

1793-001

Southampton County

Chancery Papers - Hasty vs Hasty's admr.

3/1793

other SURNames: Fisher

Burley

229

Hartley
Bill &
Hartley's ad note

March 1793. deposited

John Brown

To the worshipful court of Southampton county in
chancery sitting humbly complaining sheweth unto
your worships your orator John Hasty. That a cer-
tain Moses Hasty late of this county deceased, rented
of Ann Jones a plantation in the county aforesaid
for about the sum of five pounds; which said sum
your orator and the said Moses gave their bond for
payable in December 1700, being the said year that
the land was rented, your orator further shew-
eth to the court, that altho the said land was for the
use & occupation of your orator, yet as the said Moses
made the contract, your orator considered it right
to pay & satisfy him for the same, which he fully
did, and over above that sum, the said Moses on
the 15th day of December (the time of the settlement
between us) by his note obligatory sealed with his seal
and annexed to, & considered as a part of this bill
acknowledged himself to owe to your orator the sum
of two pounds ten shillings & $4\frac{1}{4}$. That sometime
after this transaction, the said Moses after having
made his last will & testament departed this life in-
testate, and administration was granted to a certain
Edward Fisher of all his goods & chattels, who having

Moses

discovered that the said ^{Moses} had paid the said debt by
sale in this court, gave your orator notice & moved
for and obtained a Judgment for the same & Costs
of said ^{sale & execution}, altho the said Moses was in your orator's
debt, which actings & doings are unjust & inequi-
table,

In tender consideration whereof & for as much as your orator is remediless in the premises
only in a Court of equity,

To the end therefore

that the said Edward Fisher the administrator
aforesaid, (who your orator prays may be made
dependant to his bill of Complaint) may upon
his solemn oath full true & perfect answer make
to all and singular the allegations aforesaid, and
that as fully & sufficiently as if the same were again
herein repeated & interrogated, but more especially
that he set forth and discover, whether he knows
anything of the contract for the rent of the said
Land, & what? did he not know that his in-
testate was indebted to your orator? hath he not
obtained Judgment in motion, & for how much with
Costs, hath he not issued execution? And
that this worshipful court will injure the said
Judgment, or stay execution & the further proceedings

thereon until this matter is heard in Equity,
& then make the same perpetual, and decree to
your orator the sum that is justly due to him on
the note aforesaid the interest & Costs, or make
any order or decree for your orator's relief as may
be equitable, May it please the Court,

Gaitheugh for Compt.

sworn to in court

J. D. Hauffmann D.C.

Nasty's admirer

u. } Ansⁿ
L^d. Nasty

The answer of Edward Fisher, administrator &c of Moses Nasty deed, Deft, to the bill of Compt of John Nasty, Compt.

This Deft, saving unto himself all benefit of exception to the many errors and insufficiencies in the Compt's said bill of Complaint contain'd, answers and says, - That he admits, that Moses Nasty died intestate and that the administration of his goods chattels rights and credits has been duly committed unto this Deft - He also admits, that his intestate, in his lifetime, rented a tenement of for the year of Christ 1788 of Anne Jones for and on account of the Compt, and that the s^d Moses and the Compt entered into a bond unto the s^d Anne for the payment of £5. 1. ^{being the stipulated} ~~also~~ rent of the s^d tenement - This Deft, further answering, says that the s^d bond was put in suit and a judgment thereon obtained agt the s^d Moses, in his lifetime, in the Court of the County of Southampton, and that the s^d judgment has been fully paid by the s^d Moses and others for him - This Deft does further admit, that ^{he has} since the death of the s^d Moses, as administrator as aforesaid, made for and obtained a judgment in the Court of the said County agt the Compt for the amount of the s^d judgment rendered agt the s^d Moses as the security of the s^d John - That this Deft, from an inspection of the papers of his intestate, - the confession of the s^d John, - and other corroborating circumstances, does fully believe, that the Compt did never pay or cause to be paid unto the s^d Moses the s^d £5. 1. or any part thereof, - and that the same is now justly due unto this Deft as administrator as afore-mentioned - This Deft does further believe that the writing obligatory mentioned in the Compt's bill to have been entered into by the s^d Moses unto the Compt for the payment of

£2. 10. 8^d, was for a balance due from the said
Moses unto the Compt^{rs} upon a settlement of certain ac-
counts between them, which took place on or about
the day of in the year of
Christ 17 and which this Deft does and has good
cause to believe did not include the s^d £5. 1 for
the payment of which his intestate was only
bound as security for the Compt^{rs}, and at the time
of the s^d settlement had not paid, and this Deft
supposes, did not even expect to pay, being only
the security of the Compt^{rs} — This Deft further
answering says, that if any money should appear to be
due unto the Compt^{rs} from this Deft by virtue of the
s^d writing obligatory entered into by his intestate to
the Compt^{rs}, after a deduction of such claims ^{of money} as
this Deft, as administrator as aforesaid, shall establish
agst the s^d Estate, this Deft is willing that such
balance should be deducted from the amount of
the s^d judgment obtained by this Deft agst the s^d Estate
— without that, that there is any other matter, cause,
or thing in the Compt^{rs}' s^d bill of compt^{rs} contained,
material or effectual in law, for this Deft to answer
unto, and not herein and hereby sufficiently answered,
avoided, traversed, or denied, is true to the knowledge
of this Deft — all which matters and things this Deft
is ready and willing to aver, maintain, and prove
as this Court shall direct, — and prays ~~leave~~ that
the injunction granted by this Court to the Compt^{rs}
agreeably to the prayer of his s^d bill, may be
disolved — and that this Deft may be hence-
forth relieved with his reasonable costs and charges
in this behalf most wrongfully sustained.

Wm. Robinsan
for the Deft.

Southampton County, to wit,

Edward Fisher,
made oath before me Thomas Ridley
a justice of the peace for the County aforesaid
that the foregoing answer is true so far as the
same rests on the knowledge of the s^d Edward, and
that so far as it is founded on information by
other means he believes it to be true — Given
under my hand this Eleventh day of January
Anno Domini 1793.
Thos Ridley

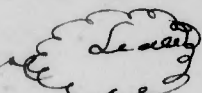
Know all men by these presents that we John Haisty and
Silas Love

are held and firmly bound unto Edw^d Fisher adm. Moses Haisty
in the sum of Twenty pounds

Current Money of Virginia to the which payment well and truly to be made
unto the said Edward Fisher adm. or and his
Heirs and assigns we bind ourselves our heirs executors and administrators
jointly and severally firmly by these presents Sealed with our Seals
this 9th day of Novbr. 1792

The Condition of this obligation is such that -
whereas the said Edward Fisher adm. Moses Haisty
hath obtained a judgment at common law against the said
John Haisty in the County Court of South-
ampton for Eight pounds six shillings and costs and the s.
John Haisty hath obtained an
injunction to stay the execution of the said judgment
until the matter in equity upon a bill for that purpose
Filed can be heard. if therefore the said John Haisty
shall satisfy and pay the said judgment at common law
and all costs and damages that shall be awarded to
the said Edward Fisher adm. & in case the said
injunction shall be dissolved then the above
obligation to be void or else to remain in full
force and virtue

Sealed and Delivered }
in the presence of }
the court

John ^{his} Haisty 
Silas Love 

Harry
to
Harry

Note

I Moses Harty of Southhampton County do promise
to pay, or cause to be paid unto John Harty of the
aforesaid County the just & full sum of two
pounds ten Shillings & 4/4 Current Money of
Virginia, on demand, Witness my hand and
seal this fifteenth day of December 1798.

Witness,
D. Q. 3
Edw. Fisher

his
Moses Harty Seal
mark