

1833-018 SOUTHAMPTON COUNTY
CHANCERY PAPERS

BROWNE VS. GRAY

6/1833

See also: Browne v. Gray, 1835-2

Brown

" } Bill.
Gray }

Parker.

1833 June. Diff

1833 May 22^d

To the Hon^{ble}. Robert B. Taylor, Judge of the Circuit
Superior Court of Law and Chancery for the
County of Southampton:

Humbly complaining shew to your
Honor, your Orator Oris A. Browne, that, as agent for the
proprietors, he rented to a certain Edwin Gray, for the year
one thousand eight hundred and thirty two, a tract of land
situate in the County aforesaid, for the ~~sum~~ of fifty dollars
to be paid at the end of the year: that he entered on, used
and occupied the demised premises, but left the State before
the end of the year, without paying the rent, and is now
known to be wholly insolvent - that at the termination of
the year, aforesaid, ~~the said Gray~~ the premises, property of
the said Edwin Gray, ~~being~~ to distrain for the rent aforesaid.
That your Orator would have resorted to that remedy
but for the circumstances herein after stated. On
leaving the State the said Edwin Gray left with his
brother Thomas R. Gray a power of attorney to transact
certain business for him - that when your Orator
spoke of distraining for the rent aforesaid, the said Thomas
R. Gray assured him that it was unnecessary to distrain
that he would pay the said rent - that confiding in
this promise your Orator paid to his principals,
the said sum of fifty dollars, for bearing to distrain
and advancing the money, on the faith of this promise.
That the said Thomas R. Gray, has, to the utter astonish-
ment of your Orator, refused to comply with his said
promise - Your Orator has no evidence of the foregoing
allegations, and cannot establish them without appeal-
ing to the conscience of the said Thomas R. Gray
for a discovery thereof, which can only be had in
a Court of Equity - In tender consideration whereof

and forasmuch as your Orator is remediless at law and only relievable in Equity - To the end that the said Thomas R. Gray may be made Defendant hereto and compelled to answer the allegations of this Bill on his corporal oath, & that he particularly say, whether he did not request your Orator to forbear distraining as aforesaid, and in consideration thereof promise to pay the rent himself, and whether he has in fact paid the same or any part thereof, he prays the commonwealth's writ of Sp. directed so that your Honor will decree that the Defendant pay to the pl'tff the said sum of \$ 50 with interest thereon from the 1st day of Jan'y. 1833 'til paid, and grant him genl. and special relief, and he will pray &c.

Oris A. Browne

Southampton County To wit:

This day Oris A. Browne personally appeared before me a Justice of the Peace for the County aforesaid, and made oath, to the truth of the facts set forth in the foregoing Bill of Complaint - Given under my hand and seal at my County aforesaid, this 20th day of May 1833.

Wm. A. Park J.P.

C.S.C

Brown

vs Spa. m. City

Gray

To June Rules 1833

Executed by delivering
a true copy on the
1st day of June 1833
Wm D Schell Dy J
Carri Brewer

THE COMMONWEALTH OF VIRGINIA:

To the Sheriff of Southampton County--Greeting;

We command you that you summon *Thomas R Gray*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery, for the County of Southampton, at the Rules to be holden for said Court, on the first Monday in *June next* to answer a bill in Chancery, exhibited against *him* in the said Court, by *Orvis A Brown* —

And unless the said Defendant shall answer the said bill within four months thereafter, the Court will take the same for confessed, and decree the matter thereof accordingly; and this *he* shall in no wise omit under the penalty of 100l.

And have then there this writ: Witness, JAMES ROCHELLE, Clerk of our said Court, at the Courthouse, this *22^d* day *of May* 1833, and in the *57th* year of the Commonwealth.

James Rochelle Clk