

1818-046

SOUTHAMPTON COUNTY
CHANCERY PAPERS

HART VS POPE

VS POPE

2/1818

other surnames: Calvert,
Kitchen, Crichtlow

Heart

vs.
Hamon Pope

Impuncta

Dec. 1800

Bill filed
Rule to answer
Aug 1807 Rule to answer

No. 4

(Dismissed)

July 1808 Aug. 1808

To the worshipfull Court of Southampton county
sitting in chancery complaining, sheweth
unto your worships your Orator W. Hart &c.

That your orator W. Hart sometime in the
year 1804 contracted with a certain Hanson
Pope for a quantity of bacon and received a
part thereof in consequence of the agreement.

That Capt. James Cribb low did by the
consent and permission of the said Hanson
Pope receive to his use a considerable part of
the bacon of whom the said Pope was to
receive payment when due; that your
orator W. Hart at the request of the s.
Hanson Pope entered into bond for the whole
amount of the bacon delivered to both himself
and the said J. Cribb low, on the promises
and assurances made by the said Hanson
Pope that he would give credit on the bond
when he should receive of the said Cribb low
payment for that part which was due
from him to whom he the said Pope should
look for payment of so much as that part
of the bacon amounted too. And that his
reason for wishing to have a bond was only
that he might be entitled to interest. But
notwithstanding the promises & assurances made
by the said Hanson Pope that he would

look to and depend on the said Crillon
for payment of the most considerable part
of the bond it being due from him; yet
did he the said Pope regardless of his
promiss institute suit against your
Orator Wm Hart and obtain a judgment
in the Court of Southampton for the
whole amount of the bond and refuses
to allow your Orator any discount
altho' a part thereof is paid. In
under consideration whereof and for as
much as your Orator is wronged at law
he solicits the interference of this court.

To the end therefore he prays that the said
Hanson Pope be made Defendant to
this bill and may answer the allegations
therein contained on his corporal oath
and that your worships will enjoin
and restrain the said Hanson Pope
from further proceedings on the said
Judgment until this matter can be
heard in equity; and that your worships
will grant to your complainant such
other and further relief in the premises
as may be consistent with equity

and may it please the Court to grant
the commensurable writ of Subpoena
commanding &c. —

For p. 2

^{Wm Hart}
This Day appeared before me Henry Briggs
Justice of the peace for the county of
Southampton and made oath to the
truth of the allegations contained in
this bill. given under my hand
this nineteenth Day of Jan'y 1807.

Henry Briggs J. P.

Hiram Pobe made oath before me
that the statements contained in the within
answer are true. Given under my
hand this 17th day of February 1807.

Al Johnston

Pobe }
ad. } answer.
Hart }

The answer of Hinson Pope to the bill of injunction exhibited against him in the court of Lanthampten county by William Hart;

This Respondent saying to himself all right excepting to the various errors contained in the said bill, for answer thereto or to so much thereof, as he is advised is material for him to answer, says that it is true that he did obtain such a judgment against the Comptt in this court as is stated in his bill, but he denies most positively that he sold any part of the bacon for which the Comptt gave him his bond ~~was sold by him~~ to James Cichlow, or that he ever agreed to look to the said Cichlow or to any other person but the Comptt for payment for the said bacon. He avers that the bacon was sold by him to ~~the~~ the Comptt alone. He does not know what bargain the Comptt and James Cichlow may have made, but he has heard and believes it to be true that the Comptt sold a part of the said bacon to the said Cichlow, for which he received payment from the said Cichlow. He admits that his cart carried ~~the~~ a part of the bacon to Cichlow, ^{but} ~~by~~ this was done by the directions of the Comptt.

He adds that the Compt. gave his own
bond to him for the bacon, without
stating even that he was to resort to
Crichlow for any part. On the contrary
he avers, that the Compt. repeatedly
promised him that debt, and he forbore
to sue for the same until he had
been ~~completely~~ tired out by the
fair and repeated promises of payment
which had been made to him by the
said Compt. He lastly prays that the
said injunction may be dissolved
and ^{he} dismissed, with his costs in this behalf
reimbursed.

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Harts Enr
m } Seifer
Pope }

To July 1814

Executed
W. Mason
J. Darden

The commonwealth of Virginia to the sheriff of Fairfax greeting
Whereas at a court held for the county of Southampton on the day of
December 1806 William Bart moved the court for an injunction to stay
the proceedings of a judgment obtained ag^t him at common law by
Henson Pope untill the matter could be heard upon a bill for that
purpose filed and prayed the court to grant him the commonwealth
with of Injunction Subpoena which was accordingly done and
such have been the proceedings in our s^d court since the granting the
said Injunction and before the ~~hearing~~ thereof the said William
Bart —

died last duly publishing his last will and testament and therein appointing
Lewis P. Bart and Collier Kitchen his executor and the s^d Lewis P. took
upon himself the burden of the execution thereof —
whereupon the said Lewis P. Bart as aforesaid

hath supplicated unto grant him a proper remedy in this behalf and me
being willing and desirous that speedy justice be done the parties command
you that you make known to the said Henson Pope —

that he be before the justices of our said court on the 3^d Monday
in July — next to shew good and sufficient cause why the
said Injunction and the proceedings thereupon hitherto had
should not be reversed and further to do and receive
what our said court shall in that part consider and this
he shall not omit under the penalty of \$100 and
have then thus this with witness Sam Kello clerk
of our s^d court at the Chancery the 3 day of
June 1814 & 38 year of the Commonwealth

Sam Kello

The affidavit of Samuel Calvert Esq of lawful age
taken at the house of James Crichton in Jerusalem on the
18th day of May 1807 agreeable to Notice, to be read in
evidence on a bill of injunction exhibited by William Dart
against in the County Court of Southampton against
Henson Pope - who deposes & saith, that he recollects
of some bacon being deliv^d to Mr Dart, ^{by Mr Pope} on the year 1804
or 5. & was at the request of the parties weigh'd in his patent
balances in ~~the~~ ^{his} presence

Question by Mr Pope

Do you recollect what quantity of bacon was deliv'd to
Mr Dart -

Answer, ~~that I recollect about 400~~

I understood by the parties that Mr Dart was
to have the Bacon & believes there was about 400
Sworn to the day & year above written

before

H. Blount J.P.

Sam^l Calvert

The affidavit of Cap^t. James Crichton being of lawful
age & taken as above - deposes & saith - That some time
about the year 1804 or 5 Mr Henson Pope proposed to sell
some Bacon to him, but the Quantity being too much he
refus'd buying, but afterwards Mr Dart inform'd him that
he had purchas'd the Bacon of Mr Pope & that he the de
ponent might have $\frac{1}{4}$ of it, & that Mr Dart was to be an
swearable to Mr. Pope for the whole Quantity
Question by Mr Pope what some of money were you bound
in to Mr Dart for $\frac{1}{4}$ of the Bacon - Answer about 16 or seventeen
dollars - as well as I recollect

J. Crichton

Sworn to before me the day
& year above written H. Blount

The Affidavit of Collin Kitchen being of lawful age
being taken as above deposed & said - That Mr. Hart
informed him that ^{he had bought} a Quantity of Bacon of Benson Pope
some time in the year 1804 or 5 & that Mr. Henry Parker had
to Capt. Cricklow to & Mr. Hart & that some ~~short~~ time
after Mr. Hart gave his bond to Mr. Pope for the whole
Quantity

Question by Mr. Pope do you recollect what amt. the bond was
given for. Answer as well as I recollect between 18 and 20
and further this deponent saith not

sworn to before me this 18th day
of May 180 seven J. Blow J. P.

Collin Kitchen

Pope
ad
Hart } affidavits

Tender Wood
17 } Dry
Bark } Bond

1814 Dismissed

Know all men by these presents that we William Hart and

Nicholas Mabry - are here and firmly bound unto
Henson Pope in the sum of forty dollars to which payment
well and truly to be made, we bind ourselves and each of
us and each of our heirs executors jointly and
severally firmly by these presents sealed with our
seals and dated this 19th day of January 1807.

The Conditions of the above obligation is such
that where as the said Henson Pope hath obtained a
judgment at Common Law against the said William
Hart for the sum of twenty dollars and forty and
where as the above bound William Hart hath obtained
an injunction to stay the proceedings on the s^d judgment
and Certificate until the matter thereof in Equity on a bill
Filed for that purpose can be heard, now if the
said William Hart shall well & truly pay or
cause to be paid unto the said Henson Pope
the amount of the said judgment and costs and all
damages that may arise in case the s^d bill in
Equity shall be defeated, then this obligation
to be void or else to remain in full force

Signed & acknowledged }
In presence of }
Bristol

Witness our hands
Nicholas Mabry