

1793-016

SOUTHAMPTON COUNTY
CHANCERY PAPERS

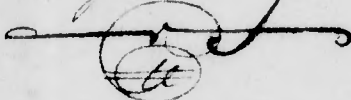
SCOTT'S EXECUTORS and al

vs. ARRINGTON'S HEIRS 3/1793

Other SURNAMES: Denson, Randolph,
Pritlow

Scott & Denson

No. 17.
Arlington's heirs



To the worshipful the court of Southampton County
in chancery sitting, Humbly complaining sheweth
unto your worships your orators Jacob Randolph &
Joseph Britlow executors of the last will & testament
of Joseph Scott dec'd, & Jordan & Joseph Denson
that on or about the fifteenth day of April in
the year of our Lord Christ 1791 a certain Jesse
Skirington of this county was justly indebted to ~~James~~
Joseph Scott surviving partner of Joseph & William Scott, & Jordan & Joseph Denson
~~on the~~ the sum of sixty eight pounds three shillings
& eleven pence current money of Virginia, & being
willing & desirous to secure the same to your orators,
did on the day & year a bond set forth mortgage
a certain tract or parcel of land, lying, situate, &
being in the county of Southampton ^{& parish of St. John} containing by
estimation five hundred & twenty acres, as by a copy
of the ~~the~~ mortgage being hereto annexed will more
fully appear (which ~~is~~ copy your orators pray
may be made & considered as a part of this their
bill of complaint.) Your orators further shew, that
since the making of the mortgage a bond set forth, one
of the parties for whose use & benefit the same was
made, to wit. Joseph Scott, hath departed this life,
& having first made his last will & testament,
therein amongst other things appointed & left Jacob
Randolph & Joseph Britlow ex'ors of his ~~last~~ will,
who hath since duly qualified ex'ors to the same. —

Your orators also shew that since the death of
the ~~the~~ Joseph, the ~~the~~ mortgagee Jesse, hath himself
departed this life leaving Henry Skirington & John
Skirington ^{Lucy, Sally, Nancy, Peter, Fanny & Patsy Skirington} his only legal heirs & representatives,
whom your orators pray may be made defendants
to this their bill of complaint.

Your orators further shew that they have often applied to the S^r Henry & John ^{Henry, Sally, Nancy, Betty, Fanny & Peter, & John, the legatees} ~~Strington~~ to permit them to make sale of the S^r mortgaged premises according to the true intent, meaning, & purport of the same. But so it is may it please your

worships, that the S^r Henry & John, ^{Henry, Sally, Nancy, Betty, Fanny & Peter, & John, the legatees} combining & confederating with divers other persons, (whom your orators pray may be made defendants to this their bill, with apt words to charge them) hitherto have refused to comply with this your orators reasonable request; pretending & giving out in speeches that there never was such a deed as is herein set forth, & if there was, that they w^d be unjustifiable in carrying the same into effect without the aid & interposition of this worshipful court. In tender consideration whereof, & for as much as matters of the present nature come properly before your worships. To the end therefore that the S^r Henry & John ^{Henry, Sally, Nancy, Betty, Fanny & Peter, & John, the legatees} ~~Strington~~ the legal heirs & representatives of the S^r Joseph Strington, the mortgagor, may in their corporal

discreet persons to make sale of the S^r tract of land, upon giving such notice as is ^{in the} ~~herein~~ S^r deed, or mortgage set forth, & on such credit as may be deemed reasonable; so that out of the money arising from such sale your orators may have & receive all such sums of money as may appear to be justly due, by reason of their S^r debt, & the cost attending this & the subsequent order or decree of this court, or make a ny other or further decree as may be thought equitable, is the prayer of your orators, & your orators shall ever pray &c.

Bth Drew. p^r D^r

Witness of John Strington & Henry Strington, Henry, Sally, Nancy, Betty, Fanny, & Peter, Strington, to

B

The answer of John, Henry, & Lucy Arrington (Hops
Sally, Nancy, Patsy, Fanny, & Patsy Arrington by
John Davis ——— their guardian & next
friend, by this worshipping court appointed, for the express
purpose of carrying the premises into effect) to the
bill of complaint of Jacob Randolph & Joseph Britton exors
of the last will & testament of Joseph Bette decd. (who in
his life was surviving partner of Joseph & William Scott)
& of Jordan & Joseph Benson exhibited against
them — These defendants now & at all times hereafter
saving & reserving to themselves all & all manner of benefit
& advantage to the manifold untruths, imperfections &
indeficiencies in the complainants bill of com-
plaint contained, for answer thereto, or to some
thereof as these defendants are advised to make answer
unto, answer & say, that true it is they believe
there was such a mortgage made by their father Jesse
Arrington to the complainants, the plaintiffs in their
premises; & that they believe their s^r. father Jesse was
justly indebted to the plaintiffs the sum in their s^d. bill
mentioned & that the s^d. mortgage was intended to secure
to the plaintiffs the sum of sixty eight pounds three
shillings & eleven pence, & that if the s^d. mortgage
has been satisfied & they are ignorant thereof — And
if there is any other matter or thing in the complain-
ants said bill of complaint contained, & not
herein & hereby sufficiently answered, or denied

they are ignorant of, & pray to be dismissed with their
reasonable cost in this behalf sustained. —

B^{ly} L^{ve} for the defendants.

Wth att^{est} &c
as
Christina King
Amey
Wth att^{est} &c

Seeth Co. 2
as } Spu
Arrington } in
Chy

To Nov: 1792

Spence
Charles Briggs Esq

THE Commonwealth of Virginia to the sheriff of *Southampton* county,
greeting: You are hereby commanded to summon *Henry Arrington*
and *John Arrington* sons & heirs at law of *Jos. Arrington*
decd.

to appear before the Justices of our said county court of *Southampton* at the
courthouse, on the *2nd Thursday in November next* - to testify and
the truth to say in behalf of

~~in a certain~~ ~~matter of controversy in our said court, before our said Justices de-~~
~~pending and undetermined between,~~ to answer a bill in chancery ca-
hibited against them by *Jacob Randolph & Jos. Pritton Esrs* vs.
of *Jos. Pett* *decd.* & *Jordan & Jos. Denson*

And this they shall in no wise omit, under the penalty of 100l. each And have
then there this writ. Witness *Samm: Kello* - Clerk of our said Court, at
the courthouse afore said, this *20th* day of *August* 1792 in the *17th* -
year of the Commonwealth.

Jno: D. Kaupmann D.C.
1792

Harrington Dec
of
Scott & Benson Trust

copied for Gov Scott
March 1793 interme-
dary deuce.

For
1793

NOT DEACIFIED 2/10/92

Ben. W. Scott

This Indenture made on the fifteenth day of April in the year of
Christ one thousand seven hundred and ninety one between Jesse Arrington
of the county of Southampton & parish of Notoway of the one part &
Joseph Scott surviving partner of Joseph & William Scott & Jordan and
Jos. Denson of the same county of the other part witnesseth that for and
in consideration of the sum of Sixty eight pounds three shillings &
eleven pence current money of Virginia which the said Jesse
Arrington stands justly indebted to the said Joseph Scott & Jordan
& Joseph Denson and honestly desires to receive and pay to them;
and for and in the farther consideration of the sum of Five shillings
like money to the said Jesse Arrington in hand paid by the said Jos.
Scott and Jordan & Jos. Denson their heirs and assigns at and before the
sealing and delivery of this the receipt whereof he doth hereby acknowledge
and thereof, and of every part thereof do exonerate and discharge the said
Joseph Scott and Jordan & Joseph Denson their heirs, executors, & assigns, he
the said Jesse Arrington hath granted, bargained, sold, and confirmed
and these presents doth grant bargain, sell and confirm to the said

Joseph Scott & Jordan & Jos. Denson their heirs and assigns for ever
ait that plantation, mesuage, tract and parcel of land whereon the
said Jesse Arrington lately lived situate lying and being in the
county of Southampton and parish of Notoway aforesaid contain-
ing by estimation Five hundred & twenty acres be the same more or
less and bounded according to the known & reputed bounds thereof
with all the appurtenances belonging or in any wise appertaining
to the premises hereby granted or intended to be granted, & the rever-
sion & reversions, remainder & remainders, & all services, benefits,
and profits of the said lands & premises, & all his rights, claims,
interests and securities relating to the same. To have and to hold
the said lands & other premises unto the said Jos. Scott & Jordan
& Jos. Denson their heirs and assigns for ever. And the said
Jesse Arrington hereby grants for himself & his heirs that he the
said Jesse Arrington and his heirs and every of them, shall and
will warrant and for ever defend the said plantation, tract &

Arrington
Deed
of
Scott & Denson trust

copied for Jos Scott

March 1793 interduce-
tary decree.

NOT DEACIFIED 7/10/92

parcel of ~~two~~ Five hundred & twenty acres of land and other
premises & every part and article thereof, with all & singular
rights and appurtenances unto the said Joseph Scott & Jordan & Jos.
Denson their heirs and assigns for ever against him the said Jesse
Arrington & his heirs & every of them, and against every other person
whomsoever. Upon trust nevertheless the said Jos. Scott & Jord. &
Jos. Denson their heirs, exors, admors, or assigns shall after the fif-
teenth day of April in the year of Christ 1793, or as soon as the
said Jos. Scott & Jord. & Jos. Denson their heirs, exors, admors,
or assigns shall think proper, or the said Jesse Arrington shall
request (which ever of these two circumstances shall first happen)
sell for the best price that can be gotten, after giving ten days
public notice the said lands and premises & out of the money
arising from such sale discharge pay & satisfy to the said Jos.
Scott & Jord. & Jos. Denson the above mentioned sum of Sixty
eight pounds eight shillings and eleven pence with lawfull

interest from the date hereof untill the same shall be fully dis-
charged, & the expenses attending the drawing & recording this in-
denture, & the contingent charges on the sale, as aforesaid, and
other necessary expenses that shall attend the securing and obtaining
the above mentioned money, or performing any thing that is or shall
be necessary relative to the intent of this indenture, that the
said Joseph Scott and Jordan & Jos. Denson their heirs, exors,
admors, or assigns shall pay or cause to be paid the surplus, if
any remain from such sale to the said Jesse Arrington his heirs
exors, admors, or to his order. In Witness whereof the said Jesse
Arrington hath hereunto set his hand and seal on the day and
year first above written

Sealed & delivered
in the presence of
Jacob Randolph, J. L. & A.
Wm. Whitehead
Ja. Martin
Ja. Johnson
Moses Griffin & to J. L.

Jesse Arrington
Jos. Scott
Jord. & Jos. Denson

All a court held for the county of Southampton
the 8th day of December 1791. This deed of trust was acknowledged
by Jesse Arrington & Jordan Denson two of the parties thereto
& continued. And at a court continued & held for the county of Shilton
the 10th day of August 1792. This deed of trust was further proved
as to Jos. Scott by the solemn affirmation of Jacob Randolph
one of the witnesses thereto & cont^d.

Jacob Randolph

A true copy
Teste

J. D. Haussmann D. C.