

1811-021

SOUTHAMPTON COUNTY
CHANCERY PAPERS

WASHINGTON

VS. JOHNSON'S ADMINISTRATRIX

6/ 1811

Washington
" { Bill
Shupman adm.
y Shupman.

^{Bond given}
April 1811. Bill filed
rule to answer

May 1811 Rule to answer
June — ditto

To the worshipful Court of Southhampton County in Chancery
sitting. Humbly complaining sheweth unto your worshipps
your orator James Washington that at the present term of
this Court a certain Harinak Johnson administration of
James Johnson deceased, has obtained Judgment against him
and a certain John Battle, on the common law side thereof,
for the sum of two hundred and sixty two dollars and twenty
two cents, to be discharged by the payment of one hundred
and thirty one dollars and eleven cents with interest thereon
from the 5th day of August 1803 till payment of the said
the said Judgment having been rendered on a fifth
coming bond executed by your orator and the said
John Battle as his security, to the said James Johnson in his lifetime.

Now your orator begs leave to state to the Court that at the
March term of this Court in the year of our Lord
1805 he obtained Judgment against the said James Johnson
for the sum of thirty five pounds seven shillings and
eleven pence and the forth of part which were \$51.71, as
will fully appear by an attested copy of the said Judgment
hereunto annexed and to which your worshipps are
as a part of this bill, and having this Judgment against
the said James Johnson, which was never paid by him
in his lifetime nor by the said Harinak Johnson his
administration since his death, your orator thinks it
oppressive, unjust and unreasonable in the extreme,
that he or his said security should be compelled to pay
the aforesaid Judgment which has been rendered against
them as aforesaid at the suit of the said Harinak Johnson
administration of the said James Johnson deceased.

the said Judgment against your estate not being, upon
an equitable settlement, for as great an amount as the
said Judgment in his favour - Nevertheless, without
early relief granted to them, their property will be
exposed to sale under the process of this Court - Which
is contrary to Equity and good conscience - In tender, consideration
and because relief in the premises can only be had in a
Court of Chancery, where matters of this sort, are most
properly cognizable, your estate prays that the said Hannah
Johnson adm^{ca} as aforesaid may be made defendant to
this bill and be compelled on her corporal oath to
answer all & singular the allegations of the same and that
as fully, perfectly, distinctly and unequivocally as if they were
herein again repeated and she were concerning each &
every of them especially interrogated - that your worship
will upon the said Hannah Johnson adm^{ca} as aforesaid
the thing & all others from further proceeding on the said
bill & until the matters of this bill are fully heard
& determined in Equity, that the said injunction may
be thereupon perpetuated & that any other & general
relief may be granted which may be found upon
the hearing to be most & applicable - And in duty
bound your estate will ever pray.

Wm. J. J. J.

Washington }
or } Copy Indgms.
Johnson }

James Washington ~~Plt~~ } In Case
agf. }
James Johnson Deft- }

Phy cost \$48.71 3
 Fee & fare 3.00 3
\$51.71

Feste

H. Munton DC

52

365

Washington }
as }
Johnson } Inj.
 } Spd

Executed, on Hammock
Johnson, 1st May 1811
Howell Myrick depy of
James Geo Sheriff

The Commonwealth of Virginia to the Sheriff of Southampton
county and to Hannah Johnsons administratrix of James Johnson
deceased his counsellors, attornies, solicitors and agents and every of
them greeting whereas it hath been represented unto the court
of the county of Southampton in Chancery, in the part of
James Washington, who hath prayed that he may have
our writ or writs of injunctions subpoenas for stay of all
further proceeding at Commonlaw untill hearing of the
cause, we therefore in consideration of the premises aforesaid
do therefore strictly enjoin and command you the said
sheriff and all and every the persons before mentioned
that you and every of you do absolutely desist all further
proceedings against the said James Washington on the
judgement and executions obtained in our said County Court
of Southampton against him by the said Hannah Johnson
untill the hearing of the said cause in Chancery under the
penalty of £100. And have then there this writ. Witness
Samuel Kello Clerk of our said court at his office the
17th day of April 1811. in the 35th year of the
Commonwealth

Samuel Kello

Washington
to { Dry
Johnston { Bonds

March 18th.

Know all men by these presents that we James Washington
and Benjamin Washington are held firmly bound unto
Hannah Johnson administratrix of James Johnson deceased in
the sum of five hundred dollars to which payment
well truly to be made to the said Johnson ~~as~~
as executor her heirs executors and assigns we bind
ourselves jointly severally firmly by these presents
sealed with our seals & dated this 23rd March 1871.

The condition of the above obligation is such that
whenever the said Hannah Johnson administratrix of
James Johnson hath ^{at & of} obtained a judgment at Common
Law or a writs con. bonds agt. the said James Washington
and John Butts for the sum of \$282. 22 cents
But to be discharged by the payment of \$131. 11 cents
with C. p. v. m. from the 5th August 1873. till f^o
and costs - And whenever the above bound James
Washington hath ~~obtained~~ on the 21st day of March
1871. obtained an Injunction to stay the proceedings
on the s^d Judgment and costs until the matter
thereof in equity can be heard, on a bill filed
for that purpose. None of the s^d James Washington
shall well truly pay or cause to be paid unto the
said Hannah Johnson administratrix agt. the agt. Judge
with in & costs & all damages & costs that shall or may
incure in case the s^d Injunction shall be dissolved, then
this obligation to be void otherwise to remain
in full force & virtue.

sealed & del?
in presence of
W. M. Minton.

James Washington
his mark

Benj^d Washington