

1873 - 042

Chancery Papers; Holmes vs Corbett

Southampton County

other surnames: Barham

Holmes

Bill &

Corbitt Collector-Treasurer

1873 July 16. Injion granted

July 21 bonds given &c

" " 22. Injion: perpetuated

To the Hon. J. W. Weyburn Judge of the County Court of South-
ampton County. In Chancery Sitting.

Humbly complaining sheweth unto your Honor your Complainant
Peter J. Holmes that on the day of 1871, John G. A. Barham
qualified according to law as Collector of Berlin and Lees Townships
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 surety, 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 "No 1" herewith
filed 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 Officers" Approved July 11th
1870 required Township Collectors to pay over to the County
Treasurer all County levies collected by them to make their
final settlements of the County levies on or before the
first day of December 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 said
act your complainant executed said bond as his surety.
The General Assembly of Virginia by a joint resolution approved
December 15th 1871 entitled Joint Resolution extending the
time for the collection of taxes and County and Township
levies, in the Commonwealth, for the year 1871 "extended
the time for making a final settlements of County levies for

the year 1871 by the said Collector Barkham with the County Treasurer until the first 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 and County and Township levies through out the Commonwealth" approved March 18th 1872, the General Assembly of Virginia extended the time of making a final settlement of County levies for the year 1871, by the said Collector Barkham 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 and re-enact an act prescribing the duties and compensation of certain township officers approved July 11. 1870 and acts amendatory thereof" approved March 19th 1872 the General Assembly of Virginia extended the time of the annual settlements of County levies for years subsequent to ~~1871~~ ^{the year} 1871 by the said Collector Barkham with the County Treasurer until the first day of March, which said last mentioned act of the General Assembly of Virginia was also passed 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 and County and township levies, in the Commonwealth, for the year 1872" approved January 18th 1873, the General Assembly of Virginia extended the time of the final settlement of County levies by the said Collector Barkham, 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 order 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 so it is May it please your Honor, one James M. Corbett signing himself Treasurer of Southampton County, has had a notice directed to John Q. A. Barham and your Complainant, a copy whereof marked "No 3" herewith filed to be read with this Bill, served on your Complainant, by which he is advised that the said James M. Corbett will in the name of the Commonwealth of Virginia for the benefit of Southampton County, on the 1st day of 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 four hundred and fifty four & $\frac{64}{100}$ dollars, with damages thereon after the rate of ten per centum per month from May 2^d 1873 till paid which said sum is the balance due by said Barham, collector of Berlin and Leno Townships in Southampton County on account of County taxes for the year 1872. That said balance, if any such exist is due on account of County 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 liability on his said bond, by the several acts of the General Assembly of Virginia herein before referred to extending the time for the said Col-

lector Barham to make his final settlements with the Treasurer of Southampton County, except the last mentioned act, approved Jan'y 18th 1873, and said last mentioned act extended the time for the said Collector Barham's final settlement of the County levies with the Treasurer of Southampton County after the County levies had been actually received by him for collection from the first day of March, the time prescribed by law when said County levies were received for collection to the first day of May thereafter.

In tender Consideration whereof re and for as much as 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 Agent, 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 four hundred and fifty four & $\frac{64}{100}$ dollars and every part thereof that your Complainant may be decreed to be forever discharged from all liability on said Bond, and all proper instructions may be given for effectuating the purposes aforesaid, that a writ of injunction ^{be} issued and that such other and fur-

that 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 all proper process issue and~~
as in duty bound your Complainant will ever
pray &c &c

Friend & Ours
J. C.

City of Petersburg: Va.

This day P. J. Holmes
personally appeared before me a Notary
Public in and for the City aforesaid, in my
City aforesaid in the State of Virginia and
made oath that the facts stated in the
going ^{Bill of Suspension} ~~and~~ so far as they are stated
on his own knowledge are true and so far
as they are stated from knowledge or infor-
mation derived from others he believes them
to be true. Given under my hand this ~~16~~¹⁵
day of July 1873

 N. P.

90. In entered

J. W. Myerhart

Judge

July Term 1873

Holmes

vs

In Chancery

Corkitt &c

This cause was this day docketed by consent of parties and by like consent came on to be heard on the plaintiff's bill of complaint and exhibits filed and on the motion of the defendant to dissolve the injunction awarded in this case on 16th 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 requested as to do, confessed judgment in open Court on the plaintiff's demand under the motion proceedings whereon were enjoined. Whereupon the Court overruled the defendant's motion, and doth advise order and decree that the injunction awarded the plaintiff on the 16th day of July 1873 to enjoin the defendant from further proceedings against 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 J. D. & B. Barham Collectors of Am and Berlin Township in said County on account of County levy for the year 1872 be made perpetual; and that the defendant do pay to the plaintiff his costs about his suit in this behalf expended.

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 ~~James~~ ^{injunction exhibited} against him in our said Court by Peter J Holmes. And that he shall in no wise omit 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 injoin & restrain the Defendant, his deputies, agents, attorneys, &
all other persons from further proceedings against the plaintiff on a
motion for a judgment & award of execution against him for a
balance alleged to be due by John D. A. Ballham collector of
Berlin & Poor Township in Southampton County on account of
County levy for the year 1872. until the further order of the Court
The plaintiff having given security in the penalty of \$800 - Conditions
according to law

Done

L. R. Edwards Clk

Holmes

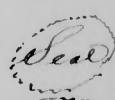
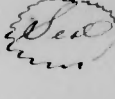
Spa. & Dwyer

Corbett

Executed

W. C. Dwyer

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, the Payment whereof with & truly to be made to the said Commonwealth, do bind ourselves, our heirs, Executors and administrators, jointly and severally, firmly by these presents. Sealed with our Seals and dated this 18. 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 & Son in the County of Southampton. Now if the said John D. A. Barham, shall faithfully discharge the duties of said Office according to law, then the above obligation to be void, or else to remain in full force & virtue.

J. D. A. Barham 
P. J. Holmes 

At a Court held for the County of Southampton, on the 18th day of September 1871 James H. Jones one of the Securities of John D. A. Barham as Collector in the Township of Berlin & Son, and desiring to be 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 in Cash as to his Sufficiency,) entered into and acknowledged a bond in the penalty of Two Thousand dollars.

Conditioned according to law, which binds having the required Stamp of
two dollar, affixed thereto, and duly Canceled, is ordered to be recorded,
and that the said Parkman pay the said Jones his bill.

Teste

White Cg

A Copy

Teste L R. Edwards Cg

"No 1"

Copy for

P. J. Holmes

"Extra"

No 2

To John Z. A. Barham & Peter J. Holmes,

Take notice, that I shall, in the name
of the Commonwealth of Virginia, for the benefit of
the County of Southampton 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 four
hundred & fifty four ⁶⁴/₁₀₀ dollars, with damages
thereon after the rate of ten per centum per
Month from May 2^d 1873. till paid, which said
sum of four hundred & fifty four ⁶⁴/₁₀₀ dollars
is balance due by said John Z. A. Barham, Collector
of Berlin & Iver Townships in Southampton
County, in account of County ~~Duty~~ for year
1872-

June 19/1873
To Shff of Southampton Co
to Execute

Respectfully
James M. Corbitt
Treasurer of Southampton
County - by J. B. Price
Atty. for Commonwealth for
Southampton Co -

Know all men by these presents that we Peter J. Holmes, Charles
F. Prellow - are held and firmly bound unto the
Commonwealth of Virginia in the just and full sum of Eight hundred
dollars to the payment whereof well & lawfully to be made to the said Commonwealth
we bind ourselves our heirs Executors & administrators jointly & severally firmly
by these presents. Sealed with our seals & dated this 27th day of July 1872.
The condition of the above obligation is such that whereas the above bound
Peter J. Holmes has obtained an injunction to injure James M. Corbett Treasurer of
the County of Southampton his deputies, agents, attorneys and all other
persons from further proceedings against the said Peter J. Holmes on a
motion for a judgment & award of Execution against him for a balance
alleged to be due by John D. & W. Asham collector of Berlin & Iron
Township in the County of Southampton on account of County tax for the
year 1872. as set forth in plaintiffs bill 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 shall be incurred in case the said Injunction be dissolved then the above
obligation to be void else to remain in full force & virtue

P. J. Holmes (Seal)
C. F. Prellow (Seal)

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

Peter J. Holmes

Plt .

against

IN CHANCERY.

James M. Corbitt, Treasurer of
the County of Southampton

Dft .

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, for an judgment & award of execution
against him for an balance alleged to be
due by John Z. A. Bushman Collector of
Berlin & New Township in said County
on account of County levy for the year
1872. as set forth in the plaintiffs 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 *Eight 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* 187 *3*.

In Vacation,

Odwin M. Mann
Judge Hustings Court
City of Petersburg