

1818-023 Charney Cause: Thomas Sandreus' admr vs Anthony Payne

Ile of Wight County

Other SURNAMES: Westray,
Pierce, Saunders

To the Worshipful Court of Ide of Wight
County in Chancery sitting -

Humbly complaining, sheweth unto your Worships, your orator Joseph Westray administrator De Bonis now of Thomas Sandreus decd. That a judgment at law was recovered against William Pierce and Ann his wife, administrators and administratrix of the said Thomas Sandreus decd. in this Court at March term last, since which time the said Ann hath departed this life and administration upon the unadministered part of the said Tho: Sandreus's estate hath been committed to the hands of your orator.

Your orator represents, that it is most evident, not one cent is due upon the said claim, the same having been many years ago fully satisfied and paid by your orator's Intestate, to the said Henry Sandreus, previous to his civil death, as will fully appear by a receipt in full found among the papers of his Intestate, which is now before the Court produced, and prayed to be considered and taken as a part of this his Bill. That since the civil death of the said Henry Sandreus, by conviction for a criminal offence, a certain Anthony Payne as Committee or Trustee for the said convict, has thought proper to prosecute the said debt and has most improperly obtained a judgment, and notwithstanding he has been informed that the debt has long since been adjusted and paid, previous to any right or cause of action acquired on his part, he nevertheless persists in a system of oppression and has placed an execution in the hands of the sheriff of this county, commanding him to make the debt and costs out of the estate of the said Thomas Sandreus. Your orator begs leave further to represent, that the said Pierce and wife the former representatives of his Intestate, being very ignorant and illiterate persons, were under the

belief as he has been informed, that the possession of the receipt was of itself sufficient, and did not attend Court, believing that no attempt would be made, to recover a debt once paid. - But now so it is, may it please your Worships, the said Anthony Payne, combining and confederating with divers persons, at present unknown to your Orator, whose names when discovered, he prays may be made defendants, with apt and fit words to charge them, has by surprise, and imposition obtained a judgment against his Intestate's estate, for the sum of

and is endeavouring to enforce the payment of the same by execution - all which actings and doings are contrary to equity and good Conscience and tend to the manifest injury and oppression of your Orator, and to the perversion of justice.

To the End therefore he prays, that the said Anthony Payne may be made defendant to this his Bill of complaint, and be compelled upon his corporal oath full true and perfect answers ^{to} make, to all and singular the allegations herein contained, as if the same were here again repeated, and he thereunto interrogated, more especially that he may set forth discover and declare, whether he is not Committee or Trustee to the estate of Henry Sandreus a convicted Felon? Has he not recovered a judgment and issued execution thereupon? does he not know that the debt aforesaid has been wholly paid? Has he not seen a receipt in full executed by the said Henry Sandreus to Thomas Sandreus? Does he not know that this transaction was fully adjusted and settled many years before the said Henry was convicted? What were the circumstances, under which he found the Claim, as well as the attendant circum-

stances under which he obtained a judgment? Has he not documents in his possession proving the payment of the debt aforesaid?

Your Orator lastly prays that the said Anthony Payne, and all others concerned may be restrained from all further proceedings at law, and that the Judgment may be enjoined, until the matters thereof can be heard in equity - May it please your Worships to grant the Comrth's writ of *Spec. of Inj.* Commanding &c.

Prentis.
for Compt.

Joseph Westray administrator ~~be~~ bonis non of Thomas
Sandrews solemnly and sincerely affirms in open Court
that he has found a receipt on full account by
a certain Henry Sandrews, who is now a convict in
the penitentiary, paid by ~~the~~ Tho: Sandrews, your
affiant's intestate. many years since - That a judgment
was rendered at March Court last, in favor of a cer-
tain Anthony Payne, as Committed of the said
Henry Sandrews - That altho the fact is certain
yet ~~that the debt is paid~~ the said Antho. Payne, hath sued out an
execution which is now in the hands of the
Sheriff of Isle of Wight, against the estate of
Thomas Sandrews, in the hands of Mr Pierce
and his wife ^{Ann}, which said Ann ~~is~~ has died
since May Court last. and Admon hath been
committed to the hands of the said Westray - who
prays an Injunctio

aff'd to in open Court 6th June
1814

Nath. Long J.

Saunders senior.

" } Affidavits

Saunders's trustee

June 1814 leave for Ind. m

12
6-9
1
7-6
2-6
29-9

29
5-5
7-4
7-5

Joseph Westray
ad. De Bonis non
of Tho Saunders & Bill
Anthony Payne of Nyon
Committee &c

(Exhibit inclosed)

June 1814, bill filed & leave for
Injunctions - who executed &c

July 1816

Affidavit filed, at inclosed seal

November 1816

Bill taken for confessed & nisi done

August 1817. Injunc. perpetua
-also, with costs - Greutis.

Isle of Wight
C. & C.

Saunders admor.

vs. 2/2 Injunc.

Payne, Committee for 2/2

Saunders

August 1817

Injunc. perpetua with costs

August Judgments

1817

No 1

The commonwealth of Virginia & the sheriff of Isle of Wight
County greeting; you are hereby commanded to summon

Nathaniel Young Justice for Henry. Lamm and
to appear before Justices of our county court of Isle of Wight
at the courthouse of the said county on the first Monday
in July next to answer a bill in chancery exhibited
against ~~them~~ ^{them} by Joseph Westaway Administrator de bonis non
of ~~Joseph~~ ^{Thomas} Saunders decd

and this they shall in no wise omit under the penalty
of £100 — and have then there this our witness
Nathaniel Young clerk of our said court at the
courthouse the 6th day of June 1816 in the 40th
year of the commonwealth —

Nathl Young

To inform a judgment obtained by Nathaniel Payne
 defendant for Saunders against Joseph Westcott & Son
 - trustees of Joseph Saunders - bond given and
 return of error in law -

Attest: Henry St
1811

Saunders vs Westcott
 Joseph Westcott
 Nathaniel Payne
 11
 [unclear]

Executed Joseph Hallman &
 for J. M. Bingham

The affidavit of Elias Saunders, Taken at the
Clerk's office in the county of Isle of Wight on the 2^d day of
July in the year 1810. Between the hours of six o'clock
in the morning, and six o'clock in the evening, to be read
as evidence at the trial of an injunction now pending
and undetermined, ^{in the County Court of Isle of Wight} wherein Joseph Westray ad-
ministrators de bonis non of Thomas Saunders dec'd is
complainant and Anthony Payne, Committee or Trustee
for the Estate of Henry Saunders who was sentenced to
a confinement in the Penitentiary ^{was the said Compt.}
and defendant being present at the taking of this
affidavit - This affiant being duly sworn on the holy
Evangelists of Almighty God deposeth and saith, that
he was present at Joshua Gay's in the county of Isle of Wight
about ten or eleven years ago, when Henry Saunders
and Thomas Saunders were in conversation, concerning a
suit, which Henry had against Thomas Saunders - That a settle-
ment did ^{take} place, and some writings passed between the parties
and your affiant believes that Ezekias Saunders did the
writing - That Colo. James Wills was also present who assisted
the parties in the settlement - That ^{Colo. Wills} told Thomas
Saunders that he ought to be done, and put his obligation
out of the Clerk's office as the matter was then settled or
he might at some future day be plagued about it, Henry
Saunders was also present and laughingly said, that he
then held funds in his hands, which belonged to the said
Thomas Saunders's father's estate - your affiant further
states, that he understood both from Henry, as well as
Thomas, that the obligation sued upon, was then, at the
house of Joshua Gay finally settled and paid off -
And that the said Thomas lived, about one year
afterwards - And further this affiant saith Not -

Elias Saunders

Jale of Wright County, Ia.

The foregoing affidavit was taken before us at the Clerk's office, in the County aforesaid on the 2^d day of July 1870 between the hours of five o'clock in the morning and five o'clock in the evening and in the presence of the Complainant and defendant and was sworn to before us as Justices of the Peace for the said County on this day.

Given under our Hands, this 2^d July 1870—

Henry W. Wells J.P.
Solomon Butler J.P.

Wm. C. C.

Came to have under seal 2^d July 1870

Isle of Wight County, to wit,

November Court 1816

Joseph Westray Administrator de bonis non
of Thomas Saunders decd.

against

D. Compt.

On Injunction

Anthony Payne Trustee for Henry Saunders Deft.

The bill in this cause having been filed more than
three months, and the Subpoena returned executed, and the Defendant
having failed to answer the same. On the motion of the complainant
by his attorney, it is decreed and ordered that the same be taken for
confessed, and that the court will proceed at a future day to decree the
matters thereof according to the prayer of the bill, unless the Defendant
shall appear here on or before the first day of January Court next, and
file his answer, after having been served with a copy of this order, ten
days before the said Court.

Teste

Nathaniel Young Clk

Isle of Wight County &c.

On this 6th day of January
1817. Josiah Holliman personally appeared
before me a Justice of the Peace for the
said County and made oath that he did
on the 12th day of December last deliver
a true copy of the within order unto Mr.
Anthony Payne. Given under my
Hand this day and year first above written.

Saml Eay J.

Anthony Payne

Mr. Josiah Holliman

Payne, Justice

4 January 1817

1817

~~December 21st 1816 this day delivered to
Josiah Holliman a true copy of the within
order for \$4.13 by Mr. M.~~

Henry Sandicor's
Receipt to
Tho: Sandreus.



Recd of Thomas Andrews the Just sum of twenty Dollars Being the Balance
of the Bond of twenty seven Pounds in full of all Accounts to this date
Aug. 1/80 L

Henry Andrews

Teste

Ezekiah Andrews

Henry Sandrew
to P
Mrs Sandrew

Receipt

Know all men by these presents that we Joseph Westray &
are held and firmly
bound unto Anthony Payne trustee of Henry Saunders
in the sum of thirty four pounds fourteen Shillings & two pence
current money of Virginia to which payment well and truly
to be made we bind ourselves our heirs executors & administrators
jointly & severally firmly by these presents sealed
with our seals & dated this 4th day of July 1814

The condition of the above allegation is such
that whereas Joseph Westray Anth^l. Payne hath obtained
Judgment at Common Law against the said
Joseph Westray as the adm^r. of the Saunders in the County Court of
Isle of Wight for £24. 7. 1 — and cost and the
said Westray — hath obtained an in-
junction to stay the Execution of the said Judg-
ment untill hearing the matter in equity upon
a bill filed for that purpose. If therefore the
said Mr. Westray — shall satisfy & pay the
said Judgment at Law and all cost & dam-
ages that shall be awarded to the S^r. Anth^l. Payne
in case the S^r.
Injunction shall be dissolved that then the above
obligation to be void or else to remain in full
force & virtue

Signed & Sealed
in presence of
D. Dick

Joseph Westray (Seal)
(Seal)

27 7. 1
27 4. 1
34 14. 2

Saunders

17

} by Bonds

Saunders's hunter