1790 -001
Southampton County

Chancery Papers, Rogers vs Scott

9/1790

other surnames: DREW

Rogers
vs
Scott } Injn. & Bill &c.

June 1790

Sept. 1790
Dissolved

To the Respectful Justices of Southampton County sitting in Chancery

Humbly complaining shew unto your worships that your Orator John Rogers, ~~Robert Goodwyn Deputy Sheriff~~ was some days since cited to appear before the Court of this County to answer to a motion of Theophilus Scott against your Orator as late a Sheriff of Southampton County for not returning an execution Theophilus Scott against Dolphin Drew for the sum of ~~£~~ that by reason of the precipitate manner in which the said motion was conducted at the time of its being brought on, and the unprepared situation of your Orator in not having the benefit of counsel on the occasion, the Court was induced to levy the fine of ten Pounds to be paid by your Orator for the default aforesaid ~~in consequence of which a judgement thereupon was entered up against your Orator, and now his Property is liable to be sold to satisfy the same~~ which upon your Orator ~~complainant~~ to be exceedingly hard and oppressive — Forasmuch as your orator expressly denies that the execution aforesaid ever came into his hands as Sheff aforesaid; and is confident ~~in his own opinion~~ as he has been informed by his several deputies and which he fully believes that the said execution never came into the hands of any of them —

But now so it is may it please the Court that notwithstanding the premises aforesaid the said Deft Theo: Scott combining &c with a view to injure & oppress your orator in this behalf, hath issued an Execution upon the aforesaid judgement and the Property of your orator is now liable to be sold to satisfy the same which your orator expressly charges to be ~~unjust &~~ inequitable — in consideration whereof, and as your orator is remediless without the interposition of a Court of equity intitling cognizance of fraud injustice, accident &c to the end therefore that the said Defd may upon Oath true answer make to the Premises aforesaid in as ample a manner as if they were again repeated — particularly that he may set forth and discover whether such an Execution as is before described did come to the hands of your orator as Sheff as aforesaid or to the hands of any of his Deputies. That the said Defd his Agent — Attys. & all

~~Manage~~ ~~Com~~ ~~of~~ ~~Jas~~ ~~Morrow~~ Pltr
~~Wm~~ Blount ~~Dft~~

alleiv may be Perpetually enjoined from Proceeding under the judgement aforesaid until the further order of this court or that your orator may be further or otherwise relieved ~~according to the~~ premises according to equity & good conscience may it Please your Hps to grant to your Orator the Comwlths writ of Subpoena & injunction to the Dft to be directed &c

Sworn to in open Court this 11th Day of June 1790

Sworn to in Court

&c

Hill alls:
for the Complainant

Scott
vs
Rogers
Answer

Aug 1790

The answer of Theophilus Scott to the Bill of Complaint exhibited against him by John Rogers.

This defendant saving to himself all manner of advantage of exception to the answer thereto or to so much thereof, as this defendant is advised is material for him to make answer unto. The answers. Saith, that he does not of his own knowledge know, that his execution against Dolphin Drew was delivered to the Complainant, or any of his deputies, but he has reason to believe that it was, & that he can from the most violent presumption prove, that the said execution came to the hands of a Certain Thomas C. Patrick who was at the time a deputy of the said Complainants, he denies all combination &c. & prays to be dismissed with his reasonable Costs, which he so unjustly hath sustained,

Yarborough for Defr

August 14. 1790

Sworn to before

Wm Rennie

Inj.

Rogers
vs
Scott
} Inj.n

Aug.t 1790

Septb. 1790 dissolvd

Know all men by these
Henry Tiller
are held and firmly bound
Theophilus Scott
to the sum of Twenty
Current Money
Payable to be made to the
his Heirs and assigns,
Executors jointly and
with our Seals and Dated

The Condition
the said Theophilus Sc
Said John Rogers
in the County Court of
the said John
said Judgment untill
Bill for that Purpose
John Rogers
the said Judgment at
that shall be awarded
in Case the said
Obligation to be void

Sealed & Delivered
In the Presence of
Frans. Young Jun.

ents that we John
Theophilus Scott
Virginia to the which Payment well
Theophilus Scott
bind ourselves our Heirs, Execrs.
firmly by these Presents Sealed
13th Day of Aug.t 1790.

his obligation is such, that whereas
hath obtained
at common Law against the
Hampton for Ten Pounds
Pounds and Costs and
Exr. the maker in Equity upon a
Bill — It therefore the said
shall suspend pay
mon Law and all Costs & Damages
said Theophilus Scott
shall be dissolved Then the above
to remain in full force

John Rogers (Seal)
Henry Tiller (Seal)