1825-009 Chancery Causes. Richard Reynolds, admr of Henry Harrison & al vs Joseph Atkinson

Isle of Wight County

To the Worshipful Court of Ohio County Sitting in Chancery - Humbly complaining shew unto your Honors your orator Richard Reynolds administrator of Henry Harrison ~~deceased~~ your orator Fanny Harrison widow of Henry Harrison and your orators ~~and orators~~ Richd. Lucy Ann, Ramond & Mary Frances and Margaret B. W. Harrison ~~infants~~ children of the said Henry Harrison infants under the age of twenty one years sueing by the said Richard Reynolds their next friend; That a certain Henry Harrison of which your orator Richd Reynolds is the administrator and of which your orator and orators ~~and~~ the said children in his lifetime to wit about the day of 1824 entered into ~~a contract~~ an agreement with a certain Joseph Atkinson of the County aforesaid for the purchase of a tract of land lying & being in the County aforesaid containing by estimation 100 - acres, by which ~~agreement bounded with the said tract by the following description Tyree's by the Cypress Hills, with the Marks by the lines of Thompson Lisle, Watts by~~ by the agreement aforesaid, the said Joseph Atkinson was to execute a good and sufficient deed of bargain and sale to the said Henry Harrison upon the vendee paying to him the sum of four hundred dollars, and Harrison the intestate was put into possession of the said land to take the profits thereof to his own use, and left possession thereof with his death which occurred about the time aforesaid - time was appointed to execute the deed but some occurrence or neither the control of either party prevented the execution as contemplated - The intestate was willing and anxious on his part to complete the contract and when about to die desired that for the benefit of his wife and children the

that Joseph Atkinson should be required to comply with his contract by executing a deed to his wife and his own and that out of his estate the purchase money might be paid - And your complainants state that since the death of the intestate application has been made to the said Atkinson who will not comply with the wishes of your complainants unless compelled by a Court of Equity in which case Equities are perfectly cognizable - They think that in justice he ought to be compelled upon the receipt of the purchase money to execute a deed for the land aforesaid to the wife or widow & heirs of the said Henry Harrison - They therefore pray that the said Joseph Atkinson may be a defendant hereto and that he be compelled fully true & direct answer to make to the allegations aforesaid and finally as if the same were herein again repeated and he charged more particularly interrogated. To the end they pray that your worships will decree that he do execute which in law & justice he ought to be done, in order to give title to the land aforesaid according to the terms agreed upon by the intestate and the said Atkinson and as in duty bound they will ever pray &c -

Richd. Reynolds

Atkinson p. s

Richard Reynolds admr. of Henry Harrison
Fanny Harrison Widow & relict of Henry Harrison, and Lucy Ann, Richard
Edmond G. Allen, Frances, infants under the age of twenty
Margaret H. Harrison one year suing by the said Richd. Reynolds their next friend — complts.

In Chancery.

Joseph Atkinson — defendt.

This cause was this day by consent of parties docketed and by like consent with the assent of the Court, came on to be heard upon the Bill, answer and exhibits and was argued by Counsel, whereupon after mature consideration the Court doth adjudge order and decree that upon the payment by the plaintiff Richard Reynolds admr. of Henry Harrison, to the defendant Joseph Atkinson of the sum of four hundred dollars with interest thereon from the 25th day of December last past, the said Joseph Atkinson do by a good and sufficient deed, convey to the pltff Fanny the widow and relict of Henry Harrison dec'd for her natural life one third of the tract of land in the Bill mentioned sold by him to Henry Harrison in his stipulations and the inheritance of the said one third of the said land to the plaintiffs Lucy Ann Harrison, Richard Harrison Edmond G. Allen, Frances Harrison and Margaret H. Harrison infant children and heirs at law of Henry Harrison dec'd.

Reynolds &c
v 3 Bills &c
Atkinson

March 7th 1825 parties
heard and final decree
(six minutes)

Newland 183.
Randolph 188.

The answer of Joseph Atkinson to a bill of complaint or bill in Chancery against him in the County Court of Isle of Wight by Richard Reynolds admor. of Mary Harrison and others.—

This defendant saving and reserving to himself all manner and benefit of exception to the errors and imperfections in the complainants bill contained for answer says that in the lifetime of Mary Harrison aforesd he purchased a tract of land in the bill mentioned of your respondent upon the terms therein stated and that he was allowed to take possession of the same— He is not disposed to withhold from the complainants the land aforesaid if in justice and Equity he ought to convey provided he can receive from the admor. or some other of the complainants the sum of four hundred dollars with interest thereon from the 25th of December last past— He denies any intention to defraud the intestate Harrison or the complainants & is willing to do in the premises what the Court shall adjudge to be correct— Having answered he prays hence to be dismissed with his reasonable costs in this behalf expended—

(signed)

Joseph Atkinson

Atkinson

ads: Zeman

Reynolds &c.