

1891-09

Southampton County Chancery - Prince, William vs Arvingdale, John A.

sues for restraining
order to keep defendant from
building a "boggi" track
across open fields.

Prince

or 3

Bill

Avingdon

1 Aug R.

Bill dismissed by
order of the plaintiff
Shannon J. J.

To The Honorable A. S. Watts judge
of the Court of Chancery for the
city of Portsmouth Va.
in chancery sitting

Humbly complaining your
Orator Mr Pince sheweth unto your
Honor that on the 2nd of February 1888
he and his wife A. J. Pince for the
sum of five hundred and fifty dollars
sold unto John A Aringdale all
the timber on a certain tract of land
lying in Southampton county and
containing about six hundred acres
except the Oak timber and for which
the said John A Aringdale has paid
him Your Orator sheweth unto your
Honor further that he agreed to
give to the said Aringdale the
right of way across his lands and
to construct a bogy track across the
same at such a place as he might
select for the purpose of carrying
the timber cut from his land to the
saw mill of the said John A Aringdale
which was not situated on your
Orator's land, He sheweth further unto
your Honor that in pursuance to
the said agreement Mr Aringdale
selected a route for his bogy track

the court would grant such other and
general relief the premises considered
as equity may dictate and the nature
of his case may require and as

* This new road or Railway is not only for the purpose
of carrying off the timber cut on his land but
also to carry the timber cut off the lands of
P. H. E. Zell, and W. Bygones

running across his farm sometime
since and ⁱⁿ such a way as to be
convenient and acceptable to all the
timber on the said tract of land and
has been using the same and is now
cutting and carrying off the timber
on the said boggy tract to his saw-
mill. Your Orator states, charges, and
avows that the boggy tract which he has
built and is now using is convenient
to all timber on his farm that none
of the said timber when cut would
have to be waggoned more than one
half a mile to the tract, But that
the said John A. Cunningham is not
satisfied with the boggy tract and right
of way which he has given him
which is ample and convenient to
carry away all the timber is now
proceeding to build and construct another
railroad tract across his land for
the distance of half a mile &
running through some the best and
most valuable fields on his farm and
to give you Honour some idea of the
damage which your Orator may
sustain the said Cunningham proposes
to run a steam engine and cars

part of Cunningham
the carrying of his goods by rail

on this new railway tract is the
great injury and damage of the
farm of your Orator, your Orator
thinks and believes that the construction
this new railway or bogg tract would
damage him and his farm for
hundred dollars.

In further consideration whereof and
inasmuch as your Orator is without relief
at law and only entitled to relief in
equity where such matters are peculiarly
cognizable He therefore prays that John
A. Armingdale ^{his agents or employees} may be made a party
defendant to this bill and that the court
may compel him as full and proper
answer make to the allegations therein
contained as if he had been therein more
fully and specially interrogated But
answer on oath to this bill is being
waived and that your Honor
would by an injunction from this
court restrain and enjoin the said
John A. Armingdale from building
or constructing any new railway
or bogg tract on his land and that
the court would grant such other and
general relief the premises considered
as equity may dictate and the nature
of his case may require and as

in duty bound your Orator will
ever pray &c

signed

Wm Prince

Shander & Son Jy.

Southampton County, To wit

This day Wm Prince the
Plaintiff in the above bill in chancery
personally appeared before me in my
office and made oath that the facts
set forth in the above bill are true to
the best of his knowledge and belief given
under my hand this 7th day of July
1891

J. M. Howard D.C.

Portsmouth July 8th 1891

To the clerk of the circuit court of

Southampton County

On motion of ^{the Plaintiff} An injunction is awarded, ^{being} by this court
to prohibit and restrain John A
Arringdale or any of his agents or
employers from building or constructing
any other bogg track or railway on the said
Wm Prince's land than that now built, until
the further order of the circuit court of
Southampton County, but the said Wm Prince shall
not leave the precinct of this order until he shall
deposit in the clerk's office of the circuit court
of Southampton a bond in the penalty of one
thousand and fifty dollars with good security, all
to save the said John A Arringdale from all
damages which he may sustain from this
injunction

July 8th 1891.

A S Watts Judge
of the Court of Hustings for the
City of Portsmouth. Va.

Trina
n } Stat. Rules
Arvingdale

1 Aug

William Prince - Plff

against

John A. Stringdale - Dfth

1891. July 9. Process Sp^d to 1st Aug. Rules

" 1st Aug Rules: Process Executed. bills & Ex
Filed. decree nisi

" 2nd Aug Rules. Bill taken for confessed.
Cause dismissed by order
Plaintiff.

Prince

vs.

} Notice.

Armingdale

Executed July 20th
1891 by delivering a
copy of this notice
to Wm Prince.

B. H. Briggs.

Deputy for J. W. Williams
Shff.

To William Price

You are hereby notified, that on the 23rd day of July, in the year 1891, at the office of B. F. McLEMORE, in the village of ~~Jerusalem~~ ^{Courthouse}, Southhampton county, Va., between the hours of 8 A. M. and 6 P. M. of that day, I shall proceed to take the depositions of R. S. Tuck and others, to be read as evidence in my behalf in a certain Suit in Chancery depending in the Circuit Court for Southhampton county, wherein I am defendant and you are plaintiff; and if, from any cause, the taking of the said depositions be not commenced, or, if commenced, be not concluded on that day, the taking thereof will be adjourned from day to day, at the same place and between the same hours, until the same shall be completed.

Your obedient servant,

Jno. A. Arringdale
By Counsel.

Princed

N

Arriving date.

On motion of the Plaintiff an injunction is awarded him by this Court. to prohibit and restrain John A. Arvingdale or any of his Agents or employees from building or constructing any other Road track by Railway on the said Lynn Township land other than that now built. until the further order of the Circuit Court of Southampton County. But the said John Arvingdale shall not have the benefit of this order until he shall deposit in the Clerk's Office of the Circuit Court of Southampton a bond in the penalty of one hundred and fifty dollars with good security to save the said John A. Arvingdale from all damages which he may sustain from this injunction.

A. J. Watts - Judge
of the Court of Justices for the
City of Portsmouth.

A Copy - Testo: B. F. McLemore C. J.

Bond with security given as required by the
above order.

Testo: B. F. McLemore C. J.

Princed

Sum:

Arriving date

1891. 1st Aug. Ruler

lev: Det.

Executed July 10 -
1891 by delivering a
copy of the same to
Mr. W. Williams Secy.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

John A. Arrington

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the *1st* Monday in *August 1891* next, to answer a Bill in Chancery exhibited against *him* in our said Court by *William Prince*

And this *he* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this *9th* day of *July*, 1891, in the 11⁶th year of the Commonwealth.

Teste: B. F. McLeMore

C. C.

Prince
W } Bond

Arringale
1891. July 9. Filed

Know all men by these Presents, That we *William Prince &*
Wm N. Sebrer

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of
one hundred & fifty — Dollars, to the payment whereof, well and truly to be
made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And
we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation, and also waive any
claim, right or privilege to discharge any liability arising under said bond in ~~any currency, funds, counter claims or effects~~
~~other than legal tender currency of the United States.~~ *Consent detached from*

Sealed with our seals and dated this *9th* day of *July*

A. D. 18 *91*

THE CONDITION of the above obligation is such that if the above bound

William Prince

who did, on the *8th* day of *July* 18*91*. obtain from
J. S. Watts Judge of the *Hunting* Court of the
City of Portsmouth. an injunction restraining
and prohibiting *John A. Arringdale*, or his Agents
or employees, from building or constructing any
other bozy track or railway on the said *Wm Prince's*
land other than that now built, until the
further order of the Circuit Court of *Southampton*
County. shall well and truly pay all such
damages as the said *John A. Arringdale* may
sustain by the reason of the ending out
this injunction.

~~shall faithfully discharge the duties of~~
or else to remain in full force and virtue.

~~office or trust~~ according to law, then the above obligation to be void,

Signed, sealed and delivered }
in presence of the Court.

Wm Prince
W. N. Sebrer

