

1807-013

Chancery Causes: Robert Nicholson & W, admrs of Charles Butler vs William Shivers'

Isle of Wight County

adms

other surnames: Goodwin

I know all men by these presents that we Robert Nicholson &
Thomas Hancock are held & firmly bound unto W^m J^r Goodwin
W^m Thiers in the sum of

current money, to which payment well & truly to be made, we bind
ourselves our heirs executors & administrators jointly & severally firmly
by these presents sealed with our seals & dated this 9th day of
Jan^y 1804 —

The Condition of this obligation is such that whereas the said
W^m J^r Goodwin hath obtained Judgment at common law ^{and}
against the said Robert Nicholson ^{May this infer Rem^y of Ch^l B^llery} in the County court of Isle of
Wight for — & Costs & the said Robert Nicholson
hath obtained an Injunction to stay the execution of the said
Judgment until the hearing the matter in equity upon
a bill for that purpose filed & therefore the said Nicholson
shall satisfy and pay the said Judgment at Law, & all costs
& damages that shall be awarded to the said W^m J^r Goodwin
in case the said Judgment shall be dissolved that then the
above obligation to be void or else to remain in full force &
Virtue —

Signed & Sealed —
In presence of
Bart^l Lightfoot

Robert Nicholson

Thos Hancock

Better known.

on

} *Hyacinth*

Shivers Agnus.

Isle of Wight County
Robert Nicholson & wife

against

W^m and Joseph Goodwin Admors. of W^m Shivers Deft.

April Court 1805

Comptts

On Injunction

The Defendant having failed to file his answer to the bill of the Complainants exhibited against them - It is ordered that unless the Defendant appear here at June Court next, & file their answer - that Judgment be entered for the Complainants against them agreeable to the prayer of the said Bill -

Teste Wm. Young C^l

Nicholson wife

W. Miss.

Shivers Adams

Executed Henry W. Adams

W. Adams

The answer of William and Joseph Goodwin admits of William Shivers dec'd to the bill of complaint exhibited against them in Isle of Wight court by Robert Nicholson and Mary his wife.

These depts. saying to themselves all right of excepting to the various errors and uncertainties of the said Bill, for answer thereto or to so much thereof as they are advised is material for them to answer, say that they found a bond executed by Charles Butler to their intestate William Shivers among his papers, that they brought a suit upon the said bond against the complts as the representatives of Charles Butler and thereupon recovered a judgment. They do not know certainly that the statement made by the complts is incorrect, but they hope that they will be compelled to establish its truth by the evidence of some disinterested person. They add that as the complts suffered the judgment to be obtained, they conceive that that of itself is a tacit admission of its correctness, and that the suit was brought against the right persons. They are advised that as the complts did not plead non est factum to the suit at law, that a court of equity will not now interfere. They lastly pray to be hence dismissed with their costs in this behalf expended.

Sworn to before me

Butler's adina

15

Miner's adina

{ answer

To the worshipfull Court of Exchequer in Chancery Sitting
Humbly Complaining shew unto the Court your Orator and
Dietrich Robert Nicholson and Mary his wife. That your Orator
at the time of her intermarriage with your Orator, was
adm^r of her late husband estate, Charles Butler,
That he intestate died about the year 1785 - That
a certain Joseph and William Goodwins adm^rs of one
William Shivers dec^d lately brought suit against y^r
Complainants, On a note of hand dated in ~~1792~~
~~December 1792~~ - ~~purporting to be the deed of Charles~~
~~Butler~~ ^{and because of y^r Complainants ignorance of the date of the note they have} ~~removed~~ ^{removed} judgement and threats in
Complainants with execution - notwithstanding ~~of~~
Charles Butler - your Complainants intestate
was dead many years before the signature of
the note on which the judgement is founded

In tender Consideration whereof and for as
much as your Orators are only relievable in a
Court of Chancery, to the end therefore that the said
administrators of the said William Shivers be made
defendants to this bill of complaint, and may
On oath, full, true and perfect answer make
to all and singular the allegations it contains,
and that as fully as though the same were here
again repeated and interrogated. That your
Worships will injoin them and all others from
further proceedings at law on the said Judgement
untill the parties are heard in equity, and that
then the injunction may be made in ritual
May it please y^r - Barlow for Com^r

Isle of Wight County, to wit.

Robert Nicholson made oath before me as
Justice of the peace for said County, to the effect that he
~~will~~ ~~is~~ ~~not~~ ~~knowing~~ ~~any~~ ~~hand~~ ~~in~~ ~~this~~ ~~Bill~~
that the above bill is true in its allegations so far as
he knows concerning — ~~was~~ ~~in~~ ~~my~~ ~~hands~~
Wm J. — by P. H. J. The Deuce

The Prince

Butlers Arms:

107. *Scilla*

Shivera Nos. 54

Jan^y 1804

Bill Goodfellow

Mar. '804

rule for ans^r.

April 1805

Mise de creu

May 1895

Ans. 14

June 1887

Injunctio per. 2. d.