

1820 - 045 Chancery Causes. John Sinclair vs William Atkins, admr of Howell Atkins

Isle of Wight County

Other SURNAMES: Lucas, Dunlop,
I'ANSON, Southall, Barber, Adkins

Stclair }
vs } Bill inj. r.

Atkins }
May 1812 }

Bill filed & O for injunction

June 1813

ans^d filed

May 1820 cont^d for p^lt.

To the Worshipful Court of Isle of Wight County
Humbly Complaining Sheweth unto your Worships
your orator John Sinclair. That sometime in the year
as suit was instituted in the County Court of Surry by
one Howell Atkins ^{agent of Stephen Lucas} against Archibald Dunlop and Thomas
Samson his decedent for the sum of ^{Sometime shortly}
after the rendition of the judgement Thomas Samson departed
this life and charged his wife qualified as adm^x with whom
your orator intermarried so that the administration in part
with one John Douglas devolved on your orator. That in the
year of ^{The} the aforesaid Howell Atkins ap^{pe} de called
on your orator who resided in the County of Isle of Wight at that
time your orator being unacquainted with any of the circum-
stances relative the aforesaid claim employed one John
Barber as his counsel in the said suit who after informing
himself paid to the Sheriff of Surry the full amount ^{of the}
judgement above stated. ~~that~~ in the year 1801. That your
orator being about to remove to the County of Gloucester
employed the aforesaid Barber generally to act for him
in all matters respecting the Estate of his intestate.
That notwithstanding the aforesaid payment the afores.
Howell Atkins revived the suit against your orator in your
Worshipful Court and as your orator believes obtained
a judgement by default as he had removed to the
County of Gloucester and has never understood how the
judgement was had. That the afores. Howell Atkins ~~has~~
~~issued Execution against your orator's intestate's Estate~~ departed
this life since the aforesaid actings ~~and~~ and his
representative has taken out Execution against

your orator intestate Estate even so it is may.
it please your worships, ^{that} your orator is only relievable
in a Court of equity where such cases are cog-
-nizable in tender consideration where of your orator
prays that the said Representation of the said
Howel Atkins and all others may be enjoined and
restrained from all other & further proceedings in the
Premises and that he may on his corporate oath
true answer on oath to all & every of the above allegations
and more particularly whether he or his Testator
or intestate did not obtain judgment in the life time
of the said Thomas Lamson and also Burlof and
receive payment thro the hands of the sheriff
of Larry as stated. and whether he has not
notwithstanding issued execution &c And your
orator prays your worships to grant him a writ
of debp. & Injunction &c &c

Gloster County Sct

This day John Lencelain made oath before me
Wm Robins one of the justices for the County afores. to the
truth of the within bill as far as relates to him self and
as to others he ^{believes} ~~swears~~ them to be true. Given under my
hand this 24th April 1812.

Wm Robins

Adkins adms

adms { Ammer

Sindian adms

J

undisputed is inferred he believes that the
debt has not in any manner been paid
your respondent denying all fraud & says
that the injunction obtained in this cause
may be dissolved and he permitted to enjoy
the benefit of his judgment at law and he
says that he may be denied dismission with
his costs unless he can most urgently sustain

June 7th 1813 This day William Adkins personally
appeared before me a Justice of the Peace
for the County of Essex of Right and made
oath to the truth of the foregoing answer -
Given under my hand -

J. W. Blount J.P.

To the worshipful Court of the High Court of Chancery sitting
The answer of William Adkins answer of James Adkins
to the bill of complaint exhibited against him by
John Dunlop ~~and Mary Dunlop~~

This Respondent now and at all times hereafter
serving and reserving to himself all and every benefit
of exception to a claim in said bill contained
for answer thereto doth. That his intestate as the
executor of the Adkins deed who was a signee of Stephen
Secor instituted a suit in Surry Court against the
representatives of Archibald Dunlop and was
the representative of the Adkins deed as will
more fully appear by referring to a transcript of the
record in that suit which is hereto annexed and
may be taken as a part of this answer. It
will also appear by referring to a Memo. attached
to the said Record and to the execution which
is now upon the judgment ~~part~~ of which are
hereto annexed and may be taken
as a part of this ~~answer~~ That judgment was rendered
against Dunlop's Representatives and that
the execution was issued against said representatives
and returned by the Sheriff "Insufficiently found"
Thus it will appear from the proceedings had
in that suit that the judgment has never
been discharged and as far as your

Know all men by these presents that we Richard Tanson
are here and firmly bound unto William
Adkins administrator of Rowell Adkins who was exor. of Thomas Adkins
who was exor. of Stephen Lucas who was exor. of said Tho. Adkins in
the sum of Twenty pounds current money of Virginia, to which payment
well and truly to be made we bind ourselves our heirs, executors & administrators
jointly and severally firmly by these presents - Sealed with our seals
dated this 7th day of May 1810 —

The condition of the above obligation is such that whereas the said
William Adkins admor as aforesaid has obtained a judgment at common
law against John Sinclair and Mary his wife administratrix
of Thomas Tanson in the County Court of Isle of Wight for ten pounds
Hearts and the said John Sinclair wife have obtained an injunction
to stay the execution of the said judgment until the hearing the matter
in equity upon a bill for that purpose filed - If therefore the
said Richard M. Tanson ^{Robt. West} shall satisfy pay the said judgment
at law and all costs & damages that shall ^{be} awarded to the said
William Adkins admor aforesaid in case the said injunction shall
be dissolved then the above obligation to be void or else to remain
in full force & virtue.

Signed Sealed &
in presence of

De Witt

Rich^d M^r Tanson Seal

Robt West — Seal

Linclair (Harris)

ad:

Lucas. —

lord

&

recept

Wrote R. W. Byrd
of this. —

Barber agt. Jordan ~~24~~ - writ - executed

Henry J. Waverly
March 14th

10

Mr. William Adkins
Davis's Tavern Post Office
Superior County

The Commonwealth of Virginia to the Sheriff of Surry County
greeting: we command you that of the good and chattels and
which were of Archibald Dunlop decd: at the time of
his death in the hand of Susanna Marston whose name
was Susanna Dunlop executrix of the said Archibald
Coke in your bailiwick you caused her to pay current money
with interest thereon at the rate of five per centum per annum
from the first day of January seventeen hundred and ninety
till payment which Howell Adkins executrix of Thomas
Adkins decd: who was a signer of Stephen Lucas who was
a signer of Thomas Adkins guardian to Stephen Lucas
Cately in our said County Court recovered against her for
debt also six dollars and thirty seven cents which to the
said Howell in our same Court were adjudged for his costs
in the said suit expended: whereof the said Susanna is
convicted as appears to us of record. And that you have the
said debt and costs before the justices of our said Court at
the Court house aforesaid on the fourth Tuesday in January
next to render the same unto the said Howell and have
then there this with witness Jacob Faulcon clerk of our
said Court at the Court house aforesaid the 14th day
of December 1798 in the twenty third year of the Commonwealth
at the

Jacob Faulcon C.S.C

Sheriff return

To Property found

Archibald Davis Of Gov.
Wm Boyce Shff

Copies taken
John Faulcon C.S.C
March 1813

The Commonwealth of Virginia To the Sheriff of Surry County
greeting; we Command you that you take John Marston
and Susanna his wife whose name was Susanna Dunlop
executrix of Arch^d Dunlop decd. and John Sinclair
and Mary his wife whose name was Mary L'Anson
surviving administratrix of Thomas L'Anson decd. if
they be found within your bailiwick and them safely keep
so that you have their bodies before the justices of our said
County Court, at the Courthouse, of the said County on
the fourth Tuesday in March next to answer Howell
Adkins executor of Thomas Adkins decd. who was
assignee of Stephen Lucas who was assignee of Thomas
Adkins guardian to Stephen Lucas of a plea of debt for
Twenty pounds current money of Virginia damage five
pounds And have them there this with Witness Jacob Faulcon
clerk of our said Court at the Courthouse aforesaid
the 17th Day of January 1797 in the 21st year of the
Commonwealth

Jacob Faulcon C. L. C.

Enforced, An action of debt founded upon a writing
obligatory appearance bail not required

Sheriff's Return,

N^o Faulcon att^r Pet.

Executed on Dunlop's Executrix and L'Anson's
adms. no inhabitants

Samuel Locke Sheriff

upon which demand there was a judgment obtained against
Susanna Marston executrix of said Dunlop only
having stated as to John Marston by his death; upon
which judgment an execution issued in the following
word and figures to wit

1787. On June 1. By Henry Cooke per part 1 of the within Bond 2:16:2 1/2

Test

Thos Bailey

Henry Cook

1791 August 11th By John Southale Adm^r of Thos Lanyon
Six pounds 15^s 6^d in part of the within Bond.

Stephen Lucas

Henry Cook

I do certify the within Bond
to be the Thomas Lanyon, innocent Guardian of
Stephen Lucas, Captain of Stephen Lucas, Dec^r
but do not say myself liable for the money
in case of default from the Defendant
good for the money when the Bond is taken

Received from Edmund Baker attorney for John
Sinclair and Mary his wife, surviving adm^rs of
Thomas Lanyon dec^d the sum of two pounds nine
shillings & 3^d in full for the balance of this
bond, with interest calculated Thence, till the 25th
of this present month, as of statement annexed.
Nov. 28th 1801.

Archd Baris for
Stephen Lucas

Survey County March 25th 1801. Received in part payment of the within
bond the sum of twelve pound five shillings and 10^s from the
Baker attorney for John Sinclair and Mary his wife, surviving
representatives of Thomas Lanyon dec^d being the amount of a
judgment of 10^{lb} 10^s 10^d which was due out of a Bond. And on a line given
by Mary Sinclair bearing the 25th Thomas Lanyon's joint claim & marks,
Armed Bishop, and Thomas Bishop's arms. This day
discontinued receipted by mutual consent. Stephen Lucas

Test
John W. Nelson

to
Stephen Lucas
20. 18. 06

I assign the within Bond to
Stephen Lucas but do not say
my self liable Thos Lanyon