

1880-19

Southampton County Chancery - Thomas, P. S. vs Jones W. A.

Injunction

125
Thomas
vs 3 Billet & White
Jones

1880 November 29th fed
bond Security given Sp. of
injunction issued -

" Dec. 12. Dismissed by
order Jeffs alto.

To the Hon E. C. Barrett, Judge of the County
Court of Southampton. In Chancery.
Humbly complaining sheweth unto
Your Honor, your Complainant P. S.
Thomas as follows-- That on the 10th
day of Feb'y 1880, W. A. Jones & your
Complainant entered into an agree-
ment, whereby in consideration of
the fact that your complainant
would furnish said Jones with
supplies to an amount not ex-
ceeding \$150.- to enable said Jones
to carry on his farming operations
for the year 1880. said Jones being
a farmer & engaged in agriculture
he, ~~the~~ said Jones agreed to give said
Thomas a lien on five bales
cotton out of his crop for the present
year. which said lien was duly
signed & recorded in the Clerk's office
of Southampton, as will more fully
appear from the original herewith
filed marked B1- as an exhibit in
this cause - That in pursuance of
said agreement, Complainant
has faithfully kept his part of the
same and has furnished the
supplies as therein agreed upon.
That the said Jones not regarding

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his said agreement is selling a
part of said crop and avers that
he will sell more so that there
will not be left enough to pay
Complainant. That this is against
good conscience. and your complain-
ant has no remedy except in a
Court of Chancery.
To the end therefore that justice
may be done your complainant prays
that W. A. Jones may be made a
party defendant to this bill and
compelled to answer its allegations.
That an order may be entered
restraining and enjoining the
said W. A. Jones, his agents or attorney
from selling or disposing of in any
way any of his Cotton Crop for
the present year until he shall
have paid complainant, or seemed
to be paid what he now justly owes
him. and that the Shff of this County
may take possession of said crops
and sell the same for your
complainant what is due him.
And that your Honor will grant
such other further general or special
relief as to your Honor may seem meet,
or the nature of this case may
require. and as in duty bound
your complainant will say

Pray &c. May It please the Court
Jc -.

D. S. Thomas.

Virginia Southampton Co. Twp.

Personally appeared before
D. S. Thomas - and made affidavit
that the facts as set forth in the
above bill are true to the best of
his knowledge & belief - Given under
my hand Nov 18. 1880.

J. B. Prince, N.P.

Whereas H. A. Jones of Birmingham County
is engaged in the Cultivation of the soil
and has in advances in supplies during
1880 to the amount of One Hundred and fifty
Dollars and whereas J. S. Thomas of said
County does hereby agree to furnish him
to an amount not exceeding said sum
of One Hundred and fifty Dollars. Now
therefore their agreement made and entered
into this 10th day of February 1880
between the said Jones and the said
Thomas, Witnesseth that the said Jones
does hereby give and grant to the said
Thomas a lien of four bales of lint
Cotton of four hundred pounds each
of the first pickings of the Crop grown
by the said Jones in 1880. to secure pay-
ment for the advances in supplies afore-
said.

The said Jones further agrees to deliver
to the said Thomas as soon as the said
Cotton shall have been ginned, so much
thereof as may be sufficient to pay
for the advances aforesaid Witness
our signatures and seals.

H. A. Jones (Seal)
J. S. Thomas (Seal)

State of Va

Southampton Co. Court:

I, G. M. Hughes a Justice
of the Peace for said County do Certify that
W. A. Jones and P. S. Thomas whose names
are signed to the writing attached hereto
do acknowledge the same before me
in my County aforesaid, this 11 day
of February 1880. G. M. Hughes Jst

Southampton County: In the Clerk's Office
February 16th: 1880. This Agreement between
W. A. Jones and P. S. Thomas was
this day received, and acknowledged
by the said Thomas to be his act and
deed, and with the certificate annexed
of the acknowledgment of the said
Jones before a Justice of the Peace
admitted to record

Teste: L. R. Edwards C. C.

Jones
Thomas

Dec. 16th
1880. Read &
ack. by Thomas
x a. R

Ex^h 11

Recorded
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(Fev 75^c Paid)

Know all Men by These Presents, That we,

P. S. Thomas & J. B. Price

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of *three*
hundred dollars dollars to the payment whereof well and truly to be made we bind ourselves,
our heirs, executors and administrators jointly and severally, firmly by these presents. And we the obligors
herein, hereby waive the benefit of our homestead exemption as to this obligation. Sealed with our seals and
dated this *29* day of *November* A. D., 188*8*.

The condition of the above obligation is such, that if the above bound *P. S. Thomas* has
obtained from the Judge of the County Court of
Sonchampton an injunction to restrain &
superior v. a Jones his agents and attorney and
all others from selling or otherwise disposing
of his cotton crop made during the present year
until he shall have ~~received~~ or seemed to be
paid to *P. S. Thomas* what he owes him as by
a pecuniary filed with the bill of complaint
now of the said *P. S. Thomas* shall pay & satisfy
all damages ^{and costs} which the said *W. A. Jones* may
sustain by reason of said injunction

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

Signed, sealed and delivered }
in presence of the Court, }

P. S. Thomas

SEAL

J. B. Price

SEAL

SEAL

SEAL

To restrain and inform the Defendant W. A. Jones his agents
attorneys and all others from removing or in any wise disposing of
the crop of Cotton ^{until the further order of the court} on which the plaintiff has a lien. And W. Briggs
Sheriff of Southampton County is hereby appointed a receiver to take
possession of said cotton crop and sell enough to satisfy the demand of the
plaintiff together with the costs of this suit. The plaintiff having given bond
with approved security before the clerk of the Circuit Court of Southampton
County in the penalty of three hundred dollars conditioned according to
Law -

Teste L. R. Edwards CC

Thomas

Spa. & Byron

Jones

1880 December Rules

Executed by detainer

Wm A Jones a copy

of this Summons on the

1st day of December 1880

I also took possession of

about 1500 pounds of seed

cotton, which afterwards

released by order of the

Sherriff W. L. Briggs

The Commonwealth of Virginia,

To the Sheriff of Southampton County - GREETING,

WE COMMAND YOU TO SUMMON

W. A. Jones

to appear at the Clerks Office of our Circuit Court of Southampton County
at the Rules to be holden for the said Court on the first Monday in *December*
next to answer a bill in chancery exhibited against *him* in our
said Court by

J. I. Thomas. And thus 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 *29th* day of *November* 188*0*, in the *105th* year
of the Commonwealth.

L R Edwards cc

Thomas
vs

Jones.

Impunctin
order

Thomas

vs 3

Jones

An injunction is awarded to restrain and join the defendant W. A. Jones, his agents, attorneys or any one else from removing from the premises or in any wise disposing of the crop of cotton on which the plaintiff has a lien. And Wm. Briggs - Shff of Southampton Co. is hereby appointed a Receiver to take possession of said Cotton Crop - and sell enough to satisfy the demand of the plaintiff together with the costs of this suit. But the said Thomas is not to have the benefit of this order until he shall have entered into bond before the Clerk of this Court with security to be approved by him in the penalty of \$300. Conditioned to pay all such damages as may be sustained by the defendant by reason of the serving out of this injunction.

To the Clerk of The Circuit
Court Southampton.

E. B. Bant
Judge Co Court of Southampton

P. S. Thomas

Plff

against
W. A. Jones

Def

This day this cause came on to be heard on the bill ^{filed therewith} exhibits and was argued by plaintiff counsel - And the plaintiff not caring to prosecute this suit further It is therefore with the consent of the plaintiff ^{ordered} that the Injunction awarded the plaintiff on the 29th day of November 1880. be Injunctive the Defendant from removing or in any wise disposing of his crop of Cotton on which the plaintiff has a lien be dissolved, that the plaintiff bill be dismissed And that each party pay their own costs.