vs. W.P. Taylor & others. The Clerk  
will please endorse on the summons  
an order to the Officer to whom it is  
directed, to attach the estate of the defendant  
W.P. Taylor & especially the following Estate,  
to wit: Such debts as are due to, or are to  
become due from the defendant E.P. Deaton  
& D.H. Keight Trusts or either of them to the defendant  
W.P. Taylor & any other estate or debts belonging  
or due to the said W.P. Taylor in whose own  
hands found, or so much as may be necessary  
to satisfy the plaintiffs claim in said suit  
of \$115.<sup>00</sup> with interest from Aug. 1. 1892 &  
costs therein incurred.

Jan'y 19/93

J. L. W. Leasure Counsel  
for Plaintiff.