

FOUND IN THE ARCHIVES, no. 61 – March 2020

E. L. S. Bouton

Fairfax Circuit Court Historic Records Center



At the Historic Records Center, our daily forays into the records on behalf of patrons, and during records' maintenance, have been generally concerned with the 18th and 19th centuries. As a result, we are well acquainted with the names and lives of Fairfax County citizens of those time periods. As our physical processing of loose records edges through the last decade of the 1800s, and into the 20th century, we are coming across unfamiliar names with new stories to tell. One such name is E. L. S. Bouton. While reprocessing judgment papers from 1896, we noticed that Bouton appeared as a defendant in multiple debt cases throughout the year. This *Found in the Archives* delves into Bouton's life, as seen through our court records.

Witnesseth, that for and in consideration of the sum of Two Hundred Dollars, the receipt of which is acknowledged, the party of the first part, hereby grants, sells and conveys, with General Warranty, unto the said Clarissa M. Bouton, all that lot of ground, situated in the Village of Vienna, in the County of Fairfax, & State of Virginia, known and designated as Lot No. 7, in Block F., of the Ayr Hill subdivision in said Village, & bounded

Fairfax Deed Book S-5, p. 582, O. E. & Alma Hine to Clarissa M. Bouton, September 20, 1894

Edmund Lockwood Schofield Bouton, his mother, Clarissa M., and brother, Eugene C., moved from New York to Vienna at some point before 1890, according to census records. In 1890, E. L. S. was elected as a

council member of the first group of officers of the newly incorporated Town of Vienna, also serving on the Town's finance committee. The Boutons first appear in our land records in 1894, when Clarissa purchased a lot in the Ayr Hill subdivision, at the intersection of Mill and Church Streets in what would become downtown Vienna.

Following their purchase, which can be seen above, the Boutons constructed a large two-story building, known as Bouton's Hall, on their lot. The upper floor was designated as an event space and meeting hall while the ground floor was the 'Vienna "Spot Cash" Store', a general store run by the Bouton brothers. As the eldest, E. L. S. took financial charge of the store.

2. The said Company is to be formed for the purpose of canning and preserving fruits and vegetables; making jellies, marmalades, fruit butters, catsups, cider and vinegar; manufacturing tin-cans and wooden packing cases and crates; printing labels for use in its business; selling or otherwise disposing of its products, and doing whatever else is necessary to a general canning, preserving and packing business.

Fairfax Charter Book 1, p. 92, Vienna Canning Company Charter, March 18, 1895

‘jellies, marmalade, fruit butters, catsups, cider and vinegar.’ As can be seen in the Charter extract above, the company intended to be fully self-sufficient by making its own cans, crates and labels.

As an active participant in the economic life of Vienna, E. L. S. was a founding Director and Secretary of the Vienna Canning Company. Chartered in early 1895, with a share price of \$5 each, the company’s aim was to use the plentiful produce from Vienna’s very rural surroundings to supply Washington, D. C. and other municipalities with

The said party of the first part does hereby grant, sell & convey unto the said E. C. Bouton and B. W. Summy, Trustees, parties of the second part all of stock of Merchandise now in the store of the said E. L. S. Bouton in the said town of Vienna, with store fixtures and all future stock to be placed therein by the said E. L. S. Bouton, together with one Black horse, two delivery wagons used at said store, and 30 shares of the Stock of the Vienna Canning Company, valued at \$150 and all store book accounts & notes.

Fairfax Deed Book V-5, p. 464, E. L. S. Bouton to E. C. Bouton & B. W. Summy, Trustees, January 11, 1896

To fund the building of Bouton’s Hall, the fittings, fixtures and stock for the store, and other business pursuits, E. L. S. borrowed \$4,400 from his mother, evidenced by promissory notes. The first Deed of Trust (mortgage) that E. L. S. took out to cover repayment of the notes was not recorded, but it is alluded to in the *second* Deed of Trust, recorded in January 1896, which named E. L. S.’s brother as Trustee. In the Deed of Trust, seen above, E. L. S. leveraged ‘all of the stock of merchandise now in the store.....with store fixtures and all future stock.....one Black horse, two delivery wagons.....30 shares of the Stock of the Vienna Canning Company.....and all store accounts & notes.’ Not to lose her priority as a Creditor, Clarissa took her son to court to regain her investment. E. L. S. ‘confessed judgment’, which means that he accepted responsibility for his debts and did not contest them. Confessed Judgments

are still regularly filed in the Fairfax Clerk's Office to this day, under §8.01-431 of the Virginia Code.

Estate of the late Mrs. C. M. Bouton, estimated.

Value of store goods	2000.00	
" Horse & wagons	150.00	
" Household goods	300.00	
	<u>\$2450.00</u>	
Real estate:		
Stone house & lot assumed	\$3100.00	
Subject to debt \$900.00 with		
one years int. 54.00	<u>954.00</u>	
		3046.00

Clarissa died suddenly of heart failure in February 1896, before she could recoup her money from E. L. S., and Eugene was appointed her Administrator. The appraisal of Clarissa's Estate, seen at left, included the Boutons' store, merchandise, horse and wagons used for store deliveries. This is where things get complicated: the very property that

Appraisal of C. M. Bouton's Estate, February 1896

E. L. S. mortgaged to pay his debts to his mother was not legally considered his.

Judgment before a J.P. of
Fairfax County, Va. Fairfax
Co. July 3, 1896.
J. H. Derbyshire
Rece. of the Domestic Sewing
Machine Co.
vs.
E. L. S. Bouton
Debt \$92 ¹²/₁₀₀
Int. 18 Nov. 1895 + costs \$1 ⁴⁰/₁₀₀
On Lien docket Fairfax Co.
Court, Va. July 25, 1896.
A copy. Teste
J. W. Richardson
clerk

February got even worse for E. L. S., when suppliers of goods for the store began to petition the Court for satisfaction of their bills. The Domestic Sewing Machine Company won a judgment against E.L.S. on February 13, 1896 and their lien was docketed twelve days later. Nine more liens were obtained throughout February and March by other supply companies such as the W. L. Douglas Shoe Co., Inc., and the Lusburg Cigar & Tobacco Co. And, making matters more complex, Eugene's appointment as his mother's Administrator was revoked by the Court, due to his complete inaction. As the two brothers were running the store together, the likely reason that Eugene did not call in E. L. S.'s debt is that doing

J. H. Derbyshire, Receiver of the Domestic Sewing Machine Co., vs. E. L. S. Bouton, Record of Judgement Lien, February 25, 1896

so would have jeopardized their livelihoods. This also meant that neither brother received his inheritance.

V.

I do not consider that E. L. S. Bouton has any property, real or personal, after charging him with the amount due the estate by judgment. Mrs. C. M. Bouton died intestate after

R. A. Paxton vs. E. L. S. Bouton et al, Commissioner's Report in Chancery, May 21, 1896

with the Court (above) the Commissioner in Chancery stated that he did not 'consider that E. L. S. Bouton has any property, real or personal, after charging him with the amount due the estate'. In August, the Court issued a final Decree allowing E. L. S.'s inheritance to offset his debt due to Clarissa's Estate, but not to pay his other creditors.

By late summer, E. L. S. was facing several more liens. Compounding the situation, E.L.S., his brother and his mother's Estate were named as Defendants in a court case in Chancery. In his Report filed

FAIRFAX COUNTY, To-wit:
Commonwealth of Virginia,
TO THE SHERIFF OF FAIRFAX COUNTY—Greeting:

WE COMMAND YOU THAT OF THE GOODS AND CHATTELS OF E. L. S. Bouton late in your bailiwick, you cause to be made the sum of 180 dollars and 00 cents, with legal interest thereon, from the 1st day of November 1896 till paid; also the sum of 00 dollars and 00 cents, which J. H. Derbyshire, Receiver of the Domestic Sewing Machine Co. late in our County Court of Fairfax County recovered against Bouton as well for debt as for costs by him in that behalf expended; whereof the said Bouton is convict, as appears to us of record. And that you have the same before the Judge of our County Court of Fairfax County, at the Court House of said County, on the third Monday in September next, to render to the said Receiver of the debts and costs aforesaid. And have then and there this Wit.

Witness, **F. W. RICHARDSON**, Clerk of our said Court, at the Court House of said County, this 1st day of August 1896 and in the 19th year of the Commonwealth.

F. W. Richardson
CLERK.

No property found
J. H. Derbyshire
Sff

J. H. Derbyshire, Receiver of Domestic Sewing Machine Co., vs. E. L. S. Bouton, Fieri Facias, August 5, 1896

In the early Autumn, E. L. S. had a slew of Fieri Facias issued against him. A Fieri Facias is a commandment to the Sheriff to seize and sell enough of the debtor's personal property to satisfy their debt. The Sheriff was not able to execute the Court's wishes, and on each Fieri Facias he wrote 'No property found'. The Fieri Facias in favor of J. H. Derbyshire, Receiver of the Domestic Sewing Machine Co., can be seen above, as can the Sheriff's return.

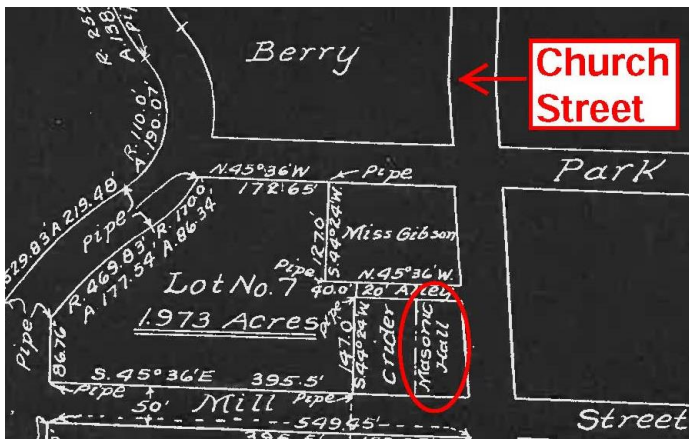


Despite E. L. S.'s plentiful debts, the Bouton brothers continued to run their store, rebranding it as 'Boutons' Department Store'. As can be seen on the store letterhead

Boutons' Department Store Letterhead, October 1, 1896

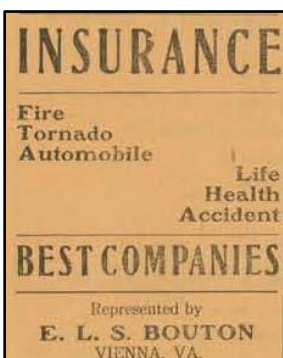
at left, E. L. S. was no longer the sole proprietor – both brothers were listed. Eugene became fiscally responsible for the business; this is evidenced by bills from suppliers held in the case file for the R. A. Paxton Chancery case.

E. L. S.'s social and business standing in Vienna does not seem to have been affected by his financial troubles. In 1899, he was trustee to the Bennetts who bought a house on Church Street; in 1900, he was elected as a Town Officer; in 1903 he was a Vienna school trustee. E. L. S. was also Vienna's postmaster from 1897 to 1915; the post office was located within Bouton's Hall.



The Bouton brothers sold Bouton's Hall in 1902, and in 1924, it was sold to the Freemasons of Concord Lodge No. 307, who had been meeting there since their institution in 1910. E. L. S. was an original member and, at one point, Master of the Lodge. Bouton's Hall can be seen in the plat at left, marked as 'Masonic Hall'. The Freemasons actively used the Hall until 2018.

Plat Book 1, p. 65, Ayr Hill Plat drawn by Joseph Berry, July 16, 1934



The Observer (Herndon), Vol. 10, No. 6, October 12, 1912

E. L. S. finished out his years as a notary public and, as the newspaper advertisement at left attests, an insurance broker. He died in 1925 and, being a widower with no children, left everything to Eugene's wife, Matilda.

For more information on these and other records held at the Fairfax Circuit Court Historic Records Center, please call 703-246-4168 or email CCRHistoricRecords@fairfaxcounty.gov.

Sign up for *Found in the Archives*, the monthly newsletter of the HRC:

<https://www.fairfaxcounty.gov/circuit/historic-records-center>