1797-035

SOUTHAMPTON COUNTY

CHANCERY PAPERS

NEWTON'S ADM'R. VS. NORFLEET'S EXT'RS.

9/1797

other SURNames: Gee

Cautions ad
rem
Proplees esem } Bell

(S A)

Sept. 1797
Injs Dess ob
Bell dimiss

To the Worshipful Court of Southampton County sitting
in chancery humbly complaining sheweth unto your
Wpps your orator William Newton administrator of the
goods chattels & credits of Alice Newton deceased —

That your orators intestate in her life time, to wit,
on the fifth day of February 1779, (when paper money was
in circulation, and agreably to the scale of depreciation
was worth one for ten.) was indebted to a certain Condall
Norfleet late of the said County in the sum of Twenty nine
pounds 9/7½ and gave her note payable to the said Condall
for the same. That subsequent thereto, to wit. on the
day of 1785. after the funding of paper money, the
said Condall called upon your orators intestate for
the said bond, which she did, and gave the said bond
for not only the principle, but the interest of the former which
accrued (as well as your orator readily) to the sum of
Thirty eight pounds That since the circumstances
aforesaid to wit on the day of the said Condall
departed this life, after having made his last Will & Testament
in which he nominated & appointed John & James Wetherington
& Mary Norfleet, now Mary Gee his executors, who hath
instituted a Suit & recovered a Judgment against your
orator as administrator of the said Alice, on the last mentioned bond, and threatens to have execution for the

nominal amount thereof; when in fact the said debt when the first bond was given, was agreeably to the scale of depreciation only worth two pounds 10/112 Specie, which circumstance your orator conceives to be fraudulent & unjust in the highest degree

In tender consideration whereof, and for as much as your orator is without remedy at law, and only properly relievable in a Court of equity

To the end therefore that the said John & James Wilkinson & James Gordon may thereby be the executors of the said Cordall (who your orator prays may be made defendants to this his present complaint) may upon corporal oath, full true & perfect answer make, to all and singular the allegations herein contained, and that as expressly as if the same were herein repeated & interrogated

And that your Hon[or] will enjoin the said judgment, until this matter is fully heard before this Court in equity, and then make the said injunction perpetual or make any other or further order or decree for the relief of your orator in the premises as may appear equitable &

just.

may in these your Hon[or] to grant &c

Yarbrough for Compl[t]

The facts herein contained were sworn to in Court

Newton's adm.

vs

Norfleets &c.

bo/cy
bill

30 acts

To the worshipful court of Southampton county sitting in chancery humbly complaining
shewith unto your worships your orator William Newton administrator of the goods chattels
& Credits of Alice Newton deceasd. That your orator intistate in his lifetime
to wit, on the fifth day of February 1779. when Paper money was in circulation, and
agreeably to the scale of depreciation was worth one for ten was endebted to a certain Cordall
Norfleet late of the said county in the sum of twenty Nine pounds 9/7½ & gave
his note payable to the said Cordall for the same — That subsequent thereto
to wit on the day of 1785. after the funding of Paper money, the
said Cordall, called upon your orators intistate to renew his said bond, which she did,
and gave the last bond for not only the principle, but the interest of the former
which amounted (as well as your orator recollects) to the sum of Thirty eight pounds
That since the circumstances aforesaid to wit on the day of
the said Cordall departed this life after having made his last will &
testament in which he nominated & appointed John & James Wilkinson and
Mary Norfleet, now Mary Gee his executors who hath instituted a suit and
recovered a Judgment against your orator as administrator of the s.d Alice, on
the last mentioned bond, and threatens to have execution for the Nominal
amount thereof when in fact the said debt when the first bond was given was a
greeable to the scale of depreciation only worth two pounds 18/11½ Specia which
circumstance your orator conceives to be fraudulent & unjust in the highest degree
In tender consideration whereof and for as much as your orator is
without remedy at law fully & properly relievable in a court of equity
To the end therefore that the said John & James Wilkinson & Mary Gee & Mary his
wife Executors of the said Cordall (who your orator prays may be made defendants
to this bill of complaint) may upon their corporal oath full true & perfect An-
swer make to all & singular the allegations herein contained, and that as copiously
as if the same were herein recapitulated & interrogated
And that your Wps will injoin the said judgment until this matter is fully
heard before this court in equity, and then make the said injuction perpetual or
make any other or further order or decree for the relief of your orator in the
premises as may appear equitable & just.
May it please your Wps. to grant &c &c.
Yarbrough for compl.

The facts herein contained were sworn to in court.

A Copy Teste
Jno. D. Kaufmann D.C.

31/162
44½
15
30

Northcote Esqrs
Ans
Newton's adrs

Hale

The answer of John & James Wilkinson & James Lyle & Mary his wife exors of Cordall Norfleet dead to the Bill of complaint of William Newton admor of Alice Newton dead complainants.

These Defts now & at all times hereafter saving & reserving to themselves all & all manner of advantage & benefit of exception that may be had & taken to the many untruths & errors in the said Bill of complaint contained for answer thereto or to so much thereof as they are advised is material to be answered they answer & say

That the said Alice Newton in her life time for a number of years had dealings with the aforesaid Cordall Norfleet in the way of Goods wares & merchandizes prior to the 2d day of January 1776 — That sometime in Feby. (perhaps the fifth) 1779. the said Alice executed a bond to the said Cordall Norfleet for the sum of twenty nine pounds 9/7½ being not at that time aware of the diminished value of the circulating medium — That afterwards to wit on the day of 1785 the former note was taken in by the said Alice and the one which is the foundation of the suit at law given therefor including Interest — That this transaction & exchange was made in consideration no doubt of the original justice & equity of the said Cordall's demand as will appear from a view of the dealings between them

previous to 2d Jan.y 1776. a Transcript of which is hereto annexed as part of the Defts answer — And with respect to the justice & equity of the Claim aforesaid the Defts John Wilkinson the acting Exon of the said Cordall Norfleet deed Expressly charges that some sometime on or about the day of 17 — after suit was instituted against Alice Newton she the said Alice came to this Defts house and this Defts looked over the books of his said Testator and the said Alice declared herself satisfied — and further added that she would give up her Estate to her children if they would pay off the said Debt. & some of them to wit William & Shadrach as well as this Defts recollect agreed to it on their part & indulgence being craved this Defts wrote to the Merchs not to execute the writ.

Thus it appears that a willingness allways existed on the part of the Compltts Intestate to do what was just & right, but the Compltt doth not appear to be governed by the same upright principles — The demand thus appearing to be of Specie original no modifications afterwards could destroy it when those again were changed into a hard money contract, comparing with the first demand — The Defts pray to be hence Dismissed ~~Value Rec.~~ with their proper Costs &c ~~without~~ that &c &c

E Hill for Defts

Southampton County &c

John Wilkinson one of the Defts herein ~~the Gill aforesaid~~ named came before me a justice of the Peace for the County aforesaid & made oath that the substance & matter of fact of the foregoing answer are true so far as relate to his own knowledge & so far as he is informed he believes them to be true

Oct. the 8th 1795 Robt Goodwyn

For not appearing to answer a bill of injunction filed against them by Willm Newton jadmr &c of Alice Newton decd

By rule of court
Jno D. Haussmann Dpt Clk

Newton's adm. (531)

vs

Norfleets &c ors

Attn for contempt

to Octbr 1795

Not Executed through Sickness

J. Underwood Dpt

The commonwealth of Virginia to the sheriff of Southampton county greeting. We command you that you attach John Wilkinson James Wilkinson James Gee and Mary his wife executors &c of Bordall Norfleet dec.d so that you have their bodies before the justices of our said county court at the courthouse of this county on the second thursday in ~~September~~ October next to answer us as well of a certain contempt to us offered as it is said as upon those things which to them then and there shall be objected and further to do and receive what our said court shall of them in this part consider. And have then there this writ. Witness Samuel Hello clerk of our said court the 25th day of August 1795 and in the 20th year of our foundation

Jno D. Kaufmann D.C.

Illm. Newton ad Alice
significavit 10 April
Jno. & James Wilkinson
& Mary Markland Executors
Exec. Indgmt. for

Feby 5. 1779 Then Alex Newton
gave Condale Norfleet his Note of
hand on Interest for Twenty Nine
Pound Nine Shillings & Seven pence
Virginia ——— Cur Money
of Virg.ª ———

20 f. 1.

A Statement
of
Alse Newtons
A/C/on
C. Hostak
Book

Memo: of the Newtons Acco.t on Cordall Norfleet Book

	To Sundry Goods &c. to 2 Jan.y 1776	£36..14..01
1779 Feb.y 4	To Interest & omission in Finding	10..14..7
		47..8..7½
Feb.y 4.	By 2. 30 Dollar Bills. 18..0.—	
	By Noth Wand to Bal.e 29:9-7½	47..9..7½
	To Noth for	29:9..7½
Mar: 21. 85	To Int.t on d.o	
	To Noth for	£38..9-3