1816-026 Chancery Causes: John Scarsbrook Wills' ettors vs John Williams 'ettors

Isle of Wight County

other SURNames: BRyant, DRake

Bill

[illegible] 17 [illegible] Rule for Libel 08

July 98.
Rule for Libel.

Sept. '98.
Rule for Libel.

June '99
Rule for Libel.

March 1800
Post. & Cont.

March 1802.
Cont.d

[illegible] 1803
Cont.d for Post

Feb. 7/1804
Cont.d

April 1805
Cont.d

April 1805

[illegible] Sept. [illegible] Cont.d [illegible]

Sept. 1803
Cont.d

July 1806
order of publication &c

April 1816
Cont.d diem

and prayers to be repeated to. [illegible]

as may seem meet

But now so it is may it please your Lordship that notwithstanding the premisses and circumstances aforesaid the said Williams & Drake the executors aforesaid have wrongfully sued out a writ of Subpoena in the aforesaid bill in this court, and by the accident of bad weather, obtained judgment and have thereupon sued out execution, which your orator conceives to be unjust, and requires the interposing hand of this equitable tribunal, your orator being remediless in a court of Law.

To the end therefore that the said Nicholas Williams & John H. Drake the executors of John Williams (who your orators pray may be made defendants to this bill of complaint) may upon their corporal oaths full true and perfect answer make to all and singular the allegations in this bill contained, and that as fully & perfectly as if the same again herein repeated and interrogated, more especially that they set forth and discover, whether they have not heard, or discovered from the books & papers of their testator, that payment hath been made of the said bond, or a part thereof, and how much, have they not reason to believe by some means, that the same has been discharged, and what do they know concerning the premises,

And that your Hons will injoin the said executors and all concerned from further proceedings at Law, until this matter is heard before this court in equity, and then make the said injunction perpetual, or direct that an issue be made up thereupon, to be tried by a jury, for their satisfaction, or make any other or further order or decree in the premises for the relief of your orator

May it please &c.

Yarbrough for Complts

To the Worshipful Court of Bertie Right County
Sitting in Chancery. Humbly Complaining. Shew unto
your Worships, your orators Willis & Emanuel Wills execrs
of the Last Will & Testament of John Sen. Willis deceased.
That sometime in the year 1770 your orators testa-
-tor gave his bond with a George Bryant of the County
of State of North Carolina his Security
in a certain John Williams of the same County & State
Conditioned for the payment of nine pounds four
Shillings; as appears from the said bond, upon which
a Suit was lately been prosecuted by Nicholas Wills
-ams & John H Drake, as executors of the said John
Williams, in this Court, and upon which a Judg-
-ment has been obtained by default in March
Term last in Consequence of your orators not attend-
-ance being prevented by bad weather.
your orators finding upon the examination of their
Testators papers, an account in their Testators own
hand writing, between the said George Bryant the Security
aforesaid, and their said Testator bearing date in 1772
in which account their said Testator has credited
said Bryant the sum of £9. 15. the amount of the money
which the said Bryant, was Security for as aforesaid.
which circumstance, together with that of Bryants being
a Resident of the said County with Williams, his being
a man in affluance, & Williams, indigent, the great
length of time that has elapsed, since the giving of the
said bond to wit about 26 years. creates the strongest
presumptions, that the said bond, hath long since been
discharged, the said account is hereto annexed and

Williams' exor
adc. & ans.
Wills' exors

And finally this Defendant, denying to much of the bill of the Complt as he has not herein already answered admitted or denied, prays that the injunction granted to the Complts may be dissolved, & that he may be hence dismissed with his costs &c.

Nicholas Williams

Isle of Wight County, to wit.

Nicholas Williams this day made oath to the Truth of the foregoing answer, before me a Justice of the peace for the County aforesaid. Given under my hand this 22d. day of Dec. 1796. —

Geo Purdie

The answer of Nicholas Williams to the Bill of compla
exhibited against him & John H. Drake as executo
&c of John Williams dec^d by Willis & Emanuel Wills
executors &c of John S. Wills dec^d

This Defendant, saving to himself every be
nefit of exception to the bill of the Complainants,
answers thereto as follows — He admits that such
bond as the Complts describe was given by their
Testator & George Bryant to his Testator — that
the same has been since put in suit & a judg-
ment thereon obtained in the Court of Isle of Wight
County as the Complts in state — & it may be
true, that Bryant under the Complts have made
such an account as they speak of, but does
he can safely aver, that the money due upon the
bond was not paid by John S. Wills in his
lifetime, as this Defendant deemed him several
times for it & at each time received acknow-
ledgments of its being justly due with fair
promises of payment — & this Defendant
being fully acquainted with the affairs of his
Testator John Williams as well before as since
his death can also undertake to aver, that
the money mentioned in the bond is yet due.

[illegible] Com[illegible] [illegible]ames
Smith the sum [illegible] hundred
pounds on demand [illegible] Lew-
Promise to pay unto James Smith
the sum of Lex. pounds, on demand
for value received as witness my hands
this day May anno Dom.

as witness Lamps
current money of wages

Com Com Commissary Com
Com Com Complaints

Com hands
James Smith 3/9

at a conference held on Saturday the 23d July anno
Dom. 93 at Nathaniel Berrymans by J. O'Kelly Esq.
Almond

Commissary Command
Command

him on my hand

[illegible]

Bunkley Lewis

Bunkley Receipts
dated 1793

Bunkley Lewis Esq.

Bunkley Lewis

Bunkley Lewis

Lewis Bunkley
Esq.
Jones
Note to the
debt due
to John Williams
in Carolina

1772. Mr. George Bryont — Dr

	£	s	d
To Ballance of an Old Acct Settled	2	10	—
To Cash paid Lod Hufford in Carolinia	1	11	6
To 1 pr Shoes		6	—
To Cash lent you		2	6
To Cash paid John Smelly & Thomas Cary	33	9	9
To 1 Quarter Beef Let John Woodly have for you		12	—
To Cash at Smithfield		15	—
To Cash when you went to Carolinia		3	9
To Bill paid James Dunlop	4	0	5½
To Ballance pay John Crocker	3	2	6
To Cash sent you	6	0	0
	£ 63	13	5½

Promise to pay or cause to be paid

Contra — Cr

	£	s	d
By Cash in Smithfield	26	5	0
By Ballance p Bond Humphrey Crocker	7	1	9
By your part in what we made in the Beef	1	10	
By what you was Security for me to [illegible]	9	14	
	44	11	9
Ballance due John Sch Wills	8	1	8½
	52	13	5½

1770. £ G. 4. Nicholas Williams & John H Drake exors