

1893-71

Southampton County - Chancery

Vaughan & Co. Bankers vs

Borden, G. E. et al

"Injunction"

"to stop sale &
pay crop lien"

Galline, Jas.

Davell, G. H. A

Borden, C. L.

Constable

Vaughan & Co. Dankers
vs. Bill & Exhibits
R. B. Lardner et al.

M. L. Lardner Jr.

To

The Honorable C. H. Hill Judge of
the Circuit Court of Southampton County

Your complainant C. C. Vaughan trad-
ing and doing business as Vaughan & Co
Bakers - respectfully represent as follows:-
that on the 12th day of May 1891 James
Rollins made, executed and delivered to
R. E. Darden a certain writing commonly
called a "Crop Lien" by which he gave
to the said R. E. Darden, in consideration
of advances made by him, a lien on
the said James Rollins' entire crops
made during the year 1891, to pay for
the said advances to the extent of \$633⁴/₃
which amount the said Darden has long
since advanced to enable the said Rollins
to cultivate his crop; that on the
day of _____ 1891 the said R. E. Darden
placed the above said Crop Lien with your
complainant having first duly assigned
the same by endorsement thereon, all of
which will appear by reference to the
original writing herewith filed marked "X"
that said writing was duly admitted to record
on the 4th day of July 1891.

That being thus in possession of the afore-
said lien, upon the crops^{as} aforesaid one
C. L. Darden a Constable on the _____ day of Nov.

1891. by virtue of a Justice's execution, levied upon the crops conveyed in the said crop. Lien, and advertised the same for sale on Thursday Dec 3^d. 1891. to satisfy a claim due to R. St. Powell. Your complainant states that the entire crop now upon the premises will not pay more than one third of your complainant's claim and that if the execution in the hand of Darden Constable is satisfied by a sale of the property levied upon your complainant's lien will be totally frustrated. That the rent due for the year has been fully paid and that no advancements were made to the said Rollins save those furnished by the aforesaid R. E. Darden. In the light of which circumstances your orator is advised that his lien is prior to any other lien that can be obtained upon the said property. although it will avail him nothing unless the said Darden Constable, is enjoined from applying the property to the payment of the execution in his hands.

In tender consideration whereof your complainant prays that R. E. Darden, Jas Rollins, Robt. St. Powell and C. R. Darden Constable be made parties defendant to this bill & required to answer the same (an answer under oath being waived) that the

said C. L. Darden and all other persons
be enjoined and restrained from disposing
of the property or in any way controlling
the same. That a receiver be appointed to
take charge and dispose of the afansai
crops, that all further orders and decrees may
be entered herein and general or special
relief granted, as the nature of this case
may require or to equity may seem meet.
And your complainant will ever pray &c.

(sign) C. C. Vaughan

for Vaughan & Co.

Virginia

County of Southampton to wit:

This day C. C. Vaughan appeared
in person before me, C. C. Vaughan Jr. a
Notary Public in & for the State and
County of afansai and made oath that
the matters in the foregoing bill stated
as of his own knowledge are true, and those
stated upon the information of others he
believes to be true.

Given under my hand this 1st day of
Decr. 1891

Notary Public

On motion of the Plaintiff An injunction is granted in accordance with the prayer of the bill, enjoining and restraining R. A. Powell and L. E. Barden, Constables, their agents, Attorneys, Employees or any other person from disposing of or in any manner exercising control or authority over the crops made by James Rollings, upon the farm upon which he resides, during the year 1891. which crops consist of Corn, Fodder, Pea Nuts and Cotton. But the said Vaughan & Co. Bankers. shall not have the benefit of this order until they or some one for them, shall have entered into Bond with approved security, before the Clerk of the Circuit Court: in the penalty of \$300.00 Conditioned to pay all costs and damages which may be awarded against them, by reason of this injunction.

Teste: B. F. McLeinn C. C.

I certify that Bond has been given with approved security as required by the above order.

B. F. McLeinn C. C.

R. E. Barden

I acknowledge
legal service of this
summons. ~~West~~
4th 1891

R. E. Barden

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *R. E. Darden*

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 *3^d* Monday in *December 1891* ~~next~~, to answer a Bill in Chancery exhibited against *him + als* in our said Court by *G. B. Vaughan, Trading and doing business as Vaughan + Co. Bankers.*

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

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this *2* day of *Decr*, 1891, in the 116th year of the Commonwealth.

B. F. McLemore

C. C.

On motion of the Plaintiff An Injunction is granted in accordance with the prayer of the Bill, enjoining and restraining R. A. Powell, and L. D. Barden, Constable, their Agents, Attorneys, employees or any other persons, from disposing of or in any manner exercising control or authority over the crops made by James Rollings upon the farm upon which he resides during the year 1891. which crops consist of Corn, Fodder, Pea Nuts & Cotton. But the said Vaughan & Co Bankers, shall not have the benefit of this order until he or some one for him shall have entered into bond with approved security, before the Clerk of the Circuit Court, in the penalty of \$300.00. Conditions to pay all costs and damages which may be adjudged to the defendants, by reason of this injunction.

Teste: B. F. McLennan C.J.

I certify that Bond with approved security has been given as required by the above order.

B. F. McLennan C.J.

Vaughan & Co. Bankers.

James:

Barden & Co:

1891. 2nd Decr. Rule
Circuit Ct.

Enclosed Dec. 3/91. by
delivering a copy of the motion
injunction to J. H. Polone, C.P.
Barden Const. and J. H. Polone
(Sigsbee) John H. Polone

The correction of the above
return shown to before
me the 25th day of Jan'y
1892.
L. D. Barden
(Sigsbee) M. P.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *R. E. Darden, James. Rollings-*
R. H. Powell, and L. L. Darden, Constable.

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 *3rd* Monday in *December 1891* ~~next~~, to answer a Bill in Chancery
exhibited against *them* in our said Court by *L. L. Vaughan, Trading and*
doing business as Vaughan & Co. Bankers.

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

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this *2nd* day of
December, 1891, in the 116th year of the Commonwealth.

B. F. McLeMORE

C. C.

¹⁷⁹
Vaughan & Co. Bankers

or } Stat: Rules.

Darden et. al:

2 Dec /91

Le. Le. Vaughan trading and
doing business as
Vaughan & Co. Bankers. ~~Pltffs~~
Against
R. E. Darden Jas. Rollings
R. H. Powell & C. L. Darden -
Constable. - Def.

In Chancery

1891 Dec 2nd Process issued to 2nd Decr Rules.
" 2nd Dec Rules: Process Executed: Bill & Ex;
filed. decree nisi:
1892. 1st Jan " Bill taken for Confessed
& Cause set for hearing.

#533 43

Newsom's Va May 12th 1891

Nov 30th after date I promise to pay unto
R. E. Darden on order negotiable and
payable at the office of R. E. Darden
at Newsom's Va in the County of South-
ampton, without set-off, Five
Hundred Thirty Three and $4\frac{3}{100}$ Dollars
for value received and we the
maker or makers, endorses or
endorsers hereby waive the benefit
of our Nonresident Exemptions as to
this debt.

And the above sum of money being the
purchase price of the following
merchandise to wit. Good wares
and merchandise for the advancement
of Agricultural purposes advanced and
delivered by said R. E. Darden to the
maker of this note. The said maker
hereby promises in writing that he
will send and deliver to the said
R. E. Darden the crop raised and to be
raised by him during the year 1891
and he admits that the advance
of said merchandise was obtained
by him from said R. E. Darden upon
this written promise so to send and
deliver said crop.

Witness

Jno. B. Channing,
R. B. Story,

Jas. ^{his} Rollins
mark

Saukhampton County - In the Clerks
Office June 11 - 1891.

The foregoing Verap Lien from Jas
Rollings to R.E. Darden was this day
received and proved by the oaths of
J.B. Channing and R.B. Story the two
subscribing witnesses thereto and
admitted to record.

Teste B. F. McLenore Ck.
A Copy

Teste J. M. Howard. Ck.

Rollings
Do } L.L.

Darden

1891 June 4 Recd.

C.E.

Recorded W.B. #42

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Know all men by these Presents,

That I. C. C. Vaughan of the County of Southampton & State of Virginia do hereby constitute and appoint A. B. Argubart of my true & lawful attorney for me and in my stead to sign my name to and acknowledge a certain Disjunction bond in the sum of \$300 - required to be given in a certain suit in Chancery now pending in the Circuit Court of Southampton County styled Vaughan & Co. Traders - vs. R. E. Darden & others. And I hereby ratify and confirm whatever my said attorney may lawfully do by virtue hereof. Given under my hand this the 1st day of December 1891 -

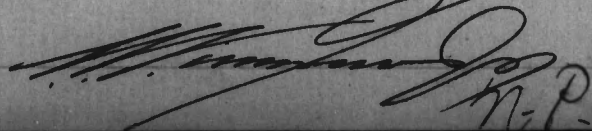
C. C. Vaughan

Seal

Virginia

County of Southampton to wit -

I C. C. Vaughan Jr a Notary Public in & for the County and State aforesaid do hereby certify that C. C. Vaughan whose name is signed to the writing above bearing date Dec. 1st 1891. Has acknowledged the same before me in my County aforesaid Given under my hand this the 1st day of Dec. 1891.

 N. P.

Vaughan
31

Injection Bond

Anden & als.

1891. Dec 2.

Know all men by these Presents, That we *C. C. Vaughan*
and *B. F. McLeure*

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of

Three hundred

Dollars, to the payment whereof, well and truly to be

made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation, and also waive any claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter-claims or offsets other than legal tender currency of the United States.

Sealed with our seals and dated this *2* day of *December* A. D. 18*91*

THE CONDITION of the above obligation is such that if the above bound *C. C. Vaughan, trading*
and doing business as *Vaughan & Co. Butlers*, who did, on
the *1st* day of *December 1891*. Came out before *A. S. Watts, Judge* of
the Court of *Hustings* of the City of *Portsmouth*. An injunction
enjoining and restraining *R. A. Powell*, and *C. L. Barden*
Constable, their Agents, Attorneys, Employees and all other persons
from disposing of or in any manner exercising control or
authority over the crops of *Corn, Fodder, Pea nuts and Cotton*, made
by *James Rollings*, upon the farm upon which he resides, during
the year *1891*. Shall well and truly pay all costs and
damages which may be awarded against them by
reason of this injunction.

~~shall faithfully discharge the duties of~~
or else to remain in full force and virtue.

~~office or trust~~ according to law, then the above obligation to be void,

Signed, sealed and delivered }
in presence of the Court.

C. C. Vaughan
by *A. B. Worzcheart Jr* his Atty. in fact
B. F. McLeure



Vaughan & Co
No. 3 Darden
Darden itals.

1891. Nov. 1st

In vacation

Entered

Vaughan & Co. Bankers.

vs

In Vacation.

R. E. Darden et al

On motion of the plaintiff
an Injunction is granted in accordance
with the prayer of the Bill, enjoining
and restraining R. E. Darden, and C. D.
Darden, Constable, their agents, attorneys
employees or any other persons from
disposing of or in any manner exer-
cising control or authority over the
crops made by James Rollins upon
the farm upon which he resides during
the year 1891. which crops consists
of corn fodder, peanuts & cotton. But
the said Vaughan & Co. Bankers, shall not
proceed to ask have the benefit
of this order until, they or some
one for them, shall have entered into
bond with approved security before
the Clerk of the Circuit Court in penalty
of \$300. conditioned to pay all costs &
damages that may be adjudged to the
defendants by reason of this injunction

To the Clerk of the
Circuit Court of Southampton
County.

As Watto

Judge of the Court

of Husting for the city of Portsmouth.

December 1891.

Vaughan & Co
v. 3 Lacer

Darden talr

1893 Nov. 16
To be returned
C not

Entered

Vaughan & Co. Bankers
Decree
R. E. Darden & others

This day this cause came on
to be heard upon the bill & exhibits filed
the bill taken for confessed as to all the defendants.
the Injunction granted therein in Variation
Nov. 1. 1891. And was argued by counsel. On con-
sideration whereof and for reasons appearing
satisfactory to the Court, it doth adjudge order
and decree that the said Injunction be and the
same is hereby perpetuated, And leave is hereby
granted the plaintiffs to withdraw from the papers
of the cause the bond of Jas Rollins for \$334.³
by doing a copy thereof in the papers of the
cause, and nothing further remaining to be
done in this cause it is ordered that the same
be removed from the docket at the costs of the
defendant.