

1820-060

Charney Causes: John Whitfield vs John Leary

De Witt County

other surnames: Roberts,
Carson, Leary, Johnson

merits & shall be fully heard & that the Court
will grant any further relief in the premises
which may seem just & proper. He begs the
Court's writ of habeas corpus & committit de

John Whiggins

Whitfield

vs Bill of
vs injunction
Leary
~~vs~~
Ap. Court 1875

5th Sep 1879 - Bill
filed

To the Court Count of the Court of Chancery
sheweth unto your honor your orator John Whitefield
that sometime in the year — a suit was instituted
against him in the County Court of the County of
by a certain John Leary on the common law
side of this Court for the sum of — which
the plaintiff alleged was justly due him from
the said Corp^o. That he employed an attorney
& gave him instructions to defend the suit that
previous to the institution thereof he had paid
the said Leary fifty dollars as per receipt
which was given to the Corp^o's attorney & that
the said Leary was also justly indebted to him
in the sum of — that the said receipt together
with what was due your orator was more
than the debt on which suit had been
made — that in consequence of the absence
of the attorney, plaintiff, your orator a
process was taken for the sum of the said
up by Leary without any discount for
the receipt of — judgment having been
against justice & equity your Corp^o is
threatened with an execution which is now
in the hands of the Sheriff of the County of
and a considerable amount of it is now
as your orator is remediless in the premises
save in this Court of Equity — he prays your
aid & that the said John Leary be made
defendant to this bill — that he be ^{be} compelled
or his corporal oath to say whether the allega-
tions aforesaid are not strictly true & correct.
He prays your honor to grant every thing further
proceeding on said judgment & execution until the

1117 Richard H. Baker, Attorney for John Leary
Please take notice that on Thursday the 25th
of this Month between the Hours of ten O'clock
in the Morning and four in the afternoon of
the same day at the House of Edmund Ely in
the County of Isle of Wight I shall proceed
to take the depositions of David Roberts -
Robert Carson and Ely Johnson who is
Witnesses for me in a Cause now depending
in the Court of said County in which I am
Plaintiff and you are defendant or attorney
for said Leary

John Whitfield

February the 14th 1820

The Commonwealth of Virginia to Edmund Ely Augustus
Ballard and Joseph W. Ballard, Gentlemen Justices Greeting
Know ye that we trusting to your fidelity and provident
circumspetions in diligently examining David Roberts, Robert
Carson and Ely Johnson as well on behalf of John Whitfield
as on the behalf of John Leary - in an injunction depending
and undetermined between the said Whitfield complainant
and the said Leary defendant - command you or any
two or more of you, that at such certain days and places
you shall appoint, you assemble yourselves and the witnesses
aforesaid before you or any two or more of you, you call
and cause to come and diligently examine on the holy
Evangelist of almighty God, and such examinations in
writing into our County Court of Isle of Wight distinctly
affidavits without delay you shall send & certify inclu-
ding returning also this Oath - Witness Nathaniel Young
Clerk of our said Court at the Courthouse the 24th day
of February 1820 in the 44th year of the common-
wealth

Nath. Young

February the 25th 1820 this day David
Potter came before us and declared
that he delivered to Richard H Baker
a true copy of the within notice ten
Days Previous to this day

Emm Ely J.

Augustus Ballard J.

The Deposition of David Roberts taken this 25th day of February 1820 at the House of Eam Elys between the Hours of Ten O'clock in the Morning and four O'clock in the afternoon of the same day in the County of Isle of Wight, after having been Sworn upon the Holy Evangelist of Almighty God, Deposed and saith that in the Spring 1817 John Whitfield hired a Negro man Ned of him the said Roberts for four Barrels of Fish or twenty eight Dollars and said Whitfield sent the said Negro down the Spring to the fishery and said the Negro was for John Leary and further this deponent saith Not taken before us this 25th day of February 1820 aforesaid

Eam Ely J.
Augustus Ballard J.

David Roberts

The Deposition of Robert Carson taken this 25th day of February 1820 at the House of Eam Elys between the Hours of Ten O'clock in the Morning and four O'clock in the afternoon of the same Day in the County of Isle of Wight, after having been Sworn upon the Holy Evangelist of Almighty God Deposed and saith that he heard John Leary say in the Spring 1817 that he had hired of John Whitfield one Negro man Ned the said Spring and that said Leary said that the said Whitfield wanted to let him have the said Negro towards what was owing to said Leary before that Spring and also stated that the said Whitfield had taken that Spring the greater part of said Ned's hire and further this deponent saith Not taken before us this 25th day of February 1820 aforesaid

Eam Ely J.
Augustus Ballard J.

Robert Carson

The Deposition of Ely Johnson taken this 25th day of February 1820 at the House of Eam Elys between the Hours of Ten O'clock in the Morning and four O'clock in the afternoon of the same day in the County of Isle of Wight after having been Sworn upon the Holy Evangelist of Almighty God deposed and saith that in the Spring 1817 he went down to John Leary's Fishery and that John Whitfield sent by him the said Johnson a Negro man Ned to said Leary and that he the said Johnson delivered the said Negro to said Leary and left him there for the Purpose of

working with said Learry at the fishery that spring, and this de-
-ponant saith further that at the same time the said Whitfield
sent by him to Learry Fifty Dollars and that he paid the
same to said Learry and took a receipt for the same and
delivered the rest on his return to said John Whitfield and
further this deponant saith not. Taken before us this 25
day of February 1820 aforesaid

his
Eley + Johnson
mark

Ami Eley
Augustus Ballard

Ino Leay act
with
Ino Whieps

Mr. John Leary To John Whittier Dr

1817 For the hire of Negro Man Trip
from the 1st of April till the } \$ 28
10th of May 1817 —————

Expence of Carrying said Negro
and bringing him Home from } 2 —

Yours Truly ————— } \$ 30

In Leary
Recd

Recd by the hand of Ely Johnson for John
Whitford fifty Dollars in part of his
Assy^d acct by me March 25 day 181st

J. H. Cary

know all men by these presents that we John Whitfield &
Benjamin Powell are held and firmly bound to John Seary
in the just and full sum of one hundred and twenty five dollars ^{cts} 75.
current money of Virginia to the payment whereof well &
truly to be made we bind our selves our heirs & firmly by
these presents sealed with our seals and dated this 4th
day of October 1819 -

The condition of the above obligation is such that
whereas the said John Seary as aforesaid hath obtained
a judgment at common Law against the said John
Whitfield for sixty two dollars and eighty eight cents
and costs and the said John Whitfield hath obtained
an injunction to stay the execution of the said
Judgment untill hereing the matter in equity, upon
a bill filed for that purpose if therefore the said
John Whitfield shall satisfy and pay the said
judgment at law and all costs & damages that shall
be awarded to the said Seary in case the said
injunction shall be dissolved that then the
above obligation to be void else to remain in
full force and virtue -

Signed & sealed
in presence of

David Dick

John Whitfield Seal

Benjamin Powell Seal