

1792-010

Amelia County

Chancery Papers . Dorlon vs Judkin's' admr

8/1792

other surnames: Godwin

Salon 9
or
Sudkins } Inj.

Aug 1790
Deerces Inj.

To the worshipping Court of Southampten County Sitting
in Chancery

Humbly complaining shew unto your
Worships your Orator John Dorian that on the
Day of 178 that John Ludkins adm^r of Gray Lockin
ad^r Instituted a Suit against your Orator for the
recovery of the Sum of Fifty Three pounds Eleven
Shillings and ten pence, with Interest &c.
That your Orator employed Robert Godwin as his
Counsell to defend him, and furnished him with
Lundry accounts as an offset against the same
Your Orator further sheweth, that judgement was
entered up against him in the Clerks office that
the same was called in Court agreeable to the Custom
of the said Court and that his Counsell thereunto
his appearance and moved the Court that the said
Judgement be set aside but thro' a mistake it was
not entered of record, by which means your Orator
a copy of which accounts is hereto annexed
was deprived of his accounts and that the said
John Ludkins adm^r as aforesaid hath succeeded
for the whole amount of the said Judgement.

Altho' being acquainted with the Circumstances
afore said which said adm^r hath been levied upon the
Property of your Orator ^{the said John} refusing to comply with your
Orator's reasonable request, all which Actings & doings are
Contrary to equity & good Conscience, In tender
Consideration whereof & for as much as matters of this
sort are cognizable in a Court of equity, To the
end therefore that the said John Ludkins adm^r as
aforesaid

aforsaid May full true and perfect answer make
to all the ^{& singular} allegations contained in this bill as fully and
particularly as if the same were again repeated and
Interrogated More especially may set forth whether he
did not institute the suit in manner as before set
forth whether he has not been informed ~~by~~ that at the time
of instituting his Suit that your Orator had engaged
Counsell ~~&~~ furnished him with sundry accounts by way of
offset to defend him in this suit whether judgment was not
entered up at the Rules whether the said judgment was not
called in fault whether your Orator by his Counsell ~~is~~
not appear whether that the said Judgment entered
up in the Clerks office was not directed to have been
set aside by the Court whether ~~that~~ it was not
tho' a mistake ^{that the same was not done} whether your Orator hath not since
made him acquainted with the Circumstances as is
before set forth ^{& referred to above his Discount} whether he hath issued out execution
whether that the Execution hath not been levied
~~upon~~ the property of your Orator and that by a
Decree of this worshipfull Court the said John
Jenkins adm. as aforsaid his agent attorneys and all
others concerned Therein may be stay'd and enjoyn'd from
proceeding on the same untill the ~~matter~~ same shall be
heard in equity, May it please your worships
to grant the Common wealths most gracious
writ or writs of Subpoenas also the Common
writ or writs of Injunction &c.

Robt. Gwyn for
Compt.

The Demurres and answer of John Jenkins administrator
of Gray Jenkins deceased, to the Bill of Complaint exhibited
against him in the Worshipful Court of Southampton, by Dan
Dorlon Complainant

This oft by protestation not confuting or acknowledging all
or any of the matters or things in and by the said Bill set forth and
complained to be true, in manner and form as the same are
therein and thereby set forth and alleged, saith he is advised
by his counsel, that there is no matter or thing in the said Bill
of Complaint contained good and sufficient in Law to call
this oft in question in this Worshipful Court for the same, but
that there is good cause of Demurres thereunto, and therefore
this oft doth Demur thereunto, and for causes of Demur-
rer this oft saith - 1. That^{it} is not stated by the Complainant in
his said Bill what is the amount of the Demand or Offset
claimed by him against the said Judgment; so that the Court
can neither ascertain / for want thereof / what sum / if any /
was due from the said ~~Gray~~ Jenkins to the complainant
or whether there is any thing at all due from the said
Gray Jenkins to the Complainant. - 2. That the Complainant
does not state in his said Bill upon what Account the
said Gray Jenkins was indebted to him the said
Complainant, so that the Court may Judge whether
the same was for a legal consideration or not -
3. That no paper or other Document containing
any list of the respective Items or Charges is filed
or made part of the Complainants said Bill
so that / for want of this as well as an account
of the Answer suggested as the second Cause
of Demurres / this oft cannot traverse the
claim or know what witness to examine
or how to defend himself against it. -

Dr

Col. Gray Judkins in

1702			Cash		Tobacco
April 30.	To 7 Hhds Tobacco				7454
May 3.	To 2 Sets Cups & Sauers 40s.	40s.	4..	16	"
	1 Tea pot 30s. 1 Sugar Dish 20s.		2..	10	"
	2 Bowls 70s. 2 d. 36s.		5..	6	"
	1 Butter Boat 24s. 1 2d Mug 30s.		2..	14	"
	1 Cream Pott 12s. 1 d. 10s.		1..	2	"
July 3..	To 1 Tierce Sugar N ^o 1337	0 ^o	44..	11..	4
4..	To 1 Set Cups & Sauers 40s. 1 Tea pot 24s.		3..	12	"
	1 Bowl 30s. 1 ditto 10s.		2	"	"
	1 Butter Boat 24s. 1 Sugar Dish 20s.		2..	14	"
	1 Cream Pott 10s. 1 2d Mug 10s.		1..	10	"
Sept. 3..	To 1/2 Hhds Humbugs 12 Hhds	25s.	15	"	"
	1 Hhd Tobacco				1110
1704			05..	3..	4 0564
Aug. 1	To Contra Ballance of 1000 ^o Tob.	40s.	20	"	"
	To ... ditto ... of Cash		15..	14..	6
	To Interest on the above Ballances		4..	11..	9
			40..	6..	3

Ac^t with Dorlon & Mackay

Cr

1702			Cash		Tobacco
July 3.	By 2 Tierces & 2 bbls Sugar N ^o 1301 ^o	0 ^o	43..	7..	4
Sept. 3..	By 1 Hhd Tobacco				5546
Nov. 2.	By 5 bbls Flour N ^o 945		9..	9	"
1704	By 2 bags Coffee (ornitted) 26 ^o	1/3	16..	12..	6
Jan. 10	By 1 Hhd Tobacco				1070
	By 1 d. at S. Quay 10 ^o forgot Sup.				940
	By Ballance of Cash due		15..	14..	6
	By ... ditto ... Tobacco				1000
1704			05..	3..	4 0564
Aug. 1	By Cap ^t William Digilow		40..	6..	3
			40..	6..	3

8
sufficient to satisfy the open account

Col. Gray Judkins
Att.

Capt. Garland

Wherefore and for divers other Errors and Imperfections in
the said Bill appearing, this dft doth demur in Law
therunto; and humbly demands the Judgment of
this Worshipful Court whether he shall be compelled
to put in any farther or other answer to the said
Bill; and humbly prays to be hence discharged
with his reasonable Costs in this behalf most
wrongfully sustained -

And as to so much of the said Bill as
this dft hath not already demurred unto, this
dft saving to himself all exception &c for answer
thereto saith - That he knows nothing of the
allegations in the said Bill contained respecting
the said Complainants motion to set aside
the Office Judgment against him at Law.
Neither can he say whether the Complainant
is entitled to the sum he may pretend to claim
a discount for - For the complainant
not having ^{stated} the nature of his demand
or filed his account his part of his bill
it is impossible for this dft to give any answer
thereto, & But this dft well remembers that
the said Gray Jenkins in his Deposition
told this dft that all open accounts be-
twixt himself and the Complainant
had been finally settled adjusted and
closed through the hands of one Wil-
liam Pigeon <sup>as by a copy of the Comptys acct. rendered the dft of Gray in his Deposition
and hereinafter mentioned a part of his answer</sup> - This dft however
admits that since the Death of the

said Gray the Complainant hath
charged a discount against him
by reason of an open ac^t and that
when this dft told him of the Infor-
mation aforesaid with respect to the set-
tlement of it through the said Pigeon

That the Complainant did then say
that such a thing was meant, but
that it did not appear upon ^a settle-
ment which ~~had~~ since taken place
between him and the said Pigeon
that so much was due from the Com-
plainant to the said Pigeon - However
this dft does not think that circumstances
should induce a judgment ~~in favor of~~
near on the trial of this cause that there
was any delay in the Complainant
in giving this dft or the said Gray in his life
any timely notice so that ~~that~~ they might
have secured their selves -

Provides this dft hath been inform-
ed that the said Pigeon hath not long
since obtained a Judgment against one
Doct? - - - - - make a partner of the
said Complainant, about the time
of the transactions aforesaid which
probably is ^{upon} a Comptys debt, and
thus the Complainant may prove
to be still indebted to said Pigeon
sufficient to satisfy the open account

Colt Gray Jenkins

aforsaid men should it prove Just although
this aft again ~~denies~~ repeats that it is un-
possible for him to determine whether
it be just or unjust ~~for~~ by reason
of its not being suggested or charged in the
said Bill & filed in the Clerk's office
of this Court - This aft denies all fraud
Inquiry &c and prays to be hence dis-
missed with his costs &c without that
that &c

Supers

County to wit

John Jenkins made oath before me that the matters
& things in the above affr are true so far as they relate
to his own knowledge, and as far as they relate to
the knowledge of others that he believes them to be
true - Given under my hand this 3rd day of
March 1791

Jⁿ. Maper Esq^r Tell

Dorlan }
or } Affr.
Jenkins }

Aug. 1792. report
ret^d & directed accord^g

Dorlon

is

Jenkins

} Inⁿ
} Order
} Lines

July 1791

J. P.

Southampton July court 1791.

John Dorton Plf.

against

John Judkins admr of
Grafton Judkins decd. Deft

} In Chancery.

On hearing the parties by their councils it
is ordered that Benjamin Blunt, John Wright and
William Hines or any two of them examine, state &
settle the accounts in the bill and answer stated, &
make report thereof to this court in order for a final
decree.

At test

Jn^r. D. Haussmann D^c

Dorlon

vs

Report

Judkins

Aug. 1792

The Clerk,
Ston County

Te

Agreeable to the inclosed order of Soton County Court we the
Subscribers on hearing the Arguments of the parties, and
examining the Acc. &c. and after due consideration there
of do agree in the following report (Viz)

That the sum of twenty Nine pounds two Shillings and
One penny with interest from the first day of August
1784 shall be deducted from the Amount of the
Judgment entered up in said court in favour
of the Plaintiff Jenkins against Dorlon defendant
and that the Defendant Dorlon ought to pay ^{Jenkins} the Ball.
of said Judgment with Interest from date of the same
until paid, given under our hands this 10th day
August 1792

Bernard Blunt

Wm. R. mis

John Wright

£ 95 - 21 days

£ 4. 15 1/2 year br. 95.

- 7. 11. 1 Mo Int. - 5. 6. 1/2 1/2

3. 11 1/2 18 1/2

1. 7 6 1/2

5. 6 1/2

102. 14. 5 1/2 @ 4 Mo.

5/13. 12. 3 1/2

2/12

3/67

2/168

5. 2. 8 1/2

1. 14. 2 3/4 Int.

4/81. 7. 3 1/2

16/27

3/27

1/4

4. 16. 3 1/4

1. 12 1 1/2

8. - 1/4 1/2

4. - 1/2 1/2

1. 7 1/4

7. 3. 7 -

306
151
155 1/2
165

£ 198. 0. 0

95. 5. 6 1/2

102. 14. 5 1/2

6. 9. 0

96. 5. 5 1/2

30. - - -

£ 66. 5. 5 1/2

1. 14. 2 3/4 6 1/4

7. 3. 7 13 1/2

75. 3. 3 1/4 53

29. 2. 1

1/4 5. 10. 5

9/10

1/10

1. 9. 1 1/2 5. 16

7. 5. 6 1/2

1. 2 1/2

7. 6. 8 3/4

29. 2. 1

£ 36. 8. 9 3/4

222. 16. 3

168. 3. 4 1/4

54. 12. 10 3/4

66. 5. 5 1/2

36. 8. 9 3/4

29. 16. 7 3/4

1. 14. 2 3/4

7. 3. 7

15. 18. 5 1/2

£ 54. 12. 10 3/4

4. 9. 20 Aug. 11. 1789

24/2 12/6

66. 5. 5 1/2

3/1. 7. 3 1/2

6/27

3/27

1/10

13. 5. 1

1. 13. 1 1/2

16. 6 3/4

1. 10

£ 15. 18. 5 1/4