1874-013
Nansemond Co. (Suffolk)

Chancery Causes: Alfred Leigh etc vs Samuel L. Taylor etc

Cowper, Bodine, Shoemaker, Clarke, Cassell, Loumenson, Cossell, Norfleet Bros]

Note: Exhibits referred to in Bill were not found with cause when processed 12/01

Alfred Leigh, & Evelyn W. Cooper adm'x of Henry
D. Cooper dec'd. who was a partner of James W. Clarke
vs } In Chy: Nansemond County Court.
Samuel L. Taylor, Joseph Bodine, Edward Shoemaker,
Andrew Lawrenson and James W. Clarke

This day John R. Kelly, attorney for
the plaintiffs made oath, that Andrew
Lawrenson, one of the above named Defendants
is, as he is informed, and verily believes, a non
resident of the state of Virginia.

Sworn to before me } John R Kelly
W E Cochran Clk } 26 Apl 1873

object of this suit is to subject the Chattel Estate, conveyed by the defendant Danl L Taylor to Andrew Lowmanson, to the plaintiffs demands.

Leigh & al

vs

Affidavit

Danl L Taylor Et al

On the motion of V. O. Caperton
appointed in Bankruptcy of
Jane L. Taylor & Mabel Boone
he is allowed to file his answer
& bill which is accordingly
done, & Record Exh. also
Summons to Memphis, Bill

The Commonwealth of Virginia,

To the ~~Sheriff of Nansemond County~~ sergeant of the City of Portsmouth --Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Saml L. Taylor Joseph Bodine Edwd Shoemaker Andrew Lamneson and James W Clarke, and W. A. Capell assignee in Bankruptcy of said Samuel L Taylor

to appear at the Clerk's office of the County Court of Nansemond county, at Rules to be holden for the said Court, on the first Monday in May next, to answer a Bill in Chancery, exhibited against them in the said Court, by Alfred Leigh and Evelyn W Cowper admrs of Henry D Cowper decd, assignees of James W Clarke

and have then and there this Summons. Witness, WILLIS E. COHOON, Clerk of our said Court, at his office, this 26 day of April 1873, in the 97 year of the Commonwealth.

Teste W. E. Cohoon

Clerk of the Court.

Copy for

V. Colopell

Executed April
29th 1873 by signing
a true copy hereof
in Colusa in
presence—

Jno. Hammond
Sheriff

The Commonwealth of Virginia,

To the Sheriff of Nansemond County--Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Samuel L. Taylor, Joseph Bodine, Edward Shoemaker, Andrew Lommenson and James W Clarke and V. O. Cofield assignee in bankruptcy of the said Samuel L Taylor.

to appear at the Clerk's office of the County Court of Nansemond county, at Rules to be holden for tbe said Court, on the first Monday in May next, to answer a Bill in Chaneery, exhibited against them in the said Court, by Alfred Leigh and Evelyn W Cowper admx of Henry D Cowper who was assignee of James W Clarke

and have then and there this Summons. Witness, WILLIS E. COHOON, Clerk of our said Court, at his office, this 26 day of April 1873, in the 97 year of the Commonwealth.

Test W E Cohoon

Clerk of the Court.

Executed May 3rd 1873, on all defts except V. O. Capell & A. Simmons, who are non residents of this county.

W. H. Ely Sheff

Filed

Co Co

A. Keys et al

v

Sam'l Taylor et al

To May Rule 1873

1873 III

The Commonwealth of Virginia,

To the Sheriff of Nansemond County--Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Norfleet Brothers

to appear at the Clerk's office of the County Court of Nansemond county, at Rules to be holden for tbe said Court, on the first Monday in June 1873 ~~next,~~ to answer a Bill in Chancery, exhibited against them or them in the said Court, by Alfred Leigh and Evelyn W Cowper adm^x of Henry D Cowper dec^d, who was assignee of James W Clarke

and have then and there this Summons. Witness, WILLIS E. COHOON, Clerk of our said Court, at his office, this 31 day of May 1873, in the 97 year of the Commonwealth.

Test W E Cohoon *Clerk of the Court.*

Executed June 2nd 1874.

Mr Clay
Sheff

Nicky. Co Co

St Leigh rd

r Spa City

Sam[e] L Jay Cor rd

To June Rules 1873

Virginia In the circuit Court of Hanover County October Term 1873.

Alfred Leigh and Evelyn W. Cooper admrs of Henry D Cooper who was assignee of James H Clarke pltfs

against

Samuel L. Taylor, Joseph Bodine, Edward Shoemaker, Andrew Sammonson, James H Clarke and V. O Cobell assignee in Bankruptcy of said Samuel L Taylor defts

In chancery

On motion of V. O. Cobell assignee in bankruptcy of Samuel L Taylor, and Joseph Bodine he is allowed to file his answer to the plaintiff's bill

copy

test

Mills & Cohoon clerk

Alfred Leigh &c

28.

Saml L Taylor &c

Bill of Sale

Oct 2nd 1873

Alfred Leipler

vs

Same L. Taylor et al.

On motion of the plaintiffs by their attorneys, It is ordered that this cause be dismissed.

Leigh &c.
v

Taylor &al.

1874
May 6th.
Order of Dismissal

To be entered.

Geo. Wood

Entered

The answer of V. O. Conrad Assignee
in Bankruptcy of Samuel L. Taylor,
and also as assignee in Bankruptcy of
Joseph Bodine to a bill of Com-
plaint Exhibited against him
or others in the County Court of
Monmouth County by Alfred Lujk
and E. W Cowpen Admr of H. L.
Cowpen who sue on behalf of [illegible] Clark.

This defendant re-
serving all right of Exception to
the jurisdiction of the Court in said
suit & all errors in said bill of
Complaint Contained for answer
say, that it is true that he has been
appointed assignee in Bankruptcy
of S. L Taylor and Joseph Bodine,
and that as such assignee he
claims all the Estate of the said
Bankrupts, that was belonged to them
at the time of their being adjudicated
bankrupts, except such as by law
they were entitled to as their ex-
emptions. That he particularly
claims all the Estate of the said
bankrupts which may have been
fraudulently alienated or transferred
by said bankrupts in fraud of the Bank-
rupt law of the United States.

that he claims the property mentioned
in the deed of S. S. Taylor to A. Lemmon
mentioned dated 13 Feb 1873, mentioned
in the plaintiffs' bill, if the said
deed was not in all respects bona fide.

This defendant has been informed
that no levy was made on the property of
either of said bankrupts by virtue of
the executions of either of said com-
plaints before the adjudication of said
bankrupts. and calls for proof of
any allegation to the contrary. This
defendant is advised that the entry
of an execution on the plaintiff in
the hands of the proper officer for levy,
creates no lien on the personal estate
of the bankrupt, as against the assignee,
or the other creditors of the bankrupt.

This defendant admits the right
of the plaintiffs or either of them to
have asserted any subsisting lien
on said property as against this respondent.

This defendant admits either admitting
or denying any of the other allegations
of the complainants' bill, calls for
full proof of the same.
And having answered

W. O. Cassell,
Assignee.

I [illegible] to do with the matters
the allegations and to others stated in the foregoing
answer as far as the same are stated on my own knowledge
are true, and as for as stated on the information
of others I believe them to be true.

W. O. Cassell.

To the Hon: Peter B. Prentis, Judge of the County Court of Nansemond County, Virginia,

Complaining, shew unto the Court, your Complainants, Alfred Leigh, and Evelyn M. Cooper adm't of Henry D. Cooper dec'd. who was assignee of James W. Clarke.

Your complainants respectfully represent to the Court and say.

1. That Samuel L. Taylor, on the 12th day of April 1871 executed his note, payable to your Complainant Alfred Leigh 120 days after date with Interest from date, for the sum of $329.75., as may be seen by a duly certified copy of said note filed herewith & marked "A" — In which note the said Taylor waives his Homestead Exemption — on which $50 has paid 23d Aug 1871

2. That said was brought by your complainant, Alfred Leigh, in the County Court of Nansemond County, at Dec Term 1871, and judgment obtained on said note as may be seen by a duly certified copy of said judgment filed herewith & marked "B".

3. That an execution on said judgment issued on the 15th day of December 1871, (an execution of fifa.) and was placed in the hands of the Sheriff of Nansemond County on the 18th day of Dec 1871 to be executed. as may be seen by a duly certified copy of said Execution & endorsement filed herewith & marked "C".

4. That the said Execution was returned by said Sheriff unsatisfied, as the return thereon, will shew.

5. Your Complainants say, that the said Execution

Code 777
18 Nat. p 216
Channon v. Bonnell &c

from the time it was delivered to said Sheriff to be executed, became a Lien, upon all the personal estate of, or to which the Judgment debtor aforesaid, to wit, the said Saml L. Taylor, was then possessed or entitled, although not levied on, nor capable of being levied on, and has or continued lien now —

6. That a second execution of fifa, in favor of your Complainant, Alfred Leigh, was issued on said Judgment, against said Saml L. Taylor, on the 7th day of August 1872, which was again delivered to said Sheriff to be executed on the 15 day of Aug 1872, on which he made return, that the same was not satisfied — a copy of which is filed herewith marked "D".

7. That a third execution of fifa, in favor of your Complainant, Alfred Leigh, was issued on said Judgment, against said Saml L. Taylor, on the 13th day of December 1872, and was placed in the hands of said Sheriff for execution on the 13th Dec 1872, as may be seen by a duly certified copy of said Execution & endorsement filed herewith marked "E" — & which the Sheriff again returned that he had made a levy on 1 Feb (1873) — but whether levied or not your Complainants say may a Lien as above stated, So that your Complainant, Alfred Leigh's Lien as aforesaid has been complete from the issuing of the said first execution till now.

8. Your Complainants further say, that the said Samuel L. Taylor, & Joseph Bodine & Edward Shoemaker on the 24th January 1871, made their writing of=

ligatory & signed & sealed the same, whereby they promised to pay on demand the 1st day of August 1871 with Interest from the 1st day of January 1871, to James W. Clarke the sum of $1720., and the Interest thereon to be 10 per centum per annum., and in which they waived the benefit of their Homestead Exemption — a duly certified copy of said Bond is filed herewith marked "I" — which Bond was by said James W. Clarke duly assigned, for value received to Henry D. Cowper, who brought suit thereon, and at the Nov. Term 1872 of Nansemond County Court recovered Judgment thereon, — a copy of which Judgment is filed herewith marked "J" —

9. That the said Henry D. Cowper having died said Judgment was duly revived in the name of Evelyn W. Cowper admx of said Henry D. Cowper dec'd, & on the 25th day of Nov. 1872, an Execution of Fieri Facias was issued & placed in the hands of the Sheriff of said County for execution on the 30 Nov 1872. at 11 o'clock A.M. — a copy of which execution & Sheriff's endorsement thereon is filed herewith marked "K". — That the Sheriff by virtue of said Execution, did on 1st February 1873 levy the same on the following property of the defendants Taylor, Bodine & Shoemaker, to wit two horses, 4 mules, Lot of Corn, & wheat, oats, cattle & farming utensils, and before day of sale the parties were adjudged Bankrupts in the United States District Court at Norfolk, whereupon no sale was made. — That said Execution became

++ That of the property thus subject to said Lien was a large lot of corn, sold by said Taylor, Bodine & Shoemaker

a Lien also on all the personal property of said Taylor (subject to the prior Lien of your Complainant, alfred Leighs Execution), and all the personal property of said Bodine & Shoemaker, from the time of Delivery to said Sheriff for execution, whether Levied on or not, or capable of being levied on — ++

10 That after the issuing of said Executions & with a knowledge of existing Liens thereon, & with intent to hinder delay & defraud your Complainants, he the said Jame L. Taylor executed a writing purporting to be a deed of sale to one Andrew Lowmorow of New Jersey, & dated the 13th of July 1873 & admitted to record in the Clerks Office of Nansemond County Court on the 18th of July 1873 conveying the following property to wit: one bay horse eight years old, one bay mare two years old, two bay mules about thirteen years old, one, two horse farm wagon, one cart, one buggy wagon, one Kirby reaper, one farming mill, the undivided one half part of a hay press, two sets of double team harness, one set of single harness, a lot of plow harness, two, two-horse plows, five one-horse plows, two drags, two cultivators, twelve hogs, three sheep, one lamb, five cows three calves, thirty five acres of wheat in the ground, eight acres of Rye in the ground thirty acres of oats in the ground, five hundred

bushels of shelled corn, one hundred and thirty bushels of oats now in the sheaf, five acres of garden peas growing in the ground, one cutting box, one corn sheller, six feather beds and bedsteads & bedding, 18 chairs, one wardrobe, one bureau, one cookstove, 30 yards of Brussels carpet, 60 yards of rag carpet, 25 yards of Ingrain carpet, 1000 pounds of pork in Barrels, 3000 pounds of fodder", — a copy of which deed is filed herewith as part of this Bill marked "I". —

11. That the Executions aforesaid were & are liens on said chattel estate, and that the said Andrew Loummens had notice of said Liens — That the records of said Judgments and Executions were and are ~~Liens~~ notice to all persons of said Liens, of which they are bound to take notice. +

12. In consideration whereof, and as this Court has jurisdiction to grant all adequate relief, & to the end your Complainant prays That said Solomon L. Taylor, Joseph Bodine & Edward Shoemaker, & Esther Loummens, and V. A. Cassell ——— a Spinner in Bankruptcy of said Taylor & Bodine & Noblett Bro. may be made Defendants hereto, and answer the allegations herein; That the Liens of

+ That said Samuel L. Taylor and Joseph Bodine have since the execution of said deeds of said Loummens, been adjudged Bankrupts in this and petitions, in the United States District Court as further appears by their affidavits.

said Executions may be enforced as aforesaid. That the Deed from said Taylor to said Summons may be set aside as fraudulent and void, and that the property subject to said Execution that unjust Boy may answer pay of whom, when shew such com'ty punish and forced defendants or any other Liens, may be sold and applied to the payment of your Complainants demands according to priority, and that such other & further relief may be granted consistent with Equity &c.

John R. Kilbourn
P. Q.

Kelly Dow

Alfred Leigh Sal

N. E. Rice

Saml L. Taylor

Sothers.

Nam? Co. Ch.

Tulbyson CoCo

Alfred Leigh et al

v } In Chancery

Saml L. Taylor et al

1873 May Rules. Bill filed & decree nisi vs all defts except Lonmenson, Comt for pub as to him

1873 June Rules, Bill p.c. as to all defts except Lonmenson Cfy of pub filed & decree nisi v dft Lonmenson,

1873 July Rules, Bill p.c. as to dft Lonmenson & Cause Set for hearing

1874 May Term Dismissed