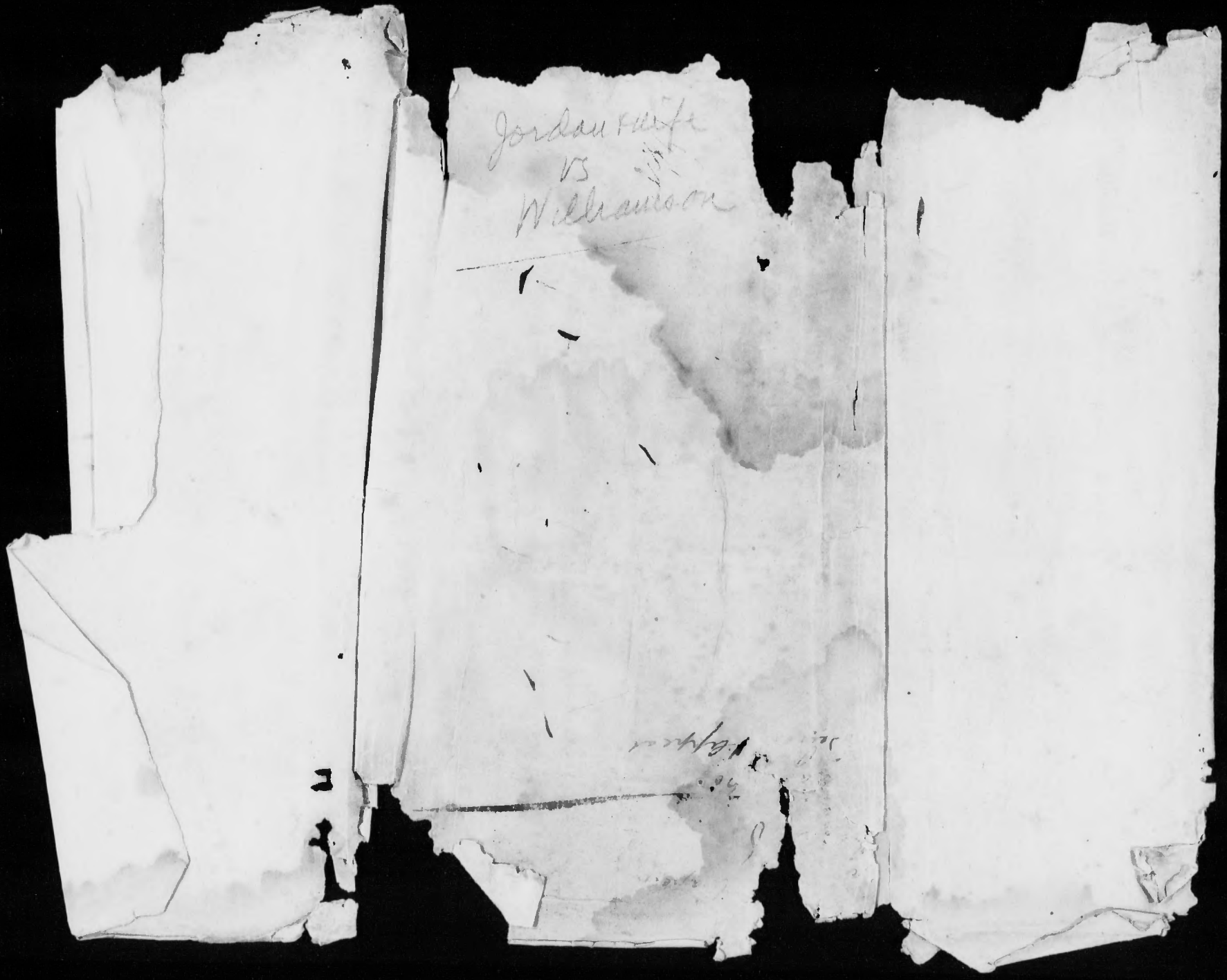
1760 -004 SOUTHAMPTON COUNTY CHANCERY PAPERS

JORDAN + UX VS. WILLIAMSON, EXTOR of EXUM

5/1760

other SURNames: WRENN, Thomas


Jordan
vs
Wilkinson

NOT DECIDED 1-10-72
25-07-1

Jordan & Wife Pl.
vs
Williamson Defd.
24.
Aug. 1756.
Time to Ans.
Sept. 1756.
Fifth Time
Def.
Cons. to Det.
Feby 1757.
Ans. Pledge Time

To the Worshipfull Justices of Southampton
County sitting in Chancery.

Humbly Complaining shew unto your Worships
your Orator and Oratrix William Jordan and Mary his
Wife of the County of Isle of Wight. That one Francis
Epum late of the County of Southampton deceased
being possessed of a considerable Estate in Lands
Negro Slaves and personal Estate in his Lifetime
made his last Will and Testament in Writing
bearing Date the thirtieth Day of April in the Year
of our Lord One Thousand Seven Hundred and
fifty three by which Will the said Francis did
give and Bequeath unto his Sister Mary
Jordan Thirty Pounds Cash, which said last
Will & Testament was duly proved and Recorded
in the Court of the said County of Southampton
Reference being thereto had may more fully and
at large appear. Your Orator & Oratrix further
shew unto your Worships that one Thomas
Williamson was appointed Executor of the said
Will, and obtained a Certificate from the said Court for
obtaining Letters Testamentary thereon Whereupon
to which Certificate the said Thomas did obtain
Letters Testamentary on the said Decedents Estate
from the Honble Robert Dinwiddie Esq. Lieut.
Governor & Commander in Chief of this Colony
to whom the granting of Letters Testamentary did
of Right belong. Your Orator and Oratrix
further shew unto your Worships that by Virtue thereof
the said Thomas Williamson took into his Hands
and Possession all the Estate of the said Francis

Epum

NOT DEACCESSIONED 1-10-92

Estate which was more than sufficient to pay the said thirty Pounds to your Oratrix after satisfying Debts Funeral Expenses and other Charges and that your Orator and Oratrix have often applied to the said Thomas Williamson requesting him to comply with his Testators Will and pay your Oratrix her said Legacy But now so it is may it please your Worships that the said Thomas Williamson altogether refuses to pay the same to your Orator & Oratrix or any ways content them for the same Giving out in Speeches and Sayings at sometimes that your Orator & Oratrix are not intitled to the same and at other Times that he keeps the said thirty Pound in his Hands in Discount of a larger Sum due from Your Orator to him All which Actings Doings and Sayings of the said Thomas Williamson are contrary to Equity & Good Conscience and tend to the Impoverishment of your Orator & Oratrix In tender Consideration whereof and for that your Orator & Oratrix are remediless by the strict Rules of the common Law & properly relievable in this Court To the End Therefore that the said Thomas Williamson may on his Corporal Oath full true & perfect Answer make to all and every the Allegations of this Bill and particularly Whether the said Francis Eaton did not make such Will and devise as is herein before set forth Whether the same was not proved & Recorded in the Court of the County of Southampton according to Law Whether the said Thomas Williamson did not take on himself the Burthen & Execution thereof and take into his Hands & possession all the said Estate Whether there is not more than sufficient of the said Estate after satisfying all Debts & Expences to pay the said Legacy Whether your Orator & Oratrix have not often in a friendly Manner applied to the said Thomas Williamson requesting him to pay the same & which were his Answers and his Reason for so Answering And that the said Thomas Williamson may by Decree of this Worshipfull Court be compelled to pay and satisfy to your Orator & Oratrix the said thirty Pounds without further Delay — May it please your Worships the Premises considered to grant to your Orator and Oratrix his Majestys most gracious Writ or Writs of Subpena &c.

Rich: Baker for Compt.

Wmson
ads
Jordan & Wife
& Loc.

The Answer of Thomas Williamson Gent
Defd. to the Bill of Complaint of William
Jordan Compl. and Mary his Wife Compl.

This Defendant now and at all Times hereafter
saving and reserving to himself all and all Manner of
Benefit and Advantage of Exception that may be had and taken to
manifold Imperfections Uncertainties and Uncertainties in the
Compl.ts said Bill of Complaint contained for Answer
thereto or to so much thereof as this Defd. is advised is
material or effectual for him to answer unto he
answereth and saith That true it is that the said Francis
Eyre dec.d did about the Time made and Executed
the said Bill that this Defd. is his Exor and also
that he is ready to come to a fair Settlement with
the Compl.ts touching his Legacy in the said Will &
all other Matters in Difference between them
agreeable to an Agreement between the Compl.ts
and this Defd. But this Defd. being intitled to a part
of the Estate of Francis Eyre dec.d in the Hands of
Mary Eyre his Widow the said Estate hath
since come into the Hands of the said Compl.ts who
hath come to an Agreement with this Defd. for
settling all Matters in Difference between them
with this Defd. was always hitherto and is
ready to do and believes that a fair Settlement

between the Compl. and this Def. of all Matters
between the Compl. & this Def. & all Matters
between the Compl. & this Def. & this Def.
Without that that &c
Feby. 10. 1757.
Sworn to in Court.

Jordan Qual.
vs. Capt.
~~Willson~~
Exceed
Wm Chas. Briggs
Jany 1756.
Spec. Impard
Feby 1756.
Na Defens
April 1756.
Cont.
July.
Cont
Sept.
Cont.

George the second by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c To the Sheriff of Southampton County Greeting We Command you that you take Thomas Williamson if he be found within your Bailiwick and him safely keep so that you have his Body before our Justices of our said County Court at the Courthouse of the said County on the second Thursday in December next to answer William Jordan & Mary his wife of a plea of Trespass on the Case Damages fifty pounds.

And have then there this Writ Witness Richard Kello Clerk of our said Court at the Courthouse the seventeenth day of November In the Twenty ninth year of our Reign

R. Kello

Jordan
v.
Plff
&
Crams
Plumsher

Executed
per Chas. Briggs
Jany 1736.
Time to Answ
Feby 1736
Cont.
April
Cont.
July
Contra Bill
Serv.
Cont.

George the second by the Grace of God of Great Britain France
and Ireland King Defender of the Faith &c To the Sheriff of ——
Southampton County Greeting We command you that you Summon
Thomas Williamson Executor &c of Francis Jourdan deced to appear
before our Justices of our said County Court in Chancery at the ——
Courthouse the second Thursday in December next to answer
a Bill in Chancery exhibited against him by William Jordan
and this he shall in no wise omit under the Penalty of £100
And have then there this Writ Witness Richard Kello Clerk
of our said Court at the Courthouse the seventeenth Day of
November In the twenty ninth Year of our Reign

R Kello

Jndan
v.
Wilson

Ded
Patent

George the second by the Grace of God of Great Britain
France and Ireland King Defender of the Faith &c To Joseph
Bridger Gent.
Greeting Know ye that we trusting in your Fidelity & Prouident
Circumspection do diligently examining whatsoever Witnesses
as well on behalf of William Jordan and Mary his wife
Pltf and Thomas Williamson Defr Command you that at
such certain Days & places as you shall appoint you
assemble yourselves & the Witnesses before you You call
& cause to come & diligently examine on the Holy Evangelists
of Almighty God & their Examinations into our Court of our
said County of Southampton without delay you shall send
Hereof these enclosed returning also to us this Writ Witness
Richard Kello Clerk of our said Court at the Courthouse the
25th Day of April in the Thirty first year of our Reign

R Kello C

The Execution of this Writ appears in the Schedule hereunto annexed—

Joseph Bridger

The Deposition of Francis Wynn of full age, taken this 22d Day of April 1758 By Virtue of a Commission issuing from the Court of the County of Southampton in a Suit there depending between William Jordan and Mary his Wife, Plts. and Thomas Williamson Deft. the said Francis being first sworn upon the Holy Evangelists of Almighty God, deposeth and saith — That being at Coles Point Court sometime in the Year 1753. or 1754. William Jordan came to him and asked him to go and hear what he the said Jordan was going to agree upon with the Williamsons, telling him that they were likely to make up, and settle the Differences between them, without Law concerning Mrs Mary Lums Estate, accordingly he went with Jordan, where Thomas Williamson & Arthur Williamson both were, & Thomas Turner was there also present to hear what Mr. Jordan & Mr. Williamsons was going to agree, &— Thomas Williamson began to declare what was to be done between them, but William Jordan soon began to contradict and gainsay him, telling him he would not agree to his Proposals — after much Discourse and long Disputes & Discourses about it, the Discourse passed off without coming to any final Agreement — Thomas Williamson said that there was some Estate was got after the said Williamsons Wife was married and left her Mother which he did not desire to have any Share of. on which Thos. Williamson took a pen and Ink

and

and ~~took~~ paper and drew an Inventory of Som
things, as he thought proper, Jordan at the same
time saying, he did not know whether he came
was right or wrong or not. and the said Williamson
gave this Deponent one Copy, of the said Inventory
and gave Turner another Copy — This Deponent
further saith that he casually lost the Copy given
him & cannot find it since — And further this
Deponent saith not —

his
Francis F W Wrenn
Mark.

Sworn Right J.
This Deposition was taken before
me this 22d. Day of April 1758.

Joseph Bridger

Jordan &c.

v

Williamson
Exr of Gun.

Ded Power

Virginia Southampton County to wit.

George the second by the grace of God
of great Britain France and Ireland King Defender of the Faith &c
To
of the Province of North Carolina Gentleman Greeting Know ye
that We trusting to your Fidelity and provident Circumspection
in diligently Examining Jordan Thomas a Witness ... as well on behalf
of William Jordan & Mary his wife as on behalf of Thomas —
Williamson Executor &c of Francis Crum deced. Command you
that at such Days and Places as you shall appoint you Cause the
Witness aforesaid to come before you and diligently Examine him
on the Holy Evangelists of Almighty God and his Examination
into our Court of our said County of Southampton in our Colony
and Dominion of Virginia without delay you shall send and
Certifie enclosed returning also to us this Writ Witness —
Richard Kello Clerk of our said County Court of Southampton
at his Office the fourteenth Day of April In the thirty first
Year of our Reign

R Kello C

To

The worshipfull his Majestys
Justices of the County Court of
Southampton

Virg.

These

Petition
Ans.

Edgcom[b] County — North Carolina

Pursuant to a Dedimus from the County Court of Southampton In Virginia Directed to the Province of North Carolina Gentlemen Greeting — To take the Deposition of Jordan Thomas Iswell on behalf of William Jordan and Mary his Wife as on behalf of Thomas Williamson Exor & Devisee of Jno Lawn Decd. The said Jordan Thomas first being — Sworn on the Holy Evengilist of Almighty God Deposeth as Followeth / that is to say /

That your Deponant Saith that some time in the Year Deponents to your House and desired him to go to his House on a certain Day which y. Dep.t Cant Remember, in Order to hear an Agreement which was Intended to be made Between the s.d William Jordan, Tho.s Williamson and Arthur Williamson And to draw Writings between them, If they came to an Agreement — Accordingly Your Deponant Saith he went, and after some Small time, the said Thomas and Arthur Williamson came and told the said Jordan they ware come in Order to make up and Settle the Difference between them on account of the Estate of Mrs. Mary Lawn Decd, Mr. Wm Jordan Replyd he was willing to come to a Settlement on the Terms he had before Propos'd, They had long Disput's but far from any Agreement (as your Dep.t thought) —

Your Deponant farther saith That some small time before Night Mr. Thomas Williamson Askt where Harry was, Mr. William Jordan repl: he was out at work, But if he wanted him he'd send for him or Call him Your Deponant cant say which, And Your Deponant saith did, And the Negro Harry Came, And Mr. Jordan told the said Thomas Williamson there upon the said Negro Harry, Your Deponant saith the said Jordan Delivered the said Negro to the s.d Thomas Williamson And as Your Deponant saith he understood the s.d Negro was Delivered as a Legacy given to the said Thomas & Arthur Williamson by Mrs. Mary Lynch Will And Your Deponant saith the s.d Thomas Williamson Ordered the s.d Negro Home

And farther Saith Not

The above deposition of Jordan Thomas was duly Sworn to before me at y.e Thomas's House in Edgcombe County y.e 17: day of April 1758 Certified under my hand.

John Dawson Associate. J: P:

The [illegible] Worshipfull his Majestys Justices of the County Court of Southampton

Clerk

Wind
Wm Son
Pd

8 May. 1760

This Day Came the Parties by their Attys & the Defd Thomas
acknowledged Plffs Action to £26. the Debt in the Decl
mentioned Therefore on the Motion of Plffs Attys by their
Attys It is Ord. by the Court that the Plff recover against
the Defd Plffs £25. & his Costs by them about their Suit
in that behalf expended And the Defd in Mercy &c
Cen. per 176.
Sept 30
206
41
165

Jordan & Wife
vs
Williamson
Decl.

Aug. 1756.
Cont. at Pl. Cost
Sept. 1756.
Cont.
Def.
Cont. at Def. Cost
July 7. 1757.
Cont. at Def. Cost
March 1757.
Cont. at Def. Cost
July 1757.
Cont.
Oct. 1757.
Term Called
Nov. 1757.
Uncalled
Dec. 1757.
Cont.
Jan. 1758
Cont.
March 1758.
Cont.
June 1758
Cont.
Aug. 1758.
Cont.

Southampton County to wit

William Jordan and Mary his Wife complain of Thomas Williamson in Custody &c. of a Plea for that Whereas the said Thomas on the Day of in the Year of our Lord Christ One Thousand seven Hundred and at the Parish of Nottoway and County aforesaid was indebted to the said Mary whilst she was sole in the Sum of lawfull Money of Virginia for so much Money of the said Mary, whilst she was sole by her the said Mary to the said Thomas at his special Instance and Request before that time lent and advanced and being therefor so indebted he the said Thomas in Consideration thereof afterwards to wit the same Day and Year aforesaid at the Parish and County aforesaid assumed upon himself and then and there faithfully promised the said Mary that he the said Thomas would pay to her the said Mary the aforesaid Sum of when she the said Thomas should be thereunto afterwards requested. Yet the said Thomas not regarding his Promise and Assumption so as aforesaid made but contriving and fraudulently intending craftily and subtilly to deceive and defraud the said William & Mary in this Particular the aforesaid Sum of or any Part thereof did not pay to the said Mary whilst she was sole nor to the said William & Mary since their Intermarriage (although often requested) but to pay the same the said Thomas hath &c. But to pay the same the said Thomas hath hitherto altogether refused and still doth refuse to the Damage of the said Wm. & Mary and thereupon they bring this Suit &c.

Rich. Baker for Pltfs

for Defts

Jordan & Bond &c.
vs
Wilson & Injunct

Know all Men by these Presents That We
Thomas Williamson & Charles Cosby ——

are held & firmly bound unto William Jordan of the County
of Isle of Wight
in the full & just Sum of fifty Pounds —— To be
paid to the said William Jordan ——— his Certain
Attorney Executors Admrs or Assigns To which Payment
well & truly to be made We bind ourselves each
of us our each of our Heirs Exrs & Admrs jointly
& severally firmly by these Presents Sealed with
our Seals & Dated this Eleventh —— Day of August
1757.

The Condition of this obligation is such That Whereas
the above bound Thomas Williamson hath obtained an
Injunction to stay the Proceedings in a certain Action upon
the Case Commenced & prosecuted in the County Court of
Southampton by the above named ~~John~~ Jordan & Mary
his wife Now if the above bound Thomas Williamson his
Heirs do shall well & truly pay & satisfie all such
Sums of Money & Tobacco & Costs. which shall be now due
in the Action aforesaid and also satisfie & pay unto the
said William Jordan all such Costs as shall be awarded
against him in Case the Injunction aforesd shall be dissolved
Then this Obligation to be void Otherwise to remain in
full force Power & Virtue

Sealed & Delivered
in Presence.

Thos. Williamson

Charles Cosby

Jordan R
to
Wilson
Asst
Board

Know all Men by these presents that
we William Jordan & Richard Baker of the County of
Isle of Wight are held and firmly bound unto
Tho.s Williamson Esqr Pro.t Gen.l of the County of
Southampton in the full and just sum of
One hundred pounds Current Money to
which payment well and truly to be made
We bind our selves and each of us our and every
of our Heirs Executors and Administrators Jointly
and severally firmly by these Presents. Witness
our hands and seals the 8th Day of
June 1760

The Condition of this Obligation is such
that Whereas in a suit depending in
Southampton County Court Between Tho.s
Thomas Williamson Pl.t and the above bound Wm Jordan
& Mary his wife
Def.t the said Wm Jordan & Mary his wife have prayed
an appeal from an Decree of the said County
Court made the Day of
unto the Eighth Day of the next General Court
If therefore the said William Jordan
shall appear at the said General Court and
prosecute the said Appeal with Effect and in
Case he is there Cast and the said Decree of
the above said County Court be confirmed
shall well and truly pay & satisfie unto the
said Thomas Williamson all such Costs and
Damages as by act of Assembly in this Case
made and provided is appointed Then the
above Obligation to be void otherwise to be and
remain in full force power and Virtue
Sign'd Seal'd and Delivered } Wm Jordan
In presence of } Rich.d Baker

Jno Wells
John Day