1802-017 SOUTHAMPTON COUNTY CHANCERY PAPERS ROBERTSON VS. BARNES 1/1802

other SURNAMES: Edwards,

Robertson
vs
Barnes.

Bill & Ans. Filed Janry 1801

Hill —

To the Justices of Sᵗon County Court in Chancery
sitting — Frederick Robertson humbly sheweth
that he became indebted to a certain James
Barnes in the sum of £ for which he
gave two bonds, viz one for the sum of £5.2.3. &
the other for the sum of £2.0.6. or thereabouts
thereto be paid the sum of £2.12.3. that subsequent
on the day of and on the day of
the further sum of fifteen dollars for which
last payments the Sᵈ James promised he would
give due credit, nevertheless with an intention
of injuring and defrauding Your Complᵗ he
neglected the same and in face of the Laws
hath prosecuted Suits on the Sᵈ Bonds in the alᵗˢ Cᵒ Courts whereby
Your Complᵗ is exposed to the process thereof
which he conceives to be unjust & oppressive —

In consideration whereof and inasmuch
as your Complᵗ is without redress herein except
thro' Your equitable interposition, to the end
therefore that the Sᵈ James Barnes may be made
deft hereto and answer on oath the allegations
of this bill fully in the same manner as if
each particular was again set forth & repeated
Especially were not the bonds for the amount
as before stated? or what was the amount of
them severally? hath not paid the Complᵗ paid

the respective sums as before mentioned, & on what are the sums he hath paid? That this Court will enjoin the Dft James Barnes & all others from proceeding in virtue of the unjust Judgts aforesaid until the cause is heard in Equity and then make the Injunction perpetual & that and decree your Complt his proper Costs or make such further or other order and decree as shall be just & Equitable — May it please the Court to grant the Comwlths Spec & &c directed &c

By Wm Hill for
Complt.

Robertson
vs
Barnes

Answer

Cooke

the answer of James Barnes to the bill of Injunction filed by Frederick Robertson against him in Southampton

This respondent saving & reserving to answers & says - that true it is the Complt ~~was~~ indebted to this defendant by bonds for the two several sums as the bill states - but this deft denies that the Complt has ever paid the whole or any part of the sd bonds to this deft. this deft agrees that the Complt did pay him fifteen dollars ~~part~~ above & was in part of a bond (which was not in suit) which this deft has against him & on which ~~this deft~~ the Complt has credit for the same sum & as to any other part of the sd Complts bill this defendant is utterly ignorant & totally denies & prays hence to be dismissed with his costs &c

James Barnes

Southampton to wit:
Jan^{y} 19. 1801 this day James Barnes
made oath before me, a justice for the
county aforesd, that the above answer
is true as far as he knows or believes

Sir

please to take Notice that on Friday the fifteenth day of this month between the hours of ten and four Oclock of that day at Benjamin M. Johnstons Tavern known by the name of the Cross Keys in this County, I shall proceed to take the depositions of James Edwards and Giles Joyner in a suit depending in Southampton Court wherein I am plaintiff and you defendant at which place you may be present if you please

Frederick Robertson

Barnes

Jany 4: 1802

Southampton ss.

James Edwards made oath before me that he did on the first day of January 1802 deliver the within named James Barnes a copy of the within Notice given under my hand this fifteenth day of January 1802

James Gu—

Samuel Kello

Clk

Fredk Robertson
&
Jas Bacon
Defendants

Southampton Court.

15 Dec 1825
20
22
35
10 0

Southampton county Jct

The commonwealth of Virginia
to James Robertson James Lee and George Earley Jr
Gentlemen greeting know ye that we trusting
to your provident circumspection in diligently
examining James Edwards a witness as well
as well on behalf of Frederick Robertson as
on behalf of James Barnes, do [redacted] give to your
power to cause the witness aforesaid to come before
you when and where you shall appoint and
diligently him on the holy Evangelists of Almighty
God and his examination so taken that you
distinctly and openly certify us thereof under
your hands and seals returning to us also this
writ Witness Sam Kello clerk of our said Court
at the Court the 27th day October 1801 and
in 26 year of the Commonwealth

Sam Kello Dun DC

In obedience to a Commission of Southampton Court to us directed and bearing date the 23rd day of October 1801 and hereto annexed we have caused to come before us at the House of Benjamin W. Johnston of this County and known by the name of the Cross Keys James Edwards a Witness in the said Commission mentioned who being of full age and first sworn on the Holy Evangelist of Almighty God deposeth and sayeth that on or about the months of February or March 1798 or 1799 he saw Frederick Robertson at the Piney grove pay to James Barnes fifteen dollars in full of a note given to Charles Bordsong as Executor or Admr of William Hurst for about five pounds also in full of a note due from said Robertson to James Barnes and that said James Barnes did in consequence thereof upon the receipt of the said fifteen dollars agree to pay all costs attend said Suits and that the said James Barnes did give to the said Frederick Robertson a Receipt for the same which Receipt this deponant was a subscribing Witness to the best of his recollection and further this deponant sayeth not

James Edwards

Southampton Ct.

The forgoing deposition was Signed and sworne to before us Given under our hands and seals this fifteenth day of January 1802

James Ivy Seal

Geo: Gurley JP Seal

Robertson
vs
Barnes } Injn

Dec. 1800

Know all men by these presents that We Frederick Robertson & Lewis Worel are held & firmly bound unto James Barnes in the just sum of to which payment well and truly to be made we bind our selves and each of us our and each of our heirs executors & admors jointly and severally firmly by these presents Sealed with our Seals and dated this day of

The condition of this obligation is such that whereas a judgment at common Law against the aforesaid obtained for the sum of and costs and the said hath obtained an injunction to stay proceedings on the judgt until the matter in equity upon a bill for that purpose filed can be fully heard shall satisfy & pay the said judgment at common Law & all costs & damage that shall be awarded to the said in case the injunction shall be dispolved then this obligation to be void other=wise to remain in full force and Virtue

Sealed & delivd in presence of

Frederick Robertson his mark Seal

Lewis Worel Seal