

1842-006

SOUTHAMPTON COUNTY
CHANCERY PAPERS

JOHNSON

VS.

SCOTT'S ADMINISTRATOR

8/1842

other SURNAMES: Bailey

Johnson

3 } Papers.

Scotts adm.

1842

Aug: Bill filed. Sp^d ret. no Inhab.

Johnson } Bill
in } & Exhibits
Scott's and }

Gholsonky

(700 words).

Filed Aug 2, 1842.

To the Hon Rich^d A Baker Judge of the Circuit
Superior Court of Law and Chancery for the County
of Southampton, your comt^t Tho^s Johnson

Humbly complaining shews unto your honour, that he is an
illiterate man, knows nothing of letters or figures; that
in October 1820, as appears by his bond herewith filed made
no 1. - which bond is in the hand writing of Jas. Scott,
he owed him ^{The said Scott} the sum of \$105 - that several years
after this he set towards the discharge of this debt, a note
to J^r James Scott, at \$90 - which was intended to be credited
on his bond - that in the year 1838, this bond was
renewed, and the sum of \$90 - omitted in the calculation
and your comt^t executed his bond for the sum of \$221.06 - You
comt^t will be able to shew to your honour in due time, that this
last bond marked no 2, was given for bond no 1. and the in-
terest, and that the payment of the horse at \$90 - was to be added
on the old bond no 1. - Your comt^t is advised that this
last being given by mistake for much too large an amount,
and your comt^t having afterwards laid it under a
mistake, that it is the province of this court, sitting
as a court of equity, to correct mistakes, and restore parties
to their rights - Your comt^t is further advised the court
that since 1838, James Scott has departed this life, and
that Alfred S Bailey has qualified as his adm^r with the
Will annexed. Your comt^t applied to the J^r Scott
in his life time, and to the J^r Bailey since the death of the J^r
Scott to correct this mistake, and pay him back, the am^t
paid as afores^d by mistake. But this they refused to do - all
which doing and acting, are contrary to equity and good
conscience.

In tender consideration of all this, and for
as much as your comt^t is unswayed in the premises
except in a court of equity ^{To the End} therefore that
justice may be done, by means that Alfred S. Bailey adm^r
with the Will annexed, ^{of Jas. Scott, decd} may be made defendant to this
bill, and thus answer matter to its allegations - that
your honour will decree the J^r adm^r to pay to your
comt^t the \$90 - with interest from
payment of the same by the couple to the J^r Scott; and
grant unto your comt^t such other relief as justice and
equity may require - and your comt^t as is duty bound
may it please y^r hon. to grant &c. Thomas Johnson

686

Johnson

$\frac{1}{2}$ } Sp^{ce} in lch

Settles adm

1842 August Rules

no Intt.

Williams A Bellby of
Williams. L. Conteriff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Alfred T Bailey administrator de bonis mortis of James Scott decd*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first **Monday** in *August* next, to answer a Bill in Chancery exhibited against *him* in the said Court by *Thomas Johnson*

And unless *he* shall answer the said Bill within ~~two~~ *two* months thereafter, the Court will take the same for confessed, and decree accordingly. And this *he* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *19th* day of *July* 1842, in the *66th* year of the Commonwealth.

L R Edwards Clk

[One Copy to be delivered each Defendant.]

M. 1.

to
has took } note

\$105

I Thomas Johnson of Southampton County Virginia do here &
oblige myself my heirs Executors & Adms firmly by these presents to
pay or cause to be took & truly paid unto James Scott his certain
attorney heirs Executors Administrators or assigns the full sum of
one hundred & five Dollars current money of the United
States of America with lawful interest thereon In
witness whereof I have hereunto set my hand and seal
this thirteenth day of October Eighteen hundred and twenty

Signed Sealed & Delivered

in presence of

James A. Scott
his
Jeremiah X Stephen
mark

No 2—

Thos. Johnson

to } note
Jas Scott }

\$221.06

C.

1838 June 5th Paid Two hundred & twenty six Dollars and Twenty one Cent in full of the within
Scott

I Thomas Johnson of Southampton County Virginia do bind and oblige
myself my heirs Executors and Administrators firmly by these presents to pay
or cause to be well and truly paid unto James Scott his heirs Executors Administrators
or assigns the just and full sum of Two hundred & twenty one Dollars & six cents
current money of the United States of America with lawful int thereon
In witness whereof I have hereunto set my hand and seal this fifteenth
day of January Eighteen hundred and thirty eight -

Signed Sealed & Delivered
in presence of

Wm H Harrison

Jordan Edwards
Harrison Joiner

for benefit of assignees—

Such brought to August Rules 1842
Dam: \$20 in each case—

The one v. John & Sprailly Wallis
brought to August term's term.

~~J. Mansy &c~~

Jeph Denny & Wm D Wood

Hardy Rawls &c.

Sprattley & Geo Williams

- If the note of the 18th January 1838 was intended to
be executed for the amount due on the note
of 13th Oct 1830. there seems to be an error
of Eight Dollars and fifty ~~more~~ cents —

Detd. due Octo. 13/1820

\$ 105.00

Int. to Jan'y 15/1838

107.66

\$ 212.66.

Int. to June 5/1838

4.96

\$ 217.62

due June 5/1838