

1873-031

SOUTHAMPTON COUNTY
CHANCERY PAPERS

HOLMES

VS

CORBETT

8/1873

Holmes

v } Bill

Corbett Treasures

1873 July 16 Inj. granted

" " 22 bond given by

" " Inj. perpetuated

Copy for
P. J. Holmes

To John L. A. Bachman & Peter Holmes,

Take notice, that I shall in the Name
of the Commonwealth of Virginia, Move the County Court
for the County of Southampton on the first day of
the July Term 1873. for a judgment and award
of Execution against You for the sum of Nine
Hundred and ten $28\frac{1}{100}$ dollars, with damages
thereon after the rate of ten per centum per
month from May 2^d 1873 till paid, which
said sum of nine hundred & ten $28\frac{1}{100}$ dollars
is balance due by said John L. A. Bachman,
Collector of Berlin & Iow Townships, in Southam-
pton County, on account of State Taxes for
year 1872.

June 19 1873)

to Shff of S. ampton
Co to Execute

Respectfully
James M. Corbitt
Treasurer of Southampton
County - by
Jos B Prince atto
for Commonwealth for
Southampton Co

City of Pittsburgh: to wit

This day P. G. Holmes personally
appeared before me a Notary Public in and for the City
aforesaid and made oath that the facts stated in the
 foregoing Bill of Jurisdiction so far as they are stated
 on his own knowledge are true, and as far as they are
 stated from the knowledge or information of others are believed
 to be true

Given under my hand this ^{16th} day of July 1873



N. P.

To the Honorable J. W. Wiegman Judge of the County Court of
Southampton County. In Chancery sitting

Humbly complaining sheweth unto your Honor your com-
plainant Peter Gottalms that on the day of 1871
John A. C. Barham qualified according to law as Collector of Berlin and
Over Township in Southampton County Virginia, and on the 1st day of
July thereafter entered upon the discharge of his duties as Collector as
aforesaid. On the 18th day of September 1871 he gave a new
bond as collector of said Township before the County Court
of Southampton County, with your complainant as his only
security, as will more fully appear from a certified copy of
said bond and an extract from the records of the County
Court of Southampton County, marked "N^o 1", herewith
filed and prayed to be taken as a part of this Bill

At the time your complainant executed said bond as security
for said Barham, the Act of the General Assembly entitled
"An act prescribing the duties and compensation of certain
Township officers" approved July 11th 1870, required Township
collectors to pay over to the County Treasurer all ~~taxes~~,
to make their final settlements of the ~~County~~ taxes on or before
the first day of December of each year. Under the provisions
of this Act of the General Assembly the said Barham qualified
as Collector as aforesaid, and under the provisions of the same
Act your complainant executed said bond as his security

The General Assembly of Virginia by joint resolution entitled "Joint
Resolution extending the time for collection of taxes & County and
Township dues in the Commonwealth for the year 1871" approved
Dec^r, 15th 1871 extended the time for making a final settlement

County taxes for the year 1871, by the said Collector Barham with the County Treasurer until the 1st day of March 1872 without the knowledge or assent of your complainant. And again by an Act entitled, "An Act to extend the time for the collection of taxes & County ~~taxes~~ and Township taxes throughout the Commonwealth" approved March 18th 1872, the Gen^l Assembly of Virginia extended the time of making a final settlement of County taxes and taxes for the year 1871, by the said Collector Barham with the County Treasurer until the first day of May 1872 without the knowledge or assent of your complainant. And by an act entitled "An Act to amend & re-enact an act prescribing the duties and compensation of certain township officers approved July 11th 1870, and acts amendatory thereof" approved March 19th 1872, the General Assembly of Virginia extended the time of the annual settlement of County taxes & taxes for years subsequent to the year 1871 by the said Collector Barham with the County Treasurer until the first day of March, which said last mentioned Act of the General Assembly was passed (also) without the knowledge or assent of your complainant. And again by a joint resolution entitled "Joint Resolution extending the time for the collection of taxes & County and township taxes, in the Commonwealth for the year 1872" approved January 13th 1873, the General Assembly of Virginia, extended the time of the final settlement of County taxes and taxes, by the said Collector Barham with the County Treasurer until the first day of May 1873, which said last mentioned Act of the General Assembly was also passed without the knowledge

or assent of your complainant

Your complainant is advised and claims that he is discharged from all liability on said bond by reason of the extension of time given to his principal by the said several acts of the General Assembly

But now it so happens, may it please your Honor, that one James M Corbett signing himself Treasurer of Southampton County, has had served on your complainant, a notice, directed to John Q A Barham & your complainant, whereby he is advised, that, the said James M Corbett, in the name of the Commonwealth of Virginia, will, on the first day of the July term of your Honorable Court, move for a judgment and award of execution against the said John Q A Barham and your complainant for the sum of nine hundred and ten $\frac{28}{100}$ dollars with damages thereon after the rate of ten per centum per month till paid, which said sum of nine hundred and ten $\frac{28}{100}$ dollars is balance due by said John Q A Barham Collector of Berlin & Loeer Township in Southampton County, on account of State Taxes for year 1872, as will appear from copy of said notice hereto annexed marked "No 2" & prayed to be taken as part of this bill

Your complainant further states, that the said balance, if any such exists, is due on account of Taxes received by the said Collector Barham from the County Treasurer on the first day of December 1872 after your complainant had been discharged from all liability on his said bond by the several acts of the General Assembly herein before

referred to extending the time for the said collector Barham to make his final settlement with the Treasurer of Southampton County, except the last mentioned Act approved June 13th 1873 which said Act extended the time for the said collector Barham's final settlement of the taxes with the Treasurer of Southampton County, after the taxes had been actually received by him for collection, from the first day of March, the time prescribed by law when said taxes were received for collection, to the first day of May thereafter

In tender consideration whereof & forasmuch &c your complainant prays that the said James M Corbett may be made a party defendant to this Bill and required to answer the same, and that by an order of your honorable Court the said James M Corbett, his agents attorneys and all others may be restrained and enjoined by the injunction of this Court from proceeding against your complainant on said bond to enforce the payment of the said sum of nine hundred and ten & ²⁸/₁₀₀ dollars, and every part thereof. That your complainant may be decreed to be forever discharged from all liability on said bond; and that all proper instructions may be given for effectuating the purposes aforesaid; that a writ of injunction may issue from your honorable Court, and that such other further and general relief in the premises may be granted your complainant as the nature of his case may require or to equity may seem meet. May proper process issue and as in duty bound your complainant will ever pray &c &c

Armed & Davis f, c

Go to entered

J. W. Weynhart

Judge

July Term 1878

Peter J. Holmes

vs

In Chancery

J. M. Corbett Treasurer &c

This cause was this day docketed by consent of parties and by like consent came on to be heard on the plaintiffs bill of complaint and exhibits filed and on the motion of the defendant to dissolve the injunction awarded in this cause on the 16th day of July 1873, the plaintiff waiving the answer of the defendant and formal notice of said motion and was argued by counsel. Whereupon the plaintiff being required so to do, confessed judgment in open Court on the defendants demand under the motion proceedings whereon were enjoined, whereupon the Court over rules the defendants motion and doth order and decree that the injunction awarded the plaintiff on the 16th day of July 1873 to enjoin the defendant from further proceedings against Peter J. Holmes on a motion for a judgment and award of execution against him for a balance alleged to be due by John Q. a Berham collector of Iron and Berlin Township in ^{Southern} ~~and~~ County on account of State Taxes for the year 1872 as set forth in the plaintiffs bill, be made perpetual; and that the defendant do pay to the plaintiff his costs about his suit in this behalf expended.

Holmes

to } Bell

Carroll Treasurer

1873 July 16. Injunct: granted

22. bond g^o given

" Injunct: perpetuated

County *County of Southampton*
To the Clerk of the ~~Hustings~~ Court of the ~~City of~~ Petersburg.

Peter. J. Holmes

Plt .

against

IN CHANCERY.

Dft .

James M. Corbett Treasurer
of Southampton County

AN INJUNCTION is awarded the plaintiff to injoin and restrain the defendant *his deputies*
agents, attorneys and all other persons from
further proceedings against the said Peter
J. Holmes, on a motion ^{to be made} for a judgment
and award of execution for a balance
alleged to be due by John Z. A. Barham
Collector of Berlin & Dor Townships in
said County, on account of State Taxes
for year 1872, as set forth in the
plaintiff's bill.

further said
until the ~~future~~ order of the Court. But the plaintiff shall not have the benefit of this order, until
he or some one for *him*, shall enter into a bond with good security, in the
Clerk's office of the said Court, payable to the COMMONWEALTH OF VIRGINIA, in the penalty
of *Eighteen hundred* — dollars, and conditioned to pay all such costs
as may be awarded against the said plaintiff, and all such damages as shall be incurred, in case this
INJUNCTION be dissolved.

PETERSBURG, *July 16* 1873.

In Vacatim

Odwin M. Mann
Judge Hustings Court
City of Petersburg

The Commonwealth of Virginia

To the Sheriff of Southampton County--Greeting:

WE COMMAND YOU to summon *James M. Corbett* Treasurer of the County of *Southampton*

if *he* be found within your bailiwick, to appear at the Clerk's Office of our *County* Court of Southampton county, at the Rules to be holden for the said Court on the first Monday in *August next* to answer a bill of injunction exhibited against him in our said Court by *Peter J. Holmes*. And ~~that he should appear~~ *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 *21st* day of *July* A. D. 1873, in the *98* year of the Commonwealth.

L. R. Edwards

To inform and restrain the Defendant his deputies, agents attorneys
 and all other persons from further proceedings against the said
 plaintiff on a motion for a judgment & award of execution against
 him for a balance alleged to be due by John D. A Barham collector
 of Berlin & Ivor Township in Southampton County on account of
 State Taxes for the year 1872 until the further order of the Court
 The plaintiff having given bond security in the penalty of \$1,800.
 Conditioned according to law.

Case. DR Edwards Clk

Holmes

Spencer

Corbett

1873 August Rules

Executed

W. C. D. V. G. S. H. H.

Holmes

v { Injun bond - (State Taxes)

Corbett

20

Know all men by these presents that we Peter J Holmes & Charles F Preblow are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Eighteen hundred dollars to which payment will and truly to be made to the said Commonwealth we bind ourselves our heirs executors and administrators jointly and severally firmly by these presents. Sealed with our seals and dated this 11th day of July 1873.

The Condition of the above obligation is such that whereas the above Peter J Holmes has obtained an Injunction on the 16 day of July 1873 obtained an Injunction enjoining and restraining James M Corbitt Treasurer of the County of Southampton his deputies agents attorneys and all other persons from further proceedings against him the said Peter J Holmes on a motion for a judgment and award of execution against him for a balance alleged to be due by John D. Atkinson collector of Berlin & Iron Township in Southampton County on account of State Taxes for the year 1872 until the further order of the County Court of Southampton County. Now if the said Peter J Holmes shall pay all such costs as may be awarded against him and all such damages as may be incurred in the case in case the said injunction be dissolved then the above obligation is to be void or else to remain in full force and virtue

P. J. Holmes *(Seal)*
C. F. Preblow *(Seal)*

Pleas, at the Courthouse of Southampton County before the
the Judge of the County Court of said County on Tuesday
the 22nd day of July in the year 1873-

Be it remembered that heretofore, to wit: on the 16th July 1873,
Peter J Holmes by Counsel presented his bill in Chancery against James Mc
Corbitt Treasurer of Southampton County, in the following words to wit:

"To the Honorable J. W. Uguhart Judge of the County Court of Southampton
County In Chancery sitting. Humbly Complaining sheweth unto your
Honor your Complainant Peter J Holmes that on the day of 1871
John A. D. Barham qualified according to law as Collector of Berlin and
Ir. or Township in Southampton County Virginia and on the 1st day of July there-
after entered upon the discharge of the duties as Collector aforesaid. On the
18th day of September 1871 he gave a new bond as Collector of said Township
before the County Court of Southampton with your Complainant as his only
Security, as will more fully appear from a Certified Copy of said bond and an extract
of the County Court of Southampton County marked "N. 1" herewith filed and
prayed to be taken as a part of this bill. At the time your Complainant
executed said bond as Surety for said Barham the Act of the General
Assembly entitled "An Act prescribing the duties and Compensation of
Certain Township Offices" approved July 11th 1870, required Township
Collectors to pay over to the County Treasurer all taxes, to make their final
Settlements of the taxes on or before the first day of December of each year.
Under the provisions of this Act of the General Assembly the said Barham
qualified as Collector as aforesaid and under the provisions of the same
act your Complainant executed said bond as his Surety. The General Assembly
of Virginia by joint resolution entitled "Joint Resolution extending the time
for collection of taxes of County and Township levies in the Commonwealth for
the year 1871" approved Decr. 15th 1871. extended the time for making a final
Settlement County levies for the year 1871, by the said Collector Barham with
the County Treasurer until the 1st day of March 1872 without the
knowledge or assent of your Complainant. And again by an Act entitled
"An Act to extend the time for the collection of taxes of County and Township
levies throughout the Commonwealth" approved March 18th 1872.

the facts stated in the foregoing Bill of injunction so far as they are stated on his own knowledge are true and as far as they are stated from the knowledge or information of others of others are believed to be true.
Given under my hand this 16th day of July 1873.

J. J. Cocke A. R.

— Exhibit A^o 1 —

" Know all men by these presents, that we John D. A. Barham & P. J. Holmes are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of two thousand dollars, to the payment whereof well and truly to be made to the said Commonwealth, we bind ourselves, our heirs, executors and administrators jointly and severally, firmly by these presents. Sealed with our seals and dated this 18th day of September A.D. 1871.

The Condition of the above obligation is such that whereas the above bound John D. A. Barham who is this day required to give a new bond as Collector in the Township of Berlin & Ivor in the County of Southampton. Now if the said John D. A. Barham shall faithfully discharge the duties of his said Office according to law then the above obligation to be void, or else to remain in full force and virtue.

J. D. A. Barham (Seal)
P. J. Holmes (Seal)

At a Court held for the County of Southampton on the 18th day of September 1871.

James G. Jones one of the securities of John D. A. Barham as Collector in the Township of Berlin & Ivor and desirous of being relieved therefrom It is ordered that the said Barham be summoned to appear and show cause why he should not be ruled to give a new bond with security according to law. Whereupon the said Barham appeared in Court and waived the notice and by consent with Peter J. Holmes his security, who justified on oath as to his sufficiency, entered into and acknowledged a bond in the penalty of two thousand dollars conditioned according which bond having the required Stamp of one dollar affixed thereto and duly cancelled is ordered to be recorded and that the said Barham pay the said

Jones his costs. Attest. Teste L. R. Edwards Clk

Exhibit A^o 2

" To John D. A. Barham & Peter J. Holmes.

Take notice that I shall in the name of the Commonwealth of Virginia, move the County Court for the County of Southampton on the first day of the July Term 1873 for a judgment and award of execution against you for the sum of nine hundred and ten ²⁸/₁₀₀ dollars, with damages thereon after the rate of ten per Centum per Month from May 2^d 1873 till paid, which said sum of nine hundred and ten ²⁸/₁₀₀ dollars is balance due by said John D. A. Barham Collector of Berlin & Ivor Township in Southampton County, on account of State Taxes for the year 1872.

June 19th 1873.
To Sheriff of Southampton Co.
to Execute.

Respectfully, James M. Corbett Treasurer
of Southampton County by
Edw. B. Prince atty for Commonwealth for
Southampton Co.

Whereupon the following Injunction was awarded
To The Clerk of the County Court of the County of Southampton -
Peter J. Holmes

against
James M. Corbett Treasurer of Southampton County

An injunction is awarded the plaintiff to enjoin and restrain the defendant his ~~defendants~~, agents, attorneys and all other persons from further proceeding against the said Peter J. Holmes, on a motion to be made for a judgment and award of execution for a balance alleged to be due by John D. A. Barham Collector of Berlin & Ivor Township in said County, on account of State Taxes for the year 1872, as set forth in the plaintiffs bill until the further order of the Court. But the plaintiff shall not have the benefit of this order until he or some one for him shall enter into a bond with good security in the Clerk's Office of the said Court, payable to the Commonwealth of Virginia in the penalty of Eighteen hundred, and conditioned to pay all such costs as may be awarded against and all such damages as shall be incurred in case this Injunction be dissolved.

Petersburg July 16th 1873. In Vacation. —
Hudings Court City of Petersburg.
Edward McManis Judge.