

1877-12

Southampton County Chancery

Darden, R. J.

VS

Wills, John T. et al

sell property to satisfy judgements

and
Vick, B. F.

Butler, M. D.
Bradshaw, Willis
Doles, D. L.

To the Honorable Genl. Blount, Judge of the
Circuit Court of Southampton. In Chancery.
Humbly Complaining, Sheweth unto your
Honor your complainants R. J. Darden
& B. F. Vick, late partners in trade under
style of Darden & Vick, that on the 30th
of October 1875, they obtained before a Justice
of the Peace, a judgment against Mrs. T.
Wills for \$47.52 which judgment was
doctored in the County Court of Southamp-
ton Decr 25. 1875, as will more fully appear
from a copy of said judgment, herewith
filed marked (A) & prayed to be taken as a
part of this bill. That an execution of
fiat facias has been issued & returned
"No Effect". That on the 15th Jan'y 1872,
the said Mrs. T. Wills made a deed of trust
to M. D. Butler, Trustee, conveying his real
estate, to secure a debt due D. L. Dole,
as will more fully appear from a copy
of the said deed herewith filed, marked (B).
and prayed to be taken as part of this bill.
That the land conveyed by said deed of trust
is worth much more than the debt
secured, and your complainants
are advised that they have a lien on
the Equity of Redemption in the said
deed: but they have no way of charging
the same, except by the help of a Court of
Chancery. That the rents & profits of the
said land will not pay the lien
thereon in five years. That D. L. Dole,
has died & his estate has been committed

to the hands of Willis Bradshaw, as Curator,
during a contest about his will, as is
shown by a copy of the order, herewith
filed, marked (b) - as an exhibit in this
suit.

In consideration whereof, and inasmuch
as your complainants have no relief,
except in a Court of Equity, where matters
of this kind are properly cognizable, to the
end therefore that justice may be done,
they pray that Jm. T. Mills, M.P. Butler,
Trustee & Willis Bradshaw, Curator of
the Estate of S. L. Dole, decd, may be made
parties defendant to this bill & compelled
to answer its allegations. That your
Honor will make an order for the
following accounts to wit.

An account of your Complainants
demand and all other outstanding
unsettled claims against the said
Jm. T. Mills, distinguishing their priorities.
An account of the absolute & annual
value of the real estate of said Mills -
and ^{such} such other further general relief
as to Equity may seem meet or the
nature of this case may require, and
as in duty bound, your complainant
will ever pray &c. - May it please the
Court &c. -

J. B. R. J. S.

Darden & Vick
to } Ex with Bell

Wells

Boelke for

The following judgment was returned and docketed in the judgment docket of the County Court of Southampton County on 25. December 1875
to wit

Darden & Vick

vs
John T Wills

{ In debt for forty seven ^{52/100} dollars
two Cents 38. day of October

1875 at Chicksville

Judgment that the Plaintiff recover of the Defendant forty seven ^{52/100} dollars with interest from the 10 day of June 1861 till paid & One ^{20/100} dollars for Costs.

Clerks fees 45 cts

Wm A Bell JP.

Southampton County to wit

To Richard W Clayton Constable of said County

I command you in the name of the Commonwealth of Virginia that of the goods and Chattels of John T Wills you cause to be made the sum of forty seven ^{52/100} dollars with interest thereon from the 10 day of June 1861 till paid which Darden & Vick has recovered before Wm A Bell a Justice of the Peace in a warrant in debt and also the sum of One ^{20/100} dollars which were adjudged to the said Darden & Vick for Costs in prosecuting said warrant
Given under my hand this 23 day of December 1875

Wm A Bell JP.

Constables Return " No effects -

RW Clayton Const."

Copies

Teste

PR, Edwards & Co

Executed by delivering to & wills
M^r. Butler & Willis Bradshaw each
a copy of this summons on the 2^d day
of October 1876

Attest by for
W^m D. Briggs

David L. Beck
v.
J. S. Briggs
Deputy

1876. October 2^d 1876
Executed at
J. S. Briggs
By S. H. B.

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*John T. Hills, M.D. Butler,
Trustee, & Willis Mashaw, Curator for the
Estate of D.L. Dole, decd.*

if ~~They~~ be found within your bailiwick, 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 first Monday in *October next* to answer

*~~R. J. Darden & B. F.~~ a bill in Chancery exhibited
against them by R. J. Darden & B. F. Vick,
late partners in trade under style of Darden
& Vick.*

And have then there this writ.

WITNESS, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this *30th*
day of *September*, 1876, in the *101th* year of the Commonwealth.

L. R. Edwards C. C.

Sanders Nick
vs 3 Deane.
Hills

Nov. Term 1876

To be entered.

Geo. B. W.

(Cop 2)

Danvers Mich
on $\frac{1}{3}$ Decem.
Mills.

This day this cause came on
to be heard on the bill of the Com-
plainants taken for confessed
as to the defendants, Exhibits
filed and was argued by Coun-
sel. On consideration whereof
the Court doth a Judge order & decree
that a Comr of this Court take
the following accounts to wit-
an account of the plaintiffs
demands and all other outstand-
ing unsettled lines against
Jno: D. Mills, distinguishing their
primitives - an account of the
absolute and annual value
of the real estate belonging to said
Mills - which accounts the Comr
will audit report to Court, together
with any other matters specially
stated deemed pertinent by
himself or required by any
interested party to be so stated.

Dan Smith
vs 3 Deane
Wells

May Term 1877

To be entered.

Geo. Beow.

Dansen & Vick
vs E. Peene.

Mills

On motion of the staff, this cause
is ordered to be removed from
the docket.

~~122~~ 125 119 -
Darden & Vick
a } Stat. Rules
Wills & Co

1877 May Dismissed

In Southampton Circuit Court

R J Darden & B F Wick late partners in trade under
style of Darden & Wick

against
John T Mills, M D Butler Trustee & Willis Bradshaw
Curator for the estate of D L Dole

1876 Sept 30th Summons issued

" Oct R Summons Executed Bill filed of D New
v Dfts

" Nov " Bill taken for confessed & cause set for hearing

" " J. Decree for account 1st

1877 May " Removed from the docket