

1814-004

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BANKS

VS. DOUGLAS

5/18/4

other surnames: Fraser,
Douglass

Banks

vs.

Douglas

Bills

To the worshipful Senate of Durham the twenty in chancery
sitting humbly complaining sheweth unto your worshipps your
orator John Banks that some time in the year of our lord
a treaty was had and held

between him and a certain James Douglas, whom your orator prays
may be made respondent hereto, respecting the formation of a banking
partnership, in the ~~town~~ trade and mystery of Taylors - that this conver-
sation terminated in the establishment of such a concern, where-
upon a shop was opened in the town of Exeter and County
of Devonshire, each partner bearing half the losses and expences
half the gains of the transactions of the firm - Your orator avers
that the business thus placed under the management of the
said Douglas has been carried on under circumstances of
peculiar fortune and prosperity, so that the debts due to them
~~must be considered as paid and the business terminated~~ ^{substantially}
known to your orator of course of some importance - but your
orator sincerely affirms that just as his claims have been,
he has never shared in any of the profits of the said partnership,
~~and~~ ^{he} ~~declares~~ ^{declares} that he possesses no certain and
accurate information on the subject of its transactions, but that
the means which would lead to a discovery, have uniformly
been snatched from his grasp - the said Douglas, falsely
slandermously pretending that he has relinquished his rights
over the affairs of the company - all which is contrary
to equity - is tender consideration whereof and to the end
that a full, ample and complete disclosure may be made
of the matters and dealings, of your orator and the said Douglas,
in the partnership aforesaid, your orator prays that the
said Douglas may on his corporal oath be compelled to
swear all and singular the charges and allegations
of this bill, as fully and unequivocally, as if he were

superior all and every of them particularly interrogated.
May it please your worship to grant such other and
general relief as may be applicable to the present case,
and your orator will pray as in duty bound.

With the complainant

Recd
of
Jung Car
Bills

Douglas
vs } answer
Banks.

Hill

Banks
vs } Bill
Douglas }

Bill Vanover filed Repd
Comm. Holston filed
to Comp C

1814 May day 2

The answer of James Douglass

Deft

to
The bill of John Banks

Compl't

This Deft now & at all times hereafter saving & reserving to himself all & all manner of advantage & benefit of exception that may be had ^{or taken} to the many errors & uncertainties in the bill of complaint contained; for answer thereto, or so much thereof as he is advised is material or essential to be answered, answereth and saith — true it is, there was an agreement for trade & copartnership entered into by the p^{rs} & deft as stated in the bill but with respect to the effects thereof being ^{very} successful & considerable this Deft doth by no means admit but expressly denies — this deft is sorry that so erroneous a declaration should have been made by the Compl't respecting the means of discovering the conduct & transactions of this Deft, when the fact is expressly the reverse of that statement, as the Deft disclosed to, and informed the Compl't of all his conduct & transactions as a partner in trade he as before stated, by presenting to his view the books and entries made in that business — that he had full access to them whenever he thought proper and they were carried to Petersburg for his inspection & examination, where they remained for several days in the Compl'ts shop — that subsequent to this to wit on the day of 1803 — the Compl't came to Jerusalem: ~~and~~ at which time the parties ~~was~~ arranged, and ascertained the business of the trade & copartnerships aforesaid; whereupon it was agreed that a bond should be given to fix & establish the settlement & agreement so made, which was accordingly entered into for the sum of one hundred & seventy six pounds 5/43/4 or thereabouts; on which bond suit hath been instituted in the C^t. Court of W^m and is still depending & undetermined — which bond this Deft considered as also

did the Comptrol as a final settlement of their trade &
copartnerships aforesaid, and to which sundry payments
have been since made as in their proper place at the trial
of the cause will be shown — This deft once more
avows, that he hath no further discovery to make in
or concerning the aforesaid business, but views the
arrangement & transactions before recited as complete &
full, and satisfactory, and under this impression requests
to be hence dismissed from this Honble Court with his
costs & charges in this behalf — most wrongfully sustained,

W^m Hill att^y for
the Deft —

New Hampton County Ct.

The defendant James Douglass this 28th day of
May — 1805. personally appeared before me a Justice
of the Peace for the County aforesaid and made
oath that the substance & matter of fact in the
forgoing answer are true — Given under my
hand the day & year above written

J. Wickdell

2^d August 1804

BB Sept 20 Goodrum

200

The Commonwealth of Virginia to the Sheriff
of Southampton County greeting You are hereby Com-
-manded to Summons James Douglas to Appear

before the justices of our said County at the Court
house on the third munday in August ~~next~~
to answer a bill in Chancery exhibited against
him by John Bunker and that he shall not
omit under the Penalty of one hundred pounds
and have there then this writ Witness Saml.
Kello Clerk of our said Court at the Courthouse
the 20th day July 1804 and in the 28th year
of the Commonwealth — Saml Kello Clk

Banks

W. Deane
Douglas & Nisi

April 1805

May 4th 1805

Executed by

Sam^l. Burroughs
of

R. Goodwin

So
Ampton April Court 1805

John Banks plff }
Ag^t } In Chancery
James Douglas Deft }

This cause was heard on the bill &c
On consideration whereof it is decided and ordered
that the Complainants said bill be taken for
confessed and that he recover of the defendant the
Sum of

as prayed for in the ~~Complainants~~ said bill of
~~Complaint~~ and his costs by him expended unless
he appears and answers the same on or before the next
Court to be holden ~~for~~ this County in May next
Witness Shells clerk of our said Court at the
Courtroom the 17th day of April 1805 And in the
29 Year of the Commonwealth
Amhella

Mr. James Douglas

Sir,

Take notice that I shall proceed to obtain
according to law, a commission from the clerk of Hampton
County Court, to take the deposition De bene esse,
of William Travis in a certain matter of controversy
depending and undetermined in the said Court, wherein
you are the defendant and I am the complainant and
that I shall take the said deposition, De bene esse
before two magistrates at Powell's tavern in the town
of Petersburg, on third Monday in November next
ensuing (the same being the 19th day of the month)
between the hour of nine o'clock and twelve o'clock in the
morning - where you or your attorney may attend, if
you think proper

John Banks

October 16th 1804

Southampton County, Benjamin Cobb of this County,
made Oath before me, that he did on this day
relieve to James Douglas, A notice, of which
the within is a true Copy, Given under my
Hand this 19th day of October 1804

Samuel Albert

14/11/1861
John Parks.

Town of Petersburg to wit.

John Banks this day personally appeared
before me Paul Nash, Mayor of the Town
of Petersburg and made oath that William
Fraser who is a material witness in a suit
in Chancery in Southampton County South Carolina
and undetermined between him and a certain
Larner Douglas, is about to depart the County
and that he would feel unsafe without the
said William Fraser, ^{deposition} de corpore. Given
under my hand this 10 day of November
1804. ~~~~~ Paul Nash Mayor

The Clerk of
Suffhampton County

Town of Petersburg &c

In presence of a Commission from the County Court of Southampton directed to Paul Nash Mayor and John Baird one of the Aldermen of the Town aforesaid for the purpose of taking Depositions in a suit depending in the said Court of Southampton County between John Banks of the said Town of Petersburg, Plaintiff and James Douglas of the said County of Southampton, Defendant - Personally appeared before us the said Paul Nash and John Baird, William Fraser of the Town aforesaid who being solemnly sworn on the Holy Evangelists of Almighty God, deposed and saith that it is known to this Deponent that the said Banks and Douglas did enter into Partnership for the purpose of selling merchandize and carrying on the Tailors' Business on joint account at Jerusalem in Southampton County under the management of the said Douglas, and that the said Banks furnished him with Goods to a considerable amount - That this Deponent has frequently since that period heard the said Banks and Douglas converse on the subject of their Partnership, particularly in the month of January 1804 when this Deponent and the said Banks went to Jerusalem in order to have the Business adjusted with the said Douglas - That this Deponent did then state an account which was signed and acknowledged by both the said Banks and the said Douglas, shewing the Balance due by the said Douglas to the said Banks, exclusive of Banks' half of the Profit arising on the Business carried on as aforesaid on joint account in Jerusalem - That the said Banks did at the same time agree to relinquish in favor of the said Douglas all the Profit on the Business, provided he the said Douglas would pay the free Balance ^{due to said Banks} stated on the account then signed and adjusted and lying open before them, within a month or two at farthest from the date of Settlement - But in failure of which, that he the said Banks would claim all the Benefit in the Business transacted in Jerusalem to which he was originally entitled according to agreement - and further he saith not - Given under our Hands this

19th Novem 1804 -

Paul Nash Mayor
Jn^o Baird Alderman

Banks
by Anne
Douglas

Sumpter Set

The commonwealth of Virginia to Paul
Nash & John Baird Gentlemen, justices of the peace
greeting. Know ye that we trusting to your fidelity
and prudent Circumspection in diligently examining
William Fraser a witness. Do hereby as
well on behalf of M^{rs} Banks plaintiff as on
behalf of James Douglas deft, ~~and~~ do command
you, ^{to} call and cause to come before you the witness
aforesaid, when and where you shall appoint and
diligently examine him on the holy Evangelist of
Almighty God and his examination Do hereby
so taken into our said County Court that you
come without delay in due returning to us also
this writ. Witness Samuel Hall clerk of our
said Court the 12th day of December 1804 and
in the 29th year of the Commonwealth

Sam. Hall Sec