

1800-012

SOUTHAMPTON COUNTY
CHANCERY PAPERS

HARRIS VS. FISHER & A1

9/1800

Harris } Bill
Tucker }

Nov. 1849

Bill filed long gone

x

To the worshipful Court of Southampton sitting in
themselves humbly complaining themselves to the Court your
writ John Harris

That a certain John Fisher & Daniel Fisher with
Edward Fisher, George Fisher & Bolling Fisher were seized
in fee of a certain parcel of Land & premises in this
County, adjoining the Land of Francis Branch & others,
That John & Daniel Fisher made a Contract of Sale of
the said Land to your warden for the sum of three
hundred ^{& fifty} ~~pounds~~ ^{your warden}, and gave his bond for the same.
The said John & Daniel entered into a certain
obliging themselves, That a Complete Title to the said
Land should be made to your warden, the writing a-
foresaid is hereby amended & considered as part of
this title, your warden fully confiding in the said
John & Daniel, That on their part they would comply
with the said Contract, has paid of the said debt
all but £5. your warden further shews, That a deed
was made which appeared to be duly executed by the
parties, the your warden is well informed, That at the
time the deed was executed, That Bolling Fisher one of
the parties was an infant, under the age of twenty one years,
by which means your warden's title is at present incom-
plete, But notwithstanding, your warden has
repeatedly called upon the parties for the said Bolling

Since he has arrived of age his mother & executor & died
in a legal manner, to secure him in the title of his said
lands, yet he hath failed to do so. I have obtained a
writ of your order, bench, & a judgment and
sent out execution thereupon, which your order
concerning to be very oppressive.

In further consideration whereof and for as much as
your order is without remedy only in a Court of equity

As the said Thomas was the son, John Fisher, Daniel
Edward, George & Bolling Fisher (who are Comptrolers)
may be made def^t to this bill of complaint, may upon
their complaint with full true & perfect answer make do
all things where the allegations in this bill contained &
well as especially as if the same were again herein
repeated & enlarged, especially whether at the time
the said deed was executed. Bolling Fisher was or
not of lawful age.

And that your order will enjoin the said
def^t from further proceedings, as here until the
said Bolling Fisher do, make & duly execute, a good
and sufficient and completing your order till to the
said land & premises, and make any other or further
order is, clear in his premises for your Comptrolers
as may be required. May it please you

Sworn to by the Comptrolers in court

Lam Kello &
D

Greenville County Court

June the 22nd 1800 this day John, Daniel & Edward Fisher personally appeared before me a magistrate for the county aforesaid & made oath that the allegations contained in the within answer are true as far as they relate to their own knowledge & as far as they relate to the knowledge of others they believe them to be true

Alfred Madill J.C.

The joint & separate answer of John Fisher, Daniel Fisher & Edward Fisher to the bill of Complaint exhibited against them by John Harris

These defendants saving & reserving to themselves every benefit of exception to the errors & insufficiencies contained in the said bill for answer to so much thereof as they are advised in material for them to answer they answering say, that they admit that they did sell the land in question to the said John Harris, but that they positively aver that there is due to them the sum of
as the jury who were fully possessed of every species of evidence that could any way relate to the case & were therefore the most competent tribunal to judge on that subject, they further state that they do not at present recollect whether their brother Bolling was or was not of age, but this they state as an absolute & uncontrovertible truth that long since his arrival to the age of twenty one years he hath frequently offered to sign any release of his title or to make a separate deed or in fine to sign any instrument that would even in the opinion of the said John assure to him his title. They further state that on their part they have executed a full & complete title in fee simple to the land recited in the bill of complaint they most positively deny all combination & pray to be hence dismissed with their costs

Harris } Answer
m }
Fishers }

Sept. 1800
Inj'n dissolved

the issue of holding him to his own
complaint exhibited against him by John
Harris in the worshipful court of South-
ampton.

The defendant saving & re-
serving to himself every benefit of excep-
tion to the provisions of the said bill contains
for answer as much thereof as he
is advised is material he answering
says that he admits there was a contract
made & entered into by his brother John
& Daniel Gibbs relative to the purchase
of the land in question, but he also says
that it was with his privacy & con-
sensus especially as he was of an age
to judge of the nature of the contract &
that altho he was not bound in law
at the time, to perfect it yet he always
thought himself bound in equity to do so
having given his consent & received

that far from refusing to make the said
John Harris a complete legal title he has
been always ready & still is ready to execute
any writing that may best secure to the
said Harris his right & title in the land
but when this was offered to him he absolutely
refused to accede thereto thinking that
he could force this Defendant to take an
injurious & expensive ride to Southampton
Court there to acknowledge a deed which
he had previously signed sealed & delivered
as his act & deed before a sufficient num-
ber of witnesses & which this Defendant has
reason to believe hath since been admitted
to record in the the court of Southampton
This Defendant denying all combination
brings to be hence disallowed with his costs
most unreasonably sustained

Belling Trosper

McKinnin }
" }
Tishus .9 }

July
Bend

Nov. 1799

Know all men by these presents that we John Harris
& Benj: Blunt jr.

are held and firmly bound unto An: Fisher & Dent Fisher ex: of
Dent. Fisher

in the sum of ~~Three hundred~~ Dollars
current money of Virginia to be paid to the s: Exors

the sum of ~~100~~ to which payment well & truly to be made
we bind ourselves and each of us our heirs executors &
administrators jointly & severally firmly by these presents sealed with
our seals & dated this 19th day of Nov^r 1799 in the
24th Year of the Commonwealth

The Condition of this obligation is such that whereas the s: Exors of
Dent. Fisher

at common law against the s: W: Harris

in the county court of Southampton for fifty pounds nine shillings
and cost to the s: Exors

have obtained an injunction to stay the execution of the s: judgment
untill the matter is equity upon a bill for that purpose filed and be
heard if therefor the s: John Harris
shall satisfy & pay the s: judgment at common law with costs & damages
that shall be awarded to the s: Exors.

in case the injunction afore^d shall be dissolved
then the above obligation to be void or else to remain in full force & virtue

Sealed & delivered
in presence of

Witness.

Harris

Benj: Blunt jr.

Seal