1802-015 , Chancery Causes. Maximillian Maxwell vs Lazarus Levy's admrs

Isle of Wight County

other SURNAMES: Young, Mallory, Murray, Mallary

Maxwell
vs
Levy's admrs

Bill

6. 93 Courts

Aug. '99
Rule for record

March 1800
Answ. filed & exhd. Rep'd.
& Cont.

Mar. 1802
Cont.

Sept. 1802

Dism. & appeal granted
to Wm. Burgh & not
prosecuted further

September Judgment
1802

To the Worshipful Court of Isle of Wight County sitting in Chancery, humbly complaining, sheweth unto Your Worships your Orator Max.l Maxwell -

That at the sale of the estate of Lazarus Levy dec.d he purchased a vessel tackle &c for the sum of £50. and that he gave his bond with James Young as his security for the payment of the same. That he bid this high price for the vessel, in consequence of his expecting some immediate freights, (which indeed he was offered immediately after the was struck off to him. That after the sale he made application to the administrators for the papers belonging to the said Vessel (called the schooner John) which were not delivered to him until forty two days after the sale. Whereby he was prevented from using her at all. That the said Vessel thus laid idle for the space 42. days at a great expence to him. And that he thereby lost the opportunity of making some advantageous voyages which he had intend, and for which he bought the vessel. Your Orator reasonably estimates his s.d loss to £38.17. That an action was brought upon his bond, a judgment at law obtained and an execution thereupon issued. Your Orator states that he has an acct against the s.d Lazarus Levy dec.d for the sum of £1.10. which he prays may be taken as part of his bill -

In tender consideration whereof, and for as much as your Orator is remediless at Law. he prays the aid of your Worships

To the end therefore he prays that Wm Mallory & John [illegible] may be made defts to this bill of compl.t and that they may answer upon oath the allegations above set forth. and particularly if the vessel's papers were not detained as is stated above. He lastly prays that the proceedings on the judgment aforesaid may be stayed until this matter can be more fairly heard before the court & Rich.d Wm Byrd

May it please &c

P. Q.

Lewis adm
to
Mesenell } comm.

April 69.
Rule for depos.

Mem.
Ans.r filed Knode
to depose imm. at
instr Ch. —

Compt^s respecting the Vessels papers, until seven-
eight days after the Sale. nor did these defendants
know anything of the papers. These depts further
state, that if the papers had been mentioned on
the day of Sale, they, knowing nothing of them
would not have undertaken to detain them. They
Considered that the Contract was for the Vessel as
she lay without any thing further on their part.
but after as the papers came to their hands, they
did detain them to the Compt^s but never Consi-
dered themselves as bound to do so. or to answer
in any manner for the Vessels delay in Consequence
of them. They are advised that as the Register
of the Vessel aforesaid was mislaid or lost. that
upon the Compt^s application to the Office of the
Customs. with an affidavit to this effect. another
Set of papers might have been obtained so as to
prevented delay, under all the Circumstances these depts
Conceive that the Charge for demurrage &c is an unjust
& an ungentlemanly one. These depts deny all negotiation
in the business & pray to be hence dismissed with
their Costs, in this behalf to be most faithfully sustained?

W. Mallory
John Murray

Isle of Wight County to wit

William Mallory & John Murray Comptants
make oath that the foregoing answer is true
as far as they know & verily believe. Given
under my hand the 5th March 1795.

Tho King J.P.

The answer of William Mallary & John Murray admrs.
of Lorans Levy deceased defts. to the bill of Complaint
of Maximillian Maxwell & Compltt. exhibited against
them in the Worshipful Court of Isle of Wight

These defendants saving & reserving to them-
selves all manner of exception to the uncertainties
and impertinences in the said Complainants bill of
Complaint contained, for answer thereto, or to so
much thereof as these defendants are advised is ma-
terial for them to make answer unto, they answering
say, That after they administered on the estate
of Lorans Levy, they advertised to sell Schooner
boat Tackle & apparell that belonged to the said in-
testates estate, That on the day of Sale she was
set up. just as she was, without ever having agreed
to deliver her Papers or anything further than the Hull
and apparel just as she lay. That in this Situation
Sundry persons bid for her, and she was cried out
upon the Complainant for fifty pounds. upon which
the Complainant entered into a bond with James
Young his Security to these defts. for the same expressed
according to the Conditions of the Sale, nor was there
any demand or request, or mention made by the

Title Page and Frontispiece

Shadows of a Shade

Frozen Music on Board – Nov 9 to 21

Illuminated Card Swiss Interior

Sold by me Ebbe L

Mrs. Hall

Print in Sh. Case

a Complete Collection

Mr. Lazarus Levy

To Mar. Maxwell

1797

Aug. 2 To 1 Bl. Tar ---- £ 1.18.—

" 10 To 2 " Twine ---- 3

£ 1.1.0

Sworn to before me this the 8th Nov.r 1797

Jos. Fulghum J.C.

Acco.

The Adms. of A. Levy

The Admins. on the Estate of Isaac Levy dec.d

1797 To Mary Maxwell

Dec.r 19.th To the duration of the debt
John 42 days owing
to the Negroes not being
delivered ——— a 18/. } 37.16—

To Sundries Disb.s ——— in.t ———

£ 38.17—

Levys admrs.

vs.

Injun. Bond

Maynwaller

15th. Dec. 1798.

Know all men by these presents that we Maximilian Maxwell and James Southall are held and firmly bound unto William Mallory and John Murry Administrators &c. of Lazarus Levy Decd. in the sum of pounds Current money of Virginia to which payment well and truly to be made unto the said William Mallory and John Murry their Heirs and Assigns we bind ourselves our Heirs Executors and Administrators Jointly and Severally firmly by these presents Sealed with our Seals and Dated this 15th. Day of December 1798.

The Condition of this obligation is such that whereas the said William Mallory & John Murry Administrators &c. of Lazarus Levy Decd. hath obtained a Judgment at Common Law against the said Maximilian Maxwell in the County Court of Isle of Wight for pounds, & Costs, and the said Maxn. Maxwell hath obtained an Injunction to stay the Execution of the said Judgment untill the hearing of the matter in Equity upon a bill for that purpose filed, If therefore the said Maxn. Maxwell shall satisfy and pay the said Judgment at Common Law and all Costs and Damages that shall be awarded to the said William Mallory & John Murry in case the said Injunction shall be Dissolved then the above obligation to be Void or else to remain in full force & Virtue.

Max. Maxwell Seal

James Southall Seal

Sealed & Delivered
In the presence of
J. Young
J. Young

(15th. March 98)