

1805-008

SOUTHAMPTON COUNTY
CHANCERY PAPERS

TURNER

vs. EDMUNDS' ADMINISTRATOR 1/1805

Other SURNAMES: Newsome,
Davis, Fort, Blunt

by Bill
Eckman ad.

Nov. 1802 Bond

given

June 1804

Abates

de Pácal

To the Warranted Court of Southampton. Being in
chancery humbly complaining Sheweth to the Court your
oration Arthur Turner

That a certain William Edmonstone late
of the County presented an order that came to him
for payment of the sum of £42. 10. for two hundred
and which your order accepted, that said
order was in his hands your order made him
sundry payments amounting to £42. 10. as will
appear by account thereto annexed, ^{no 1} since the
said William deceased John Benjamin Burd
for want brought a writ upon the said order &
has prosecuted the same with effect to a judg-
ment & execution for the whole sum without
any abatement or deduction for the said
payments which your order conceives to be
just & contrary to equity

In London Consecration whereof & for
as much as your order is without remedy only in
a Court of equity

To the end therefore that the said

Benjamin Blunt the adm^r appears vice the general
Comptroller and says many things in order to depend
on this bill of Complaint may upon his account
call for him. I expect answer on the bill
and suggest the allegations herein contained
and that as fully and sufficiently as possible
same were again herein repeated and
reiterated

And that your Honors will say
the said Benjamin Blunt and all others
connected from further proceedings at law until
judgment is given and until this matter is
heard before this Court and then make the same
perpetual as to the £42.00 and interest thereon
as aforesaid, provided an interest is allowed
by the jury in the aforesaid order, and on the
any other aforesaid order is allowed in the
mapes for your Complainants relief as may
be agreeable to just. May it please the Court
Sworn to into Court Y^r honorable for Compt^r

The answer of Benjamin Blunt Adm^r to the Estate of
William Edmunds dec^d. ————— Dft.

to
The bill of Arthur Turner. ————— Dft.

This Dft. saving & reserving to himself, now & at all times
hereafter, all, & all manner of advantages & benefit of exceptions
that may be had or taken to the many allegations in the
said bill contained; for answer thereto, saith
That he qualified as Adm^r, with the will annex'd to the
estate of William Edmunds dec^d on the day of
and that on taking possession of the said estate he found two
Judgements against Arthur Turner for the sum of 200 dollars
each, one in the name of James Wilkinson for the benefit
of William Edmunds, the other in the name of William
Edmunds; to either of those suits this Dft. conceives that
Turner might have plead payment & on full proof thereof on
a fair trial might have had relief in Edmunds life time,
but this Dft. believes that no such plea was entered; on
the judgement in the name of James Wilkinson a writ of
Sc^{re}ps. was issued against Turner, which was rejoined & an acc^t
accompanied the bill to the amount of £62.12.0 which bill
on a trial by the court was resolved; in the mean time a
Sc^{re}ps. issued in the name of this Dft. against the complain
ant & a judgement obtained for 200 dollars, ^{& costs} those facts may
be proved by reference to the office of the Clerk of South
ampton court before whom all these matters was brought
had & determined. — This Dft. further saith, that he knows
nothing of his own knowledge of the allegations set
forth in the Dft's bill; & that he can but express his
astonishment that a payment of such magnitude as
the sum of \$2.10.0 the amount of the present complaint
should not have been brought forward at the first trial

when a full & fair decision might have taken place.

This deft further saith that he has been informed that the payments express'd in the Plffs bill took place at a gaming table at the cross roads (Blacks Tavern) and that a subsequent gaming between Turner & Edmunds took place at the cross keys (Johnston Tavern) when the transactions were noted in favor of Edmunds but to what amount the deft was not informed, but understood that they that evening settled & balanced all their gaming affairs. These transactions this deft does not wish to comment upon, but will again observe that he thinks it very extraordinary in Turner to make a payment of £42.10.0, in part of a written order & accepted under his hand, for the sum of 200 dollars without taken a receipt or any written discharge & at the present day to come forward & claim the discount, these observations naturally lead to a conclusion that the present Plff was fearful that the testator of this deft was in possession of ^{a claim or} set off against the aforesaid sum of £42.10.0, or else he would have brought forward his demand at the first trial, to which conduct this deft can but complain of as cruel, oppressive & tending to deprive the family of the deft of that justice ^{that} widows & orphans ^{are} intitled to; This deft therefore prays to be hence dismissed with his costs ~~and~~ ^{as in & against} ^{Benjamin Edmunds} ^{deft}

This day Benjamin Blunt made oath before me that the allegations set forth in the above answer is true so far as comes within his own knowledge & believe them set forth to be true also that relate to the informations of others -
24. Feb 17. 1790 31

John Wilkinson

The deposition of Lewis Port-talton at the House
of Arthur Turners the 31st day of December
Eighteen hundred and two on an Injunction
granted by Arthur Turner on a Judgment obtained
by Benjamin Blunt Sen. Adm^r of Wiltshire -
Edmunds dec^d, - viz^t. Lewis Port of full age
after being Sworn on the holy Evangelists of
Almighty God deposes and saith
that in a conversation between this deponent and the
aforesaid ~~William Edmunds~~ ^{Edmunds} that the said
Edmunds informed this deponent that he had ~~acted~~
for Arthur Turner Bond or Bonds, and that on
a ~~Settlement~~ ^{Settlement} between this deponent and the said
Edmunds he felt indebted to this deponent about
Thirty six pounds which was discounted Raised
in favour of said Turner to the list of this said
deponent's knowledge.

Question by the Plaintiff, do you know whether
the above Conversation between yourself and Edmunds
took place before the aforesaid Settlement or after
wards

Ans^r. I do not, and further this

deponent sayeth not guin under our hands
the day and Year first above written

James Millar Esq.

Sam. Blunt Esq.

This day personally came before us Lewis Fort, and being
first sworn on the Holy Evangelists of almighty God: answers
the following questions — (Ver) as follows. —

Ques^r. At what place was the payment within mentioned made,
answer At Chauman Nicholson's

Ques^r. At what time was it made —
answer, I do not recollect

Ques^r. Was it, or was it not at a Gaming Table,
answer, It was at a Gaming Table.

Taken at the Tavern of Mr. Davis in Jerusalem this
13th day of June 1803, by Consent of parties. —

J. V. V. V.

The Deposition of William Daves taken at his house in Jerusalem this 13th day of June Eighteen hundred and three on an Injunction, filed by Arthur Turner on a Judgment obtained by Benjamin in Blank ad^{vs}. of William Edmunds. viz: William Daves of full age after being sworn on the holy Evangelist of almighty God, being asked the following Questions. When did the last gaming happen in your presence between William Edmunds and Arthur Turner at the Cross Keys. Answer I can't tell certain but believe it to have been in spring of 1801 - what was the result of that gaming. And after they broke up Col^o Edmunds observed to Mr Turner this makes us win in all our gaming debts - ~~after the~~ Did you not conceive by that - that all their former gaming was then settled, as well as the late. answer, I did not hear them mention their particular gaming Debts, but was called on by the s^d parties to take notice that all their gaming debts were then settled and further saith not -

G. Vicko
Jm/3 low
S

shy, close

\$40.10 paid.

This inclusive - till now covered -
he says he was informed that the
little went was on going - he should
have brought them into Court - Lewis that
previous debts were paid.

Southampton January 4th 1865 This day appeared
before me Littleberry Newsome and made oath to
the following: Viz - That the late Col. William
Edmonds, dec^d stood indebted to him the sum of
Forty four pounds, current money of Virginia, and
that by consent of all parties concerned Arthur Turner
did pay unto him the deponent the aforesaid sum of
forty four pounds, and further that the said Col^d
Edmonds, did afterwards tell the said deponent,
that he should allow it in settlement of account,
with himself & said Turner Saml Hunt J.P.

January 8th 1800

Col^r William Edmonds Dr

To Arthur Turner to paid Lewis Fort. £ 14-

To paid Do ----- 11-5

To paid Do ----- 6-0

To paid Littlebury Nason 11-5

42 " 10

Errors excepted Arthur Turner

a just on Surp

Turner to Blunt
ad Edmunds
My Bond

Know all men by these presents that we Arthur Turner
and Levi Rockwell are held and firmly bound unto the justices
of the county court of Southampton in the sum of four
Hundred Dollars to which payment well and truly to be made
to the said justices and their heirs executors & administrators
we bind ourselves our heirs executors and administrators jointly
and severally firmly by these presents sealed with our
seals and dated this 18th of November 1812

The condition of this obligation is such that
whereas the said justices aforesaid hath obtained a judgment at
common law against the said Arthur Turner for the
sum of Sixty two pounds ————— and
costs and whereas the above bound Arthur Turner hath
obtained an injunction to stay the proceedings on the said
judgment and costs until the matter thereof in equity
on a bill filed for that purpose can be heard now if the
said Turner shall well and truly pay or cause to be paid
unto the said justices and to their heirs executors and ad-
ministrators the amount of the said judgment and costs
and all damages that may arise in case his said bill in
equity shall be dismissed then this obligation to be void
or else to remain in full force

Sealed & delivered }
in presence of }
B. Cobb

Arthur Turner *Here*
Levi Rockwell *Here*