1792-009 Chancery Causes: Richard Blow vs George Hardy, devisee of Richard Hardy

Isle of Wight County

C Low —
v. } Spa. in Chancy
Hardy divisee

March 1791
Bill filed & time
Apl. 1791 time to Answr.
May 1791
Attas for Answer —
November 1791
By consent gen appd. the defs
attas for ans. set aside & Decreed
& ordered that Mortgage & land
foreclosed & land to be sold &c.

10 — 10
55 — 30
76 — 40
171
40
211 & 31/6

211 & 31/6 Decree Capd.

May 1792
Int. Decree to be made final &
persons appd to superintend the
lands prayed for in the Bill
&c.

Court

Mrs Francis Gower

Blow
on
Hardy } Bill

I.

prays may be made defendant to this Bill of Complaint and as he is an infant under the age of twenty one that William Hardy be appointed his Guardian for this particular purpose, and that the said will be also required to your Orator further sheweth to the Court, that the aforesaid sum of money & interest or any part thereof hath not been paid to your orator, by the said Richard Hardy in his life time nor by the said George, or any other person since the said Richard Hardy's decease, whereby the estate and interest in the said lands & premises is now become absolute in your Orator, yet subject to the trust in the said deed mentioned, But now to it is may it please your worships, that the said George Hardy the devisee aforesaid combining & confederating with divers others to injure & oppress your orator in the premises & to defraud him of the principal sum of money & interest as aforesaid, absolutely refuses to deliver up the possession of the aforesaid lands and premises, or to suffer any purchaser to take possession thereof, by which means your orator cannot execute the trust in the deed aforesaid, or put the purchaser in quiet possession thereof, and at other times the said George pretends that the deed aforesaid was to have no other operation but as a mortgage on the said Lands for securing the payment of the aforesaid sum of money and interest, and that his still intitled to an equity of redemption of the aforesaid Lands & premises and a release of your orators title on payment of the aforesaid sum of money and interest, In tender consideration whereof, and for as much as matters of Trust and the foreclosing the equity of redemption of mortgages are properly cognizable in this worshipful court of equity, To the end therefore that the said George Hardy by his Guardian may upon his corporal oath full, true, and perfect answer make to all and singular the premises as fully & particularly as if the same again were herein repeated and interrogated, but especially whether the said Richard Hardy was not indebted to your orator the said sum of £224. and interest, whether for securing the payment thereof, he did not execute the deed of Trust, or mortgage aforesaid to your orator his heirs & assigns, whether the aforesaid sum of money, or any part thereof hath been paid to your orator, or to any other person for his use, is not the same still due & owing, and that the said George Hardy may be decreed to pay & satisfy unto your Orator, the sum aforesaid of £224. and interest thereon from the 29th day of August 1806 till paid and all reasonable expenses and charges that have accrued to your orator for recording the aforesaid indenture and other matters relating thereto, by a short day to be appointed by the court, together with your Orators costs, and in default thereof, that the said George Hardy, be decreed peaceably & quietly to deliver up the possession of the aforesaid Lands & premises to your orator, that sale may be made thereof, agreeable to the special trust reposed in your orator, by the provison & condition in the deed aforesaid mentioned, and in default thereof, that the said George Hardy and all persons claiming under him, or the said Richard Hardy deceased, may be foreclosed of, and from all equity of redemption, or claim in, or to the said Lands & premises and every part thereof, and the estate of your orator or the purchaser or purchasers thereof may become absolute therein, and that your orator may have such further or other relief as to your worships shall seem proper, and agreeable to Equity may in pleasure &c

Gantt & Magruder for Complt.

To the worshipful Justices of Isle of Wight County in Chancery sitting. Humbly complaining shewetth unto your worships, your Orator Richard Blow, that a certain Richard Hardy Gent. late of this County was justly indebted to your Orator to wit the sum of two hundred & twenty four pounds, with interest thereon arising from the 29th day of August 1786, and being seised in fee of certain Lands herein after mentioned, in order to secure the payment of the aforesaid sum of money and interest, by one certain Indenture bearing date the day and year aforesaid, for the consideration therein expressed, did grant, bargain, sell alien & confirm unto your Orator and to his heirs and assigns forever one certain tract or parcel of land, situate lying & being in the county aforesaid in Lawns creek neck called & known by the name of Brently's Plantation containing by estimation two hundred acres, & bounded by Lawns creek on the north, by the Lands of the late Samuel Hardy deceased on the east, and by the Lands of William Hardy on the south & west, together with the appurtenances thereto belonging to hold the said lands to your Orator Richard Blow his heirs and assigns forever, subject to a provision and in trust and confidence, Nevertheless that your orator, on the non-payment of the aforesaid sum of money & interest by the 1st day of November 1787, should seise & possess himself of the said lands & premises and sell & dispose of the same for the best price that could be got, and from the money arising from such sale, satisfy and retain to himself the aforesaid sum of money & interest with all reasonable expences and the overplus, if any to be paid to the said Richard Hardy, which said Indenture hath been duly proved & recorded in the County Court aforesaid and wherein your Orator craves leave to refer to. Your orator begs leave further to shew, that the said Richard Hardy hath since departed this life to wit on the day of leaving a will which has been duly proved in the County Court aforesaid, wherein he devised the said Tract or parcel of Land to his Son George Hardy, who your orator

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Apl. 1791
Cons.d & Answ.rs

May 1791
Att.a & Answ.rs

Execu.ta of James Wells Esq.r

THE Commonwealth of VIRGINIA to the sheriff of Isle of Wight county, greeting, We command you, that you summon Georg Hardy Devisee of Richard Hardy dec'd

to appear before our Justices of our county court of Isle of Wight at their courthouse of said county, on the first Monday in March next, then and there to answer a bill in Chancery against him exhibited by by Rich'd Blow

And this he shall in no wise omit, under the penalty of 100l. And have then there this writ. WITNESS Francis Young, clerk of our said court, at the office, the 21st day of February 1791 and in the 15th year of the commonwealth,

Fran's Young

Tom — v. Hardgrave — Alias X Pluris

Tom not appearing to Answer the Bill of complaint exhibitted against him by Richard Blow
In Order of Court

Thos. Young Clk. Cord.

The Commonwealth of Virginia to the Sheriff of Isle of Wight County greeting;
We command you, that you Attach George Hardy devisee of Richard Hardy dec.
so that you have his body before our Justices of our court of our said county in
Chancery at the court-house on the first Monday in August next, to Answer us
as well of a certain ~~contt~~ contempt by him to us Offered as it is said as
it is said, as upon those things which to him then & there shall be objected
and further to do and receive what our said Court shall in this part consider
and this you shall in no-wise omit, and have then there this Writ, Witness
Francis Young Clerk of our said Court at the Court-house the 9th day of July 1791
in the 15th year of the Commonwealth

Franc. Young