

1815 - 040

Chancery Papers'. Hart's admr vs Denson

1815

Southampton County

other SURNames: [Jordan
Denson & Company], Bailey,
Doyal

Not diff. answer the premises on by conf. act.

the Compt. further says. do

King, for Compt.

Part of
as
Deemed } diff.
Diff. filed
Answer filed

This bill accounts in Open Court
as by the record will appear

Part of the
as
Deemed } diff.
Diff. filed
Answer filed
Compt.

At the Worshipful Court of Nottingham County,
in Chancery sitting humbly complaining sheweth
y^e worship^r your orator William Hart
That your orator is son^r & b^r son of Lord [unclear]
That said Lord in his lifetime [unclear]
became indebted by bonds to a certain ^{who is living a life} Person
In the name of — That after the death
of said Lord and at the sale of his property
conformable to public notice given —
The said Person became a purchaser of
the said Lord's goods to the amount of
about \$600 — In which amt. he the said
Person refused to give his bond —
That s^d Person afterwards instituted a
suit on said bond against y^e orator as appeared
upon which a Judgment is recovered — That
y^e Compt^r has also, & is now pending
a suit against said Person upon the
act. for goods bought as aforesaid — That
y^e Compt^r having not yet been able to make
up his administrative act^s does not
Exactly know, but actually believes that
there is ~~an~~ a considerable deficiency of assets.
he prays, that the Judgment may be enforced — that
some portion of s^d suit — for full and complete
justice in the Premises, for a decree conformable to equity
& Justice

Harbald
v Bill of
Denson & Ry

July 1805 file filed
rule

Aug 1805 Sep 1805 ~~file~~

~~Sept~~ Answer filed

Order to disprove

Nov 1805

N^o 63

Denson {
ads { answer -
Hart admr }

1815

abates by Dfts death

The Answer of Jordan Demson to the bill of Complaint exhibited against him in the Court of Southampton County by William Hart as Adm^r. de bonis non of Samuel Hart dec^d.

This Respondent saving 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. He Answering Says that it is true that Jordan Demson Jr. brought Suit against the Compt^r. upon about and thereupon as he is Informed recovered judgment. He admits also that he did purchase at the Sale of Genl. Hart's property but not to the amt. of \$60. as the Compt^r. supposes. The said Genl. Hart was Indebted to yr. Respondent by Open Account to a larger amount than the price of the Article purchased by yr. Respondent at the Sale and he credited his said Open Ac^t. with the amt. of his said purchase. This he did with the approbation, if not by the direction of Mary Hart the then Adm^r. Yr. Respondent also Says that he has bro^t. Suit against the said Compt^r. to recover the Balance of the said Open Ac^t. which Suit is he expects now depending in this Court. He adds that the said Mary Hart who was the widow of Genl. Hart from her knowledge of the correctness of yr. Respondent's Ac^t. appeared to be Anxious that it should be paid. The said Mary Hart requested yr. Respondent to Indulge her for the Balance of his Claim, and promised that his whole debt should be paid with Interest after the usual time of Credit expired. She also told him that the estate of her late Husband was abundantly sufficient to discharge all the debts. Yr. Respondent prays that the Compt^r. Injunction may be dissolved and that he may be hence dismissed with his costs. This behalf most Wrongfully Incurred.

Jordan Demson

Jordan Demson this Day affirmed before me that the allegations contained in the foregoing Answer are true to the best of his knowledge Given under my hand this 15 Sep. 1854 James Ha

Simon }
Harts ad } Comm

March 1806 depn
filed K

Sampton county to wit

The commonwealth of Virginia to Josiah Vick

Gee

Gentlemen. Greeting know ye that

We trusting to your provident Circumspection in diligently
examining Robert Denson, William Bailey and
Hardy Loyal

Withup as well on behalf of Jordan Denson plff as on
behalf of Wm Hart ad J B M Lend up and me
do give power to you to Call and Cause to Come before
you the Withup aforesaid ~~whereby~~ where you shall
appoint and diligently examine them on the holy
Evangelists of Almighty God and their Examination
so taken that your Returns us ~~be~~ closed as also
this writ withup Sam Kello the 2nd day of Jan^y
1806 and in the 30 year of the Comm^t.

Sam Kello &

Notice to
William Hart

2

I acknowledge the within Notice:

Test

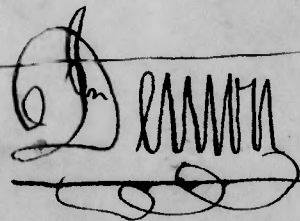
James H

Wm H

William Hart

Take notice that I shall proceed
to take the depositions of Harey Doyle and Robert
Denson as witnesses in a suit now depending and un-
= determined in the chancery court for the county of
Southampton ^{under an injunction} wherein I am plaintiff and then
its adm^r D. B. H. of Samuel Hart def^t in the
town of Jerusalem at the house of James Critchlow
On monday the seventeenth day of march next
between the hours of ten in the forenoon and
five in the afternoon

February 17th 1806



The deposition of William Bailey in a matter of
Controversy between Jordan Benson & Wm Hart.
Adm^r De bonis non of Lem Hart, deced. —
In the said Bailey deposeth & sayeth, that he
was called upon by the Widow of Lem Hart to
become her Security, jointly with Rob. Pinks
for the administration of her husband's Estate
The Deponent agreed to become one of the
Securities, provided she would consent to
his transacting the whole of the business of
the Estate, she agreed to it, & gave from under
her hands, a full power to act as her agent
in the Administration, the deponent administered
the Estate, attended the Sale, & sold part of
it, Jordan Benson became the purchaser
of the Corn or a part thereof, he asked the
deponent if his acct. could be allowed
if he purchased the Corn
The deponent, replied to the best of his
recollection to be sure if ascertains enough
& further the Deponent sayeth ~~not~~
that Jordan Benson frequently applied to the
Deponent for a settlement, & was as often as
apply'd to, told that there was no funds in hand
to meet his Demand. & further the deponent sayeth
~~not~~

Wm Bailey
Mar 17. 1796

Taken before us at James Crichton's Tavern on Monday the 17th day
of March 1806. between the hours of 12 & 2 o'clock. Certified
from under our hands & seals the day & date aforesaid.

John Pickers Seal

James Esq Seal

Clerk of Southampton County

The deposition of Robert Denson (Age), taken before us in virtue
of a Commission issuing from the Clerk's Office of the County Court of Southampton
and is hereto annexed; at James Brichlow's Tavern on Monday
the 17th day of March 1806, between the hours of 12 & 2 o'clock
in behalf of Jordan Denson plff and William Hart A. D. C.
of Samuel Hart deceased def^t, depending in the Said County
Court of Southampton in Chancery under an injunction -

Who on Solemn affirmation says, that in December 1801 or in
January 1802, he was present when his father the said Jordan
Denson was pressing Mary Doyal who was formerly Mary -
Hart and who as this deponent understood was the administra-
trix of the said Samuel Hart, for payment of what the said
Samuel Hart's estate owed him, particularly for that which was
by Open Account, urging for reason that, by its being delayed, that
he might run some risk of losing it; to which the said Mary
replied, there was no danger, and requested that he would wait
longer, and not run the estate to cost - and promised that the
whole of his account with interest thereon should be paid, fur-
ther observing that the Corn he the said Jordan Denson pur-
chased at the sale of her late husband's estate, might be placed
to the credit of his Open Account which would lessen it some,
that the balance of the Account should be paid as soon as
the money due from the sales could be collected or words
to that purpose. ~~and further this deponent says~~
and further this deponent says, that he had heard the said
Mary previous to the period before mentioned promise the said
Jordan Denson ^{that} his said Open Account ^{should be paid}, but as to the precise
time he does not recollect, and further this deponent saith
not. —

Robt Denson

Taken before us at the time &
of place above mentioned —

Jo. Vick Seal
James Lee Seal

The deposition of Henry Hoyal in a matter
of controversy between Jordan Benson & William
Hart Administrator He says none of said
Hart dec'd - that he the said Henry Hoyal
was frequently applied to by the said Jordan
Benson (after his intermarriage with the adm^{rs})
for settlement of the ~~debt~~ ^{money} due him from
Saml. Hart, which debt was due by Bond
& an open acct, that the said deponent
frequently did say that if there was assets
enough to pay the debt he should certainly
be paid & the said deponent, had then
reason to believe there was state
sufficient to meet all the demands
the said deponent also said that
he has never rec^d any paper relative
to the estate & if he would apply to
Col^l Bailey (~~who was present~~ ^{who}
~~was present~~ transacted all the business of the
estate) he would probably be paid
That the said adm^r ^{Jordan Benson} did request this man
would as personally not to receive suit that
he should be paid by that it was unnecessary
to run the estate to any further cost
& That the said adm^r man did transact any thing
after any intermarriage with ~~the said~~ ^{the said} ~~that~~

The papers of every kind now in the possession
of Col^l Bailey Hunter this deponent says he
not

Edw. Ayal

Taken before us at James Crichton's
Tavern on Monday the 17th day of
March 1806 between the hours of
12 & 2 o'clock - Certified from
under our hands & seals the day
& place aforesaid. J. Wick Seal

James Crichton Seal

Bank
of
Denton J. H. Bond

Know all men by these presents that we Wm Hart
and James Douglas are held and firmly
bound unto Jordan Denson of the sum of

to which pay^t well and truly to be made
to the said Denson & heirs Their heirs ex^r adm^r
or assigns, we bind ourselves and each of us, jointly and
severally firmly by these presents sealed with our
seals and dated the 26 day of Oct 1805

The Condition of this obligation is such
that whereas the aforesaid Jordan Denson & he
have obt^d a judg^t at Common Law ag^t the s^d

Wm Hart for the sum of
and costs and the said Wm Hart
hath obt^d an injunction to stay the execution of
the s^d Judgment until the matter in equity upon
a bill for that purpose filed can be heard &
therefore the said William Hart shall satisfy
and pay the said judg^t at Common Law and
all costs and damages that shall be awarded
to the s^d Jordan Denson & he in Case the said
judg^t shall be disposed that this obligation
to be void or else to remain in full force

Said & det^d }
In presence of
Sam Kello

Wm Hart
James Douglas

CHANCERY CAUSES

DECIDED

1815

Chancery Causes
Decided

1815