1911 - 06 Southampton County Chancery. Faircloth, A. T. vs Bain, M. R. etal

Bain, John

sues for an attachment on property owned by defendant; that a receiver be appointed by the Court to take charge of other material possessions he may own; also one to administer the estate of his mother so that all debts can be paid.

Faircloth, A. J.

—vs— Bill in Chancery.

Bain et als.

1910. October 24 Filed
A. B. M. Clerk

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

Humbly complaining, your complainant, A. J. Faircloth, showeth unto the Court the following cause of complaint:

That the defendant, M. R. Bain, is indebted to your complainant in the sum of Two Hundred and Ninety & 80/100 ($290.80) Dollars, which is evidenced as follows: Ninety & 80/100 ($90.80) Dollars, due by an account, an itemized copy of which, duly sworn to, is hereto attached, and the balance, to-wit, Two Hundred ($200.00) Dollars, is evidenced by two notes, one dated the 24th day of September, 1910, executed by the said M. R. Bain, and payable to your said complainant, thirty days after date, and the other for One Hundred ($100.00) Dollars, dated the 6th day of September, 1910, executed by the said defendant, M. R. Bain, and payable to your complainant, ninety days after date:

That the open account and his note for One Hundred ($100.00) Dollars are now due, and that the last mentioned note will be due on the 5th day of December, 1910:

That the said defendant, M. R. Bain, has heretofore been engaged in the mercantile business in the town of Ivor, County of Southampton, Virginia; that he is in possession of the stock of merchandise at Ivor, located in a store owned by B. H. Lane; a certain horse, and set of buggy harness which is now in the possession of John Bain, his brother, and an interest in the estate of his grandmother, Mrs. Nancy Bain, deceased; that although the said Mrs. Nancy Bain died on the_____day of August, 1910, there has been no qualification upon her estate:

That the said defendant, M. R. Bain, on the 25th day of September, 1910, left Ivor and went to Baltimore; that your complainant saw him in Baltimore a few days after that time; that since then he has not returned to Ivor, and your complainant has

made diligent inquiry among his friends and relatives but has been unable to obtain any definite information as to his whereabouts, except that he has heard that he is probably now at work in the City of Baltimore:

That the said defendant, M. R. Bain, closed his store on the said 25th day of September, 1910, and that the same has remained closed from that time until the present day, except that your complainant is advised and so charges that the defenant, John Bain, has entered into the store and disposed of a part of the stock of merchandise by distributing same among other alleged creditors of the said M. R. Bain.

In view of the facts above stated, your complainant believes, is informed and charges that the said defendant, M. R. Bain, has left this State with intent to change his domicile, and that said stock of goods and other property belonging to said M. R. Bain will be disposed of unless a Receiver be appointed to take charge of same.

In tender consideration whereof, and for as-much-as your complainant is without remedy, save in a court of equity, where such matters are alone and properly cognizable, he prays that the said M. R. Bain and John Bain may be made parties defendant to this suit and required to answer same, though answer under oath is hereby expressly waived; that proper process issue; that an attachment may issue against the property above mentioned belonging to the said M. R. Bain, and also, against any other property that he may own; that in order that the business of the said M. R. Bain may be closed up in the most judicious and expedient manner, he also prays that a Receiver may be appointed by this Court to take charge of the said horse and stock of merchandise, and all other property that he may own; that John Bain be required to render an account of all property disposed of by him belonging to the said M. R. Bain; that

an Administrator of the estate of Mrs. Nancy Bain be appointed; that the said Receiver be granted full power in the premises to sell said stock of goods and horse, and do all things necessary to bring to a speedy conclusion all matters pertaining to the said Receiver-ship; that all necessary accounts be taken and stated, such other relief, both general and special, be granted your complainant, as the nature of his case may require, or to equity shall seem meet.

That a judgment be awarded your complainant against the defendant W. P. Bain for $750.00 with interest

Notice is hereby given that the Court will be asked to allow reasonable fee to be paid to complainant's counsel for their services in this cause, to be paid out of any funds coming under the control of the Court.

And your complainant will ever pray etc.

A. J. FAIRCLOTH,

By _____ (

_____ (His Attorneys.

STATE OF VIRGINIA, (

(to-wit:

Southampton County, (

This day personally appeared before me, Ruth M. Owens, a notary public in and for the county aforesaid, in the State of Virginia, A. J. Faircloth, and made oath that the statements contained in the foregoing bill of complaint in so far as made from his own knowledge are true, and so far as made from information derived from others he believes to be true.

Given under my hand this 24th day of October, 1910.

Ruth M. Owens

NOTARY PUBLIC.

-1911-

Fairclough

— vs —

Deeren

Bain et als.

Ended - 1911

Enter January 17 - 1911 -

James L. McShane

for consent -

James H. Drury

Attorney for complainants

Thos. H. Cramerton

Attorney for all defendants

except M. R. Bain, non-resident

ENTERED- C.O.B.

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IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY.

~~June 12th~~, 1911.

A. J. Faircloth.....Complainant.

vs.

M. R. Bain et als.....Defendants.

This cause came on this day to be again heard on the papers formerly read and on the report of E. Frank Story, heretofore appointed a receiver in this cause, and was argued by Counsel.

On consideration whereof, it appearing to the Court that E. Frank Story, receiver, has collected from J. W. Bain, administrator of Mrs. Nancy Bain, deceased, the sum of two hundred and thirty-five and 17/100 dollars; that he has received from the sale of the personal property the sum of $55.82, net; and that by agreement between complainant and John Bain, the said John Bain has paid said complainant the sum of twenty dollars in full satisfaction of all claim against the horse and harness in the bill and proceedings mentioned as well as in satisfaction of all claim against the said John Bain by reason of the sale or disposition of any goods out of the store in the bill and proceedings mentioned; that said complainant has accepted said sum of twenty dollars in full satisfaction of all claim to said horse and harness, or against the said John Bain, the Court doth adjudge, order and decree that E. Frank Story, receiver as aforesaid, do pay to A. J. Faircloth the sum of two hundred and ninety dollars ($290.00) with interest from the 24th day of December, 1910, until paid, or so much thereof as may remain after paying the costs of this suit and the expenses of executing this trust, including a fee of $25.00, to be paid to E. Frank Story, Receiver, for his services.

And it appearing to the Court that there is nothing further to be done in this cause, the same is ordered to be stricken from the docket.

J. Saunders -

vs — Report of Receiver

M. R. Bank et als

JAMES U. BURGES.
ATTORNEY AT LAW,
POST OFFICE BUILDING
SUFFOLK, VA.

SUFFOLK HERALD CORPORATION PRINT, SUFFOLK, VA.

IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA.

November 29th, 1910.

A. J. Faircloth.....Plaintiff.

vs.

M. R. Bain.....Defendant.

To the Honorable James L. McLemore, Judge of said Court:

The undersigned, duly appointed receiver in this cause, begs leave to report that he has taken in his possession the stock of goods, horse and harness belonging to the said M. R. Bain, defendant, which is all the property owned by said defendant that can now be located. The stock of goods consists of fall millinery, as shown by inventory hereto attached, which is now locked up in a store at Ivor, Virginia, and is rapidly depreciating in value. The horse is expensive to keep and can be put to no service, while the harness should be sold with the horse. Your receiver, therefore, prays that he be authorized to sell the stock goods, horse and harness as early as possible in such manner as the Court may direct. Your receiver has entered into a bond in the penalty of $1000.00/100 with surety approved by the Clerk of this Court.

Respectfully submitted,

Receiver.

1 Lot Grey Kid Top	210
1 " white worker	2,12
1 " Alice Blue Kids.	8.7½
1 " Black Green Fichus	2,10
1 " "	1.25
1 " " Black Fichus	175
1 " Brown	125
1 " Grey & Green	390
1 " Green	225
1 " Garnet	286
1 " "	388
1 " "	210
1 " Green	335
1 " Red Kids	200
1 " Blue Green Fichus	225
1 " " Kids	200
1 " Green	250
1 " "	310
1 " Brown Kids	200
	4745

1 Lot Brown Blue	1,75
1 " Grey	170
1 " Brown	175
1 " Black	100
1 " Brown velvet	225
1 " Black Green	75
1 " Garnet	402
1 " Green	250
1 " Grey	250
1 " Green	125
1 " White Black Cross	100
1 " white Kids	89
1 " " "	50
1 " " "	89
1 " " "	62
	2324

2	yds.	Garnet Velvet	3.1/2	7.-
2	"	" "	5.0	10.-
1	"	Green "		2.8
1	"	Alice Blue "		3.7
5.-	"	Blue Navy "	3.1/2	18.7
1 1/2	"	alice Blue "	3.1/2	6.2
2	"	Birdegg Blue "	3.1/2	7.-
2	"	white "	3.1/2	7.-
2	"	Light Green "	3.1/2	7.-
1/2	"	" Blue	3.1/2	1.7
2	"	Old rose "	3.1/2	7.-
2	"	Brown "	3.1/2	7.-
2	"	Green "	3.1/2	7.-
1	"	" "	3.1/2	3.7
2	"	Brown "	3.1/2	7.-
3	"	Green "	3.1/2	8.7
2	"	Brown Silk	1.0	2.0
1	"	Old Rose "	2.-	2.-
2	"	messaline	5.0	10.-
2	"	Black silk	5.0	10.-
				18.7

1 1/2	7	Bine alock @	7 5	0 11 2
12 1/2	"	Gray silk "	3 7	5 2 7
8	"	Salm "	7 5	6 0 0
8	"	Brown silk "	6 2 1/2	4 8 0
5	"	Navy Blue	1 2 1/2	6 2
4	"	Brown Silk	3 7 1/2	1 5 0
2	"	Blue	5 7 1/2	7 5
1	"	Dam Stuff	2 5	2 5
1	"	Stripe silk	2 5	2 5
1	"	" "	2 5	2 5
1	"	Gray muscalum	2 7 1/2	3 7
2	"	Ottaman silk	3 7 1/2	7 5
1	"	white Taf "	3 7 1/2	3 7
2	"	Black " "	5 0	1 0 0
4	"	Old rose "	3 7 1/2	1 5 0
1	"	Lavender "	3 7 1/2	3 8
2	"	white Ottaman "	3 7 1/2	7 5
1	"	muscalum	3 7 1/2	3 7
1	"	silk	5 7 1/2	3 7
2	"	Brown muscalum	3 7 1/2	7 5
2	"	white Moire	3 7 1/2	7 5

28 | 8

3	Indian mynas	3½	1 2
3	" china sick	2/-	7/-

Fishers

3	wings	8½	26
10	"	21	210
1	fishers	27½	27
1	"	27½	38
1	"	10	10
1	"	2/-	2/-
1	"	10	10
1	"	1/-	1/-
3	"	5/-	15/-
2	Jamay fishers	12/-	24-0
2	wings	37½	75
3	"	12½	38
4	"	2/-	100
8	"	37½	300
12	"	12	169
12	"	1/-	180
1	Black Bird	6½	6
			2083

10	wings	2/-	2 5-0
2	"	1/-	2 0
1	"	12 1/2	1 2
12	"	1/-	1 9 5
8	"	20	1 6 0
6	"	5-	3 0
1	wing	10	1 0
1	Bird	10	1 0
24	feathers	12 1/2	3 0
3	Bull Sparrows	12 1/2	3 7
4	Tom Tits	12 1/2	5 0
1	Turkey feather	5	5
1	feather	5	5
1	"	10	1 0
2	"	120	2 4 0
2	"	37 1/2	7 5
1	forest	25-	25-
2	feathers	62	1 2 4
2	wings	31	6 2
1	fancy wing	1/-	1/-
			17 6 0

1	Rooster Tail	50	5-0
2	feathers	25	5-0
1	fancy wing	25-	25
2	feathers	10	20
1	feather	15-	15-
1	Bird	25-	25-
6	fancy feathers	37½	225-
3	" "	62	186
2	O. Birds	75-	150
1	feather	87½	87
1	" Boa	75-	75
1	"	10	10
1	"	50	50
3	"	10	30
12	Plumes	25	300
12	Tips	25-	300
4	feathers	37½	150
1	"	147	147
1	"	100	100
1	"	200	200
3	aigrettes	21	63
			2446

Flowers

1	"		
5	foliage	10	50
2	"	25½	75
7	flowers	10	70
6	"	25	150
1	"	40	40
8	"	25	200
6	"	25	150
49	" Box valued		3.00
78	" " "		5.00
4	"	20	80
4	"	25	100
1	"	20	20
9	"	25	225
3	"	35½	113
1	"	35½	37
6	"	50	300
4	"	37½	150
12	"	10	120
1	flower	75	75
			2765

Ornaments 90

3	Ornaments	45	.15 ~
4	" "	168	.42 "
7	" "	98	.14 "
2	" "	28	.14 "
2	" "	30	.15 ~ "
5 ~	" "	90	.18 "
1	" "	18	.18 "
3	" "	115	.37½ "
5 ~	" "	220	.44 "
3	" "	105	.35 ~ "
1	" "	37	.37 "
4	" "	140	.35 ~ "
4	" "	100	.25 ~ "
52	" "	10.40	.20 "
1	Jet Band.	37	.37½ "
2	" "	62	.31 "
2	" "	50	.50 "
		2380	

Lace

24 yds	lace	37½	8.90
5 "	"	1.50	2.50
6¼ "	"	.50	3.12
10 "	"	.05	.50
2 "	"	.20	40
2 Scarfs		.37½	75
2 Yds	Silver cloth	.50	1.00
2½ "	" "	.50	1.25
2½ "	" "	.50	1.25
2 "	" "	.50	1.00
1	trimming veil	1.25	1.25
1	Crepe "	1.00	1.00
1	" "	1.00	1.00
3 Yds	scarfing	.37½	1.12
10 "	veiling	.08	.80
15 "	"	.31	4.65
12 "	Insaline	.10	1.20
2 "	B. Net	.37½	.75
8 "	Chiffon	.37½	3.00
4 "	"	.37½	1.50
			23.69

12	Yds	Insalino	120	.10
5	"	"	50	.10
10	"	"	100	.10
16	"	"	150	.10
2½	"	Chiffon	93	37½
5	"	"	187	37½
2½	"	"	93	37½
5	"	"	187	37½
1	"	"	37	37½
4	Mats	20	80	
5	caps	18	90	
11	"	18	198	
2	"	25	50	
2	"	25	50	
2	"	15	30	
2	"	10	20	
4	"	8	32	
1	"	15	15	
1	"	10	10	
4	"	12	48	
			16.50	

3	capes	15-	45-
7	"	25-	175-
7	"	25-	175-
2	"	37½	75
3	"	15-	45-
1	Mink Braid	87	87
1	" "	100	100
1	" "	100	100
1	" "	25-	25
1	" "	63	63
1	" "	87	87
1	" "	100	100
1	" "	50	50
1	" "	87	87
1	" "	100	100
1	" "	60	60
1	" "	60	60
1	" "	25-	25
1	" "	25-	25
1	" "	100	100
			1584

1 Band	62	62
1 "	62	62
1 "	50	50
1 "	25	25
1 "	20	20
1 "	75	75
1 "	62	62
1 "	75	75
1 "	62	62
1 fc crepe	50	50
1 Band	50	50
1 lot ribbon	75	75
12 yd cretonne	60 dy	60
1 yd Bunting	50	50
		788

1H

1	Mat	frame	15-0
1	"	"	100
1	"	"	100
1	"	"	5-0
1	"	"	10
1	"	"	05-
1	"	"	100
1	"	"	10
1	"	"	5-0
1	"	"	75-
1	"	"	5-0
1	"	"	5-0
1	"	Framed	50
1	"	"	75-
1	"	"	100
1	"	"	75-
1	"	"	15-0
1	"	"	100
1	"	"	75-
1	"	"	100
			14.75

15

1	Coat trimmed	2 00
1	" "	1 50
1	"	1 00
1	"	2 50
1	dress	5 00
1	shirt	69
1	"	1 25
49	Bandeaux 10¢ doz	2 04
1	box frames	1 00
19	caps 37½	7 12
2	Hat frames 31	7 75
20	" " 75	15 00
10	" " 87	8 70
4	" " 100	4 00
32	" " 150	48 00
9	" " 50	4 50
1	" " 100	1 00
24	Hat rucks - 15¢ doz	1 50
		107 50
1	lamp	3 00
1	table	2 00
		112 50

4745-
2338
1821
1818
2082
1780
2288
2765-
2380
2695-
1650
1584
788
1475-
1125-0

4346.60
150 — Dr
10 — Norman
5946.60
1277.77 B W Rain
7722.37

7 yds.	Shoe ribbon @	6¢	.42
8 1/2 "	" "	11¢	.93
3 3/4 "	" "	9¢	.31
4 "	" "	17¢	.68
10 "	" "	7¢	.70
100 "	" "	1 1/2¢	1.50
9 "	Ribbon velvet "	25¢	2.25
8 "	" " "	16¢	1.28
10 "	" " "	6¢	.60
10 "	" " "	5¢	.50
100 "	Bristol Ribbon "	11¢	11.00
25 "	Ribbon "	9¢	2.25
	Baby Ribbon		.25
			$109.77
1 show case			18.00
			$127.77

B. H. Lane.

119 yds	Saratoga ribbon @	12¢	$14.28
113 "	Durham " "	17¢	22.61
69½ "	Raleigh " "	6¢	4.17
72¾ "	" "	9¢	6.54
42½ "	" "	15¢	6.38
22½ "	" "	12¢	2.70
25 "	" "	6¢	1.50
26 "	Belting "	6¢	1.56
16¾ "	ribbon "	25¢	4.18
5 "	" "	20¢	1.00
20 "	" "	17¢	3.40
30 "	" "	15¢	4.50
74 "	" "	12¢	8.88
10 "	" "	22¢	2.20
30 "	" "	4¢	1.20
25 "	" "	3¢	.75
21 "	" "	5¢	1.05

STATE OF VIRGINIA:

In the Clerk's Office of the Circuit Court of Southampton County:

A. J. Faircloth, Complainant, vs. M. R. Bain and John Bain, Defendants.	SUIT IN EQUITY:

The object of this suit is to revoer of the said defendant, M. R. Bain, the sum of Two Hundred and Ninety & 80/100 ($290.80) Dollars; to attach the property or effects of the said M. R. Bain; to ask for the appointment of a Receiver to take charge of the property of the said M. R, Bain, and to require the said John Bain to account for such effects of the said M. R. Bain as have been disposed of by him. It appearing by affidavit that diligence has been used by or on behalf of the said complainant, A. J. Faircloth, to ascertain in what county or corporation the said M. R. Bain is, without effect, it is ordered that the said M. R. Bain appear within fifteen (15) days after due publication of this notice, and do what is necessary to protect his interest.

H. B. McLemore

CLERK.

A. J. Faircloth.....Plaintiff.

vs.

_____ _____Bain.....Defendant.

STATE OF VIRGINIA,
To-wit:
County of Southampton.

This day, and on a bill in equity filed in the Clerk's Office of the Circuit Court of Southampton County against M. R. Bain for the purpose of having an attachment to secure and enforce a claim against M. R. Bain to a debt, A. J. Faircloth, plaintiff in said bill, personally appeared before me, H. B. McLemore, Clerk of our said Court, in the Clerk's Office thereof, in the said County and State, and made oath that the plaintiff's said claim is believed to be just and a part thereof is now due and the balance to wit One Hundred Dollars that the affiant believes that the plaintiff is entitled to and ought to recover at least the sum of $ 290 50/100 and that to the best of affiant's belief the said M. R. Bain

1st, is removing out of this state with intent to change his domicile,

2nd, ~~intends to remove his estate out of this state so that process, when execution on a decree when obtained in said suit will be unavailing.~~

J. A. Burgess A. J. his Mark Faircloth

Subscribed and sworn to before me this 24th day of October, 1910.
In witness whereof, I have hereunto set my hand the day, month and year aforesaid.

H. B. McLemore Clerk

N. J. Faircloth

Petition
vs
Geolrude Baird

M. R. Baird & Jno Baird

1911 March 30th. filed
J. L. M.

TEMPLE & HOWERTON
ATTORNEYS AT LAW
WAVERLY, VA.

SOUTHERN STAMP & STAT'Y CO., RICH'D, VA.

In the Circuit Court for Southampton County, Virginia.

Your petitioner, Gertrude Bain, humbly complaining, shows and represents unto your Honor:-

That there is now pending in this honorable court a suit in equity in which A. J. Faircloth is plaintiff and M. R. Bain and John Bain are defendants; that the plaintiff had issued from the clerk's office of said court an attachment and the said attachment was levied on a certain horse, the property of your petitioner, which said levy was made on or about the 28th day of January, 1911, in Sussex County, Virginia;

That your petitioner is the owner of said horse, that she has been the owner of said horse since February, 1910; that said horse was never in the possession of John Bain, her brother, but has been in her possession continually from February, 1910, that she is advised that said horse was purchased of one A. J. Faircloth by her brother, M. R. Bain, and that said M. R. Bain gave his note therefor for the sum of two hundred and seventy-five dollars, and that your petitioner's mother, E. A. Bain, paid to said Faircloth one hundred and seventy-five dollars which applied [redacted] as a part payment on said note, and that the residue may or may not be due now, but that she is the owner of said horse by sale from said M. R. Bain.

In tender consideration whereof and forasmuch as your petitioner is remediless in the premises, save in a court of equity &c she prays that the sale of the said horse may be suspended, and that the matter may be properly adjusted in your Honor's court; that a decree be entered allowing your petitioner to retain right, title and possession of the said horse; that the said A. J. Faircloth may be made a party defendant to this petition, and be required to answer the same, but answer under oath is hereby waived; that proper process issue, proper orders and decrees be entered in this cause that may be right and proper to protect your petitioner's rights in the premises, and that

all necessary and further relief be awarded your petitioner as the nature of her case may require or to equity may seem meet, and she will ever pray &c.

Miss Gertrude Bain

Virginia,

County of Sussex, to-wit:-

I, Thos. H. Howerton a Com'r in Chancy Circuit Court of the State of Virginia for the County of Sussex, do certify that Gertrude Bain, whose name is signed to the foregoing writing ~~bearing date on the day of 1911~~, has personally appeared before me this day and made oath that the facts stated therein are true so far as stated of her own knowledge and she believes them to be true so far as stated upon the information derived from others. Given under my hand this the 1st day of March 1911.

Thos. H. Howerton

Faulcon, A. J.

—vs— Deed

Bain et als.

Enter this Oct. 24th. 1910

James L. McLemore,

ENTERED - C.O.B.

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E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

****
* A. J. Faircloth, *
* vs. *
* M. R. Bain and John Bain. *
****

This day this cause came on to be heard upon complainant's bill and exhibit filed therewith, said bill having been duly sworn to, and was argued by counsel;

On motion of Complainant's Counsel from the allegation of Complainant's bill

On consideration whereof it appearing to the Court that one of the defendant, M. R. Bain, is leaving this State with intent to change his domicile; that the store in the bill and proceedings mentioned has been closed since the 25th day of September, 1910, and that some of the stock of goods therein have been removed, and that his other property is held by other parties, the Court doth adjudge, order and decree that E. Frank Story be, and he is hereby appointed a Receiver for the purpose, and is directed to take possession of the entire stock of goods, merchandise and fixtures in the store occupied by the said defendant, M. R. Bain, in the town of Ivor, Virginia, and also, all other property owned by him, as well as all evidences of indebtedness of every nature and description due to the said defendant, M. R. Bain, take an inventory thereof and report to court.

And as to the said stock of goods and fixtures, the said Receiver is authorized and empowered to sell the same in the regular course of trade, at public auction, after duly advertising the same, or at private sale in bulk; provided, that in the event he shall sell the said goods and fixtures at public auction, or by private sale in bulk, it shall be subject to the approval of this Court, the Receiver at once reporting such sale for confirmation or ~~rejection~~.

The said Receiver is authorized and empowered to sell the horse and set of harness in the bill mentioned, at public sale, after advertising the time, place and terms thereof for ten days by hand-bills duly posted, at three or more public places in

Southampton County, Virginia, said sale to be subject to the approval of this Court, the said Receiver shall at once report such sale for confirmation or rejection.

And the said Receiver is also authroized to employ such labor as may be necessary in order to ~~dispose of~~ Preserve the said property, and collect the said indebtedness, and such other things as may be necessary ~~to convert the said property into cash~~ in the handling of the property, in accordance with this decree, and to collect the indebtedness due the said defendant.

The Court doth further adjudge, order and decree that the said John Bain, and all other persons shall turn over to the said Receiver, or his duly authorized agent, all property of the said M. R. Bain, of every nature and description.

And the said Receiver is directed to inquire into and report to Court, such other property as the said M. R. Bain may be entitled to by inheritance, or otherwise ~~the amount and who has the possession thereof~~. The value of such property, if any, and where located.

But before the said Receiver shall proceed to act under this decree, he shall execute a bond before the Clerk of this Court in the penalty of $1000.00, with security deemed sufficient by the said Clerk, conditioned to faithfully discharge his duties under this, or any future decree entered in this cause.

And the Receiver will report to Court.

Fairchild
To. { Ryall & Baker } J. W. Bain

1911 May 16th filed 4pm

To the Hpnprable James L. McLemore,

Judge of the Circuit Court for Southampton County

J. W. Bain, Administrator of the estate of Nancy Bain, decd in pursuance of a decree entered in the cause of A. J. Faircloth vs. M. R. Bain and others on March 20th 1911, reports that has in his hands belonging to M. R. Bain the sum of two hundred and thirty-five and seventeen cents, which he is willing and ready to pay over to anyone the court may direct.

Respectfully,

J. W. Bain, Admr
of Nancy Bain, decd.

May 15, 1911.

Twistorth, G.J.
vs. 3 Costs
Dam Seals

A. C. Pallorth.

Statement of cost.

Bail of $25.

To sum secured by deposit of $25 cash with petition for return of bail.

To sum secured by deposit of $25 cash with petition for return of bail.

To sum secured by deposit of $25 cash with petition for return of bail.

A. J. Faircloth,

VS: Statement of cost.

Bain et als,

To Sum 25¢copy 13¢ directed Sheriff Sussex---------- .38
To Sum with attachment 50¢ copy 25(Sussex)---------- .75
To Sum 25¢ copy 13¢ Sheriff Southampton County---------- .38
To Sum with attachment 50¢ copy 25¢(Southampton)---------- .75
Receipt 18¢ Atty 10¢, Docketing 18¢---------- .46
Rule 50¢ filing bill 15¢ Fil Exhibits 15¢---------- .80
Entering 4 returns 35¢---------- 1.40
Oath as to non resident 15¢ Fil affidavit 15¢---------- .30
Copy of order publication for printer 20¢ posting 20¢---------- .40
Rule 50¢ for home defendant, Rule for non resident Deft 50¢---------- 1.00
Filing return of printer 15¢ Replication to answer 15¢---------- .30
Filing answers 15¢ Fil petition of Gertrude Bain 15¢---------- .30
Taking & recording receivers bond ---------- 1.25
Taking and recording Attachment bond---------- 1.25
Entering 4 decrees at 36¢ each---------- 1.44
Taxing cost 20¢ copy 20¢ ---------- .40
Future cost about ---------- 1.25

H B McClenny Clk Pro Tem $13.21

Sheriff Sussex $ 3.70 Paid by J. U. Burgess Mfg.
Sheriff Southampton 1.50 Pd by Ck to Jno. J. Dunn, Shff. July 1st 11.

Tidewater News 4.50
Attorney 16.50 20.00

$ 37.41.
Premium on Receiver's bond,.... ..... 7.00
$44.41

June 30th 1911.

Teste: L B McSmith Clerk

A. J. Faircloth,

-v- Answer.

M. R. Bain, et als.

We consent to the filing of the within answer, as of the March term of Southampton Circuit Court, this 24. day of March 1911.

M. R. Bain

Attys for Complainant.

Robert A. Wood, Jr.

Sussex County, to wit:

Virginia,

John Bain, Respondent.

By Counsel.

8. In answer to paragraph five of said bill, this respondent denies that he entered into the store house of his brother, the said M. R. Bain, and disposed of the stock of merchandise contained therein, or any part thereof, as alleged in the same paragraph of the said bill. And this respondent says that he is not guilty of the matters and things charged against him in the said bill of complaint, and prays to be dismissed with his reasonable costs in this behalf expended.

VIRGINIA:

IN THE CIRCUIT COURT FOR SOUTHAMPTON COUNTY.

A. J. Faircloth,)
)
--v--)
) ANSWER.
M. R. Bain, et als.)

The separate answer of John Bain, one of the defendants to a bill of complaint filed against him and others, in the Circuit Court of Southampton County, by A. J. Faircloth, Complainant. This respondent reserving to himself the benefit of all just exceptions to the said bill of complaint, for answer thereto, or to so much thereof as he is advised that it is material he should answer, answers and says:

1. This respondent is not advised as to the truth or falsity of the allegations contained in paragraphs 1, 2, 4 and 6 of complainant's bill, except so far as he has been informed with respect to the same; and he, therefore, neither affirms nor denies the said allegations.

2. As to allegations contained in paragraph three of complainant's said bill, this respondent says that it is true that his brother M. R. Bain conducted a business in the Town of Ivor, Southampton County, Virginia, and was possessed of a stock of merchandise, horse and set of harness, but further answering denies that he has the possession of the horse and harness, as alleged in said paragraph, or that the same was ever in his possession.

3. In answer to paragraph five of said bill, this respondent positively denies that he entered into the store house of his brother, the said M. R. Bain, and disposed of the stock of merchandise contained therein, or any part thereof, "by distributing the same among the alleged creditors of the said M. R. Bain"; but further answering, this respondent says that he did enter the said store house about the middle of October 1910, as the agent of his mother Mrs. E. A. Bain, and take therefrom certain furniture and fixtures belonging to his said Mother, having been loaned by her to her son M. R. Bain.

And now, having fully answered, this respondent prays to be hence dismissed, with his reasonable cost in this behalf expended.

John Bain, Respondent.

By Counsel.

Robert W. Arnold, fd.

Virginia,

Sussex County, to wit:.

J. Faircloth
vs -
M. R. Baird

Enter May 16 1911.
James L. McLemore

for counsel
James L. Berry
atty for complainant

Thos. H. Haverlon
atty for J. W. Baird
adm'r, and Fortunate
R. Baird

ENTERED - C.O.B.
PAGE - 170 -

In the Circuit Court for Southampton County.

A. J. Faircloth

vs.

M. R. Bain, et al.

This cause came on this day to be again heard upon the papers formerly read, and on the report of J. W. Bain, administrator of the estate of Nancy Bain, deceased, as directed by decree entered in this cause on March 20th 1911, showing that hehas stated his account before the Commissioner of Accounts of Sussex County, and that there now is in hand, the sum of two hundred and thirty-five dollars and seventeen cents which is the property of thesaid defendant, M. R. Bain, and was argued by counsel. On consideration whereof, the court doth adjudge, order and decree that the said J. W. Bain Administrator as aforesaid, do pay to E. Frank Story, heretofore appointed a receiver in this cause, the said sum of two hundred and thirty five dollars and seventeen cents, taking his receipt therefor

And this cause is continued

A. J. Faircloth,

vs. Decree.

Bain et al.

Enter Dec 3rd 1910.

James L. Moore

Entered in Chancery

Order Book No. ____,

page 139-

IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, IN VACATION.

December 3rd, 1910.

A. J Faircloth.....Complainant,

vs.

M. R. Bain and John Bain.....Defendants.

On motion of complainant, and it appearing, to the Judge of this Court sitting in vacation, from the report of E. Frank Story, receiver, filed December 3rd, 1910, that said receiver has executed the bond required by the decree heretofore entered in this cause and taken into his possession a certain stock of goods consisting of fall millinery, a horse and harness, belonging to the said M. R. Bain, defendant, as shown by inventory attached to said report, which is all the property owned by said defendants that can now be located; that said stock of goods is locked up in a store at Ivor, Virginia, and is rapidly depreciating in value; that the horse is expensive to keep and can be put to no service; and that the harness should be sold with the horse, the Court doth adjudge, order and decree that said E. Frank Story, receiver as aforesaid, do, after having advertised the time, place and terms of sale, for ten days by hand-bills conspicuously posted in ten or more public places in the village of Ivor and the County of Southampton, proceed to sell at public auction to the highest bidder for cash, in front of the Postoffice at Ivor, the said stock of goods in parcel or in bulk as in his judgment he may deem best and also the horse and harness for same. And report to Court.

All of which is certified to the Clerk of this Court to be entered in the Chancery Order Book.

James L. Lowe,

Faircloth

—No. 2/3 Ans. of J. Walter Bain, Admr.

Bain, et als.

1911 March 20th. filed
J.S.M.

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

A. J. Faircloth

vs.

M. R. Main, John Main and J. Walter Main, Administrator of the estate of Mrs. Nancy Main.

The answer of J. Walter Main, Administrator of the estate of Mrs. Nancy Main, deceased, to a bill exhibited against him and others by A. J. Faircloth, complainant:

This respondent reserving to himself the benefit of all just exceptions to the said bill, for answer thereto, or so much thereof as he is advised it is necessary for him to answer, answers and says:

That he knows nothing of the allegations in the said bill contained, but admits that he main as Administrator of the estate of Mrs. Nancy Main, certain property belonging to the said deceased, M. R. Main, but that said estate has not been settled, and he has not yet definitely ascertained the true amount due M. R. Main.

And now, having fully answered the complainant's bill, this respondent prays to be hence dismissed with his reasonable costs by him in this behalf expended.

J. W. Main
Administrator

Faircloth

—vs— Decree

Bain et als.

Entered this March 20th. 1911

J. Thos. Lillamore

ENTERED - C.O.B.
PAGE - 164 -

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

A. J. Fairclath,

vs.

M. R. Bain, John Bain and J. Walter Bain, Administrator of the estate of Mrs. Nancy Bain.

This cause, which has regularly matured at rules as to the defendants, John Bain and J. Walter Bain, Administrator, and the non-resident defendant, M. R. Bain, having been proceeded against regularly, according to law, by order of publication, duly published, came on this day to be heard on the complainant's bill and exhibits therewith filed, and the petition of Gertrude Bain, this day filed by leave of Court, and the answer of J. Walter Bain, Administrator, stating that as Administrator of the estate of Mrs. Nancy Bain, he has in his possession certain money and effects belonging to the said M. R. Bain;

On consideration whereof, the Court doth adjudge, order and decree that J. Walter Bain, Administrator, shall, as soon as he has stated his account before the Commissioner of Accounts for Sussex County, Virginia, report to Court the amount then in his hands belonging to the said M. R. Bain.

THE COMMONWEALTH OF VIRGINIA:

To the Sheriff of Southampton County, Greeting:

WHEREAS: A. J. Faircloth has instituted in our Circuit Court for the county of Southampton, a certain suit in equit against M. R. Bain and John Bain, which suit is now pending in the said Court, and there has been filed in the Clerk's Office of our said Court, an affidavit that the claim of the said plaintiff asserted in the said suit is believed to be just; that the affiant believes the plaintiff entitled to, or ought to recover the sum of Two Hundred and Ninety & 80/100 ($290.80) Dollars at the least, and to the best of the said affiant's belief, the said defendant, M. R. Bain is removing out of this State with intent to change his domicile:

Therefore we command you that you attach the estate of the said M. R. Bain for the amount of the said indebtedness, and the costs, and that you secure such estate so attached in your hands, or so provide that the same may be forth-coming and liable to further proceedings thereupon to be had before our said Court on the first day of the next January term thereof, and that you make return hereof at the Rules to be held in the Clerk's Office of our said Court, on the First Monday in November, 1910, how you have executed the same. And have then there this writ.

Witness H. B. McLemore, Clerk of our said Court, at the court-house this 24th day of October, 1910, in the 135th year of the Commonwealth.

H. B. McLemore

Clerk.

M. R. Bain

M. R. Bain has removed out of the State of Virginia

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon M. R. Bain and John Bain,

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 1st Monday in November 1010 to answer a Bill in Chancery exhibited against them in our said Court by A. J. Faircloth

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

Witness, ~~B. H.~~ H.B. McLEMORE, Clerk of our said Court, at the Courthouse this 24th day of October, 1910, in the 135 year of the Commonwealth.

Teste: H. B. McLemore C. C.

THE COMMONWEALTH OF VIRGINIA:

To the Sheriff of Southampton County, Greeting:

A. J. Faircloth
vs
M. R. Bain & John Bain
1910- 1st November Rules.

Spa in Chcy

WHEREAS: A. J. Faircloth has instituted in our Circuit Court for the county of Southampton, a certain suit in equity against M. R. Bain and John Bain, which suit is now pending in the said Court, and there having been filed in the Clerk's Office of our said Court, an affidavit that the claim of the said plaintiff asserted in the said suit is believed to be just; that the affiant believes the plaintiff entitled to, or ought to recover the sum of Two Hundred and Ninety & 80/100 ($290.80) Dollars at the least, and to the best of the said affiant's belief, the said defendant, M. R. Bain is removing out of this State with intent to change his domicile:

Therefore we command you that you attach the estate of the said M. R. Bain for the amount of the said indebtedness, and the costs, and that you secure such estate so attached in your hands, or so provide that the same may be forth-coming and liable to further proceedings thereupon to be had before our said Court on the first day of the next January term thereof, and that you make return hereof at the Rules to be held in the Clerk's Office of out said Court, on the First Monday in November, 1910, how you have executed the same. And have then there this writ.

1910 1st Nov Rules

Witness H. B. McLemore, Clerk of our said Court, at the court-house this 24th day of October, 1910, in the 135th year of the Commonwealth.

H. B. McLemore
Clerk.

Executed in Southampton County, Virginia, this 1st day of November, 1910, by delivering a true copy of the within summons, with a copy of the attachment written on this summons, written thereon, to Walter A. Bain, Administrator of the estate of Mrs. Nancy Bain, grandmother, of M. R. Bain, in person.

John S. Turner
Sheriff

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon M. R. Bain and John Bain,

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 1st Monday in November 1910 to answer ~~a Bill in Chancery exhibited against~~ them in our said Court by A. J. Faircloth

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

Witness, ~~B. H.~~ H.B. McLEMORE, Clerk of our said Court, at the Courthouse this 24th day of October, 1910, in the 135 year of the Commonwealth.

Teste: H B McLemore C. C.

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 212.

Know all Men by these Presents, That we, A J Fairclotth & J B Stephenson

are held and firmly bound unto

in the sum of Four Hundred Dollars, to the payment whereof we bind ourselves, our heirs, executors and administrators, jointly and severally, by these presents. We hereby waive the benefit of our homestead exemption as to this obligation, and also any claim or right to discharge any liability to the Commonwealth arising under this bond with coupons detached from the bonds of this State.

Witness our hands and seals this day of January 1911

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas A J Fairclotth

plaintiff in a suit instituted in the Circuit Court of the County of Southampton against M R Bain & John Bain

defendant, has, upon affidavit, made in due form of law, sued out of the Clerk's Office of the said Court an attachment against the estate of the said M R Bain & John Bain for the sum of Two Hundred Ninety & 80/100 Dollars. that being the amount claimed by the said plaintiff in the said suit.

NOW, THEREFORE, If the said A J Fairclotth shall pay all costs and damages which may be awarded against him or sustained by any person by reason of his suing out of the said attachment, then the above obligation to be void, otherwise to remain in full force.

A J Fairclotth SEAL.

J. B. Stephenson SEAL.

SEAL.

Executed in the presence of

In the Clerk's Office of the Circuit Court of the County of Southampton. ~~190~~ Jany 16. 1911.

J. B Stephenson the security in the above bond, this day made under oath before me H B McLemore Clerk of the said Court, that his estate, after the payment of all his debts and of such liabilities as he has incurred for others and expect to have to pay is worth $400.00 the penalty of the said bond.

Given under my hand as Clerk of the said Court, this 16 day of Jany 1911 ~~190~~

H B McLemore Clerk

The Commonwealth of Virginia.

TO THE SHERIFF OF ~~SOUTHAMPTON~~ Surry COUNTY—GREETING:

We command that you summon M. Br. Bain and John Bain

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 1st Monday in February 1911 to answer a Bill in Chancery exhibited against them in our said Court by A. J. Faircloth

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

Witness, ~~B. B.~~ H. B. McLEMORE, Clerk of our said Court, at the Courthouse this 11" day of January, 1911, in the 135th year of the Commonwealth.

Teste: H. B. McLemore C. C.

The Commonwealth of Virginia:

To the Sheriff of Sussex County, Greeting :

Whereas: A.J.Faircloth has instituted in our Circuit Court for the County of Southampton, a certain suit in equity against M.R. Bain and John Bain, which suit is now pending in the said Court,and there having been filed in the Clerk's Office of our said Court, an affidavit that the claim of the said plaintiff asserted in the said suit is believed to be just; that the affiant believes the plaintiff entitled to, or ought to recover the sum of One Hundred & Ninety & 89/100 Dollars at the least, and to the best of the said affiantt's belief, the said defendant, M.R.Bain is removing out of this State with intent to change his domicile:

Therefore we command you that you attach the estate of the said M.R.Bain for the amount of the said indebtedness, and the costs, and that you secure such estate so attached in your hands, or so provide that the same may be forth-coming and liable to further proceedings thereupon to be had before our said Court on the first day of the next March y term thereof, and that you make return hereof at the Rules to be held in the Clerk's Office of our said Court, on the Firs Monday in February,1911, how you have executed the same.

And have then there this writ.

Witness H.B.McLemore, Clerk of our said Court, at the court-house this 11th day of January, 1911, in the 135th year of the Commonwealth.

H.B. McLemore Clerk.

I hereby certify that bond has been executed in this cause, in the sum of Four Hundred ($400.00) Dollars, with approved security.

H B McLemore Clerk.

An indemnifying bond being given in the sum of $400.00 with approved security I took into my possession a certain horse [redacted] claimed to be the property of M. R. Bain, but forthcoming and suspending bonds having been duly executed I returned same to the possession of the claimant.

J. D. Presson Dept
For J. D. Prince Sheriff
Sussex Co. Va

Fairfax
vs
Bain
Attachment.

1911 1st Mon. in Feb.

Executed on this the 23rd. day of Jan,y 1911 by delivering a true copy of the within to J. E. Bain who being found at his usual place of abode in Sussex County Virginia.

J. W. Presson Deputy,
For J. D. Prince, Sheriff Sussex County, Va.

1911 Jany 25 Rec'd
Wm

M. R. Bain, Pltf Jury
Fairfax Peterson Deft
Attachment
Filed Feb 1st 1911

The Commonwealth of Virginia.

TO THE SHERIFF OF ~~SOUTHAMPTON~~ SUSSEX COUNTY—GREETING:

We command that you summon M. R. Bain and John Bain

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 1st Monday in November 1910 to answer a Bill in Chancery exhibited against them in our said Court by A. J. Faircloth

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

Witness, H.B. ~~B.F.~~ McLEMORE, Clerk of our said Court, at the Courthouse this 24th day of October, 1910, in the 135 year of the Commonwealth.

Teste: H B McLemore C. C.

Faircloth A. J.

vs: (Spa in Choy

Bain M. R. & John

1910- 1st November Rules

The Commonwealth of Virginia.

TO THE SHERIFF OF ~~SOUTHAMPTON~~ Sussex COUNTY—GREETING:

We command that you summon M. R. Bain and John Bain.

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 1st Monday in November 1910 to answer a Bill in Chancery exhibited against them in our said Court by A. J. Faircloth

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

Witness, H. B. McLEMORE, Clerk of our said Court, at the Courthouse this 24th day of October, 1910, in the 135 year of the Commonwealth.

Teste: H. B. McLemore C. C.

WEEKLY.
Four pages, thirty-two columns, Home Print, $1.00 a year in Advance.

The Tidewater News,

NEWS PUBLISHING CO., Proprietors.
PAUL SCARBOROUGH - - - - - - - - - - Editor and Manager.

JOB WORK
In All its Branches, neatly and promptly done. Commercial Printing.

A Good Advertising Medium • Franklin has Population of 3000 and is a Trade Center for Three Counties • Complete Job Department

Franklin, Virginia,
Written [ ]

STATE OF VIRGINIA:
IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF SOUTHAMPTON COUNTY.

A. J. Faircloth, Complainant,
vs.
M. R. Bain & John Bain Defendants,
SUIT IN EQUITY

The object of this suit is to recover of the said defendant, M. R. Bain, the sum of Two Hundred and Ninety and 80-100 ($290.80) dollars; to attach the property or effects of the said M. R. Bain; to ask for the appointment of a Receiver to take charge of the property of the said M. R. Bain, and to require the said John Bain to account for such effects of the said M. R. Bain as have been disposed of by him. It appearing by affidavit that diligence has been used by or on behalf of the said complainant, A. J. Faircloth, to ascertain in what county or corporation the said M. R. Bain is, without effect, it is ordered that the said M. R. Bain appear within fifteen (15) days after due publication of this notice, and do what is necessary to protect his interests.

H. B. McLEMORE, Clerk.
E. Frank Story
J. U. Burgess p. q.

I, Paul Scarborough, Editor of The Tidewater News, a weekly newspaper published in the Town of Franklin, Southampton County, Va., do hereby certify that the Order of Publication as attached above was published in The Tidewater News for four (4) successive weeks in the manner prescribed by law, to-wit: in its issues of Oct. 28th., Nov. 4th, 11th and 18th 1910

SIGNED

Paul Scarborough Editor.

Franklin, Va., March 28th 1911

M. M. R. Bain

IVOR, VA., Dec 10th 1910

BOUGHT OF W. C. RAWLS,

.... DEALER IN ....

GRAIN, HAY, SHIP STUFF, ETC

July	6	To	1	Bus	Corn		80
"	"	"	1	"	oats		60
"	15	"	120#	Stay	1⅛	1	44
"	18	"	1	Bus	Corn		80
"	"	"	1	"	oats		60
"	25	"	85#	Stay	1⅛	1	02½
Aug	8	"	1	Bus	Corn		85
"	"	"	1	"	oats		60
"	22	"	1	"	"		60
"	"	"	1	"	Corn		85
"	"	"	90#	Stay	1⅛	1	04½
"	30	"	112½"		"	1	31
"	"	"	1	Bus	Corn		85
"	"	"	1	"	oats		60
Sept	6	"	95#	Stay	1⅛	1	00

12 96

Dec 7th
1910

Mr E. Frank Story
Franklin Va

Dear Sir,

If you will find
enclosed a bill against
M. R. Bain for Cover
feed which I would be
glad for you to include
with your other
accounts against him
& oblige Yours Very truly
W. C. Rawls

Courtland, Va., Oct 24 1910

Mr M. R. Daiss -

J. W. J. Sawlotte Dr -

To E. FRANK STORY, Dr.

Attorney-at-Law

1910 June - Oct -		To one set of harness - to board, Corn and Merchandise, Corn and oats Cash as per itemized account hereto attached	$25 00 65.80

State of Virginia
County of Southampton, to wit:
Personally appeared before me Ruth M. Owens a Notary public for the county and State aforesaid W. J. Sawlotte, who being duly sworn deposes and says that the above account is just and correct that no part thereof has been paid and that there are no set offs or counterclaims due to -

Ruth M. Owens.
Notary Public

Fairclath To Bass

Virginia:

Southampton County, to wit:

I, H. B. McLemore, Clerk of the Circuit Court of Southampton County, hereby certify that a copy of the order of Publication mentioned in the above suit, was posted at the front door of the Court-house on the 28 day of October 1910

H. B. McLemore Clerk

A. J. Faircloth, Complainant,
vs.
M. R. Bain and John Bain, Defendants.

STATE OF VIRGINIA, (
(to-wit:
Southampton County, (

This day, A. J. Faircloth, the above named complainant, personally appeared before me, Ruth M. Owens, a notary public in and for the county aforesaid, in the State of Virginia, and made oath that diligence has been used by or on behalf of the said complainant, A. J. Faircloth, to ascertain in what county or corporation the said M. R. Bain is, without effect.

Given under my hand this 24th day of October, 1910.

Ruth M. Owens.

NOTARY PUBLIC.