1770-009 SOUTHAMPTON COUNTY CHANCERY PAPERS COBB VS. DUNLAP et al 4/1770

other SURNAMES: WODROP, WODDROP, SPENCER

1766

Ditto

Continued

Feby 69

Cont for Th

[illegible] Jurors

with Costs

July cont

Oct. 1769.

Rec'd & Cross

Compl'd Cost

Jany 70

Cont

Feby 1770

Continued

April 70.

Set for hearing on full

To
the Worshipfull
Southampton Cou
Virginea

Thos

Calc
in
Dunlop

Bills
in
Ca
30 Oct 60

Sch 1767
time to answ
Pl com
March 68
cons
Dem cons
till Last. Sch cons
for Trial
Feby 69
all for answ
Oct 1769.
Repd Hom

Plac
33

112
~~296~~ 299
299
271
28

To the worshipfull Court of Southampton
County sitting in Chancery —

Humbly complaining sheweth unto
your Worships your Orator Joseph Cobb of the
said County. That sometime since one James
Dunlop Merchant in some part
of Great Britain, employed one John Wedrop
late of Nansemond County as his Factor, and the
said John being so employed had sundry
Dealings with your Orator, on
which your Orator became indebted to the
said Comon in a large Sum of Money and
to secure the Payment of which he passed
his Bond to the
said John Wedrop, who soon after departed
this Life, and the said James Dunlop in
the Name of said Wedrop & one Wedrop
Exors of the said
Wedrop prosecuted a Suit against
your Orator for recovery of the said
Sum of Money, and on the day
of 1767. your Orator agreed to
confess a Judgment to the said Exors in
Case he should be afterwards allowed
all such just Credits as he could make
appear to be paid either to the said
John Wedrop or to the said James Dunlop
in Consequence of which Promise your Orator did
then confess a Judgment for the Sum of
£ 43. 3. 9. 2. & growing Interest thereon from
the 8. January 1767. the said which was the
Balance as it then appeared to be due to the
said James Dunlop by his own Accounts and other Papers.
Your Orator further sheweth unto your
Worships that to discharge part of his Bond
given

given to the ? Woodrop. he delivered him a Bond
due to your Orator from the ? Edm? Spencer. &
for the Sum of £35. & Int. —
arising which Bond is payable
the 1st Day of April 1765. five shillings of which
your Orator rec? the 8. Apl. 1766. —
all the Remainder of which the ? James
Dunlop hath received as your Orator hath
heard & believes but saith he hath credited
your Orator by no more than £19. 6. 10. —
for the said Bond. Your Orator further sheweth
unto your Worships that there are sundry Mis-
takes in the ? Acct. which ought to be rectified
and that the ? James Dunlop immediately
after receiving the ? Judgment sued out a ? ca?
against Your Orators Estate. / & altho they Attorney at Law
fine promised your Orator not to issue any
ca? till the next Court. / That your Orator might
have an Opportunity to have the said Matters
justly stated. By Virtue of which ca? the Sheriff
of this County hath seized your Orators
Estate in Ed? and your Orator applied to the
same according to Law. by giving Bond with
Security to pay the same in three Months
Your Orator further sheweth unto your
Worships he hath applied to the ? James Dunlop
requiring him to settle the ? Accts with your
Orator & to allow him the whole sum of the
said Edm? Spencers Bond, and to rectify all
other Mistakes which should be found therein
But now so it is may it please your
Worships that the ? James Dunlop & the ?
Jn? Woodrop refuse altogether to make
your Orator such Allowance as in Justice
& Equity they ought to have done. Giving
out in Speeches & Sayings, that as
they have got a Judgment against your
Orator they will demand the whole Sum
named
in the same. tho they well know there is not
so much actually due thereon. All which
Actings. Doings & Sayings of the ? James
Defts are contrary to Equity & good Conscience
& tends to the Compoverishment of your
Orator. In tender Consideration Whereof
and for that your Orator is altogether
unable in the Premises by the Rules of
common Law. To the End therefore the
? Defts may on their corporal Oaths full
true & perfect Answer make to all & every
the Allegations of this Bill as if fully & again
so done & distinctly recited. & Whether the ?
Jn? Woodrop ? is not act as Factor for the
Deft James Dunlop ? whether the ? Bond given
to the ? John Woodrop. is not the ? James
Dunlops Property? & whether he did not
prosecute such Suit & recover such Jud
ment herein as? & Whether they
have given Credit for all sums of Mon-
received on Edmund Spencers Bond? —
& whether they know of no other errors
in the ? Acct? — And that your Orator
be compelled to allow him the whole sum due
on the ? Edm? Spencers Bond & Interest
thereon. and that the ? all other Errors in
said Accts may be rectified as shall
appear to be just & that your Orator may be further relieved
in the Premises according to Equity and
good Conscience. May it please your
Worships to grant to your Orator his
Majestys most gracious Writ or Writs of
Subpena. &c. his majestys most gracious
Writ of Injunction. to the ? Defts & their
Agents. Barton. Attorney & Solicitor directed
&c

The Answer of James Dunlop one of
the defts to the Bill of Complaint
of Joseph Cobb. Compl.

For Answer thereto or to so much thereof as this
deft is advised is any ways Material for him
to Answer unto he Answereth & Saith that
true it is that John Woddrop in the Bill Mentioned
was an Agent and factor for him several years
and that soon after the Death of the said John
this deft arrived in this County & to whome
the Executors of the said John Woddrop delived
the Books wherein was kept the Accounts
of the Debtors of this deft & several Bonds Amongst
which was a Bond Given by Joseph Cobb to the
said John Woddrop & which it Appeared that
a Considerable Ballance was due to this
deft whereupon a Suit was Commenced & prosecuted
in the County Court of Southampton wherein
Such proceedings were had that after allowing
the said Compl all Credits particularly
the Sum of Nineteen Pounds six shillings & ten pence
half penny received from one Edmund Spencer
and a Credit which the Jury then allowed on a
pretended Receipt Given by the said John Woddrop
for the Sum of forty seven Pounds Sixteen
pence which this deft Verily believes to
be forged & hopes to prove the same &
Satisfaction there still remained due
of fifty five Pounds three shillings & three pence
half penny. Which this deft hath received
But on Examining the Account of payments made
to the said Bond Calculating Intrest &c
deft hath Discovered after the payment
the said Sum of Twenty
Some pence Which is to the
as Damaged Account.

a Ballance of Thirty Nine Pounds two shillings & Tenpence one farthing Current money besides Some Tobacco Cost not yet settled. due to the Compltt and this deft. knows of No other Error in his said Account. & therefore Most humbly Prays that he May Not be obliged to answer any further or other Answer to the said Bill of Compltt & that your Worships Will Dissolve any Injunction that the Compltt may have Obtained against this defts Suit at Common Law Now depending before Some Justice of Baltimore County Court. that this deft may proceed thereon in order to recover a Debt of the said Court for his Ballance justly due to him as aforesaid Without that. that he

This Answer Sworn to before me in this third day of April 1760.

Anthy Holladay

James Dunbar

8 lbs:
15 Ans
10 Ans
25
15 ents
40
30 Bill
70

The Joint & Seperate Answer of John Woodrop and Ann Woodrop Executors of John Woodrop deceased to the Bill of Complaint of Joseph Cobb Complt

For Answer thereunto & so much as these defts are advised it is any Way Material for them to Answer unto they Answer & Say that they have heard & Believe to be true that their Testator was sometime an Agent and Factor for the other defts in the Bill Mentioned James Dunlop Merchr But in Regard to the said John one of the defts he was Christened of the name his Father was factor as afore said an Infant & in Britain for his Education & Knows nothing of his Fathers Transactions relative to his Affairs with the Complt the Books being Immediately after the Death of the said Jno the Testator given up to the Possession of the other defts James Dunlop and the said Ann Saith that She never Intermedled with any Affairs of the said Dunlop & is an Intire Stranger to the Matter alledged in the Complts Bill of Complt. These Defts therefore Most humbly Prays to be hence dismissed With their Reasonable Cost & Charges by them in this behalf most unjustly Sustained

Jnº. Woodrop Exr.
Ann Woodrop Exx

Sworn to before me
this third day of Sept: 1769
Anthy Holladay

7 Dec

Cobb
vs
Dunlop

Yalla.

Not found
Chas. Corbin Clk

George the third 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 attach James Dunlop so that you have his body before our Justices of our said county court in chancery at the courthouse of our said county on the second Thursday in March next to answer us as well of a certain contempt to us offered as it is said as of concerning those things which to him on our behalf shall be objected and further to do and receive what our said court shall of him in that part consider and have you then there this writ Witness Richard Tullo clerk of our said court at the county aforesaid the ninth day of February in the ninth year of our reign

For not answering the bill of complaint of
Joseph Cook

R. Tullo

Calculation of Interest
on Joseph Cobbs
Bond & Acct

Calculation of Interest on Joseph Cobbs Accot & Bond

Bond.	£185. 17. 3¾	Interest from 10th June 1763 till 11th April 1764	308	57288
	15. 5.			
	18½. 12. 3¾	D° from 11th April till 11th May 1764	27	4887
	15. 7.			
	166. 5. 3¾	D° from 11th May till 1st June 1764	20	3320
Accot	22. 8. 10			
	188. 14. 1¾	D° from 1st June till 11th August 1764	71	13419
	31. 10. 3			
	157. 3. 10¾	D° from 11th August 1764 till 14th March 1765	215	33755
	3.			
	154. 3. 10¾	D° from 14th March till 8th August 1765	147	22638
	10.			
	144. 3. 10¾	D° from 8th August 1765 till 12th June 1766	308	35112
	7. 5.			
	106. 18. 10¾	D° from 12th June till 11th Septem. 1766	91	9737
	2.			
	124. 18. 10¾	D° from 11 Septem. till 9th Oct. 1766	28	2940
	18. 10¾	D° from 9th Oct. till 21st Decem. 1766	76	7828
	0. 7.			
	18. 3¾	from 21 Decem. 1766 till 8th January 1767	15	1260
	13. 3			
	5. 0¾	D° from 8th January till 23 April 1767	105	7350
	0. 10.			
	4. 13¾	D° from 23 April till 9th Octo. 1767	169	10816
	1. 1			
	13. 0¾	D° from 9 Octo. 1767 till 11th March 1769	518	3108
				213458

365 | 213458 | 584
1825
3095
2920
1758
1460
298
12
3576

29. 4. 9½

Acct
Mr. Joseph Cobb
With
James Dunlop

1763		Mr. Joseph Cobbs Acct.	James Dunlop		Dr		Cr	
June	10	To your Bond pay.e on demand			185	17	3¾	
Novem.	8	To Sundries pay.e in June 1764			22	8	10	
1764								
April	12	By Cash						4 5
May	11	By Do						15 7
Aug.t	11	By 5 hhds Tobacco N.t 1767 @ 13/6						32 2 9
1765		To prizing your 5 light hhds				12 6		
		By Cash						3
Aug.t	2	By Do						10
1766								
June	1	By D.o recev.d of Edmond Spencer					×	7 5
	1	By D.o recev.d of Do					×	2
Oct.	4	By D.o recev.d of Do					×	2
Decem.	5	By D.o rec.d of Do					×	1 2 4
		By 1 hhd. To Co. on Cabin point N.t 762						
		By 1 Trans. Note on D.o 500 deduct Exp.s Ct. N.t 470						
				1232 @ 18/				11 1 9
1767		To repruzing your light hhd.				3		
January	2	By Cash recev.d of Edm. Spencer						13 13 3
		By 872 lb. Pork recev.d of D.o 23. Dec.r @ 16/					×	6 19 6
April	23	By Ballance of Edmond Spencers Bond						6 0 10½
Oct.	9	By Cash recev.d of S.t Hampton Sheriff in full of Judgment. Interest & Sawyers Fees						58 11 1
		To Samuel Riddick, for his Devin Suit ag.t Spencer 15/ & Devin 2 Suits at Common Law & 1 Suit in Chancery v Counsel 40/				1 5		
		By Ballance due James Dunlop						9 18 0¼
					£	213. 6.	7¾	213. 6. 7¾

Carried Over

Dubot Bagnall Aver

To Ballance from other side 9. 18. 03½

To Interest as p. Acco. herewith 29. 4. 9½

39. 2. 10½

E. Excepted March 11. 1769

James Dunlop Jr

Acco.
Mr. Joseph Cobb
1771
James Dunlop

Nov. 8th 1763

47.10
190
9.10-
3.11½
9.6.0½

237.6
11.17.6
15.10
12.13.4

£ 47.10
9.6.0½
56.16.½

47.10
12.13.4
60.3.4
39.2.10½
21.0.5½
2.2
1.9
~~£~~ 23.4.2½