

1894-12

Southampton County - Chancery

Prince, J. B. vs. Hill, F. J. et al

"To Comply with"
Contract of Sale

Dickens, Chas E.

I.B. Pruner
n 3 Beet Schicht
Beet Dicken

Heim
I.B.P.

I.B. Pruner p. 7

Circuit Court of Southampton Co

To the Hon Justice Judge of the Circuit Court
of Southampton. In sheweth.

Complaining sheweth unto your Honor
your complainant J. B. Parice as follows
That by contract under the hands and
seals of complainant & F. J. Hice, dated
Oct 4. 1889, your complainant sold
or bargained to sell to said F. J. Hice, a
certain portion of land in Southampton
County, containing 116 acres of land, and
bounded by the land of J. W. Whitehead, the road
from Courtland to Newsum, the Barron Road,
and the land of J. B. Land, and put the said
Hice in possession of said land. The said
Hice agreed to pay your complainant \$400.00 as
follows \$100 in cash, and the balance in three
equal payments of \$100 each. Said deferred
payments bearing interest from July 1. 1890.
as will more fully appear from said contract
herewith filed as Exhibit 'A' and proposed to
be read as part of this bill. It was also
agreed that when said payments were all
paid, the said Parice would make the
said Hice a good sufficient deed for
the same. Your complainant says that
the cash payment of \$100 and the first deferred
payment of \$100 were paid. but the other two
deferred payments are unpaid. and that the

bonds for the two deferred payments are
filed herewith as Exhibit B & C. as part
of this bill. Your complainant has
always been ready to comply with his
Contract of sale and is ready now, but
the said F. T. Hice has not nor will not
comply with his part of said Contract.
On the contrary by his deed of 5th Oct
1892, he has conveyed his interest in
said tract of land to one Chas E. Dickens
as vice mine fully appear from a copy
of said deed filed herewith as Exhibit
D. and as a part of this bill. The
said Dickens will not comply with
the Contract of sale made by his vendor
F. T. Hice.

The said Hice & Dickens are both with-
out and your complainant has no
remedy left him but to seek for a specific
Execution of the Contract of sale. Your complain-
ant is willing now and has been willing
all the time to comply with his part of
said Contract, both as to said Hice and his
heir or the said Dickens.

In consideration whereof, and in as-
much as your complainant is without
remedy in the premises & is left in a Con-
viction

of Equity where such matters are properly
Cognizable, to the end therefore that Justice
may be done, he prays that F. T. Hice
and Chas L. Dickens may be made
parties defendant to this bill Computed
to answer the same, but answers
under oath are expressly waived as
to both. That an order may be entered that
unless the balance of the purchase money
due your Complainant shall be paid
in a reasonable time to be designated
by this Court, that the said land be sold
and the net proceeds of sale be applied
to the payment of the unpaid purchase
money due your Complainant.
and that your Honor will grant such
other further, general & special relief
as to Equity may seem meet in the
nature of this case may require.
And as in duty bound, your Complainant
will ever pray. May it please the
Court &c

J. B. Preece pr.

Stat of costs in Suit of
Prince vs Hill + Dickens

Clerk	T. M. Howard	\$3.09
Shff	J. W. Williams	1.00
Lawsc	J. B. Prince	16.50
		\$20.59

Attest

T. M. Howard

Prince

Dr. } Stoh. Cast.

Hoile & Dickens

A Copy

—

Prince

Dr. { Stat East
Hill Decimus

Stat: Cash in Suit of
Prince & Hill + Dickens

CLC

25 - 26 - 18 - 10 - 50 - 35 - 15 = \$1.79

2 M H

15 50 - 40 - 25 -

130

~~\$3.09~~

Shff

2 Sum

1.00

Labor

16 50

~~\$20.59~~

Teste J. M. Howard C.C.

Princed

Dr. ~~~~~
Princed

Will et al

1894, 1st April Rules

bin. 8th.

Princed fig.

Executed March 30th, 1894 by deliver-
ing a copy of this "Sum." to
each of the within named
parties defendant.

C. J. Williams Rept. for
J. H. Williams Shiff.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

J. P. Hill and Charles H. Dickens

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the *first* Monday in *April 1894* ~~next~~, to answer a Bill in Chancery exhibited against *them* in our said Court by *J. B. Prince*

And this *they* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, T. M. HOWARD, Clerk of our said Court, at the Courthouse, this *29th* day of *March*, 189*4*, in the 11. *8*.th year of the Commonwealth.

TESTE:

T. M. Howard, C. C.

This Agreement made Oct 4. 1889
between I. B. Prince of one part
and F. J. Hill of the other part
Witnesseth: That the said I. B. Prince
has sold the said Hill that certain
piece of land, south of the dividing
line of W. Whitehead's land, contain-
ing by actual survey 116 acres,
as appears by a survey made by
Capt J. C. Hill, the plat and descrip-
tive notes of which are filed in
a deed made by I. B. Prince & wife
to Jacob W. Whitehead dated July 3.
1889, a copy of which plat is to be
filed with this agreement as a part
thereof. The said 116 acres being a
part of the Wm. Vaughan land
bounded by the land sold said
Whitehead, the road from Crestland
to Newsum, the Barren Road, the land
of J. B. Landron. In consideration
whereof the said Hill agrees to pay
the said Prince one hundred dollars
in cash. and to execute his three
bonds for one hundred dollars
each, each bond to bear interest
from July 1. 1890, and to be due in
one, two & three years from July 1.

1890. The said Hice is to pay all taxes
after the year 1889- and when his
said bond are all paid, the said
Prince agree to make him a
good & sufficient deed for the said
land. Witness the following signatures
Heads-

I B. Prince
J. S. Hill

I B. Prince
4 3 agreement
7-7- Hice

Prince

Dr. } Stat. Rules

Wells & Dickens

Described

J.B. Prince Plff
(or) In Chancery

J.T. Hill & Co. vs

W. Dickens Deft

1894 Mar 29 Process to 1st Apl Rule
" 1 Apl Rule, Process not executed
Bill & Ex filed, decree
missi
" 2 Apl Rule: Dismissed by
order of Plaintiff