1798-029 SOUTHAMPTON COUNTY CHANCERY PAPERS

BROWNE VS. TURNER 9/1798

To the Hoppl Court of Southampton County
Sitting in Chancery humbly Complaining
Shewith unto the Court Your orator John
Brown, That on the day of
179 your orator made purchase of 50
Lands of Land of a Certain Donaldson Turner
for which he was to allow him twelve Shillings
per Acre. and there Small part of the
Land was in Cultivation of the said Contract
to obtained to your orator, but when the
Deviation of the said Land was Surveyed by
your Complt. of the said Turner he absolutely
refused the delivering Deeds unless your
orator would allow him 15/- per Acre,
and as your orator had Titles upon
the said Contract for Land to support
his Family, and not knowing where else
to obtain it, he was Compelled to give
him the rate for the Land at 15/- per Acre

Brown
vs
Turner } Bill

Filed Sept. 1794

Answer Rec'd &c
Replication &c

upon which note the said Turner has brought a Suit & recovered a judgment, and now threatens to have execution for the same, wholly disregarding the first Contract, and thereby guilty of a great imposition upon your orator, in consequence of his necessitous Situation — In tender Consideration whereof Orator prays as much as your orator is without remedy only in a Court of equity

To the end therefore that the said Donaldson Turner, who upon oath prays may be made defendant to this bill of Complaint may upon his corporal oath full true & perfect answer make to all & singular the allegations in this bill Contained and that he may fully & perspicuously as if the same were again herein repeated and interrogated

And that your Worships will injoin the said defendant and all persons Concerned from further proceedings at law in this Case until this matter is fully heard before this Court in either and further orders Thereon as may be Consistent with justice, and the Rules of Courts of equity in such Cases may be prayed &c

Jonathan Jon Comptr

Sworn to in Court Sept ——— 21. 1797

The answer of Dona Doon Turner to the bill of Complaint exhibited against him by John Browne

This defendant saving & reserving unto himself all benefit of exception to the insufficiencies & errors in the said bill contained for answer to so much thereof as he is advised is material he saith that true it is he did bargain with the said Browne for the quantity of Corn in the bill mentioned & at that price, provided the money had be paid down as was stipulated by the said Browne, but he finding after taking a part thereof that he could not get money to comply with his contract he afterwards agreed to pay 27h upon a credit as stated in the penal bill, this defendant expressly charges that he had no objection on his part to comply with the contract, but that the complainant did & could not on his, of course the bargain was void & a new bargain made in consequence thereof

Sworn to in Court Nov.r the 21.st 1754

Sam.l Kello 8

Turner
ads
Bruce

Brown
to
Sumner

Know all men by these presents that we John Browne Brown
and Alling Browne are held and firmly bound unto
Donaldson Turner in the Sum of Seventy five Pounds
Current money of Virginia to which payment
well and truly to be made to the said Donaldson Turner his
heirs and assigns we bind ourselves our heirs Exors & Admors
jointly & severally firmly by these presents Sealed with our
Seals and dated this 23d day of November 1797

The Condition of this obligation is such that whereas the sd
Donaldson Turner hath obtained a judgment at Common Law
against the sd John Browne in the County Court
of Southampton for Seventy five Pounds
and Costs & the sd Browne
hath obtained an injunction to stay the execution of
the sd judgment until the matter in Equity upon a bill for that purpose
filed can be heard & that upon the sd John Browne shall satisfy & pay
the sd judgment at Common Law all cost and damages that shall be award-
ed to the sd Turner in case the sd injn shall be dissolved then the above
obligation to be void or else to remain in full force & Virtue

Sealed and delivered
in presence of
J Wills

Jno Browne (Seal)

Alb. Browne (Seal)