1874 ~ 40 Southampton County Chancery Southampton County of Vs Holmes, Peter J.

Recomp. Taxes collected

Corbitt, James M. (Treasurer of Southampton) Barham. John L. A.

To the Hon Geo: Blow, Judge of the Circuit Court of Southampton County.

Your petitioner, the Commonwealth of Virginia, by James. M. Corbitt, Treasurer of Southampton County, respectfully represents to the Court & says:- That on the 18th day of September 1871, John Q. A. Barham, with Peter J. Holmes as his surety qualified as the Collector of Berlin & Ivor Township, in Southampton County, Virginia. That on the 19th day of June 1873, a notice was issued, directed to the Sheriff of Southampton County to execute, against John Q. A. Barham & Peter J. Holmes, having for its object the recovery of a judgment and award of execution against the said John Q. A. Barham & Peter J. Holmes for the sum of $910.28 with damages thereon from May 2. 1873, till paid after the rate of ten per centum per month., which said sum of $910.28 was balance due by the said Jno: Q. A. Barham, Collector of Berlin & Ivor Township on account of State Taxes for Year 1872; that said notice was issued by James M.

Corbitt, Treasurer of Southampton
County, and the motion on said
notice was intended to be made
on the first day of the July Term
of the County Court of Southampton
1893. That said notice was duly
served upon the said Barham &
Holmes. That on the 16th day of
July 1893, and before the July Term
of the County Court of Southampton,
P. J. Holmes Exhibited a bill in Chancery, addressed
to Hon J. W. Urquhart, Judge of the
County Court of Southampton, praying
that James M. Corbitt, his agents,
attorneys & all others may be restrain-
-ed & enjoined by the injunction of
this Court from proceeding
against the said P. J. Holmes ~~on~~
surety for the said J. E. A. Barham,
to enforce the payment of the
said sum of $910.28, and every
part thereof; that the said P. J Holmes
may be decreed to be forever discharged
from all liability on said bond &c.
which bill was properly sworn to.
That on the 16th day of July 1893.
Edwin M. Mann, Judge of the
Hustings Court of the City of Peters-
-burg awarded an injunction

conformable to said bill, upon certain conditions, which were complied with. That upon a motion to dissolve the said injunction, made before Judge Jos W. Lapsley Judge of the County Court of Southampton July 22. 1873, the Court overruled the motion to dissolve and decreed that the injunction be made perpetual; which decree your petitioner says is erroneous in the following particulars.

1st Because the allegations of the said bill, do not justify upon authority the rendition of such a decree.

2nd Because, the Extensions of the times for Collectors to pay over Taxes, made by the General Assembly of Virginia, being all & each of them, to periods within which the Collectors had given bonds to act, and not beyond the time, for which the Collectors & their Sureties had agreed to be bound, were not immaterial alterations of the original Contracts, the Collectors had entered into, without the consent or knowledge of their Sureties; but that these Extensions of time for settlement were perfectly

lawful & proper and in no way increased the original undertaking of the surety.

3rd. Because the last clause of the condition of the official bond of the said John L. A. Barham, as Collector of Berlin & Ivor Township, court "now if the said J. L. A. Barham shall faithfully discharge the duties of said office according to law, then the above obligation to be void, else to remain in full force & virtue" is so comprehensive as to bind himself and his surety, notwithstanding the extensions of times as aforesaid.

Wherefore, because of the said errors, your petitioner prays that an appeal be granted him from the said decision of the County Court of Southampton County.

Comwth of Virginia by
J. M. Corbitt. Treasurer
of Southampton County -
by atty.

I certify that I consider the case referred to herein should be reviewed by the Circuit Court of Southampton County

Sept. 4. 1913.

J. B. Rennie

To the Hon Geo: Blow, Judge of the Circuit Court of Southampton County.

Your petitioner, The County of Southampton, by James M. Corbitt, Treasurer of the said County, respectfully represents to the Court and says. That on the 18th day of September 1871 John D. A. Barham, with Peter J. Holmes as his surety qualified as the Collector of Berlin & Ivor Township, in said County; that on the 19th day of June 1873, a notice was issued, directed to the Sheriff of Southampton County to execute, against Jno: D. A. Barham & Peter J. Holmes, having for its object the recovery of a judgment and award of Execution against the said J. D. A. Barham & P. J. Holmes for the sum of $454.64, with damages thereon after the rate of ten per centum per month from May 2. 1873, till paid, which said sum of $454.64 was balance due by said J. D. A. Barham, Collector of Berlin & Ivor Township on account of County Levy for year 1872; that said notice was issued by James M. Corbitt, Treasurer of Southampton County, and the motion on said notice was intended to have been made on the first day of the July Term of the County Court of Southampton 1873. That said notice was duly served upon the said Barham & Holmes, That on the 16th Day of July 1873, and before

the July Term of the County Court of Southampton Peter J. Holmes Exhibited a bill in Chancery, addressed to Hon J. W. Urquhart, Judge of the County Court of Southampton, praying "that James M. Corbitt, his agents, attorneys and all others may be restrained & enjoined by the injunction of this Court from proceeding against the said P. J. Holmes as surety for the said J. L. A. Barham, to enforce the payment of the said sum of $454.64 and every part thereof; that the said P. J. Holmes may be decreed to be forever discharged from all liability on said bond &c" which bill was properly sworn to. That on the 16th day of July 1873, Edwin M. Mann, Judge of the Hustings Court of the City of Petersburg, awarded an injunction, conformable to the prayer of the said bill, upon certain conditions, that were complied with. That upon a motion to dissolve the said injunction made before Judge J. W. Urquhart, Judge of the County Court of Southampton, July 22. 1873, the Court overruled the motion to dissolve and decreed that the injunction be made perpetual; which decree your petitioner says is erroneous in the following particulars 1st. Because the allegations of the said bill do not justify, upon authority, the rendition of such a decree.

2nd Because the Extensions of the times for Collectors to pay over Taxes, made by the General Assembly of Virginia, being all and each of them to periods within which, the Collectors had given bonds to act, and not beyond the time for which the Collectors & their Sureties had agreed to be bound, were not material alterations of the original contracts, the Collectors had entered into, without the consent or knowledge of their Sureties; but that these Extensions of time for settlement were perfectly lawful & proper, and in no way increased the original undertaking of the Surety.

3rd Because the last clause of the Condition of the Official bond of the said J. L. A. Barham as Collector of Berlin & Nor Township, to wit: "Now if the said J. L. A. Barham shall faithfully discharge the duties of said office, according to law, then the above obligation to be void, else to remain in full force & virtue;" is so comprehensive as to bind himself & his Surety, notwithstanding the Extensions of time for settlement as aforesaid. Wherefore because of the said Errors, your petitioner prays that an Appeal be granted her, from the said decision of the County Court of Southampton.

County of Southampton by J. M. Corbitt
Treasurer of said County — by atty.

I certify that I consider the case referred to herein, should be reviewed by the Circuit Court of Southampton County.

Sept 4. 1893.

J. B. Rucker

Motion

Petition for Mandamus

County of Southampton

I certify that I consider the case referred to herein should be reviewed by the Circuit Court of Southampton County.
Sept 4. 1893. J. B. Prince

Virginia
Baskin & Ross Boundstick
Petition for Injunction

To the Hon Geo: Blow, Judge of the Circuit Court of Southampton County.

Your petitioner, the Township of Berlin & Ivor, one of the Townships of Southampton County, Virginia - by R. A. Bristow, Clerk of the said Township & Ex Officio, Treasurer of said Township respectfully represents to this Court & says -. That on 18th day of September 1871, Jno: E. A. Barham, with Peter J. Holmes as his surety qualified as the Collector of Berlin & Ivor Township in Southampton County -. That on the 19th day of June 1873, a notice was issued, directed to the Sheriff of Southampton County to Execute, against Jno E. A. Barham & Peter J. Holmes, having for its object, the recovery of a judgment and award of Execution against the said J. E. A. Barham & Peter J. Holmes for the sum of $711.88, with Damages thereon after the rate of ten per centum per month from May 2nd 1873 till paid which said sum of $711.88 was balance due by the said J. E. A. Barham, Collector of Berlin & Ivor Township on account of Township Levy for 1872. That said notice was issued by R. A. Bristow, Clerk Berlin & Ivor Township & Ex Officio Treasurer of said Township, and the motion on said notice was intended to have been made on the first day of the July Term 1873, of the County Court of Southampton County. That said notice was

duly served upon the said Barham & Holmes
That on the 16th Day of July 1873, and before
the July Term of the County Court of Southamp-
ton, P. J. Holmes Exhibited a bill in Chancery
addressed to Hon J. W. Inphant, Judge of the
County Court of Southampton, praying "that
R. A. Bristow, his agents, attorneys & all others may
be restrained & enjoined by the injunction
of this Court from proceeding against the
said P. J. Holmes, as surety for the said J. L.
A. Barham, to enforce the payment of the
said sum of $711.88 and every part thereof;
that the said P. J. Holmes may be decreed to be
forever discharged from all liability on said
bond &c"-, which bill was properly sworn to.
That on the 16th Day of July 1873, Edwin
M. Mann, Judge of the Hustings Court of
the City of Petersburg, awarded an injunction
conformable to the prayer of said bill, upon
certain conditions, which were complied with.
That upon a motion to dissolve the said injunction
made before Hon J. W. Inphant, Judge of the
County Court of Southampton County, July 22. 1873,
the Court overruled the motion to dissolve,
and decreed that the injunction be made
perpetual; which decree your petitioner says is
erroneous in the following particulars-.

1st-. Because the allegations of the said bill do not
upon authority, justify the rendition of such a
decree-.

2nd Because the Extension of time for Collectors to pay over Taxes, made by the General Assembly of Virginia, being all & each of them to period within which the Collectors had given bond to act, and not beyond the time for which the Collectors & their sureties had agreed to be bound, were not ~~material~~ alterations of the original contracts the Collectors had entered into, without the consent or knowledge of their sureties; but that these Extensions of time for settlement were perfectly lawful & proper, and in no way increased the original undertaking of the surety.

3rd Because the last clause of the condition of the Official Bond of said J. D. A. Barham, as Collector of Berlin & Ivor Township, to wit. "Now if the said J. D. A. Barham shall faithfully discharge the duties of said office according to law, then the above obligation to be void, else to remain in full force & virtue" is so comprehensive as to bind him & his surety notwithstanding the Extensions of time for settlement as aforesaid. Wherefore, because of the said errors, your petitioner prays that an appeal be granted her, from the decision of the County Court of Southampton County.

Township of Berlin & Ivor, by
R. A. Bristow, Clerk & Ex Officio Treasurer of said
Township. by atty.

Know all men by these presents;

That I James M. Corbitt, Treasurer of the County of Southampton, am held and firmly bound to Peter J. Holmes in the just and full sum of Five Hundred Dollars, good and lawful Money of Virginia, to the payment whereof well and truly to be Made, we bind ourselves, our heirs, Executors & administrators, jointly & Severally firmly by these presents. Sealed with our Seals and dated this 15th day of September A.D. 1873. The Condition of the above obligation is such that whereas the said James M. Corbitt, Treasurer of Southampton, by the County of Southampton, hath prefered to the Judge of the Circuit Court of Southampton County, a petition for a writ of Supersedeas to a decree of the County Court of Southampton, rendered on the 23d day of July 1873, in a Chancery Suit therein pending wherein Peter J. Holmes was Plaintiff and the said James M. Corbitt, Treasurer of Southampton County Defendant, whereby it was adjudged, Ordered and decreed, that the Injunction awarded the Plaintiff on the 16. day of July 1873, to enjoin the Defendant from further proceeding against Peter J. Holmes on a Motion for a judgment and award of Execution against him for a balance alleged to be due by John L. A. Barham, Collector of Berlin & Joyce Township, in Southampton County, on account of County levy for the year 1872, as set forth in the plaintiff's bill, be made perpetual, and that the Defendant pay to the Plaintiff his Costs about his Suit in this behalf expended. And the said Judge of the Circuit Court of Southampton County hath allowed the Supersedeas prayed for upon the terms prescribed by law, and has fixed the penalty of the Bond to be Five Hundred Dollars. Now if the said James M. Corbitt, Treasurer of Southampton County shall prosecute the said writ with effect, & shall well & truly pay all damages, Costs and fees, which may be awarded against him, then the above obligation to be Void, or else to remain in full force & Virtue.

J. M. Corbitt Treas. Seal
Southampton Co

Pleas, at the Courthouse of Southampton County before the Judge of the County Court of said County on Tuesday the 22nd day of July in the year 1873.

Be it remembered, that heretofore to wit: on the 16th July 1873, Peter J. Holmes by Counsel, presented his bill in chancery against James M. Coffitt Treasurer of Southampton County, in the following words to wit:

To the Honorable J. H. Urquhart Judge of the County Court of Southampton County Sitting in chancery

Humbly complaining showeth unto your Honor your complainant Peter J. Holmes that on the ___ day of ___ 1871 one D. A. Barham qualified according to law as Collector of Berlin & Ivor Township in Southampton County Va and on the 1st day of July thereafter entered upon the discharge of his duties as collector as aforesaid, that on the 18th 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 said County Court hereto annexed marked "No 1" and 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 settlement 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 18th 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 settlement of County levies for the year 1871 by the said Collector Barham 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 throughout 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 Barham with the County treasurer until the first day of May 1872, without the knowledge or assent of your Complainant, and by an act intitled "An act to amend and re-enact An act prescribing the duties and compensation of certain township Officers Approved July 11th 1870. and acts amendatory thereof" Approved March 19th 1872 the General Assembly of Virginia extended the time of the annual settlement of County levies for years subsequent to the year 1871 by the said Collector Barham with 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 12th 1873, the General Assembly of Virginia extended the time of the final settlement of County levies by the said Collector Barham, with the County treasurer until the first day of May 1873 which said last mentioned act of the General Assembly was passed without the knowledge or assent of your Complainant.

Your Orator 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, the said James M. Corbitt signing himself Treasurer of Southampton County, has had a notice directed to John S. A. Barham and your Complainant, a Copy whereof marked No 2" herewith filed to be read with this Bill, served on your Complainant, by which he is advised that the said James M. Corbitt 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 S. 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 May 2d 1873 till paid which said sum is the balance due by said Barham, Collector of Berlin & Ivor Township in Southampton County on account of County levies for the year 1872. that said balance, if any such exist is due on account of County levies 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 act of the General Assembly of Virginia hereinbefore referred to extending the time for the said Collector Barham to make his final settlement with the treasurer of Southampton County, except the last mentioned act, Approved January 12th 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. All under consideration whereof &c. and for as much &c your Complainant prays that the said James M. Corbitt 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. Corbitt, 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 may be issued and that such other and further 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 & Davis

City of Petersburg: to wit.

This day J. D. 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 foregoing Bill of Injunction so far as they are stated on his own knowledge are true, and so far as they are stated from knowledge or information derived from others he believes them to be true. Given under my hand this 16th day of July 1873.

J. A. Cocke N. P.

Exhibit No 1

Know all men by these presents, That we John 2. 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 well and truly to be made to the said Commonwealth, we 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 2. A. Barham, who is this day required to give a new bond as Collector, in the Township of Berlin & Nott in the County of Southampton. Now if the said John 2. 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 and virtue.

J. 2. A. Barham (Seal)
P. J. Holmes (Seal)

At a Court held for the County of Southampton, on the 18th day of September 1871. James G. Jones one of the securities of John 2. A. Barham as Collector in the Township of Berlin & Nott, and desirous of being 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 waves the notice, and by consent with Peter J. Holmes his Security, (who justified on Oath as to his Sufficiency) entered into and acknowledged a bond in the penalty of two thousand dollars, conditioned according to law, which bond having the required Stamps of one dollar, affixed thereto, and duly Cancelled, is Ordered to be recorded, and that the said Barham pay the said Jones his Costs.

Teste,
O. White Clk

A Copy
Teste,
L. R. Edwards Clk

"A 01"

Exhibit No. 2.

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

Take Notice, that I shall in the name of the Commonwealth of Virginia, for 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 2nd 1873. till said which said sum of four hundred & fifty four 64/100 dollars is balance due by said John D. A. Barham, Collector of Berlin & Ivor Township in Southampton County, on account of County levy for year 1872.

June 19th 1873
To Sheff of Southampton Co.
to Execute

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

Upon which the following injunction was awarded, to wit,

To the Clerk of the County Court of the County Court of Southampton

Peter J. Holmes Pet.

against

James M. Corbitt Treasurer of the County of Southampton Deft.

In Chancery.

An Injunction is awarded the plaintiff to injoin and restrain the defendant his deputies agents, attornies and all other persons, 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 John D. A. Barham Collector of Berlin and Ivor Township in said County on account of County levy for the year 1872. as set forth in the plaintiffs bill under the further order of the said Court. But the plaintiff shall not have the benefit of this order, until he & some one for him, shall enter into a bond with good security, in the in the Clerks 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 16th 1873.

Jn Vacation,

Edwin M. Moore
Judge Hustings Court
City of Petersburg

And on the Clerk's Office on 21st day of July 1873 the plaintiff in compliance with the Terms upon the injunction was awarded him in this case, entered into and acknowledged a bond in the penalty of Eight hundred dollars with good security, conditioned according to law. And a subpoena with the injunction endorsed thereon, was issued against the Defendant to answer the bill, returnable to the first Monday in August then next.

And on this day to wit At a Court held for the County aforesaid on the day and year first herein aforesaid to wit on the 22nd day of July in the year 1873.

This Cause was this day docketed by Consent of parties and by like Consent came on to be heard on the plaintiffs 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 required so to do, Offered judgment in open Court on the defendants demand under the motion proceedings whereon were enjoined whereupon the Court overruled the defendants motion, and doth adjudge order and decree that the injunction awarded the plaintiff on the 16th day of July 1873. to enjoin the defendant from further proceedings against Peter J. Holmes on a Motion for a judgment and awarded execution against him for a balance alleged to be due by J. D. A. Barham Collector of Iron and Berlin Township in Southampton County on account of County levy for the year 1872 be made perpetual; and that the defendant do pay the plaintiff his Costs about his suit in this behalf expended.

Plaintiffs Costs to wit.

Clerks	14.76	
Shff.	.50	
Law & Taxx	16.00	$21.26

Defendants Costs

Clk	$0.35	
Law	15.00	$15.35

A transcript of the Record.

Teste. L. R. Edwards Clk

Clerks for the transcript. $2.66

Having seen & inspected the within record, I am of opinion that there is reasonable doubt of the justice of the decree complained of, fit & proper to be aired & considered as prayed for in the annexed petition, certified to by Counsel, as required by law, and I do therefore allow the writ of Supersedeas prayed for: but the said writ of Supersedeas is not to issue, until James M. Corbitt, Treasurer of Southampton County, shall enter into bond, in the penalty of five hundred dollars, conditioned to pay all damages & costs & fees, which may be awarded against or incurred by the petitioner

Geo Blow

To the Clk of Circuit Ct
for County of Southampton

Holmes
vs
Copy Record
Southampton County

1874 Feby. Judgment affirmed

Pleas, at the Courthouse of Southampton County before the Judge of the County Court of said County, on Tuesday the 22nd day of July in the year 1873.

Be it remembered, that heretofore, to wit, on the 11th July 1873, Peter J. Holmes by Counsel presented his bill in Chancery against James M. Corbett Treasurer of Southampton County, in the following words to wit: "To the Hon. J. W. Urquhart Judge of the County Court of Southampton County, In Chancery Sitting: Humbly Complaining Sheweth unto your Hon. your Complainant Peter J. Holmes that on the day of 1871, John. L. A. Barham qualified according to law as Collector of Berlin a Civil Township in Southampton County Va, and on the 1st day of July thereafter entered upon the discharge of his duties as Collector as aforesaid; that on the 18th of September 1871, he gave a good 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 said County Court hereto annexed Marked "No. 1." and prayed to be taken as part of this Bill. At the time your Complainant executed said Bond as Surety of the said Barham the act of the General Assembly entitled "an act for prescribing the duties and Compensation of Certain Township Officers", approved July 11th 1870, required Township Collectors to pay over to the County Treasurer all Township levies Collected by them and to Make their final Settlements of the said Township levies on or before the 31st day of December of each year. Under the provisions of this act the said Barham qualified as Collector as aforesaid, and under the provisions of the same act your Complainant executed said Bond as his Surety. The General Assembly of Virginia by a joint resolution entitled "joint resolution extending the time for the Collection of taxes & County & Township levies in the Commonwealth for the year 1871," approved December 16. 1871, extended the time for Making a final Settlement of

Townships levies for the year 1871, by the said Collector Barham, with the County Treasurer until the 1st 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 & County & Township levies throughout the Commonwealth," approved March 18. 1872, the General Assembly of Virginia, extended the time of Making a final Settlement of Township levies for the year 1871, by the said Collector Barham with the County Treasurer until the 1st day of May 1872, without the knowledge or assent of your Complainant; and by an act entitled, "An act to amend and reenact an act prescribing the duties and Compensation of Certain Township Officers approved July 11th 1870, and acts amendatory thereof," approved March 19th 1872, the General Assembly of Virginia, extended the time of the annual Settlement of Township levies for years Subsequent to the year 1871, by the Collectors with the County Treasurers until the 15th day of March; which said last Mentioned acts of the General Assembly 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 & Township levies in the Commonwealth for the year 1871," approved January 13th 1873, the General Assembly of Virginia, extended the time of the final Settlement of Township levies by the said Collector Barham with the County Treasurer Until the 1st day of May 1873, which said last Mentioned acts of the General Assembly was also passed without the knowledge or assent of your Complainant. Your Complainant is advised, & claims that he is discharged from all liability on said Bond by reason of the extention of time given to his principal by the said Several acts of the Gen Assembly- But now it so happens, may it please your Honor, the R. A. Bristow, Signing himself Clerk Berlin & Ivor Township and Ex Officio Treasurer of said Township, has had Served on your Complainant a Notice directed to John E. A. Barham and your Complainant whereby he is advised, that, the said Ret Bristow in the Name of the Commonwealth of Virginia for the benefit of Berlin & Ivor Township in the County of Southampton, will on the 1st day of the July Term, of the County Court of Southampton County Move the said Court for judgment and an award of Execution against the said John E. A. Barham & your Complainant for the Sum of Seven Hundred and Eleven and 88/100 Dollars, with damages thereon after the rate of ten per Centum per Month from the 2nd day of May 1873, till paid, the said Sum of $711.88/100 being ascertained by John E. A. Barham Collector of Berlin & Ivor Township on account of Township levies for said Township for the year 1872, as will more fully appear from a Copy of said Notice herewith filed Marked "No 2." and prayed to be taken as a part of this bill; that the said balance if any such exists is due on account of Township levies received by the said Collector Barham from the Township Treasurer, on the 31st day of December 1872, after your Complainant had been discharged from all liability on his said Bond by the Several acts of the General Assembly of Virginia heretofore referred to extending the time for the said Collector Barham to Make his final Settlement with the Treasurer of Southampton County, except the last Mentioned act Approved January 15th 1873, which extended the time for the said Collector Barham's final account and Settlement of Township levies with the Treasurer of Southampton County, after the said Township levies had been actually received by him for Collection from the 1st day of March the time prescribed by law when said Township levies were received for Collection to the 1st day of May thereafter. In Tender Consideration whereof and for as Much as your Complainant prays that the

Said R. A. Bristow Bank 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 R. A. Bristow his agents & attornies and all others may be restrained & enjoined by the Injunction of this Court from proceeding against your Complainant on said Bond to enforce the payment of the said Sum of Seven Hundred & eleven & 88/100 dollars or any part thereof; That your Complainant may be decreed to be fully discharged from all liability on said bond, and that all proper instructions may be given for effectuating the purposes aforesaid, That a writ of Injunction may issue, and that such other & further & 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 ever will pray &c.

Friend & Davis p.q.

State of Virginia,
City of Petersburg to wit:

This day D. J. Holmes personally appeared before me, a Notary Public in and for the City aforesaid, in the State of Virginia, and made oath that the facts Stated in the foregoing Bill of Injunction, as far as they are stated on his own knowledge, are true, and so far as they are stated from the knowledge or information of others, are believed to be true.

Given under my hand this 11th day of July 1873.

J. J. Cook
Notary Public,

Exhibit No 1.

Know all Men by these presents, That we John J. A. Barham and P. J. Holmes are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of Two thousand dollars, to the payment whereof well and truly to be Made to the said Commonwealth, we bind ourselves, our heirs, Executors, and Administrators jointly & severally, firmly by these presents. Sealed with our Seals and dated this 18th day of September A.D. 1871. The Condition of the above obligation is such that whereas the above bound John J. A. Barham who is this day required to give a new Bond as Collector, in the Township of Berlin Iowa, in the County of Hamptonton. Now if the said John J. A. Barham, shall faithfully discharge the duties of his said Office according to law, then the above obligation to be void, or else to remain in full force & Virtue.

J. J. A. Barham (Seal)
P. J. Holmes (Seal)
(Seal)
(Seal)

At a Court held for the County of Southampton, on the 18th day of September 1871, James G. Ennis one of the Securities of John J. A. Barham as Collector in the Township of Berlin Iowa, 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 appears in Court and waives the Notice and by Consent with Peter J. Holmes his Security (who justified to Oath as to his sufficiency) entered into and acknowledged a bond in the penalty of Two thousand dollars, Conditioned according to law; which bond bearing the required Stamps of Ten dollars affixed thereto and duly Cancelled, is Ordered to be recorded. And that the said Barham pay the said Ennis his Costs.

Teste, C White Clk

A Copy, Teste, J R Edwards Clk

(Exhibit No. 1.)

To John L. A. Barham & Peter J. Holmes;

Take Notice that I shall in the Name of the Commonwealth of Virginia, for the benefit of the Township of Berlin (Town) in the County of Southampton, move the County Court of the County of Southampton, on the first day of the July Term 1873, for a Judgment & award of Execution against you for the Sum of Seven hundred and Eleven 88/100 dollars, with damages thereon after the rate of ten per Centum per Annum from May 1st 1873, till paid, the said Sum of ($711.88) being amount due by John L. A. Barham Collector of Berlin & Ivor Township on account of Township levy for said Township for 1872.

Respectfully

R. A. Bristow Clerk
Berlin & Ivor Township and Ex Officio
Treasurer of said Township by
J. B. Prince, Atty for Commonwealth
for Southampton County.

To the Sheriff of Southampton to execute.

Upon which the following Injunction was awarded, to wit;

To the Clerk of the County Court of the County of Southampton—

Peter J. Holmes Plaintiff

against

R. A. Bristow Clerk of Berlin & Ivor Township and Ex Officio Treasurer of said Township— Defendants

An Injunction is awarded the Plaintiff to enjoin and restrain the Defendants his deputies, agents, attornies and all other persons, from further proceedings against the said Peter J. Holmes, on a Motion to be made for a Judgment and award of Execution for a balance alleged to be due by John L. A. Barham Collector of Berlin & Ivor Township in said County, on account of Township levy for said Township for the year 1872, as set forth in the Plaintiffs bill, until the further Order of the said Court. But the Plaintiff shall not have the benefit of this Order, until he or some one for him, shall enter into & Bond with good Security in the Clerk's Office of the said Court, payable to the Commonwealth of Virginia in the penalty of Fifteen 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 16th 1873.
In Vacation.

Edwin M. Mann,
Judge Hustings Court,
City of Petersburg.

And In the Clerk's Office on the 21st day of July 1873, the Plaintiff in Compliance with the terms upon which the Injunction was awarded him in this Case, entered into and acknowledged a bond in the penalty of fifteen hundred dollars, with good Security, Conditioned according to law. And a Subpoena with the Injunction endorsed thereon was issued against the Defendants to answer the bill, returnable to the first Monday in August then next. And on this day to wit; At a Court held for the County aforesaid on the day and year first herein aforesaid, to wit; on the 28th day of July in the year 1873.

This Cause was this day Docketed by Consent of parties, and by like Consent Came on to be heard on the Plaintiffs bill of Complaint, and exhibits filed, and on the Motion of the Defendants to dissolve the Injunction awarded in this Case on the 16th July 1873, the Plaintiff waiving the answer of the Defendants, and formal Notice of said Motion, and the same argued by Counsel. Whereupon the Plaintiff being required so to do, Confesses Judgment in Open Court to the Defendants demand under the Motion, proceedings wherein were enjoined, whereupon the

Cent

overruled the Defendants Motion, and doth adjudge, 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 P. Holmes on a Motion to be made for a Judgment and award of Execution for a balance alleged to be due by John D. A. Barham, Collector of Town & Berlin Township, in Southampton County, for the year 1872, to make perpetual, and that the Defendant do pay to the Plaintiff his Costs about his Suit, in this behalf expended.

Plaintiffs Costs to wit:

Clerks	$4.76	
Shff	50	
Law Tax	16.00	$21.26

Defendants Costs to wit.

Clerk	$0.35	
Law.	15.00	$15.35

A transcript of the Record.

Test.

L. R. Edwards clk

Clerks fee for this transcript $2.66

Having been inspected the within Record, I am of opinion, that there is reasonable doubt of the justice of the decree complained of, fit & proper to be axped & considered as prayed for in the annexed petition, certified to by Counsel, as the law requires, and I do therefore allow the writ of Supersedeas prayed for: but the said writ of supersedeas is not to issue, until R. A. Bisto Clerk, & ex officio Treasurer of the Township of Berlin & Door, shall enter into bond in the penalty of one hundred dollars, conditio to pay all damages, & costs, which may be awarded against or incurred by the petitioner.

Geo Bliss.

Z. Clk of Circ Ct for
County of Southampton

Holmes
vs
Copy Record
Berlin & Door Township

1874 Febry. 5th Dept. affirmed

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Pleas, at the Courthouse of Southampton County before the Judge of the County Court of said County on Tuesday the 22nd day of July in the year 1873.

Be it Remembered that heretofore to wit, on the 16th July 1873, Peter J. Holmes by Counsel, presented his bill in Chancery against James M. Corbett Treasurer of Southampton County, in the following words to wit:

To the Honorable J. R. Urquhart Judge of the County Court of Southampton County. In Chancery sitting.

Humbly complaining sheweth unto your Honor your Complainant Peter J. Holmes that on the day of 1871 John N. D. Barham qualified according to law as Collector of Berlin and Ivor Township 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 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 and prayed to be taken 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 fixing the duties and Compensation of certain Township Officers" approved July 15th 1870 required Township Collectors to pay over to the County Treasurer all taxes, to make their final settlements of the taxes on or before the first day of December of 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 the same Act your Complainant executed said bond as his surety. The General Assembly of Virginia by joint resolution entitled "Joint Resolution extending the time for collection of taxes and County and Township levies in the Commonwealth for the year 1871" approved Dec. 15th 1871 extended the time for making a final settlement County levies for the year 1871, by the said Collector Barham with the County Treasurer until the 1st 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 throughout the Commonwealth" approved March 18th 1872. the General Assembly of Virginia extended the time of making a final settlement of County levies and taxes for the year 1871 by said Collector Barham until 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 11th 1870, and acts amendatory thereof" approved March 19th 1872, the General Assembly of Virginia extended the time of the annual settlement of County levies & taxes for years subsequent to the year 1871 by the said Collector Barham with the County Treasurer until the first day of March, which said last mentioned act of the General Assembly was passed (also) 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 13th 1873. the General Assembly of Virginia, extended the time of the final settlement of County levies and taxes, by the said Collector Barham with the County Treasurer until the first day of May 1873, which said last mentioned Act of General Assembly was also passed without the knowledge or assent of your Complainant. Your Complainant 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 if so happens May it please your Honor that one James M. Corbitt signing himself Treasurer of Southampton County, has had served on your Complainant, a notice, directed to John D. A. Barham and your Complainant, whereby he is advised, that, the said James M. Corbitt, in the name of the Commonwealth of Virginia, will, on the first day of the July terms of your Honorable Court, move for a judgment and award of execution against the said John D. A. Barham and your Complainant for the sum of nine hundred and ten 28/100 dollars with damages thereon after the rate of ten per centum per month till paid, which said sum of nine hundred and ten 28/100 dollars is balance due by said John D. A. Barham Collector of Berlin & Ivor Township in Southampton County, on account of State taxes for year 1872, as will appear from copy of said notice hereto annexed marked "No 2" and prayed to be taken as part of this bill

Your Complainant further states that the said balance, if any such exists is due on account of 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 all liability on his said bond by the several acts

of the Genral Assembly hereinbefore referred to extending the time for the said Collector Barham to make his final settlement with the Treasurer of Southampton County, except the last mentioned act approved Jany 13th 1873 which said Act extended the time for the said Collector Barham's final settlement of Taxes with the Treasurer of Southampton County, after the taxes had been actually received by him for collection, from the first day of March, the time prescribed by law when said taxes were received for collection to the first day of may thereafter

In Tender Consideration whereof and for as much &c Your Complainant prays that the said James M. Corbitt may be made a party deft to this Bill and required to answer the same, and that by an order of Your honorable Court the said James M. Corbitt, his agents 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 nine hundred and ten 28/100 dollars, and every part thereof. That Your Complainant may be decreed to be forever discharged from all liability on said bond; and that all proper instructions may be given for effectuating the purposes aforesaid; that a writ of Injunction may issue from Your honorable Court, and that such other further 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 proper process issue and as in duty bound Your Complainant will ever pray &c &c:

Friend and Davis p.q.

City of Petersburg, to wit:

This day P. J. Holmes personally appeared before me a Notary Public in and for the City aforesaid and made oath that the facts stated in the foregoing Bill of Injunction so far as they are stated on his own knowledge are true, and so far as they are stated from the knowledge or information of others are believed to be true Given under my hand this 16th day of July 1873.

J. J. Cocke N.P.

("Exhibit No. 1.")

Know all men by these presents: That we John 2. 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 well and truley to be made to the said Commonwealth, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals and dated this 18th day of September A. D. 1871. The Condition of the above Obligation is such, that whereas the above bound John 2. A. Barham, who is this day required to give a new bond as Collector in the Township of Berlin and Jerr. in the County of Southampton. Now if the said John 2. 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 and virtue.

J. 2. A. Barham (Seal)
P. J. Holmes (Seal)

At a Court held for the County of Southampton, on the 18th day of September 1871. James M. Jones one of the securities of John 2. A. Barham as Collector in the Township of Berlin & Jerr. and desirous of being 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 on Oath as to his sufficiency) entered into and acknowledged a bond in the penalty of two thousand dollars Conditioned according to law, which bond having the required Stamp of one dollar, affixed thereto and duly Cancelled, is Ordered to be recorded, and that the said Barham pay the said Jones his Costs.

Test, C. White Clk

A Copy—
Test,
L. R. Edwards Clk

To John 2. A. Barham & Peter J. Holmes,

Take notice that I shall in the name of the Commonwealth of Virginia, 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 nine hundred and ten 28/100 dollars, with damages thereon after the rate of two per centum per month from May 2nd 1873 till paid, which said sum of nine hundred and ten 28/100 dollars is balance due by John 2. A. Barham, Collector of Berlin & Jerr Township, in Southampton County, on account of State Taxes for Year 1872.

June 19th 1873.

To Sheriff of Southampton
& to Execute

Respectfully
James M. Cottitt
Treasurer of Southampton
County— by
Jos. B. Prince for
Commonwealth for
Southampton Co.

Upon which the following injunction was awarded, to wit:

To the Clerk of the County Court of the County of Southampton

Peter J. Holmes Plaintiff
against
James M. Cottitt Treasurer of Southampton County Defendant
In Chancery.

An Injunction is awarded the plaintiff to injoin and restrain the defendant his deputies agents, attorneys and all other persons from further proceeding against the said Peter J. Holmes, on a motion to be made for a judgment and award of execution for a balance alleged to be due by John 2. A. Barham Collector of Berlin and Jerr Township in ~~Southampton~~ said County, on account of State Taxes for year 1872. as set forth in the plaintiffs bill until the further order of said 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 Clerks offices of the said Court, payable to the Commonwealth of Virginia, in the penalty of Eighteen 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.

over

Petersburg July 16th 1873.
In Vacation

Edwin M. Mann Judge
Hustings Court City of Petersburg

And In the Clerk's Office on 21st day of July 1873 the plaintiff in Compliance with the Terms upon which the injunction was awarded them in this case, entered into and acknowledged a bond in the penalty of Eight hundred dollars with good Security, Conditioned according to law, And a subpoena with the injunction endorsed thereon, was issued against the Defendants to answer the bill, returnable to the first Monday in August then next.

And on this day to wit At a Court held for the County aforesaid on the day and year first herein aforesaid. to wit on the 22nd day of July in the year 1873.

Peter J. Holmes
against
J. M. Corbitt Treasurer &c.

In Chancery

This Cause was this day docketed by Consent of parties and by like Consent came on to be heard on the plaintiffs bill of Complaint and exhibits filed and on the motion of the defendant to dissolve the injunction awarded in this Cause on the 16th day of 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 required so to do, Confessed judgment in open Court on the defendants demand under the motion proceedings whereon were injoined, Whereupon the Court over rules the defendants motion and doth adjudge order and decree that the injunction awarded the plaintiff on the 16th day of July 1873 to injoin the defendant from further proceedings against Peter J. Holmes on a motion for a judgment and award of execution against him for a balance alleged to be due by John D. A. Barham Collector of Drew and Berlin Township in Southampton County on account of State taxes for the year 1872 as set forth in the plaintiffs bill, be made perpetual; and that the defendant do pay to the plaintiff his Costs about his suit in this behalf expended.

Plaintiffs Costs, to wit,

Clk	$4.76	
Sheff	50	$21.26
Law & Fees	16.00	

Defendants Costs

Clerk $ 0.35

Law 15.00 } $ 15.35

A transcript of the Record

Teste S. R. Edwards clk

Clerks fee for this transcript $2.66

Having seen & inspected the within record, I am of opinion that there is reasonable doubt of the justice of the decree complained of, & fit & proper to be signed & considered as prayed for in the annexed petition, certified to by counsel as required by law, and I do therefore allow the writ of supersedeas prayed for: but the said writ of supersedeas is not to issue, until James M. Corbitt, Treasurer of Southampton County shall enter into bond, in the penalty of five hundred dollars, conditioned to pay all damages, costs &c., which may be awarded against or incurred by the petitioner

To Clk of Cir Ct
Southampton Co.

Geo. B. Stow

150

Holmes
v.
Commonwealth of Va.

Copy Record

1874 Feby. 3d Petn affirmed

Petn. Cost - $3.13
Coll. 50
Sh. 18.00
Law & Ext $21.63

Petn Cost $2.24
Clk 15.00
Law $17.24

Berlin adress
Formschein
3
M. Zhlstofnderer
Holmes
1875 July 21 CL
K
Geist Blows.

Berlin & Ivor Township Plaintiffs
versus Holmes

Upon a writ of supersedeas to a decree of the County Court of Southampton pronounced at the July Term 1873 thereof

This day come the parties by their attorneys and thereupon the transcript of the record of the decree aforesaid being seen and inspected it seems to the Court here that there is no error in the said decree Wherefore the Court doth confirm the said decree and doth adjudge order and decree that the plaintiffs do pay to the defendant his costs in this behalf expended

Southampton Co

M Brooke Judgment

D & Others

1874 Feby Ch

To be entered

Geo. T. Blow.

Southampton County
vs Holmes

Upon a writ of supersedeas to a decree of the County Court of Southampton pronounced at the July Term 1873 thereof

This day come the parties by their attorneys and thereupon the transcript of the record of the decree aforesaid being seen and inspected it seems to the Court here that there is no error in the said decree Wherefore the Court doth confirm the said decree and doth adjudge order and decree that the plaintiffs do pay to the defendant his costs in this behalf expended

Cobb Treasurer &c
vs } Supersedeas
Holmes
1873 November Term Cir Ct.

Executed by delivering Peleg Holmes a Copy of this Summons.
A. G. Cobb Dy for
W. W. Briggs Shff

The Commonwealth of Virginia

To the Sheriff of Southampton County. Greeting.

We command you that from all further proceedings on a decree of the County Court of Southampton County rendered on the 22d day of July 1873 in a cause therein depending in which Peter I Holmes was plaintiff and James M Corbitt Treasurer of Southampton County Defendant wherein it was adjudged ordered & decreed that the injunction awarded the plaintiff on the 16th day of July 1873, to injoin the defendant from further proceedings against Peter I Holmes on a motion for a judgment and award of execution against him for a balance alleged to be due by John D A Barham Collector of Ivor & Berlin Townships in Southampton County on account of State Taxes for the year 1872 do set forth in plaintiffs bill, be made perpetual and that the defendant do pay to the plaintiff his costs about his suit in this behalf expended you altogether desist, which decree before the Judge of our Circuit Court of Southampton County for cause of error in the same to be corrected on the petition of the said James M Corbitt treasurer of Southampton County we have caused to come he the said James M Corbitt having given Security to prosecute with effect and if the decree aforesaid shall be affirmed to pay all damages Costs and fees which may be awarded against him. We also Command you that you give notice to the said Peter I Holmes that he be before the Judge of our said Circuit Court of Southampton County at the Courthouse thereof on the first day of the next term, then and there to have a rehearing of the whole matter in the decree aforesaid Contained. And have then there this Writ.

Witness Littleton R. Edwards Clerk of our said Court at the Courthouse this 24th day of September 1873 in the 98 year of the Commonwealth.

L. R. Edwards cc

Commonwealth
v. } Bond
Holmes

Know all men by these presents,

That I James M. Corbitt Treasurer of the County of Southampton, are held and firmly bound to Peter J. Holmes in the just and full sum of Five Hundred Dollars, good and lawful Money of Virginia, to the payment whereof well & truly to be made, we bind ourselves, our heirs, Executors & administrators, jointly & severally firmly by these presents. Sealed with our Seals and dated this 15th day of September A.D. 1873.

The Condition of the above Obligation is such that whereas the Commonwealth of Virginia by James M. Corbitt, Treasurer of Southampton, hath preferred to the Judge of the Circuit Court of Southampton County a petition for a writ of Supersedeas to a decree of the County Court of Southampton rendered on the 22nd day of July 1873, in a Chancery Suit therein pending wherein Peter J. Holmes, was Plaintiff & the said James M. Corbitt Treasurer of Southampton County Defendant, wherein it was adjudged, Ordered and decreed, that the Injunction awarded the Plaintiff on the 11th day of July 1873, to enjoin the Defendant from further proceeding against Peter J. Holmes on a Motion for a judgment and award of execution against him for a balance alleged to be due by John L. A. Barbour Collector of Berlin & Ivor Township in Southampton County on account of State taxes for the year 1872, as set forth in the plaintiffs bill, be made perpetual, and that the Defendant pay to the Plaintiff his costs about his suit in this behalf expended. And the said Judge of the Circuit Court of Southampton County hath allowed the Supersedeas prayed for upon the terms provided by law, and hath fixed the penalty of the bond to be five hundred dollars. Now if the said James M Corbitt Treasurer of Southampton County, shall prosecute the said writ with effect, & shall well & truly pay all damages, Costs & fees, which may be awarded against him, then the above Obligation to be void, & else to remain in full force & virtue.

Jas. M. Corbitt Treas. (Seal)
Southampton Co

Know all men by these presents,

That I, R. A. Bristow, Clerk of Berlin Twp Township in the County of Southampton and Ex Officio Treasurer of said Township, am held and firmly bound to Peter J. Holmes in the just and full sum of One hundred dollars, good & lawful money of Virginia, to the payment whereof well and truly to be made, we bind ourselves our heirs, Executors & administrators, jointly & severally firmly by these presents, Sealed with our Seals and dated this 15th day of September A.D. 1873.

The Condition of the above Obligation is such that whereas the Township of Berlin Twp by R. A. Bristow Clerk of Berlin Twp Township & Ex Officio Treasurer of said Township hath preferred to the Judge of the Circuit Court of Southampton County a petition for a writ of Supersedeas to a decree of the County Court of Southampton rendered on the 22d day of July 1873, in a Chancery Suit therein pending wherein Peter J. Holmes was Plaintiff, and the said R A Bristow Clerk of Berlin Twp Township & Ex Officio Treasurer of said Township Defendants, whereby it was adjudged, ordered, and decreed, that the Injunction awarded the Plaintiff on the 11th day of July 1873, to enjoin the Defendant from further proceeding against Peter J. Holmes & a Motion for a judgment & award of execution against him for a balance alleged to be due by John D. A. Barham, Collector of Berlin Twp Township in Southampton County on account of Township levy for said Township for the year 1872, as set forth in the Plaintiffs Bill, to be made perpetual, and that the Defendant pay to the Plaintiff his Costs about his suit in this behalf expended. And the said Judge of the Circuit Court of Southampton County hath allowed the Supersedeas prayed for upon the terms provided by law, and has fixed the penalty of the Bond to be One hundred dollars. Now if the said R. A. Bristow, Clerk of Berlin Twp Township & Ex Officio Treasurer of said Township, shall prosecute the said writ with effect, or shall well & truly pay all damages, Costs & fees which may be awarded against him, then the above Obligation to be void, or else to remain in full force & Virtue.

R. A. Bristow Clerk & Ex. Off. Treasurer B of S Township (Seal)

Bristow Clk of

v } Supersedeas

Holmes

1873 November Term Cir. Ct

Executed by delivering Peter Holmes a Copy of this Summons.

A. Cobb DY

for W W Boisseau Shff

The Commonwealth of Virginia:

To the Sheriff of Southampton County. Greeting:

We Command you that from all further proceedings on a decree of the County Court of Southampton County rendered on the 22 day of July 1873. in a cause therein depending in which Peter I Holmes was plaintiff and R. A. Bristow Clerk of Berlin & Ivor township in the County of Southampton and Ex-officio Treasurer of said township was Defendant - whereby it was adjudged ordered and decreed that the injunction awarded the plaintiff on the 16th day of July 1873, to injoin the defendant from further proceedings against the said Peter I Holmes on a motion to be made for a judgment and award of execution for a balance alleged to be due by John D. A. Barham Collector of Berlin & Ivor township in Southampton County 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, you altogether desist; which decree before the Judge of our Circuit Court of Southampton County for cause of error in the same to be corrected on the petition of the said R. A. Bristow Clerk & Ex. officio treasurer as aforesaid we have caused to come, he the said R. A Bristow having given Security to prosecute with effect, and if the decree aforesaid shall be affirmed to pay all damages, costs and fees which may be awarded against him We also command you that you give notice to the said Peter I Holmes that he be before the Judge of our said Circuit Court of Southampton County at the Courthouse thereof on the first day of the next Term then and there to have a re-hearing of the whole matter in the decree aforesaid Contained. And have then there this Writ.

Witness Littleton R. Edwards Clerk of our said Court at the Courthouse this 24th day of ~~August~~ September 1873, in the 98th Year of the Commonwealth.

L R. Edwards Clk

Corbitt Treasurer &c
vs } Supersedeas
Holmes

1873 November Term 1st

Executed by deliv-
ering Peter D Storey
a Copy of the
Summons
A J. Cobb D.
for W. D. Briggs Sh'ff

The Commonwealth of Virginia

To the Sheriff of Southampton County. Greeting.

We command you that from all further proceedings on a decree of the County Court of Southampton County rendered on the 22d day of July 1873. in a cause then therein depending in which Peter I Holmes was plaintiff and James M Corbitt treasurer of the County of Southampton Defendant whereby it was adjudged, ordered and decreed that the injunction awarded the plaintiff on the 16th day of July 1873; to injoin the defendant from further proceedings against Peter I Holmes on a motion for a judgment and award of execution against him for a balance alleged to be due by J. D. A. Barham Collector of Ivor and Berlin Townships in Southampton County on account of County levies 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 you altogether desist, which decree before the Judge of our Circuit Court of Southampton County, for cause of error in the same to be corrected on the petition of the said James M Corbitt treasurer of Southampton County we have caused to come, he the said James M Corbitt having given Security to prosecute with effect and if the decree aforesaid shall be affirmed to pay all damages Costs and fees which may be awarded against him. We also Command you that you give notice to the said Peter I Holmes that he be before the Judge of our said Circuit Court of Southampton County at the Courthouse thereof on the first day of the next Term then and there to have a re-hearing of the whole matter in the decree aforesaid contained. And have then there this Writ.

Witness Littleton W. Edwards. Clerk of our said Court at the Courthouse this 24th day of September 1873. in the 98th year of the Commonwealth.

L. W. Edwards Cb

Commonwealth of Va

vs

Holmes

In Cir Ct Southampton Co
July Court 1874

Geo: Bloxton

Pleas at the Courthouse of Southampton County before the Judge of the Circuit Court of the said County on the twenty eighth day of February in the year one thousand eight hundred and seventy four.

Be it remembered that heretofore, in the vacation of the said Court to wit on the fourth day of September in the year one thousand eight hundred and seventy three the Commonwealth of Virginia by J. W. Corbett Treasurer of Southampton County, by attorney, preferred a petition to the Judge of the said Court for a writ of Supersedeas to a decree of the County Court of Southampton County rendered on the 22 day of July 1873, in a certain injunction therein pending wherein Peter J Holmes was plaintiff and the said Commonwealth of Virginia by J W Corbitt Treasurer of Southampton County defendant. which petition, Certificate of Counsel and transcript of the record are in the following words to wit—

(Here insert them & Exhibits.)

And in the Clerk Office on 21st day of July 1873. the plaintiff in compliance with the terms upon which the injunction was awarded him in this case, entered into and

On the 15 day of September 1873, the following bond was entered into (here insert Supersedeas bond)

And thereupon pursuant to said order of the Judge of the Circuit Court a writ of Supersedeas was issued on the 22 day of September 1873 which writ with the return thereon is in these words—

here insert Writ &c

And now at this day to wit. At a Circuit Court held for the County aforesaid on the day and year first herein mentioned. to wit on the twenty eighth day of February in the year ~~first herein mentioned, to wit on the~~ One thousand eight hundred and Seventy four — This day came &c

Commonwealth of Virginia, Plaintiff } Upon a writ of
v } Supersedeas to a
Holmes, Defendant } judgment decree of the
County Court of Southampton
County pronounced at the

July Term 1873 thereof.

This day came the parties by their Attorneys and thereupon the transcript of the record of the decree aforesaid being seen and inspected, it seems to the Court here that there is no error in the said decree: Wherefore the Court doth affirm said decree and doth adjudge order and decree that the plaintiff do pay the defendant his costs in this behalf expended.

Holmes

v. 33.

Commonwealth of Va

Petition for
Supersedeas