

1870-030 SOUTHAMPTON COUNTY
CHANCERY PAPERS

WHITE VS. HARRIS et al.

8/1870

other surnames: Holmes

595

White

& Bill

Harris

1869 June - Injone awarded
H. Sp. Sp.

1870 Aug. Dumfries.

Thos S White

vs

In Chancery

James Holmes et al

To your worship, Justices of the County Court of
Southampton County Va

Humbly Complains, sheweth unto your worship, your
Orator Thos S White of the County of said; that he to wit
Died in the year of our Lord 1858, a certain tract of land
lying & Situate in the County aforesaid, containing two hundred
& six & a half acres, sold & conveyed & conveyed at public
sale by one Matthew Harris of the County aforesaid, to
your orator in consideration of the sum of \$500,00, with a
declaration on the part of the said Matthew Harris granting
that your orator should have his own time to pay the purchase
money. And your orator further sheweth to your worship, that
some time subsequent to the purchase & execution of a bona
fide deed for said land, to wit in the year 1868, your orator
made one payment of \$255,00 in consideration of the
conveyance of said land; & at the time of said payment
your orator executed a certain deed conveying said land
to one James Holmes or in trust, to receive the further
payments of the remainder of the purchase money \$245,00
then unpaid, in consideration of the promise further assumed
on the part of Matthew Harris, that your orator would be
allowed his own convenience to pay such monies as thereafter
would become due. Your orator still further sheweth unto your
worship, that he made still a 2nd subsequent payment
of \$45,00 with interest thereon of said purchase money
to wit in the year 1862 when the Confederate currency
was equivalent in value to par of the American
; And also your orator at the same time & place

tended the full acceptance of such lands
But the said Matthew Harris, defendant, asked that
your orator would not urge the acceptance of the same
, and agreeing at the same time & place that in con-
sideration of the withholding of such opportunity
on the part of your orator, he the said Matthew Harris def^d
would relinquish any & all claims to any interest that
might hereafter come on the said remaining principal
Yet notwithstanding a sale of said lands at the time
and by Public Auction would be considered of a ~~great~~ sacrifice
that would greatly embarrass your orator in the support
& maintenance of himself & family, & that a further indulgence
under the sale according to the spirit of the original agreement
would enable your orator to make the remaining payment
& the promises & assurances aforesaid, the said Matthew
Harris, defendant, has instructed the said James Holmes
trustee, to sell by Public Auction said lands after a
reasonable publication of ^{perfectly} said notice: all which
acts & doings of the said Matthew Harris, defendant,
are contrary to Equity & good conscience, & tend to the
manifest injury & wrong of your orator in the premises, in
consideration whereof & in as much as your orator is com-
pelled in the premises, at & by the rules of the Common
Law, & cannot have adequate relief save in a Court
of Equity - when matters of this nature are cognizable;
your orator therefore prays that your worship would
grant an injunction restraining the said James
Holmes, trustee, or Matthew Harris, or either of them
from selling the lands aforesaid, & that you grant
him such further relief as Equity may deserve
And your orator as in duty bound will

ever pray

June 21st 1869

Thomas S. White

Deputy Secy

Southampton County, to wit: This 21st day of June 1869.
Thomas S. White personally appeared before me a Justice
of the Peace for the County aforesaid & made oath that all
the allegations in the foregoing bill, stated as coming
within his knowledge, he knows to be true & all other matters
upon the knowledge or information of others, he believes
to be true

Given under my hand this 21st day of June 1869

Willis Brockhouse J. P.

Instruction

Instruction granted
as payed for. mitel further
order of this Court -

June 21/81/869

Willes Brocksden

Pres

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of the County of Southampton—Greeting:

We command you to summon

Matthew Harris & James Holmes _____

if *she* be found within your bailiwick, to appear at the Clerk's Office of our court of Southampton County, at the Rules to be holden for the said court, on the first Mondy in *July next* to answer a bill in Chancery exhibited against them in our said Court by *Thomas E. White* — and this they shall in no wise omit under the penalty of \$100 _____

And have then there this writ.

Witness, ~~LITTLETON R. EDWARDS~~, Clerk of our said Court, at the Court-House, this *24th* day of *June* A. D., 186*9*, in the *9th* year of the Commonwealth.

Oswin White *Clk*

To enjoin and restrain the defendants & each of them from selling the lands conveyed in the deed of trust in the bill ^{referred to} mentioned until the further order of the Court. But this injunction is suspended until the plaintiff shall enter into bond with good security in the Clerk's Office of the said Court pay able to the defendants in the penalty of One hundred dollars conditioned to pay all such Costs and Damages as may be awarded against him in case the said injunction be dissolved.

A Copy Test J. R. Edwards D.C.

White

vs. E. B. & G. J. J. J.

Harris

1869 July Rules

Giffen

Executed by delivering
a copy of this decree
meant to match
Harris & James Stokes
on the 22 day of
July 1869.

Wm. J. B. J.

Deft for

J. R. Edwards D.C.