

1873-14

Santhampton County Chancery

Harding, Elisha vs.

Little, J. B. et al

"Injunction"

"In such bills"

J. B. Little

John W. Burley

S. W. Cobb +

S. S. Sells Shiff

132 ~~130~~ + 100 = 81.

Darden

v } Papers

Little of

1872 May

Southampton Circuit Court November - 13th 1869

J. G. Little, Jno. W. Gurley & D. W. Cobb
against

Plffs }
In Debt }
Dfs.

R. E. Darden & Elisha Darden

The defendant R. E. Darden having been adjudged a bankrupt this suit is dismissed as to him, and thereupon came the plaintiffs and Elisha Darden by their attorneys and a jury to wit, James Vaughan, Allen Cotton, R. F. Barham, J. Darden, Jno. Preeson, W. Ford, E. J. Gardner, L. A. Gay, Jos. Barham, Mills & E. Edwards Wm. Brantley, & Rich^d H. Blythe were elected tried and sworn the truth to speak upon the issue joined, upon their oaths do say "We the jury find for the plaintiff the debt in the declaration mentioned with legal interest thereon from Decr 12th 1866 Therefore it is considered by the Court that the plaintiffs recover against the defendant Elisha Darden \$303. 25 cent with legal interest thereon as aforesaid and their costs in this behalf expended -

Plffs Costs \$9.91.

A Copy

Judg^t. Docketed 1870. Jan'y 5th

Exec^t issued. 1870. Feb'y. 12th

Teste

L. R. Edwards & Co

To the Hon. E. P. Pitts, Judge of the Circuit
Court of Southampton County, Virginia

Complaining shew unto the Court
your Complainant Elisha Warden of
said County.

Your Complainant respectfully
represents to the Court and says, that on
the 13th day of November 1869, a judgment
was rendered against him on a Bond
executed by R. E. Warden himself (he
being the security thereto), for \$303.25
with legal interest thereon from the 12th day
of December 1866 & \$9.91 cents, in favor
of J. G. Little, Jno. W. Hurley & D. W. Cobb,
and which was docketed according to law on the 5th day 1870
as will be seen by a duly certified

Copy of said Judgment filed herewith
as part of this Bill marked "A"

That on the day of Nov. 1869
during the session of said Court your
Complainant executed a deed of Trust
on his real and personal estate to Wm.
H. Patton Trustee to secure certain
debts to Jonathan Warden & also to secure
said Jonathan Warden as his security

That his estate consists of a Tract of Land in said County of 502 1/2 acres, more or less, with the improvements on the same, and a small chattel estate.

That the said Judgment creditors on the 12th day of February 1870 issued from the Clerk's office of said Court a writ of "Elegit", and have placed the same in the hands of the Sheriff of said County to execute, who will speedily execute the same unless prevented from so doing.

Your Complainant further represents that he is the head of a family and a housekeeper and that after setting apart the articles exempt from distress or levy as now provided by law, his estate, ~~is~~ not as he verily believes, worth at a cash valuation the sum of Two thousand dollars, the amount exempt from sale under execution, as provided by the present Constitution of the State; Your Complainant prays that he may have the benefit of said exemptions, and that such steps may be ordered to ascertain and set the same apart to

him as now authorized by law,
(and that in the meantime the said
Judgment creditors and the Sheriff
of Southampton County may be en-
joined and restrained from selling
any of your Complainants property &
from executing the "Elegit" aforesaid.

(and your Complainant prays that
the said exemptions of his estate when
ascertained may be set aside & assigned
to him —

In consideration whereof and as
this Court has jurisdiction to grant the
relief prayed for — To the End your
Complainant prays that the said
J. G. Little, Mrs. W. Emily, & D. W. Cobb
(and D. L. Dole, Sheriff of said
County may be enjoined (and restrained
from executing said writ of Elegit,
and from making sale under any
execution of your Complainants estate

that the value of said estate may
be ascertained, and that the exemptions
aforesaid may be set apart to him &
that all further relief may be granted
consistent with Equity &c

John R. Kelly p. v

+ Eliza Gordon

Virginia

~~Warrington~~ County, State of

I Orman M. Bryant a Justice of the Peace in and for said County in the State aforesaid do certify that Elsiea Warden, the Complainant in the foregoing Bill, on this day personally appeared before me in said County and made oath that the facts set forth in the foregoing Bill are true to the best of his knowledge and belief.

Given under my hand this 22nd day of February 1870

O. M. Bryant J. P.

Norfolk City, to wit;
An injunction is awarded according to prayer of P'ty Bill, to take effect upon his entering into Bond before the Clerk in his office, in the penalty of \$400 with good security conditioned according to Law

To the Clerk of the
Circuit Court for
Southampton Co.

E. P. Pitts
Feby. 23 1870

Darden
to Bill

Bill of

1870 Feby 25. Bill filed & sp. of
Sup'ior Court.
" March 1. Bond of executed.

To injoin and restrain the defendants from executing a writ of Elegit sued out of the Clerk's Office of the Circuit Court of Southampton County on the 13th day of February 1870, upon a judgment obtained in the said Court on the 13th day of November 1869 for \$303.25 with legal interest thereon from the 12th day of November 1866 till paid & costs, and to injoin & restrain the said Little, Gurley & Co of Dades Sheriff as aforesaid from making sale under and execution on the said judgment of the said Elisha Darden's Estate, until the further order of the said Court to the contrary -

But this ^{injunction} judgment is not to take effect until the said Elisha Darden shall enter into bond before the Clerk in his office in the penalty of \$400 with good security conditioned according to law -

Teste J. White Ck

1870. March 1st Bond Security has been given in accordance with the above

J. R. Edwards Dk

Darden

J. Sp. Johnson

Little & Co

1870 April Rules

Executed by

delivering each of

within parties, a

Copy of this Summary

W. W. Spriggs

Att for D. D. Spoles self

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of the County of Southampton---Greeting:

We command you to summon

*J. G. Little, Jno. W. Gurley & D. W. Cobb of D. L. Dole Sheriff
of Southampton County*

if *they* be found within your bailiwick, to appear at the Clerk's Office of our Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in *April next* to answer a bill in Chancery exhibited against them in our said Court by Elisha Darden. And unless they shall answer the said bill within one month thereafter the same will be taken for confessed and the matter thereof decreed accordingly. And *that* they shall in no wise omit under the penalty of £100

And have then there this writ.

Osmin White
Witness, ~~LITTLETON R. EDWARDS~~, Clerk of our said Court, at the Court-House, this *25* day of

February A. D., 18*70*, in the *94* year of the Commonwealth.

Osmin White

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

1st day of March 1870

This bond was acknowledged by the obligors thereto, and Jonathan Bar den

the security thereto made ~~with~~ ~~that~~ his estate after the payment of all his just debts is worth the sum of four hundred dollars the penalty of the said bond.

J. R. Edwards Clk

Bar den

J. R. Edwards Clk

J. R. Edwards Clk

Know all men by these presents that we Elisha Darden, Jonathan Darden

are held and firmly bound unto J. G. Little, Jno. W. Gurley & D. W. Cobb in the just and full sum of four hundred dollars, to be paid unto the said J. G. Little Jno. W. Gurley & D. W. Cobb their certain attorney, their Executors, administrators or assigns; for the payment whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this 1st day of March A.D. 1870.

The condition of the above obligation is such that whereas the above bound Elisha Darden has obtained from the Judge of the Circuit Court of Southampton County an injunction, to enjoin and restrain the above named J. G. Little Jno. W. Gurley & D. W. Cobb & D. L. Doles Sheriff of Southampton County from executing a writ of Elegit sued out of the Clerks Office of the said Circuit Court on the 12th day of February 1870 upon a judgment obtained in the said Court on the 13th day of November 1859 for \$303.25 with legal interest thereon from 12th day of December 1866. Costs, and to enjoin & restrain the said Little, Gurley & Cobb & Doles Sheriff as aforesaid from making sale under any Execution of the said ^{or said judgment} Elisha Dardens estate until the further order of the said Court. Now if the said Elisha Darden shall pay the judgment aforesaid, and all such costs as may be awarded against him, and all such damages as shall be incurred in case the injunction be dissolved, then the above obligation to be void, or else to remain in full force and virtue.

Elisha Darden (Seal)

Jonathan Darden (Seal)

Darden

Stat. Rules

Little of

In Southampton Circuit Court

Elisha Darden

against

J. G. Gillet, Jno. W. Gurley, D. W. Cobb & D. L. Dales Shff. of Southampton County

1870 Febry 25 Bill with order for Injion filed - W. Sp. & Injion issued.

" March 1st Injion bond executed.

" " Rules - Sp. & Injion ret. Ex. L. Nisi v. Dfls.

" April " Bill taken for confessed

" May " Cause for hearing &c

~~Darden Jr.~~

3

Little Jr.

on the motion of the
plaintiff by his attorney, it is
ordered that this cause be dismissed

Dairies

n.

Little h.

1872

~~May 21~~

order

To be entered

Geo. B. Lord