

1801-025

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BROWNE

VS.

SIMMONS

3/1801

other surnames: Yarebrough

At the Justices of Southampton County, sitting
in Chancery, humbly complaining, sheweth unto your
Worships, Your Petitor Abridgton Browne - ~~15th April~~

That some time in the year of our
Lord 179~~8~~ your Petitor became appearance bail to Esquire
Lewis in the suit of Daniel Simmons against him. That
subsequent to this, to wit the 1st of June, he appeared at
the court of his county with the intention of extricating
himself from his situation, and that as he was about to
deliver the said Lewis to court and compel him to enter
Special Bail, he met with Richard Garbrough the attorney
of said Simmons who upon finding out your Petitor's
business, told him that it was unnecessary for him
to do so, because he. R. Garbrough was instructed to
discharge the said Suit, and that he would immediately
comply with these instructions. - And your Petitor states
that he relying upon Mr. Garbrough's promise, was
afterwards surprised by an execution founded upon
his unfair judgment -

In tender consideration whereof
and for as much as your Petitor is without
remedy at common law, he solicits the interference
of your Worships.

To the end therefore and your
Petitor prays that the said Daniel Simmons may
be made dependant to his bill of complaint, and
that he, ^{his atty.} and the rest of his confederates, when
discovered may upon their corporal oaths full
true, and perfect answer make to all and singular
the allegations in this bill contained, and that as

fully as if the same were here again repeated, and more
especially that he state if he ever directed his suit to be
dismissed and at the time allowed to. or at any other time,
and if he never heard of his attorney, desiring y^r said
Prator. And he lastly prays that the judgment
aforesaid may be enjoined, and all further proceedings
thereon staid. until this matter can be more fully
heard & determined before his court, And that your
Worships will make such other order & decree as may
seem just and agreeable

May it please y^r.

Rich^d & W. Byrd
to 2

April the 17th 1779

This day Albridgeore Browne personally appeared before
me one of the Justices of Southampton County and made oath
that the allegations contained in the preceding bill are true
Given under my hand & Seal the day and year aforesaid

Browne } Bill
Linnamons }

March 1804
Ans: Filed & sworn to
Alpothe Rep. Court

Wm Edmunds Secy

Soriman de
la } Anacuet
Ocunsa }

—
Tulita a pl. Caut la
dijolun

The joint answer of Daniel Simmons and
Richard Yeatman def^s to the bill of Complaint
of Abner Brown Compt^{ts} exhibited against
them in Southampton Court.

These def^s having & reserving to themselves
all manner of exception to the many uncertainties
and imperfections in the Complaint, said bill
of Compt^{ts} contained, for answer thereto, & to
so much thereof as they deem necessary to an-
swer unto. The def^s Daniel said that he
never directed his attorney, R. Yeatman mi-
nor at that, or any other time he discharges this
suit against Exm Lewis, nor had he any
such thing in contemplation. This dep^t
Richard Yeatman for answer said, that he
is well aware that the Compt^{ts} must have
been mistaken, in that, that this def^t told him
that he had instructions, and was about to
dismiss the said suit, having never been
accustomed to dismiss suits without orders,

and he knows that he would not have done
so he have deceived Mr. Paine or any other
person, or as he subject them to the payment of
money unjustly. These depts deny every injus-
tice and fraud that Mr. Campbell in his bill alleges
that charges against them, and pray to be
honor discharged with their costs in this behalf so
unjustly sustained.

Southampton County Va.

Daniel Semmons & Richard Yeobright
orators etc before me And they believe and
are well assured that the allegations contained
in the aforesaid bill are true. Given under
my hand the 16 March 1801.

Samuel West

Burns
" }
Simmings }
Sims

ap 1799

1799

1799

1799

1799

Know all men by these presents that we Albrigton Browne & Iepe Browne a husband and wife
bound unto Daniel Simmons

to be paid to the said Daniel Simmons

in the sum of Thirteen pounds 17/.

which well & duly to be made we bind ourselves and each of us our heirs and each of our heirs and assigns
admitt jointly & severally jointly by these presents sealed with our seals & dated the 14th day of
April 1799 in 23rd Year of George 3rd

The condition of the above obligation is such that Whereas the said Daniel Simmons
hath obtained a judgment at Common Law against the above bound Albrigton Browne
for L13. 17. 6d. ^{which he obtained by 2nd April 1796} & the said Iepe Browne hath obtained an injunction to stay
the execution of the said judgment until the matter in equity can be heard upon a bill for
that purpose filed of thereupon the said shall satisfy & pay the said judgment at Common Law
with costs & damages that shall be awarded to the said Simmons
in case the injunction aforesaid shall be dissolved then the above obligation to be void
sealed & delivered in presence of

Wells

Albrigton Browne

Iepe Browne

Wells

8. *Wm. W. W.*

Sept 18 1854

Wm. W. W.

Dear Sir
I have the honor to acknowledge the receipt of your letter of the 17th inst. in relation to the above named case.

I have conferred with the undersigned and we have decided to advise you that we will not take any further action in the premises.

Brown
vs
Simmons

Bide

Copy

Wm. W. W.

To the Justices of Southampton County sitting in Chancery humbly complaining
sheweth unto Your worships Your orator Abner Brown that sometime in
the Year of our Lord 1799 Your orator became appearance bail to Ezech Lewis
in the suit of Daniel Simmons against That subsequent to this he ap-
-peared at the Court of this county with the intention of extricating himself
from this situation and that as he was about to deliver the S. Lewis to Court
and compel him to enter special bail, he met with Rich^d. Jacobson the
attorney of said Simmons who upon finding out your orators business, told
him, that it was unnecessary for him to do so, because he Rich^d. Jacobson
was instructed to dismiss the said suit, and that he would immediately comply
with these instructions - And Your orator states that he, relying on Mr Jacobson's
promise, was afterwards surpris'd with an execution founded upon this
unfair judgment

In tender consideration whereof and forasmuch
as Your orator is without remedy at common law he solicits the interference
of Your worships

To the end therefore Your orator prays that
the said Daniel Simmons may be made defendant to his bill of
Complaint and that he his attorney and the rest of his confederates
when discovered may upon their corporal oaths feel true & perfect answer
make to all Particular the allegations in this bill contained and that as
fully as if the same were here again repeated & more especially that he state
if he ever directed this suit to be dismissed at the time alluded to, or at
any other times. And if he never heard of his attorney's deserving your
said orator and he lastly prays that the judgment afores^d may be
reversed and all further proceedings thereon stay'd untill this matter can
be more fully heard & determin'd before this court and that Y^r worships
will make such other order & decree as may seem just & equitable

May it please ^{the} R^yd p. 2

April 13th 1799 This day Abner Brown personally appeared before me
one of the justices of the peace for Southampton County & made oath that
the allegations contained in the preceding bill are true Given under my
hand & seal the day & Year afores^d

Wm Edmunds

A true copy test

Sam^l Kella, Jr