

1808-039

Chancery Papers: Dwings v Dwings by v c vs Carr

3/1808

Southampton County

other SURNames: OWENS

Wings } Rice
n. } to stay
Can } Waste

Mar 1808 Cont

In the worshipful Court of Southampton County in Chancery
sitting - Respectfully complaining shew unto your worship
your orator Williams Owens and ^{son} Patsy Owens an infant
of the said Williams Owens, her guardian & next friend
that they have instituted an action of Ejectment of
~~Ejectment~~ in this Court against a certain Arthur
Carr to recover a tract of land, which they claim
as heirs of Robert Owens dec'd - that the said
action is now arrested by an injunction, which has
been exhibited by the said Arthur Carr, for the
purpose of invalidating the deed under which
the said Robert Owens dec'd claimed, by charging
~~that~~ that his grantor was insane & incapable to
convey - And your orator Veratius Cuy came
to Represent to the Court that the said Arthur
Carr is now going on to ^{commit} waste on the said land
since he has discovered ^{that his hope} of destroying the said
conveyance are illusory - that he has declared
that if your orator and oratrix ever recover
the said land, he would "cream it well" before
they obtained a judgment and is now making
claim ^{thereon} of an uncommon & extraordinary magnitude.

Which is contrary to Equity & good conscience. In
such consideration whereof there is relief
can only be had in a Court of Chancery,
your order for the same, that the said Arthur
Carr may be made defendant to this bill
and be compelled on his corporal oath to be
by him taken on the holy Evangelists of Almighty
God, to answer all & every when the ally a time
of this bill fully & unreservedly. May it please
the Court to grant the former with the writ of
Injunction, ~~and~~ ^{injunction} ~~and~~ ^{injunction} ~~and~~ ^{injunction}
the said Arthur Carr and all others in his behalf
from committing further waste on the said ^{land} ~~premises~~,
to make any other ~~the~~ order & decree which
may be applicable by our order & decree
will ever &c

Sith peremptory -

barr
adj.
Heinrich

} Answer

The answer of Arthur Carr to the Bill of complaint
and injunction exhibited against him in the work-
house court of Southampton County by William H. Jones
Esq.

This respondent saving and reserving to him
self all manner of benefit of exception to the errors &
contained in the said Bill, for answer thereto or to so much
thereof as he is advised it is material for him to make
answer unto, he answering saith - That he is truly
astounded at the charge exhibited against him by the
complainant, of an intention on his part to commit waste
on the Land in dispute between this respondent and
the complainant, so far ^{from} the contrary, ^{this respondent avers} that he has
not since he has been in possession of the said Land,
which is now six years, cleared or prepared for cultiva-
tion more than about twenty or five and twenty
thousand corn hills ^{of the said Land or of that part of it of which}
this respondent is in possession, and further he claims
that he is now or was at the time charged in the compl.
Bill, or is thereunto set forth, making clearing, tilling or an
uncounted quantity of two or three hundred acres - he having as
before stated not more than 25 thousand corn hills in cultiva-
tion, ~~he does not intend to clear more~~ This respondent
denying all combination fraud & prays to be hence
dismissed with his costs on this behalf expended, and
that the said Injunction may be dissolved without
L -

Taylor for resp.

Southampton County to wit

Arthur Carr This day made oath before
me a Magistrate of said County that the above answer contains
the truth so far as it relates to his own knowledge and so far as it
relates to the knowledge of others that he believes them to be true Given
under my hand this 16 June 1807 James Lee

Quens

vs.

Williams's
Admor.

Cass

Aug. 1789.

3/ Tap to Capt.
Geo. Blunt

March 1790
to com of Ing

Executed

Geo. Blunt

"

We the Jury find for the Plaintiff \$12. 7. 10

Edward Neal

The Commonwealth of Virginia to the Sheriff of St. James County
You are hereby commanded to take Isaac Williams ^{1st} ~~son~~ ^{of} John Williams decd; — if he be found within of bailiwick
and him safely keep so that you lose his body — before our justices
of our Court of our said County on the second Thursday in
November to ~~visit to~~ ^{at the Court house} answer Robert Owen
of a plea of Trespass on the Case damages One
hundred pounds.

And have them show this writ writen at Hills Cth. of James County at
the Courthouse the 24th day of August 1709: In the 14th year of the Common

I am Hills Cth
J. H.