

1795-119

SOUTHAMPTON COUNTY
CHANCERY PAPERS

UNDERWOOD vs. UNDERWOOD

3/1795

Underwood
or
Underwood } bill

May 1796 made per
actual ac.

To the worshippful court of Southampton county
in chancery sitting. Humbly complaining sheweth
unto your worships your orator John Underwood.

That sometime on or about the day of
your orator had a ~~certain~~ claim against a certain Mel-
-tham Underwood, on which he brought suit in this
worshippful court & obtained a judgment. The amount
of which with costs ~~amounted~~ ^{was} to the sum of fourteen
pounds or thereabouts, which will sufficiently appear
from the copy thereof hereto annexed. That subsequent
to this transaction your orator had certain dealings with
the said Meltham. & became indebted to him (his judg-
-ment excepted) about the sum of eight pounds, on
which the said Meltham instituted his suit, and as
your orator conceived that his judgment before obtained
against the said Meltham, would be a good discharge
against his recovery. he, your orator made no defence,
whereupon judgment by him was obtained.

But now so it is may it please the Court
that notwithstanding the premises. The said Meltham
refuses to make the discount. or to come to any settlement
with your orator in his business. but has ordered an exe-
-cution against your orator for the amount of his recovery,
altho your orator demand against him by the judgment
of this court is of a more considerable amount

In London consideration thereof, and for as much as
your order is remedied in the premises, save in this
wonderful court of equity, calculated for purposes
of this nature.

To be and therefore that the said
Matthew Underwood may upon his corporal oath full
true & perfect answer make to all & singular the allega-
-tions in this bill contained, and that as fully & sufficiently
as if the same were again therein repeated & interrogated,
but more especially, that he do forth & discover, if the
judgment aforesaid against him was not reversed,
whether he ever made any payment thereof, & to whom,
if it was, with the Cert, of a greater amount than his,
the said Matthew's judgment against your order,
whether he not recovered judgment & threatened execution
thereof against your order.

And that your worship will injoin the
same, until this matter, is before this court equitably
decided, and then perpetuate the same as far as the
~~amount of his said judgment~~, and decree to your
order the balance that may be found due after discount-
-ing his judgment from your order, and make
any other or further order or decree for your orders re-
-lief as may be equitable. May it please

sworn to in court

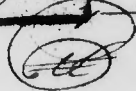
Yours for Compt,
Jas D. Thompson D.C.

Ill. 16: 8. 6.
all 11. 11. 12
Came L 4. 11. 4 1/2

Underwood

vs
James J. Smith
Augⁿ

25 July 1799



The answer of Matthew Underwood to the bill of complaint of John Underwood exhibited against him. This defendant now & at all times hereafter saving & reserving to himself all & all manner of benefit & advantage to the manifold untruths, imperfections & indeficiencies in the complainant's said bill of complaint contained, for answer thereto, or to a much thereof as this dept. is advised is material for him to make answer unto, answers & says, That some years since this respondent & his brother (the complainant) had a difference, which was attended with blows; in consequence of which the complainant sued this respondent in an action of trespass of assault & battery, & recovered a judgment against him, together with costs, which he believes might amount to the sum in the complainant's 1st bill of complaint mentioned -

Your respondent further sheweth, that subsequent to this judgment having been obtained by the court against this respondent, he the 1st John, conscious (as y^r resp^t conceives) of the impropriety of his conduct towards this resp^t, did acknowledge himself satisfied with the ~~dept.~~ ^{judge} & relinquished to him all his right & interest in the 1st judgment, declaring himself satisfied with defendant as to the judgment aforesaid, & that he would never claim the same, or any part thereof of this defendant subsequent. This dept. further saith, that this judgment being discharged, & the complainant having acknowledged satisfaction for the same, he the court & this dept. hadundry

dealings, & that the complainant fell indebted to this
defendant the sum of ~~eight pounds~~, ~~from which~~ the
compt. should be credited £2-18-0; which w^d leave
a balance in favor of this dept. for £5-2-0; which
sum of £5-2 the complainant ^{from time to time} acknowledged he
would well & truly pay to this defendant. But so
it is may it please your worship, that the dept. being weary
of indulging ^{the} compt., finding that he paid no regard to
his promises in this particular, instituted a suit against
the compt. in this worshipful court, to which suit the
compt. made no defence, but suffered judgment to
go against him for the sum which he had often pro-
mised to pay. — And if there is any other matter
a thing in the complainant's bill of complaint
contained, & not herein & hereby answered or denied
this dept. is ignorant of, & prays to be hence dismissed
with his reasonable cost in this behalf sustained.
May it please y^r worship to grant to this dept.

The commonwealth's most gracious writ or writs
of Subpoena. —

J. D. Jew for the dept.
etc

The truth of the above
contents sworn to before me
this the 11th day of July 1793.

Wm Edmunds

February 24 1795 Rec^d Full satisfaction of
the North East

Teste

Wm Lewis

his
John + Underwood
mark

832.

to March 1795
Come to land
Dec 22 1794
Lewis & Co

177

Underwood

178

179

Underwood

The commonwealth of Virginia to John Lewis deputy — Sheriff of Southampton
county Greeting You are hereby commanded to appear to sell the goods and
chattels of Matthew Underwood
which according to our command you have taken into your hands which you detain
for want of bidders as you have certified to our Justices of an court of Southamp-
ton — to satisfy John Underwood Four pounds fourteen shillings
and four pence half penny also 11^{ths} tob.^o @ 17th C. & 8 Dollars 49 cents

wherein our court he hath recovered execution against the s^d Matthew
Underwood — by virtue of a judgment in our said court

And that you have the same before the Justices of our
said court at the courthouse on the second Thursday in March — Next to render
to the said John Underwood —

Of the s^d costs aforesaid And have then there this writ witness Jam^s Wells
clerk of our court the 16th day of December — 1794 In the 19th Year of our
Foundation

Jⁿ: D. Kaupmann D66

By

21.67

Know all men by these presents that we John Underwood &
Robert Newsom _____
are held and firmly bound unto Matthew Underwood _____
in the sum of sixteen pounds _____
current money of Virginia to the which payment well
and truly to be made unto the said Matthew
Underwood _____ and his heirs and assigns we being
ourselves our heirs executors and administrators jointly
and severally firmly by these presents sealed with
our seals this 14 day of June 1792.

The Condition of this obligation is such that
whereas the said Matthew Underwood _____
hath obtained a judgment at common law against
the said John Underwood _____ in the County
Court of Southampton for eight pounds _____
and costs and the said John Underwood _____
hath obtained an injunction to stay the execution
of the said judgment untill the matter in
equity upon a Bill for that purpose filed can be
heard If therefore the said John Underwood _____
shall satisfy and pay the said judgment at common
law and all costs and damages that shall be
awarded to the said Matthew Underwood _____
in case the said injunction shall be dissolved
then the above obligation to be void and
to remain in full force
and Virtue _____
Sealed and delivered
in presence of _____
R. G. Yarbrough _____

John Underwood 
Pro: Newsom 