

1820-026

Chancery Causes: Anthony Holladay's admr vs Nathaniel Cutchens + Edmond Godwin,

Isle of Wight County

June

other SURNAMES: Chapman,  
Pully, Price, Holleman,  
Holliday, Gibbs, Cutchin

Man Adm.

17.

Cutlers & Godwin

Sept 1805

Bill filed

Jan'y 1806

Bill taken as conf.

July 1806

Also filed

May 1820 dismissed

with leave to reinstate

within 3 months

Which he offered to return them to the said Governor  
Hutchins, from whom received; but to his astonishment  
they were refused, and on demanding the obligation  
for the £70 - it was indeed delivered to him; but with  
the names of the obligors and witnesses torn off in  
the manner it now is here exhibited to the Court. -

Your orator has applied to Mr Godwin again  
and a gain to render him Justice by removing the obligation  
as it was lodged with him particularly; but he refuses  
justice to your order in every shape. -

Wherefore and for as much as your Compt  
-aimant is without remedy only in a Court of equity,  
and to the end that Justice may be had, he prays that  
the said Hutchins and Godwin, may be made defend  
-ants to this bill, and on oath, full, true, and perfect  
answer make to all and singular the allegations it  
contains. And that they be decreed to pay unto your  
Orator the aforesaid security, pound Current money  
of Virginia with the interest accruing thereon from  
the said 1<sup>th</sup> of February 1803 - till payment, and  
the Costs. - ~~may it please~~ and make  
any other or further order or decree in the premises  
for your Orator's relief, as may tend to the promotion  
of Justice and equity. May it please

Richard for Compts. -

To the worshipfull Court of the County of Isle of Wight, Humbly  
 Complaining sheweth unto the Court your Orator Lewis Chapman,  
 administrator of Anthony Holladay dec<sup>d</sup>. That Edmond Godwin  
 Esq<sup>r</sup> and Nathl. Cutchens, of the aforesaid County, for a valuable  
 consideration, executed their joint obligation payable to him, and  
 dated the 11<sup>th</sup> day of February 1802, for the sum of £70. Current money  
 of Virginia, to be paid on or before the 11<sup>th</sup> day of February  
 1803. the remains of which obligation is herewith annexed  
 and prayed to be taken, and Considered as a part of this  
 bill. — That the said Godwin pretending much honesty, and  
 fairness, Combining with the said Nathl. Cutchens to defraud and  
 injure your Complainant, proposed <sup>to</sup> your Orator to receive  
 the papers hereafter mentioned, for which to receive the Sums of  
 money therein mentioned, which he was assured, by them, would  
 be paid on demand, and to apply the money when received  
 towards the discharge of the, before mentioned, obligations,  
 and, taking advantage of your Complainant's ignorance,  
~~and~~ simplicity of manners, and unsuspecting mind, required  
 him to place the obligation in the hand of the said Godwin  
 as a pledge; with a promise that if the money should not  
 be paid, in Conformity, to the papers hereafter mentioned, and  
 the assurances aforesaid, that the obligation should be  
 returned to your Orator. — The papers which were delivered  
 to your Orator, were — a note, or obligation executed by one  
 Francis Wards, promising to pay to John Pully on or before the  
 25<sup>th</sup> day of December next ensuing the date, for the rent of a  
 Cot — seven pound ten shillings. The date was the 1<sup>st</sup> of Jan<sup>y</sup>. 1803. £7.10.0  
 An Order drawn by the said Nathl. Cutchens, on the Sheriff of  
 the said County, of Isle of Wight, for ————— 13.7.6  
 for which the order states, he had Judgement, <sup>vs</sup> George Pices, and  
 also for £7.88. which he (Cutchens) states in the order, he had } 21.11.3  
 obt<sup>d</sup> Judgement for in Suffolk District Court ———— }  
 An Order drawn by the said Edmond Godwin, on Lieut<sup>t</sup>  
 Holliman, requesting him to pay your orator ————— } 1.19.2  
 The two last orders, bearing date the 13<sup>th</sup> November 1802 } 7.7.11  
 and the whole amounting to the Sum of ————— }  
 All of which papers, are herewith filed for greater Certainty  
 Your Orator states, that he tryed in vain  
 to procure payment for the said note and orders.

in this behalf expended -

Sworn to before me by Nathl. Cushing -

July 7. th 1806.  
Isle of Wight Co. }

Geo. Benn J.P.

Holladay's action  
vs  
Cushing & Co. } Answer

The answer of Nathaniel Litchin to the bill of complaint exhibited against him and Edmund Godwin in Isle of Wight court by Lewis Chapin an admr of Anthony Holliday.

This Respondent saying to himself all right of excepting to the various errors contained in the said bill, for answer thereto, or to so much thereof as he is advised is material for him to answer, Says, it is true that Edmund Godwin and himself jointly bought of the compt. a vessel (called the Nancy) belonging to the estate of Anthony Holliday, for £70. That for that sum they jointly executed their bond at the time stated in the bill. But he adds, that before the debt became due, the compt. drew an order on him for £30. in favor of <sup>Thomas Holladay</sup> ~~John~~ Gibbs, which order he has paid off, as will more fully appear by the receipt of John Gibbs hereto annexed and prayed to be taken as a part of this bill. That it was understood by him and even by the compt. himself, that your ~~estate~~ Respondent had discharged his part of the said debt, except as to £5. with interest which he acknowledges he has never paid. He expects to prove that the compt. has expressed the same opinion in the presence of a disinterested witness. He denies that he was concerned in ~~the~~ cancelling the said bond as suggested in the bill. He is advised that a court of equity under these circumstances will not set up the bond against him, except as to £5. He lastly prays to be hence dismissed with his costs

I Nathaniel Cutchin and Edmond Godwin, <sup>of Isle of Wight County</sup> Do promise  
to pay or cause to be paid unto Lewis Chapman Admini-  
-strator of Anthony Holladay, <sup>dec'd. of said County</sup> in the Just and full sum  
Seventy Pounds bearing Money of Virginia to be paid  
on or before the 11<sup>th</sup> day of February 1803 if not punctually  
paid to carry interest from the Date We bind our selves  
our Heirs Executors & Administrators firmly by these presents  
sealed with our seals and dated the 11<sup>th</sup> day of February  
On Thousand Eight Hundred & Two