

1810-027

SOUTHAMPTON COUNTY
CHANCERY PAPERS

URQUHART

VS.

CAPEL & a)

3/1810

See also Myrick v. Capells 1810-26

Other SURNAMES: Joseph Ruffin
Company, Capell

Urquhart

vs

Capeel - Bill

in Chancery -

July 1809 Order

for publication &

March 1810

Answered

John W. Puffin ~~County~~ of Southampton
County sitting in chancery, humbly complaine
sheweth unto your worshipps your orator
John W. Puffin surviving partner of Jo.
Puffin & Co. L^r

That for goods wares & merchandize
sold and delivered to John Capel
a resident of the State of Virginia
he the said Capel is justly indebted
to your Orator in the sum of 50
pounds three shillings currency of
the said state of Virginia. That
the said John Capel having removed
himself to some foreign country
now he viewed in the character of
an absent debtor. Your orator
therefore having no relief at common
Law solicits the interposition of this
Court, to the end that the said John
be made Defendant to this bill of
complaint; and that Robertson Capel
who holds in his hands some of the pro-
erty and effects belonging to the said

Capit be also made depondant
and compelled to retain in his hands
the said property or money for the
purpose of satisfying your orators
Just demands untill the further order
of this court. - And further that your
ships will grant such other & further
relief as may be agreeable to equity
law - & your orators shall ever
pray

For
Wright the
complainant

The separate answer of Robertson Capel to the Bill of complaint
exhibited against John Capel and the said respondent in
the worshippful court of Southampton county by John Darguehart
surviving partner of J. Ruffin & Co.
This respondent saving and reserving to him
self all manner of benefit of exception to the manifold
errors uncertainties and intruities in the said Bill contained
for answer thereto or to so much thereof as he is advised it
is material for him to make answer unto he answering
saith. That he knows nothing of the justness or unjustness of
the account setled by the complainant with his Bill, or any
thing of the transactions between the said complainant and John
Capel, It is true that the said John Capel was entitled to one
equal sixth part of the estate whereof his father and mother
did possess, which amounted to about fifty three pounds
ten shillings but this respondent avers that the said John Capel
was indebted to him in his own right and as the executor
of his deceased mother in a much larger sum than
the amount of his said equal share of the aforesaid estates
first by mortgage of a Bond transferred ~~from~~ ^{by} John Nicholson
to this respondent in consequence of this respondent having
purchased or paid off the said bond, which had been executed
on the 29th day of October 1803 by the said John Capel to the
said John Nicholson for the sum of three hundred & fifty
Dollars, - Second by a note given by the said John Capel
to Henry Harris for the sum of one hundred and twenty
Dollars - Fifty Dollars of which this respondent has been
obliged to pay as executor of his deceased father who was the
Security of the said John Capel. 3^d By a note given
by the said John Capel to his Mother for the sum of fifty
Dollars which has never been paid, all of which said
notes this respondent will exhibit whenever called upon
to do so. - This respondent can therefore with confidence affirm
that he does not hold one shilling to which the said John
Capel is entitled either in cash or property - denying any
all combination found & he prays to be hence dismissed
without that &c.

Robertson Capel

James Blower

James Blower

Wright 189
vs } Ordered in
Capell } Chancery

Liby 1809

Executed; March 18th 1809

Care Darden

Off of

Sam. Calvert Phff

Henry Blower

James Young

Francis Hill

Francis

Campton February Court 1809

John Miquhart

plff

against

John Capell, and Robertson Capell executor of Sterling Capell
decd, & said Robertson as administrator of Martha Capell decd depts

In
Chancery

The defendant Ino Capell not having entered his appearance
and given security according to the act of Assembly, And the rules of this
Court, And it appearing to the satisfaction of the court, that ^{the} defendant
Ino Capell, is not an inhabitant of this commonwealth.

Therefore it is ordered, that he appear here on or before
May Court next, and answer the plaintiffs bill. That a copy of
this Order be forthwith inserted in the Petersburg Intelligencer for
~~eight~~ weeks successively, and another copy thereof posted at the
front door of the Courthouse of this county. And it is further
ordered that Robertson Capell the other defendant do not pay, ~~convey~~
convey away, or secrete any money, or effects to which the said
Ino Capell is or may be entitled to as devisee or legatee of said
Sterling Capell decd or as heir of the s^d Martha Capell decd untill
the further order of this court. And that the Sheriff serve the s^d
Robertson with a copy of this order

Kello

John Capel

to
J. Ruffin & Co.

£4:3:0

John Capel To Joseph Ruffin & Co. -

1804 April 27th

To 10 $\frac{1}{2}$ Yds Linen @ 7/6 — £3:18:9

2 Doz shirt buttons — 2:0

1 Oz thread — 2:3

£4:3:0

Application to John Capel was made
for payment of the above acc^t when
he the J. Capel acknowledged it was
due, & promised payment - J. Ruffin -

