

1814-077

SOUTHAMPTON COUNTY
CHANCERY PAPERS

THORP

VS CLEMENTS' EXECUTOR 7/18/14

Other surnames:

Thorpe

Bill of Exception.

~~Resistant to~~

~~Bill of Exception~~

Nov 1811 Bond & Pa. ip

February court 1813

Bill Filed

July 1813 Bill filed &

Rule to answer

Grant Rule

apt rule

1814 July answer filed &

To the worshipful Court of Southampton County in Chancery
Sitting - Humbly complaining sheweth unto your worship your
orator Aaron Thorpe, that at the October Term of ~~the~~ Southampton
Court in the year 1811, a certain John Leguheart Esq of the
last will Testament of Francis Clements deceased, rendered a
Judgment against him for the sum of Twenty nine pounds, 5/10
with Interest from the 31st of March 1808 till payment of the
Costs as will fully appear by an attested copy of the said Judgment
hereto annexed and to which your worship are referred as a part
of this bill - Your orator has before the Court that the
said sum had been paid by the ~~said John Leguheart~~ said Francis
Clements as being to your orator, but that your orator
was at that time the creditor of the said Francis Clements
in the sum of thirty five pounds, sixteen shillings with Interest
due by your orator account hereto annexed as a part of this
bill, ~~and~~ that the said Francis Clements agreed with your
orator that your orator should ^{give} him credit on the said
account for the said sum of money paid by him as your
orator security as aforesaid and that he the said Francis Clements
would in a short time pay to your orator the balance which
would appear due to him upon a settlement - hereunto
attest The Estate of the said Francis Clements dec^d is the debtor
of your orator, his property is exposed to seizure sale in conse-
quence of the Judgment aforesaid - Which is contrary Equity

and good conscience stands to the manifest injury of your action -
In tender consideration & because matters of this sort are properly cognizable
in a Court of Equity, to the end therefore that the said John Langbeant
Exr. of the said Francis Clements dec'd, may be made ~~adversely~~
adversely to this bill & be compelled on his corporal oath to answer
all & singula the allegations of the same and that as fully & amply
as if they were herein again repeated & be thereunto particularly
interrogated - that your worship will enjoin the said John
Langbeant Exr. as aforesaid, his agents & all others from
further proceeding in the said judgment until the matters of this
bill are fully heard & determined in ~~Equity~~ Equity - that your
worship will thereupon perpetuate the said injunction,
& grant such other & general relief in the premises as may
be found consistent with Equity and good conscience,
May it please the Court to grant the Commonwealth the
writ of Habeas Corpus & injunction, commanding &c. and as in
duty bound your ~~action~~ orator will ever pray &c.

At the for for for

South. 15. February 1813 - Jurors that this day personally appeared
before me Rich^d. O. Clements Justice of the peace for the County
of Harris & made oath that the foregoing bill contains the truth

to the best of knowledge & belief - Given under my hand
the day & year before written -

Rich^d. O. Clements J.P.

Wright & Co.
F. W. Clements

and
Iron Shop
Answers

July 19th 1814 answer filed

The Answer of John Wroughton Esq. To
Francis Clements a bill in chancery exhibited
against him in the County Court of
Southampton by Aaron Thorpe - For
Answer thereto, or so much thereof as he is
advised is material saving to himself
all & all manner of exceptions &c
Said that it is impossible this
respondent could be well acquainted
with the various transactions of his
testator, but he is induced to believe
that the said Aaron Thorpe was justly
indebted to Francis Clements the sum
of money expressed in the judgment
of which the said Aaron complains -
recovers of the said Francis Clements, as
the security for the said Aaron Thorpe,
and in this respondent is more fully
confirmed in his belief, that the said
Aaron Thorpe could have no just off-
set to the said claim against him
since if he had, it should have
been done at common law - And
finally this respondent believing as

as he does that the d. judgment ought
to be paid by the d. Thorp he must
demand and acquire legal evidence
to establish the items contained in the
d. Aaron Thorp Account exhibited and
annexed to his said bill of complaint

This respondent further saith that he
finds on the Books of Mr. Corns
d. an Act. which is hereto annexed
showing a balance due to him from
the said Aaron Thorp of £11:0:4 -
which he believes is really and justly
due at this time - having annexed
it prays have to be Discharged.
with his cost most unrightfully
incurred.

Wm. Bailey
Solicitor

Southampton Feb. This day appeared before
me Mr. Bailey a Justice of the Peace
for the d. County of Southampton John Magdalen
and made oath to the truth of the
 foregoing Answer Given under my hand
the 19 Day of July 1814 - Wm. Bailey

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17th December 1811

Eximus; Kellymk copy
of James Gu Sheriff

The Commonwealth of Virginia to the Sheriff of Southampton County
and to John Urquhart, executor of the last will and testament of
Francis Clements decd and to his counsellors attorneys and agents and
every of them greeting whereas it has been represented unto the court
of the county of Southampton in chancery on the part of Aaron
Thorpe, who hath prayed that he may have our writ or writs
of injunction Subpoena and for stay of all further proceedings
at common law till hearing of the cause, we therefore in
consideration of the premises aforesaid strictly enjoin and comm-
- and you the said Sheriff, John Urquhart executor as aforesaid
and all and every of the persons before mentioned, that you and
every of you absolutely desist from all further proceedings
against the said Aaron Thorpe, on the judgement & execution
obtained in our said county court of Southampton against him
by the said John Urquhart executor as aforesaid untill the
hearing of the said cause in chancery under the penalty of
£100. and have then there this writ - Witness Samuel
Kello, clerk of our said court at his office the 25th day of
November 1871. in the 36th year of the Commonwealth

Samuel Kello

Aron Thorp's
ap
Jrs Clement
\$11.04.

Mr. Aron Thorpe & Francis Clementy Dr

1801	24	To 2 bushels wheat	at 7/6	£. 15.0.
Oct. 1.		do		3.0.
		do		1.6
		do		6.0.
1806		To Lamb		7.6
Nov. 8.		1 bushel Wheat		2.5.0.
		7/2 Gallons brandy		2.9.4
		9860. (1/4 nails	ah	12.0.
		3 gallons brandy		12.0.
		3 do. do. by tied		13.6
		3 do. do. do.		7.6
1807		1 Bushel Wheat		1.4.0
		7/2 Gallons brandy		1.4.0.
June 10		do		12.0
		do		£ 11 " 12 " 4
Sept 22		To Paid James Kitchlow		
		do		
		By Cash		£ 6.0
		By 1/2 Gallon brandy		6.0. - 12.0
		by due		£ 11 " 0 " 4

Clements

to
Thorp } 20 Hc.
-135.16-Q

October 1811 - Judgment
for \$29.50 with
Int. from 31. March
1808 till paid 1/20ths -

Francis Clements Dr. to Aaron Thorp

1886	To 1 Glass Toddy	L		
May 26	" 1 do do	"	"	9
	" 1 ditto ditto	"	"	9
	" 1 full Rum	"	"	9
	" 1/2 pint French Brandy	"	"	4 1/2
	" 2 Glasses Toddy	"	1	6
	" Cash lent	6	"	"
July	" 2 Glasses Toddy 1/6 - Cash 1.17.6	1	19	-
Dec. 20	" to Paic Gowin & Order	"	13	6
1887	" Cash lent	3	.	.
Jan. 5	" do do	.	9	.
	" 1 Quart Brandy 3/. To 1/2 gallon 6d.	.	9	.
	" 1 pint do 1/6 - 3 Glasses Toddy	.	4	6
	" 2 Glasses Toddy 1/6 - 1/2 pint Brandy 9	.	2	3
	" 1 quart Brandy 3/. - Cash lent 6d.	.	9	.
March	" Dinner	.	2	3
16	} " Cash lent at Sam ^r Calvert	6	"	.
	" 37 lb of Beef @ 3d	.	9	3
June	" 1 pair Shoes 9d.	.	9	.
Oct.	" 7 lb Brick @ 36d per lb	12	12	.
	" 5 yards Cynabrigs at 2/. per yd. - 1 Coat 2	2	.	.
Nov	" 1 quart decanter 8d. - 2 drinking Glasses 3d.	.	.	.
1888	" 3 Glasses Toddy 2/3. 1/2 pint Brandy 9	.	3	.
		L	35	10.

Injunct Bond
Thorpe }
to }
Wright }
Injunct Bond

November 1811

Know all men by these presents that we Aaron Thorpe and Benjamin Blunt Senr are held and firmly bound unto John Ugruhart son of Fr. Clements in the Sum of £ 58. 10. 4 to which payment well and truly to be made unto the said John Ugruhart his heirs executors and admors we bind ourselves our heirs executors & admors jointly and severally firmly by these presents Sealed with our seals and this 25th day of November 1811

The condition of this obligation is Such that whereas the said John Ugruhart hath obtained a judgement at Common law against the said Aaron Thorpe for the Sum of £ 29. 5. 2 with Interest at Five Centum from the 31st of March 1808 till payment and costs and whereas the above bound Aaron Thorpe hath obtained an Injunction to stay the proceedings on the said judgement & costs untill the matter thereof in equity on a bill filed for that purpose can be heard now if the said Aaron Thorpe & Benj. Blunt shall well and truly pay or cause to be paid unto the said John Ugruhart or executor as aforesaid the aforesaid judgement and costs and all damages and costs that can or may arise in case the said judgement shall be disposed then this obligation to be void or else to remain in full force and virtue Signed Sealed and attested in the Presence of James Rochelle

Aaron Thorpe
Benjamin Blunt Senr