

DECISIONS OF CASES

IN

VIRGINIA,

BY THE

HIGH COURT OF CHANCERY,

WITH REMARKS UPON DECREES,

BY THE

COURT OF APPEALS,

REVERSING SOME OF THOSE DECISIONS.

BY GEORGE WYTHER,

CHANCELLOR OF SAID COURT.

SECOND AND ONLY COMPLETE EDITION, WITH A MEMOIR OF THE AUTHOR, ANALYSIS  
OF THE CASES, AND AN INDEX,

By B. B. MINOR, L. B., OF THE RICHMOND BAR.

AND WITH AN APPENDIX, CONTAINING

REFERENCES TO CASES IN PARI MATERIA, AND AN ESSAY ON LAPSE;  
JOINT TENANTS AND TENANTS IN COMMON, &C.,

By WILLIAM GREEN, Esq.

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RICHMOND:

J. W. RANDOLPH, 121 MAIN STREET.

1852.

BETWEEN  
WILLIAM COLE, *plaintiff*,  
AND  
MARY SLOMAN SCOTT, executrix, and Francis Scott,  
James Scott, and Frederick Scott, sons of Thomas Scott,  
*defendants*.

Bill for specific execution of agreement to purchase land. Same point as in the preceding case. Decree for sale of the land refused.

IN this cause, which was a bill for specific execution of an agreement to purchase land, and which was heard the 15 day of may, 1794, the court, for reasons similar to those explained in the case between Rose and Nicholas, refused to subject the land to sale for payment of the purchase money.\*

[\*The Court of Appeals say, 2 Wash. 141-3, that the only question was, whether the vender of land sold and in possession of the vendee, but not conveyed, has a lien upon it, so as to secure the payment of the purchase money. They held, that the appellant *Cole*, not having conveyed the land, nor taken any security for the balance of his purchase money, hath a lien upon the lands in the hands of the appellee for satisfaction of such balance. Chancellor's decree dismissing the bill reversed. See *King v. Hanson*, 4 Call, 259.—*Ed.*]