1818-050 SOUTHAMPTON COUNTY CHANCERY PAPERS NEWSUM VS. ELEY'S ADMINISTRATOR 11/1818

other surnames. Faircloth

Jno: Newton

Wm Ellis

Ellis Ely

Sept. 1806

Sworn to in
Court of Pleas

To the Court

[illegible] Ellis [illegible]

[illegible] your Orator

[illegible] Jon Ps [illegible]

Eleazer [illegible]

[illegible] ye institu-

-inst your

-lodged to

common

on the said

an Executi

Orator

had fully

bound to the

taken his

deedent

Bond will

paid -

cost. his

make -

land -

in consi

your Or

-mand

the

[illegible] Plaintiff in this Cause

by [illegible] Solicitor

[illegible] upon oath saith that

[illegible] that certain writing

[illegible] of Eli Eleazer some time

[illegible] ted a suit in this Court aga-

inst your Orator as the Executor

of the last will & Testament

of Eli Eleazer deceased

to which your Orator has

duly answered; although your

Orator has fully complied with the said

decree & paid the said

bond to the Plaintiff in his lifetime &

taken his receipt therefor, the said

deedent in his letter to him not yet

Bond will [illegible] when the money was

paid - [illegible] ver Orator unfortunately

cost. his [illegible] kept & therefore could not

make - [illegible] defence at common

land - a [illegible] which is contrary to Equity

in consc[illegible]ience whereof he

your Or[illegible] is ready & willing

-mand [illegible] to do & pray that

the [illegible] aid of this Court,

that the said Judgment

Newsum

vs

Fairchild.

May 19th 1817 granted

March 18th 1818 ~~Dissolved~~
answer filed
grant to dissolve Inj.

Dissolved ~~on~~

Nov. 16th 1818 Inj. bond
with. by R. W. Baker to institute
suit in Supt. court

J. Rochelle

To the worshipful Court of Southampton in Chancery sitting - Humbly complaining Sheweth unto your worships your orator John Newsum that that sometime in the year 1806 he exhibited in this Court a bill in Chancery against one William Eley adm of Eli Eley dec and obtained an injunction inhibiting the said Wm Eley from further proceeding upon a judgment obtained by him as adm of the said Eli Eley against your orator on the which bill is now depending in this Court and until the matter thereof can be fully heard & determined in the Court of Chancery all which common law side of this Court will more fully appear as reference being had to the bill and other proceedings in the said suit in Chancery Your orator therefore humbly prays the same may be taken as a part of this. That sometime after the said proceedings had been had in the said suit in Chancery. the said William Eley departed this life, and no step was ever after taken to appoint your orator of its revival in the name of any person representing the said Eli Eley: Yet contrary to the rules of equity & good principles of natural justice, by some means or other unknown to your orator one certain John Faircloth

who styles himself adon ole Commissioner of Elis Clay dec'd, without designing to resort to the legal mode of reviving suits similarly situated, filed a proper pumpeting to the his answer to the bill in the aforesaid suit without giving to this complainant the notice required by Law, and your orator having had of Course no opportunity of being heard, or supporting his case in any way whatsoever, the injunction heretofore obtained was dissolved, and he is now harassed with an execution against his goods and chattels. All which will more fully appear by reference to the proceedings in the said Court up to the decree dissolving the injunction and all which is manifestly wrong and unjust. In tender consideration whereof and in as much as he is without remedy save in this Court, he prays that the decree rendered in the above case may be reversed and set aside for the errors above stated and that the said John Faircloth and all others concerned may be enjoined from further proceedings upon the judgment obtained at law as aforesaid until the matters and things herein stated can be fully heard and determined, and that the original injunction granted in this case may remain in full force until the matters and things stated in the aforesaid suit in Chancery can be legally, regularly and fully heard and determined according to known and established rules of proceedings in Courts of Chancery and your orator prays that your worships would make any other or further order or decree in the premises which may comport with principles of Justice and Equity. And as in duty bound he will ever pray &c.

John Nuxem

vs

Eli Elwyn Sadler

Answer

September 28th 1816 Johns
Fairclothe answer filed

March 1817 ~~Interpleaded~~

Dissolved

The Answer of John Fawcett adm. Debo-
nis non on the Estate of Eli Ely Dec. to a
bill in Chancery exhibited against him
in the County Court of Southampton
by John Newsum (son of Wm.) for answer
thereto, saith that true it is as set
forth in the said bill in Chancery
that a suit at common Law was
prosecuted by Wm. Ely formerly adm.
of Eli Ely to recover a Debt due to
the said Eli Ely in his life time on
a bond for £11:10:11 payable 29th Aug.
1801. But this respondent denies
that the said John Newsum ever
paid to the said Eli Ely in his life
time or to the said Wm. Ely adm.
as aforesaid, or to this respondent
all or any part of the said
Debt at any time whatever,
and verily believes that the said
Debt is wholly due and unpaid.
And that the complainant is entirely
mistaken in his belief, that the said

Debt was ever paid and now calls on
him the said complainant to produce
the evidence to establish the s.d pay-
ment. — This respondent therefore
prays that the said Bill of Injunction
may be Dissolved — that he may
have the benefit of his Judgment
at law — and be hence dismissed
with his costs so unjustly
incurred, and as in duty bound &c

Jn.o Faircloth

Southampton S.t

This Day appeared
before me Wm.n B. Goodwyn — a Justice of
the Peace for the County aforesaid
John Faircloth adm.r &c Ely and
made oath the truth of the foregoing
answer as far as he knows or believes
and as far as he is able to learn any
thing relative to this case — Given
under my hand this 20 Day of Sept.r
1816 —

Wm.n B. Goodwyn J.P.

Mr. Fairclotts
adv Exs amar
Mr. Kersam

The answer of John Faircloth administrator de bonis non of Eli Eley to a Bill exhibited in the County Court of Southampton by John Rawlins, Complainant.

This Respondent saving and reserving to himself every benefit and advantage of exception to the many errors & insufficiencies in the said Bill contained for answer thereto saith. He is advised that ~~after the death of Eli Eley no further steps may be required under the Bill~~ for the purpose of procuring a dissolution of the injunction obtained ~~by the Complainant~~ & mentioned in the said Bill it was not necessary to revive the same after the death of the said Eli Eley he, (this respondent) having filed his answer thereto - your Respondent denies the allegations contained in the said original bill, as in his answer thereto is set forth, which answer is hereunto annexed & prayed to be taken as part hereof - He therefore prays the Court to dissolve the said Injunction, & allow him the benefit of the judgment obtained at Law & give to him his costs & damages in this behalf most wrongfully sustained &c

Southampton County, to wit:

This day John Faircloth appeared before the Subscriber a justice of the peace for the county aforesaid, and made oath, that the allegations contained in the foregoing answer, so far as they depend upon his own knowledge are true, & so far as they depend upon ~~him~~ the knowledge or information of others, he believes them to be true -

Given under my hand this 18th day of March 1815 -

Geo Gurley

Neuum

V Inj

Eleyaa Spa

Read 60

A. L. 1760 Brabeus 1760

The commonwealth of Virginia to the
Sheriff of Northampton County ~~Greeting You~~
and to ~~the Coroners~~ Eley Eli his attorney to
greeting. It being represented to the Court of Sessions in Chy
by John Neuman who hath prayed for an writ
of writs of Inj. Subpœna for Stay of all further
proceedings at Common law untill hearg of the
Cause we therefore do injoin and Comm^d you and
every of you that you do desist from all further
proceedings agt ^t Neuman on the judgt obt. in
our ^t Court of Sessions agt him by ^t ~~Eley~~ and
do untill the hearg of the cause in Chy under
the penalty of £100 Witness Skelton clerk of our
^t Court at the Shore the 4 day Apl 1805

Sam Kelly