

1909-06

Southampton County Chancery

Bardon, G. L.
et al

vs

Morris, W. H.

Proposition

Restrain defendants from
selling 166 acres land
in Southampton County

Morris, Frank

Morris, W. H. + Sons

Myrick, Tom A
Junto

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

W. H. Morris surviving partner of himself and Frank Morris late partners in trade as W. H. Morris & Son and W. H. Morris Trustee

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 *September* next, to answer a Bill in Chancery exhibited against *them* in our said Court by *L. L. Barden*

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

WITNESS, T. M. HOWARD, Clerk of our said Court, at the Courthouse, this *18th* day of *August*, 189*3*, in the 11*th* year of the Commonwealth.

TESTE:

T. M. Howard, C. C.

L. L. Barden

against
W. H. Morris & partners

In vacation of the
Circuit Court of South
ampton Co.
Aug 16th 1893.

An injunction is granted and awarded
to restrain the defendants, W. H. Morris, surviving
partner of himself and Frank Morris, late partners
as W. H. Morris & Son and Wm. A. Myrick's trustee
from selling the tract of land in Complainant's
bill mentioned, containing 166 acres, more or
less lying in Southampton County, bounded by
the lands of Wm. M. Beaton, James McKinstry
and A. P. Ridley, and conveyed by L. L. Barden to
said W. A. Myrick's trustee to secure a certain
debt named in the deed of trust, until the further
order of the Circuit Court of Southampton Co. Va.
But the said L. L. Barden shall not have the
benefit of this order until he shall have executed
before the Clerk of the Circuit Court of said County
a bond in the penalty of \$100⁰⁰ with good and sufficient
security to pay all costs and damages, which the defendants
may sustain by reason of the awarding of this injunction.

A Copy Teste J. M. Howard, C. C.

I certify that bond has been given as required
in the above cause with security deemed suf-
ficient by me.

Teste. J. M. Howard, C. C.

Barden vs.

in
Shum

Morris vs.

1893 1st Sept. Thru

Lein. let.

Executed Aug. 19th

1893 by delivering
a copy of this decree

to J. H. Myrick
P. J. Myrick

to J. H. Myrick
J. H. Myrick

J. H. Myrick

Adm. 49.

Barden

To { Bond

Morrison

1843. Aug 18 filed

Know All Men by These Presents, That we, *L. L. Barden & D. H. Kindred*

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

One 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 this bond, or by virtue of said office, post or trust, with coupons detached from bonds of this State.

Sealed with our seals and dated this *18th* day of *Aug* A. D. 189 *3*.

THE CONDITION of the above obligation is such, that if the above bound

L. L. Barden who

did on the *16th* day of *Aug* 189 *3*. obtain from Judge *C. W. Hill* Judge of the Circuit Court of Southampton County in Chancery sitting an Injunction restraining *W. H. Morris* surviving partner of him self and *Francis Morris* late partners as *W. H. Morris* sons and *Wm. A. Myrick* trustee from selling the tract of land in complainants bill mentioned containing *116* acres more or less lying in Southampton County, bounded by the lands of *Wm M Beaton* *Jas M Kinstry* & *N. P. Ridley* and conveyed by *L. L. Barden* to said *Wm A. Myrick* trustee to secure a certain debt named in the deed of trust until the further order of the Circuit Court of Southampton lev *va* But the said *L. L. Barden* shall not have the benefit of this order until he shall have executed before the clerk of the Circuit Court of said County a bond in the penalty of *\$100* with good and sufficient security for all costs and damage which the defendants may sustain by reason of the awarding of this injunction in case this injunction shall be ~~shall faithfully discharge the duties of~~ *disfalsified* office or trust according to law, then the above obligation to be void, or else to remain in full force and virtue.

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

L. L. Barden 

David H. Kindred 





THE COMMONWEALTH OF VIRGINIA,

Sergeant of the City of Norfolk
TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

*H. H. Morris surviving
partner of himself and Frank Morris
late partners in trade as H. H. Morris
& Son and Wm A. Myrick trustee*

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 *September* next, to answer a Bill in Chancery
exhibited against *them* in our said Court by *L. L. Barden*

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

WITNESS, T. M. HOWARD, Clerk of our said Court, at the Courthouse, this *18* day of

Aug, 189*3*, in the 11*th* year of the Commonwealth.

TESTE:

T. M. Howard, C. C.

C. L. Barden

W. H. Morris surviving partner

In vacation in the Circuit Court of Southampton Co Aug 16 1893

An injunction is granted and awarded to restrain the defendants W. H. Morris, surviving partner of himself and Frank Morris late partners as W. H. Morris Son and Wm A. Morris trustee from selling the tract of land in Complainants bill mentioned, containing 166 acres more or less, lying in Southampton County bounded by the lands of Wm M. Benton James McKinstry and N. T. Ridley, and conveyed by C. L. Barden to said W. A. Morris trustee, to secure a certain debt named in the deed of trust, until the further order of this Circuit Court of Southampton Co Va. But the said C. L. Barden shall not have the benefit of this order until he shall have executed before the Clerk of the Circuit of said County a bond in the penalty of \$100⁰⁰ with good and sufficient security, to pay all costs and damages which the defendants may sustain by reason of the awarding of this injunction.

A Copy

Teste J. M. Howard C. C.

I certify that bond has been given as required in the above cause with security deemed sufficient by me.

Teste J. M. Howard, C. C.

-1909-

Barden C. L.

Cor. J. J. Davis

Morris & also

1893 1st Sept Rules

Cir. Let.

Executed this 21st day of August A.D. 1893 by signing a copy here of with the order of September

now on enclosure with Morris surviving partner of himself and Frank Morris late partners in case as W. H. Morris Son depts fee 500⁰⁰ paid W. A. Smith Deputy

for J. L. Brown depts City of Newport

Delivered

Barden 201

or } Stat Rules

Morris & Co. partners et al.

1 Sept Rules 93

Ex cap

C. L. Barden Pltff

against
W. H. Morris surviving
partner of himself
and Frank Morris
late partners in trade as Defs.
W. H. Morris & Son and
W. M. A. Morris trustee

1893. Aug 18. Process filed to 1st Sept Ruled
" 1st Sept Ruled - Process Ret'd Executed, Bill
+ Ex. filed - decree nisi.
" 2nd Sept Ruled - Bill taken for confessed
+ cause set for hearing.

Barton b. L

do. } Statement of Costs

1893

Morris Surviving partner, et al.

Aug. 18"

With injunction order
Same. \$10.2 exp. \$10. receipt 18. atty. 10. Docket 18 = 1.46

Rules 1.2, entering return \$5. fil bill 15 = 1.50

Injunction order \$6. fil. exp 15. exp exp 75 = 1.26

Injunction Bond 75. 1 Decree Copy 72 = 1.47

2. Continuances 50 = 50

J. M. Howard 6.19

1899. Oct. 6th 9 continuances on docket 2.25

1900. Jan. 5th Taxing costs &c. 40. future costs 2.50 = 2.90

10/20/1900 Sept. 15 L. A. Gay l. l. 6.10 11.34

Shft 50

Law re. 16.50

6.28.34

Total: L. A. Gay l. l.

Barden

vs } Statement of costs

Morris, Surg. partner &c.

Notice! Notice!

By Virtue of a Deed of Trust executed by C. L. Barden to me as Trustee, dated March 6th 1878, and of record in Clerk's Office of Southampton County, and at the request of the beneficiary therein named, I shall at public auction for cash on Monday, August 21st 1893 (Court day) at Courtland, Va, between 1 and 2 o'clock, That valuable residence and farm formerly known as the "Beule Tract", containing one Hundred & Sixty Six acres, more or less, situated near Bay King, Va, and on which the said Barden now resides.

July 25th '93

Wm A. Myrick
Trustee.

A copy

Barden
To } D.A.
Pape's Trustee

Exhibit

This Deed made the 6th day of March
1878, between C. L. Barden, of the
first part, and William A. Myrick,
Trustee, of the second part, both of the
County of Southampton, State of Virgin-
ia, Witnesses: that for and in Con-
sideration of five dollars, paid to C. L.
Barden, party of the first part, by
William A. Myrick, party of the second
~~part~~ the said C. L. Barden doth grant
and convey unto the said William A.
Myrick, the following property, to wit:
One hundred and sixty six acres of
land, be the same, more or less,
situated near Boykins Depot, Va. and
bounded by the lands of William
M. Beaton, James McKinstry and
A. P. Ridley. Known as the Beato
Place. and purchased by the said
Barden of James Neely and others;
also four hundred (400) Cords of Wood
now cut and piled and lying on the
land of J. B. Powell, near Boykins Depot
and about one mile from the Railroad.
And it is agreed between the parties to
this deed that the said Wood may
be moved at any time on the said
road, and this deed shall continue
in full force and effect, notwithstanding

ing such removal. The above property, land and wood is granted, however, to secure one bond payable to J. B. Faper beneficiary in this deed for five hundred and sixty dollars. (\$560.⁰⁰.) and dated the 5th day of March 1848. And it is agreed, by the parties to this deed, that should any sale take place under this deed, it shall be only after ten days notice, and the Trustee shall be entitled to 5 per. Cent. on gross sales.

Witness the following signature and seal.
W. L. Barden

State of Virginia:

County of Southampton: to wit:

I, R. E. Darden, a Notary Public for the County aforesaid, in the State of Virginia, do certify that W. L. Barden, whose name is signed to the writing above, bearing date on the 6th day of March 1848. has acknowledged the same before me in my County aforesaid.

Given under my hand this 6th day of March 1848.

R. E. Darden N.P.

Southern County: In the Clerk's Office,
March 23^d 1878.

This Deed of Trust from W. L. Barden to
William A. Myrick, Trustee for the benefit
of Jos. B. Pope, was this day received
and together with the Certificate thereto
annexed, admitted to record.

Teste. L. R. Edwards, C. C.

Attest: B. F. McLenora C. C.

Saukhampton Circuit Court May Term 1894.

Barden

vs

I Decree

Morris, surviving partner &c

This day this cause came on to be heard upon the bill of Complaint, taken for confessed, the exhibits therewith filed, and was argued by Counsel. On consideration whereof the Court doth adjudge orders decree that it be referred to one of the Commissioners of this Court to ascertain and report to the Court, what amount has been paid by the plaintiff, C.L. Barden his agent or attorney on account of the debt in the proceeding mentioned: Also what amount, if any, is still due on said debt, Also whether or not said debt is in any regard usurious, together with any other matters specially stated deemed pertinent by himself or required to be so stated by any interested party, and the said Commissioners will take depositions showing upon what testimony his report is based and return same along with his report

to this bank!

A Copy

Letter: T. M. Howard C. C.