

1827-002

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BRITT

VS. BROWNE, ADMINISTRATOR OF MURDAUGH

11/1827

Other surnames: Diggs

Bute

in

Brown & Co.

Bill of

Injunctions

May 1827 Adj. granted
 1827. O. L. bond given & sp. Sp. D.

To the worshipful county court of Southampton
in chancery sitting

Humblly complaining, sheweth unto your
worships, your orator Joseph Britt, that at
august term 1825, a judgment was obtained
against him in the county court of ^{the} said
county by William Browne advisor of James W
Murdough deceased, in the personal sum
of \$50 to be discharged by \$25 with
interest from the 20th of July 1820 -
that exon has issued thereon, and a return
been been executed by your orator in due
form of law -

Your orator charges that the note whereon
the above recited judgment was founded
was executed by your orator to the said
Murdough for professional services,
which were never rendered - that a
suit was instituted against your orator
in the Superior Court of Chancery for
the Williamsburg district by one George
Viggo, which the said Murdough under-
took and agreed to defend for your orator -
but wholly neglected to comply with his

said undertaking, inasmuch that your orator
after the case had remained in court, unacted
upon for many years, was compelled to
employ and for other counsel to attend to
it for him -

Your orator further states, that some time
after he had executed the said note to
the said Muelough he paid ten
dollars to him towards its discharge
but neglected to take a receipt, for
which no credit is given by the plaintiff
who obtained a judgment for
the full amount - That at the time
of the action at law, your orator was not
aware, that he could prove the payment
of the ten dollars, but has since disco-
vered evidence which will enable him
to do so - He therefore prays the aid
of this worshipful court for his relief -
that the said William Browne aforesaid
may be made defendant hereto with
all and proper words to charge him
that a ~~little~~ further proceedings on the
said case may be stayed and forever

enjoined, & that your worship may grant
such other and further relief in the premises,
as may seem consistent with equity and
justice -

To the end therefore that proceedings
may be had herein your orator prays
that the commonwealth's writ of
subpoena of execution may issue &
commencing &c & your orator
will ever pray -

Southampton County to wit

Personally appeared before me a justice
of the peace for the said county Joseph
Dorritt and made oath that the facts
above stated ^{on the above bill} of his own knowledge are
true & that these stated upon the
information of others he believes to be
true - Given under my hand this 21st May 1827.

James W. Parker J.P.

Injet
12

Wth all men by these presents that we Joseph Britte, and
Sam^l. Britte Rich^d. Ingraham _____ are held and firmly bound
unto W^m. Browne adm^t of James W. Mendaugh _____ in the sum of Ninety four
dollars the payment whereof well and truly to be made to the said W^m. Browne adm^t
of S^{rs}. W. Mendaugh _____ We And ourselves and each of us are and each of us
herein join and severally firmly by these presents sealed with our
seals. And dated this 15th day of October _____ 1827

The condition of the above obligation is such that whereas
the above bound Joseph Britte

hath obtained an injunction to stay all further proceedings in a suit
obtained against him by the said W^m. Browne adm^t as aforesaid
until the further order of this Court. NOW if the said
Joseph Britte shall well and truly pay and satisfy the said

Judgment and all such damages and costs as shall be as-
sessed against him _____
in case the Injunction aforesaid shall be dissolved then
the above obligation to be void or else to remain in
full force & virtue

James Rochelle

his
Joseph Britte
mark

Samuel Britte
R. A. Ingraham

Brown ad: 3
n } copy
Brite } sugg.)

Southampton August county Court 1825

William Browne admth of James W. Moudough Plt.
against

Joseph Britt

Def.

In Debt.

This day came the parties by their attorneys and the defendant withdrawing his former plea in this cause, saith that he cannot gain-
= say the plaintiffs action nor that but the same is just - Therefore
it is considered by the court that the plaintiff recover against the
defendant the sum of Fifty Dollars the debt in the declaration men-
= tions and his costs by him about his suit in this behalf expended and the
said defendant in mercy &c. But this Judgment is to be discharged by
the payment of Twenty five Dollars with Interest thereon to be computed
after the rate of Six per centum per annum from the 20th day of July
1820. till paid and the costs -

Plt. costs \$8.58 cents -

Attest
Jesse James Rochelle C.

Built

as 1/2 Sup^e & 1/2 1/2

Brown as 1/2

1827 November. Cont

~~No 1/2 1/2~~

~~Exempted~~

Stephen Munday 1/2 1/2

James Clayton

To Injoin the defendant his Agents or Attornies
& all others from further proceedings upon a Indgt.
recovered by him against the plaintiff in the County
Court of Southampton County. until the further
order of the Court. The Plaintiff having
given bond with security conditioned as the
Law directs

Teste M. Rochelle c

The Commonwealth of Virginia to the Sheriff of Southampton County
Greeting We command you to summon William Brown administrator of
James W Murdough deceased to appear before the Justice of our County
Court of Southampton County at the Courthouse on the third Monday in No-
vember next to answer a bill in chancery against him exhibited by
Joseph Britt And this he shall in no wise omit under the penalty of
\$100. And have then there this writ Witness James Rochelle clerk of
our said Court the 18th day of October 1827 In the 32^d year of the
Commonwealth

James Rochelle c'd