

1808-132

SOUTHAMPTON COUNTY
CHANCERY PAPERS

SMITH vs. JONES et al. 2/1808

other surnames: Booth

Smith No 199

vs Bill in
Jones & chz

September 1807

Bill filed & rule to answer

Old rule -

New Rule

Dev Decree nisi

Feb 1808 Answer filed

Reps of L

Henry Smith, Esq.
vs
John Jones & others
in
Chancery

To the worshipful court of Southampton county
in chancery sitting, humbly complaining sheweth unto your worships,
your orator Henry Smith of the county aforesaid That John
Jones — of the said county stands justly indebted to
your Orator in the sum Fifty one pounds, six shillings, & 8. and Interest
on forty five pounds seventeen shillings & 8. From 5th Sept: 1804 till p^{re}
That the said John Jones — combining and confede-
rating with a certain Robert Booth & James Jones —
have pretended (as your orator have been informed) to make a
conveyance of the whole of his personal estate consisting of several
Slaves, and other property ^{to the value of} to the said Robert Booth & James
Jones — with intent to injure and defraud the
creditors of the said, all which actings and doings of the said
confederates are contrary to equity and good conscience &
tend to the manifest wrong and injury of your orator
In tender consideration whereof and for as much as your
orator is remediless in the premises without the aid and inter-
position of this worshipful court, where matters of this kind
are properly Cognizable. To the End therefore that
the said confederates may be made defendants to this
bill and upon their several and respective corporal oaths, to
be by them taken upon the holy evangelists, true full and
perfect answer make to all and singularly the allegations
thereof as fully and as effectually as if the same were
repeated and interrogated — and more particu-
larly if any conveyance has been made
by the said Robert Booth & James Jones ^{of them} or either, or what other

conveyance was made by the said John Jones to ^{or either of them} the said Robert & James Jones, when it was made - how many slaves were conveyed, what were their names - their value and what other property & its value - If any real consideration were given for the said property - & how much. - How it has been paid, ^{where,} and to whom, ^{and what sum is still due} or whether the said slaves are not held upon a secret trust for the said John Jones - and if not held upon a secret trust, if there is ^{of them} not a sufficient sum of money in the hands of the said ~~Robert & James Jones~~ belonging to the said John Jones - to pay and discharge the said debt of fifty one pounds 6/8 & Cent. af - or what other sum -

And that the court will order and decree that the said Robert & James Jones - pay to your Orator the sum aforesaid of fifty one pounds 6/8 & Cent. aforesaid or make such other or farther order and decree in the premises as shall be according to equity and good conscience. May it please the Court - the Commonwealths writ of Subpoena to grant, to be, to the Defendants directed, commanding them to appear Answer &c. & your Orator as in duty bound will ever pray &c.

Green Turner *Att'y*
for
Complainant

R. Booth } Chy
adv }
H Smith } Answer

February 1808

Answer filed & Repd
and sent Commission

The Answer of Robert North to the bill of complaint exhibited against John Jones, Robert North and James Jones by Henry Smith in the Court of Southampton County sitting in chancery. This respondent saving and reserving to himself all and every benefit of exception to all errors imperfections and untruths in the complainants said bill contained, for answer thereto or to as much thereof as he is advised is material and necessary for him to make answer unto, answering saith. That a deed absolute and unconditional bearing date the third day of March Eighteen hundred and six was executed by John Jones one of the defendants to the bill of the said Henry Smith to your respondent, conveying all the right and title of the said John Jones in four slaves to wit. Pat, and her three children, Lemmy, Silver and Nelson to your respondent. Your respondent further states that the aforesaid deed was not executed for any fraudulent purpose, but that the slaves mentioned in the said deed or bill of sale were sold to your respondent for valuable consideration for the sum of one hundred and fifty pounds; between fifty and sixty pounds of which money was due to your respondent from the said John Jones at the time of the purchase of the said slaves, and the balance of the £150 has been paid by and to the said John Jones fully satisfied. This respondent states that as the slaves purchased by him of John Jones were a woman and three children he believes their value to have been about five hundred dollars or one hundred and fifty pounds. This respondent states that he is not indebted to the said John Jones nor has he any money in his possession belonging to him. This respondent denying

all fraud combinations or confederacy with the said
John Jones and other persons as impudently charged in the
complainants bill, pray to be hence dismissed with
his costs in this behalf most wrongfully sustained.

Southampton County to wit.

Robert Booth this day personally appeared before me
a Justice of the Peace for the said County and made
oath to the truth of the above answer. Given under
my hand this 15th of February 1808

Charles Briggs J. P.

To the worshipful court of Southampton in Chancery
sitting - The Answer of Jones

Jas Jones
advs } Answer
H Smith }

July 1808 answer filed
& Rep'd & confirmed

The Answer of James Jones to the bill of complaint
exhibited against John Jones, Robert Booth and
the said James Jones, ^{by Henry Smith} in the Court of Southampton
sitting in Chancery. - This Respondent denying
all fraud combination and confederation which
has been imputed to him in the complain:
and ^{and assigning to himself the right of excepting to all errors in said bill,}
saying that he is advised as material and necessary for
him to make answer unto, for answer thereto
saith. That true it is, the said John Jones
one of the defendants to the bill of the said
Henry Smith did execute to your Respondent
an ~~absolute~~ absolute and unconditional deed for
one sorrel horse, one sorrel mare, one bay horse
three head of cattle, three feather beds and
furniture, one riding chair and harness and
some few other articles of little value with the
whole of his household and kitchen furniture
and that the said deed was executed by the
said John Jones on the 11th day of April 1806
your ^{Respondent} ~~deems~~ it proper to be thus particular as
he is required ^{specially} particularly to state these facts
your ^{Respondent} further states that the above deed was
not executed for any fraudulent purpose, but
that the said property was conveyed to him bona
fide for the payment of the sum of four

hundred dollars which was justly due from
the said John Jones to your Respondent, and
your respondent states that ^{he} received the same in
full satisfaction of the above claim of four hundred
dollars. Your Respondent further states that he
does not owe to nor has he any money in his hands
belong to the said John Jones. As to the negroes
which are charged in the bill to have been
fraudulently conveyed to Robert Booth another
defendant ⁱⁿ the said bill your Respondent
states that he knows nothing. Your Respondent
denying as heretofore all fraud combinations
He prays to be hence dismissed with his costs
in this behalf most unjustly and unrea-
sonably sustained &c.

Ex. ampton. Set

James Jones this day personally appeared before me
a Justice of the peace for the said County and
made oath to the truth of the above answer

February
15. 1808 }

Given under my hand
Charles Briggs J. P.

Ans Jones } Chy
advs }
H Smith } Answer

February 1808

Answer filed & Rep'd &
Commission

The Answer of John Jones to the bill of complaint exhibited against him the said John Jones, Robert Booth and James Jones by Henry Smith in the County Court of Hampton sitting in chancery —

This respondent saving and reserving to himself all and every benefit of exception to all errors, imperfections and untruths in the complainants said bill contained therein or to as much thereof as he is advised is material and necessary for him to make answer unto answering saith. That he cannot deny the justness of the debt of fifty one pounds six shillings and eight pence due to the complainant, and has always felt a disposition to pay the same - indeed it is a fact well known that this respondent being in confinement to satisfy the above debt, did actually take the benefit of the insolvent's oath and rendered in a schedule of his property for the purpose of being released. This respondent confesses that he did execute two deeds. One to James Jones dated the 11th of April 1806 for sundry articles therein mentioned for the purpose of discharging and satisfying a debt of four hundred dollars then justly due from this respondent to the said James Jones - the other was executed to Robert Booth and is nothing more than a bill of sale for four negroes Pat and her three children Tempy, Silver and Nelson sold to the said Robert Booth for the sum of one

hundred and fifty pounds. This deed was
executed on the third day of March 1806, and at
the time of its execution this respondent was indebted
to the said Robert Booth in between fifty or sixty
pounds for which he gave him credit and received
the balance of the £150 in a short time after-
wards. This respondent states the said James Jones
and Robert Booth owe him nothing. This respondent
denying all fraud combination and conspiracy with
the said James Jones and Robert Booth as has been
unjustly charged against him in the complaints will
pray to be hence dismissed with his costs in this
behalf more unjustly and wrongfully sustained.

Southampton County Set

John Jones this day personally appeared before me
a Justice of the Peace for the said County and
made oath to the truth of the foregoing answer
Given under my hand this 15th of February 1808

Charles Briggs J. P.

Smith }
or } decree
Jones } raise

To December 1807

Executed,
J^d Nicholson
dpy of Land & Survey Shpp

Southampton, November 1804.

Henry Smith - Compt.

Against

John Jones.

5th

In Chancery

This cause was this day, Heard on the bill
of the complainant; on consideration whereof it is decreed
and ordered that the complainants bill be taken for
confessed, and a decree entered according to the prayer
thereof; unless the defendant appear and answer the same
on or before the next Court - Prnj. Coll. D.C.

Smith
m } Spa in chg
Jones & Booth

To Sept 1807

Larry

Executed

John Bill Duff

of Samuel Bailey

Duff

The commonwealth of Virginia to the Sheriff of ~~Liberty~~
county greeting you are hereby commanded to summon James
Jones and Robert Booth to appear before the justices of our said
court at the Courthouse of the said county on the third Monday
in September next to answer a bill in chancery exhibited
against them by Henry Smith and have them there this writ
Witness Sam Kello clerk of our said court at the Courthouse
the 16 day of June 1847 And 31 year of the commonwealth

Sam Kello
(H)

Smith
21 } Spain chg
Jones

To September 1807

Copy left

William Adams &

for
Ro. Mealythp

The commonwealth of Virginia to the Sheriff of Ston County
Greeting You are hereby commanded to Summon John Jones
to appear before the Justices of our said County Court of Ston
at the House of P County On the 3 Monday in September
next to answer ~~Andy Clatter~~ Chancery exhibited ag
him by Henry Smith and have then there this writ
Witness Sami Kello clerk of our said Court at the House
the 16 day of June 1807 and in the 31 year of the Common-
wealth

Sam Kello