

1900-13

Southampton County Chancery Williams Elpina vs Hill, George

"Injunction"

Restrained from selling

Real Estate

Elpenor Williams

N5

New Hill et. al.

Bill of Complaint

1896. 5. February filed
L. A. Gay b. b.

In the Circuit Court of Southampton county, Virginia:

To the Hon. Robert R. Prentiss judge of said court:

Your orator Elpena Williams presents to the court the following case:

In January 1892 J.S. Fowler and F.R. Stone and their wives conveyed to your orator a certian tract of land in the county of Southampton in the state of Virginia containing about 35 acres, more or less, which is bounded by the lands of J.S. Fowler and wife, Asberry Bowers, Billy Bowers, M. Lankford or his alienee and others. Your orator says that W.T. Griffin trustee of the said county and state is now advertizing the said land for sale, claiming to be the trustee in a certain deed of trust from your orator for the benefit of George Hill of the said county and state as will more fully appear by a notice which has been taken down, and which is herewith filed as an exhibit marked "A" and prayed to be taken and read as a part of this bill of complaint.

Your orator says that while he has not examined the records he believes the dates named in said notice of said deed of trust is correct and says that at the time he signed the said deed of trust wherein said W.T. Griffin is trustee he was an infant under the age of twenty one years, and, therefore, could not make or execute a deed of trust or any other deed, he says he was not twenty one years old till July 1894.

For as much as your orator is remediless save in this court where such matters are alone and properly cognisable, he prays that George Hill and W.T. Griffin trustee may be made parties defendants to this bill and required to answer the same, an answer on oath is hereby expressly waived, that an injunction may be awarded enjoining and restraining the said W.T. Griffin trustee and the

said George Hill, their agents and attorneys may be enjoined and restrained from selling or further attempting to sell said land till the further order of court, that said deed of trust may be declared null and void, that all such other and further general relief may be afforded your orator as the circumstances and nature of his case may require, or as to equity shall seem meet. And he will ever pray. Let a subpoena go.

W.S.Holland p.q.

W.S. Holland

*his
+ Elphena Williams
Mand*

Upon motion of the plaintiff by attorney and for good cause shown an in-junction is awarded the plaintiff enjoining and restraining W.T.Griffin trustee and George Hill their agents and attorneys from selling or further attempting to sell the lands in the bill and exhibits therewith filed till the further order of the court, but this injunction shall not take effect till the said Elphena Williams, or some one for him, shall enter into bond before the clerk of the Circuit Court of the county of Southampton with surety by the said clerk deemed sufficient, in the penalty of \$75- conditioned and made payable according to law: The clerk of the Circuit court of the county of Southampton in the state of Virginia is hereby directed to endorse the substance of the foregoing or on the process issued in this cause, as well as the fact that the bond has been given.

Robert R. Prentiss

January 31, 1896.

To the clerk of the Circuit Court of Southampton County, Va.

I, Norfleet Williams do solemnly swear that Elpener Williams ,
plaintiff in a suit against George Hill and others is my son and
that he was not twenty one years old till July 31st 1894 and I
have read or heard read the bill of complaint in said suit and
know the facts therein stated are true, except the dates therein
named and I believe they are true and correct.. that at the time
George Hill claimed to have gotten a deed of trust from my said
son that he was not twenty one years old.

*Norfleet^{his} Williams
sworn*

Witness.

G. A. Duncan

Subscribed and sworn to before me this 31st day of January 1896
at Windsor in the county of Isle of Wight, Va.

*W. S. Holland
Comm. In chary &c.*

By virtue of a Deed of Trust
executed by Elvena Williams of
Southampton County, State of Virginia
to me as Trustee on the 14th day of May
1892, and duly recorded in the Clerk's
Office of said County, in Deed Book
3, Page 290, At the request of the
beneficiary, default having been made
in the payment of the same, I shall
offer for sale at the Store of C. S.

Stephenson on the 13th day of February
1896, all that tract of land lying
and being in the County of Southampton,
State of Virginia, containing 35 acres
more or less, and bounded by the
lands of M. Lankford, W. A. Bowers,
Asbury Bowers and others, the same
to be sold to the highest bidder on the
day and date aforementioned.

Terms Cash.

W. J. Griffin Trustee

January 22nd 1896

Heff

Calpurn Williams

vs. } Statement of Rules

Geo. Hill et al.

Elmer Williams

Plaintiff

vs.

Geo. Hill and William J. Griffin Trust Defendants

1896. 31. January. Injunction awarded, Feby, 5th Bill
lodged in office and process Sfd. to 2nd Feby.
Rules with injunction order Thuron & bond
given.

1896. 2nd Feby. Rules, Process returned executed.
Bill & Exhibits filed. Deora Nisi.

1896. 1. March Rules. Bill Taken for confessed and
Came set for hearing.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON *George Hill & William J. Griffin & son*

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 *3rd* Monday in *February* 189*6* next, to answer a Bill in Chancery exhibited against *them* in our said Court by *Edwina Williams*

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

WITNESS, T. M. HOWARD, Clerk of our said Court, at the Courthouse, this *5th* day of *February*, 189*6*, in the 1*2th* year of the Commonwealth.

TESTE:

L. A. Gay, C. C.

In Vacation: In the Circuit Court of Southampton County, Va. January 31. 1896.

Elphinstone Williams
vs.

Geo. Hill et al.

Injunction Order

Upon motion of the plaintiff by attorney and for good cause shown an injunction is awarded the plaintiff enjoining and restraining H. J. Griffin, trustee and George Hill their agents and attorneys from seeing or further attempting to sell the lands in the case and exhibits therewith filed till the further order of the Court, but this injunction shall not take effect till the said Elphinstone Williams or some one for him, shall enter into bond before the Clerk of the Circuit Court of the County of Southampton with security by the said Clerk deemed sufficient, in the penalty of \$75.00 conditionally and made payable according to law: The clerk of the Circuit Court of the County of Southampton in the State of Virginia is hereby directed to endorse the substance of the foregoing on the process issued in this case, as well as the fact that the bond has been given.

A Copy, Test: L. R. Gay C. C.

Virginia.

In the Clerk's Office for the Circuit Court of Southampton Co. Feb. 5th. 1896
I, L. R. Gay, Clerk of aforesaid Court, do certify that the bond required by above order has been given ^{with security} deemed sufficient by me.

L. R. Gay C. C.

Received Feb 12 1896 by delivering a copy of this (original) Injunction Order with a copy of the bond and a return of the said bond to the said Geo. Hill et al. being furnished with a copy to Mr. J. Griffin trustee

for J. M. Williams
J. M. Williams

Received Feb 12 1896
By drawing a copy
of the Injunction Order
with a copy of the bond
to the said Geo. Hill et al.

Law. Lt.

1896. 2. 2. Feb. 2. 1896

Geo. Hill et al.

vs.
Elphinstone Williams

Given under my hand this 3rd day of February 1838. A.D.
county.

February 3rd 1838 acknowledged said writing before me in my said
office and whose names is signed to the writing above bearing date
of March in the state of Virginia. do hereby certify that "Williams
I. J.B. Wilson a Justice of the Peace in and for the county of Isle
"Virginia."

Justice et als.
as it done by me in person.

relying all the facts and things by my said attorney in fact as fully
said Elphener Williams of some one else for him. I hereby fully
in the penalty of seventy-five dollars and is to be executed by
me

clerk of the Circuit Court of Southampton county. Said bond is
trustee granted by the Hon. Robert R. Prentiss and directed to the
in the suit of Elphener Williams vs Geo. Hill and W.T. Griffin
room and stand to sign my name as surety to an injunction bond
McIntosh my true and lawful attorney in fact. for me and in my
I, William S. Holland, do hereby name, constitute and appoint B.P.

I, William S. Holland, do hereby name, constitute and appoint B.F. McLeomore my true and lawful attorney in fact, for me and in my room and stead to sign my name as surety to an injunction bond in the suit of Elpener Williams vs Geo. Hill and W.T. Griffin trustee granted by the Hon. Robert R. Prentiss and directed to the clerk of the Circuit Court of Southampton county. Said bond is in the penalty of seventy-five dollars and is to be executed by said Elpener Williams or some one else for him. I hereby fully ratify all the Acts and things ^{done} by my said attorney in fact as fully as if done by me in person.

Witness my hand & seal this 3rd day of February 1896
virginia.

William S. Holland

I, J.B. Wilson a Justice of the Peace in and for the county of Isle of Wight in the state of Virginia, do hereby certify that Williams S. Holland whose names is signed to the writing above bearing date february 3rd 1896 acknowledged said writing before me in my said county.

Given under my hand this 3rd day of february 1896. A.D.

J.B. Wilson J.P.

Elmer Williams

VS } Injunction Bond

George Hill et al

1896. 5th. Feby. filed, with

power of attorney accompanying

L. H. Gay Esq.

Know all Men by these Presents, That we Norfolk Williams
William S. Holland
are here and jointly bound unto George Hill
are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of
Seventy five (\$75.00) and 10/100 Dollars,
to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors and administra-
tors, 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 this bond, or by virtue of said office, post or trust, with coupons detached from
bonds of this State.

Sealed with our seals and dated this 5th day of February A. D. 1896

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound Norfolk Williams
for and on behalf of Elphinst Williams, who has sued out before
Robert H. Farnis Judge of the District Court of Southampton
County, in vacation - an injunction enjoining and restraining
W. J. Griffin Trustee and George Hill their agents and attorneys
from selling or further attempting to sell the lands in the
bill and exhibit therewith filed till the further order of the court,
I shall pay all such costs as may be awarded against him and
all such damages as may be incurred in case this injunction shall
be dissolved according to law.

~~shall faithfully discharge the duties of~~ ~~office or trust according to law, then the above~~
obligation to be void, or else to remain in full force and virtue.

Signed, sealed and delivered in presence of the Court.

Witness L. A. Gay

Norfolk Williams ^{his} [SEAL.]
mark
William S. Holland [SEAL.]
by B. F. McLenore his atty in fact. [SEAL.]
[SEAL.]

Elmer Williams
vs. } Statement of Cook
Geo. Hill et al.

Elpener Williams

vs. } Statement of Costs

Geo. Rice et als.

Serv. with injunction indorsey 50. Copy 25. ret. 18=	93
Atty. 10. Dock. 18. Rules & 1 ⁰⁰ filing bill 15=	143
injunction bond 75. Noting return 35. Dam 36=	146
Jury Costs 40. filing away papers 25=	65
for time Costs about \$1.00	100

BLWC \$547

Shuff 100

Lawre. 1659

\$2297

Expenses Williams

VS. } Statement of Costs,

Geo. Hill et als.

Sum. with injunction endorsing 50. Copy 25. red. 18=	93
Atty. 10. Dock. 18. Rules 1. ⁰⁰ . Filing bill 15 =	1.43
injunction bond 75. noting return 35. Deam 36=	1.46
Last Costs & Copy 40. Filing away papers 25=	65
Future Costs about \$1.20	1.00

Nov. 21st. 1896 Paid L. A. Gay bank \$5.47

Pd. J. M. Williams Shff. 1.00

Lawr. 16.50
\$22.97

A copy,

Teste L. A. Gay G. G.

Williams

VS. } statement of Evans
Nice

LAW OFFICE,
OF
W. S. HOLLAND.

Windsor Station, Va., Nov. 21st 1896

Mr. L. A. Kay

etc &c

My Dear Sir,

I've almost find my check
to pay your fees & sheriff fees. Please sign
the state warrant as paid and ask sheriff
to do likewise and file the papers
in the papers in the case

Yours very truly

W. S. Holland

Williams

104

75

Hill

De cue

To be entered
April 3rd 1900
Robert H. Hill

Entered Page 301

Williams

vs $\frac{3}{2}$

Hill.

This cause come on this
day to be ^{on the papers filed and} again heard, and
it ^{by the admissions of the parties} appearing that the defend-
ant George Hill has paid in
full the debt of Wm S. Hall and
secured by a deed of trust on the
land ~~and~~ in the bill and proceed-
ings mentioned, and thereby settled
all matters by compromise, the
court doth ~~adjudge~~ order and
decree that this cause be
stricken from the docket.