

John P. Dulany vs Daniel F. Dulany Jr.
www.lva.virginia.gov
Chancery Records Fairfax County
Index No. 1867-020
Original Case Number: Cff23 H

Chancery
p. 44-47

To the Honorable Henry W. Thomas Judge of the Circuit court, for the County of Fairfax, {cannot read} in Chancery Humbly complaining shows unto your Honor, Your Orator John P. Dulany of the County of Loudon and State aforesaid, by this his Bill of Complaint, Respectfully represents that his is the owner in fee simple, of a tract of land in the County of Fairfax, lying near the Falls Church containing about three hundred acres, as will be more fully seen by a Copy of the Deeds herewith exhibited marked No. 1 & 2 and prayed to be taken as a part of this Bill.

That several years prior to the late War, the premises were occupied by the family of the late Daniel F. Dulany with the absent and permission your orator, but during the War, your orator was not enabled to exercise any direct control over it.

Your orator is informed and therefore charges that quite recently one Daniel F. Dulany has taken possession of, and now occupied the Mansion House upon the said tract of land, but that this occupation and possession of the premises was without any direct authority from you orator-but your orator is informed that by virtue of this unauthorized and temporary possession of the premises, the said Daniel F. Dulany has cut, carried off and sold in (cannot read) a large quantity of wood, that he has at the present time a considerable quantity of Wood cut and ready to be transmitted to Market, and that he is now cutting wood and timber to be sent to the market and sold, or, to be sold upon the premises, as soon as a purchaser can be obtained therefore-

Your orator especially charges that all these acts of the said Daniel F. Dulany have been committed without the sanction or authority of your orator, and unless restrained the said Estate will be entirely denuded of its wood and timber, thereby, causing irreparable damage, and rendering the same, in the present condition of real estate in the County of Fairfax, in a great mess-valueless-that the said Daniel F. is in insolvent circumstances and may continue this waste and destruction of your orators property without any prospect of pecuniary compensation.

Your Orator further represents that being anxious to avoid a controversy with said Daniel F. he has recently applied to him in a friendly manner for the possession of the said farm, and an amicable adjustment, of any claim which he may have against your orator, all of which he has either refused or evaded.

In tender consideration whereof, and in as much as your orator is without adequate relief in the premises at Law, and can only be relieved in equity before this Honorable Court, where matters of this kind are properly cognizable and reliable

To the end therefore, that the said Daniel F. Dulany may be made a party defendant hereto with apt words to charge him, and that he may on Oath full true and perfect answer make to the allegations herein contained

That the said Daniel F. Dulany may be restrained from selling or removing for the purposes of sale, or for any other purpose, the wood and timber now cut and upon the said farm

That the said Daniel F. his agents, or servants may be restrained from cutting any wood or timber upon the sate estate or from selling any wood for the purposes o being cut and removed from the same

And that your Honor may make such other and further order in the premises as may be consistent with equity, and the protections of the rights of your orator in the premises

May it please hour Honor to grant to your Complainant, the Commonwealth 's most gracious writ of Injunction and subpoena, to the said Defendant director to

John P. Dulany
March 10, 1866