

1828-120

SOUTHAMPTON COUNTY
CHANCERY PAPERS

FERGUSON'S ADMINISTRATORS VS. JOURDAN

8/1828

other SURNAMES: Jordan,
Ferguson, Barrett

489

Dixon Ferguson's Admⁿ

against Bill of
Injunction

Wm. Bourdau

Mason

July 1826 July - Promised
1828. Aug. 20th of above &c

Damages from 26th July till 19th Aug. 1828 \$41.50

To the worshipful, the County Court of Southampton,
sitting in Chancery. Humbly complaining shew unto
your worships, your Compts. John Barnett. and Mr.
Ferguson. Admin^{rs} of Dinon Ferguson dec^d. That on the
9th day of Jan^y. 1893. the said Dinon, in his lifetime, with
Jonas Corby, as his surety, executed a bond to one Mr Jourdan
for \$50. payable on the 25th day of the next Dec^r. -
That, on the day of the said Dinon, by previous
agreement, as your Orators are informed, and therefore,
change sent to the said Mr Jourdan, by a negro slave,
721 pounds of pork, at the express request of the said
Jourdan, for which he was to credit him on the said
bond, at the rate of \$5. per hundred weight - that
the said Jourdan received the said pork, and not only
failed to send to the said Dinon any acknowledgment
of its receipt, but fraudulently omitted to enter
any credit for the same ^{the requested to do so} of the said bond. That he has
instituted suit on the said note or obligation on the Common
Law side of this Court, against the said Dinon in
his lifetime, that since his death, the suit has been
revived, against your Orators as his admin^{rs} & judgment
as appears by an attested copy exhibited herewith as a part
recovered, on which Ex^r is abt. to pay. That from the above
stated facts, your Compts. could not avail themselves
of any defence in a Court of law, having no competent
evidence, by which to establish the delivery of the
and thereby obtain the credit aforesaid - and, unless this
Court will interpose, and compel the said Jourdan to discover
whether the said note ought not to be credited in man-
ner afores^d. your Compts. will be compelled to pay the
entire debt, int. and costs, which is contrary to Equity
and good conscience - In tender consideration whereof

and for as much, as your Compts are remedied, at Law
and only releasable in this Court, where such matters
are peculiarly cognizable - To the end, therefore, that
the said Mr Jourdan may be made a Defat hereto,
and compelled to answer the allegation, hercof, fully
and unresanvily. that he discover on oath, whether he did
not receive the book as herein charged, . whether he has
not failed to give credit for the value thereof, they
pray the Comths Sp & d. and that in the meantime,
the said Mr Jourdan may be enjoined and restrained
from further proceedings on his judgment aforesaid,
until the matter herein set forth can be fully heard.
That your worships, will compel the said Jourdan to
allow a credit for the value of the book as herein
before stated, to wit. for \$ 35. 05¹⁰⁰ as at the time of
its delivery - and grant them such other and general
relief, as may be consistent with Equity, & as in duty
bound. They will ever pray &c.

by John Bayette
Sworn to in open Court 17th July 1896

Ferguson's admn.

to. { Answer.
H. Jordan.

filed 18 August 1878.

The answer of William Jordan to the
Bill of complaint exhibited against
him in the county court of S. Carolina
by John Barnett and William Ferguson
adverses of Dixon Ferguson de. & coropt.

This Respondent saving and reserving to himself
every benefit of exception to the many omissions and
false allegations in the said bill contained for
answer thereto saith it is true that the said
Dixon Ferguson in his life time did execute his
obligation in favor of this respondent for the sum
of \$50 as charged by the complainants: It is
also true that a judgment was afterwards rendered
upon the said bond against the said complainants
as alleged in the said bill: This respondent further
states that no part of the said judgment has been
paid: He expressly denies that he received from
Dixon Ferguson or any other person pork, money or
any thing else in full or part discharge of the
said bond: If the said Dixon Ferguson did send to
this respondent pork by a negro slave, as charged
by the said ^{bill}, this respondent has no knowledge
of it, & he denies that the pork was received.

Without &c And this respondent having
answered &c denies all fraud &c charged against
him & prays to be hence discharged with his
costs in this behalf sustained &c

William Jordan

Norfolk Boro', to wit: This day William
Jordan appeared before the subscribers as
alderman for the Boro' aforesaid and swore
that the statements contained in the within
enjoined are true to the best of his
knowledge & belief - Given under my
hand & seal this 2nd day of August A.D. 1828.

J. H. Barrand 