

1828-041

SOUTHAMPTON COUNTY
CHANCERY PAPERS

SMITH'S EXECUTORS VS. MOORE/THORPE & AL

9/1828

other surnames: Harrison
Tharpe, William T. Moore,
Moore, Mason

296

Mason & Smith Ent.

" Z Bile L.

Thorpe & Harrison

Mason

1827 July rest order 8th of

Harrison. Sp. ip?

" Oct. O.P. to December 18th

Moore

1828 Sep: Dec. 18th in Harrison

To The worshipful the County Court of Southampton
sitting in Chancery. Humbly complaining shew
unto your worships, your Compts, Danell Mason
and Henry Smith Executors of Laurence Smith dec^d. That
in their fiduciary character afores^d, they instituted
suit & recovered Judgment against a certain Com^r
T. Moore, otherwise called ~~William Thorpe~~ for the sum
of £ 10. 19^s with Interest from the 23^d Nov. 1808. till
paid & the costs, - To which Judgment, an Injunction
was awarded the said Com^r Thorpe, by the worships
= ful Court. On consideration of the proceedings of which
Injunction suit, the said Court, at its Term,
disposed the same with damages & costs - all which
will more fully appear by reference to the records,
of the said Judgment at Law & Equity, and the
proceedings thereon, now remaining in this Court,
Copies whereof are herewith exhibited as parts of
this file - Your Compts farther state, that since
the disposition of the said Injunction. They have been
utterly unable to obtain satisfaction of their said
judgment at Law, or their costs decreed them by the
s^d Court, in the s^d Injunction suit, by reason of
the removal of the said Com^r Thorpe, otherwise called
Com^r T. Moore, to the State of North Carolina, beyond
the limits of the Commonwealth of Virginia - Your Compts
farther state that one Benjamin Harrison of this
County, is indebted to the said Com^r, or hath funds
of the property of the said Com^r in his hands - Part
of which your Compts are in equity entitled to satisfy

fractions of their demands aforesaid? But are entirely
remedied at Law. In tender consideration whereof and
as their relief is only in this most honorable Court sitting
in Equity: To the end that the said Mr. Thorpe, ~~and~~
Benjamin Harrison may be made Defendants hereto,
and compelled to answer the allegations hereof, they
pray an order of publication against the s^d Thorpe
in the usual form, against absent Defendants; and
the Com^{rs} this writ of Subpoena, directed d. & restraining
the Defat Harrison from paying away the funds
of the said Mr. in his hands &c. that Your Honorship
will decree a payment by the s^d Defendants
of the demands ~~if the same be due~~ & grant them such
other & great relief, as may be consistent with
Equity & good conscience, & as in duty bound
they will pray.

At rules holden in the Clerks Office of the County Court of
Southampton on Monday the 5th Day of October 1827 -
Daniel Mason and Henry Smith executors of Lawrence Smith. p^{ers}'s
against
William T Moore, otherwise called William Sharpe and
Benjamin Harrison. } John Chancery
Defendants

The defendant William T Moore otherwise called William Sharpe not
having entered his appearance and given security according to the Act of
Assembly and the rules of this Court, and it appearing by satisfactory
evidence that he is not an inhabitant of this Country, it is ordered
that the said defendant do appear here on the third monday in
December next and answer the plaintiffs bill and that a copy of this
order be forthwith inserted in some news paper published in the Town
of Petersburg for two months successively and posted at the front door
of the Courthouse of this County - Attest J^{es} James Rochelle C. C.

Smiths' Exam

as { Decease nisi.

Harrison

To be executed as Deft Harrison

Executed to a true copy

left with the Deft. Harrison
The 10th 1828

James Mendenhall Deft of
Lieut. Edmund Mendenhall

At Rules held in the Clerk's Office of Southampton County Court on Monday
the 1st day of September 1828.

Daniel Mason and Henry Smith Executors of Lawrence Smith an ^{Officer} ~~Officer~~ ^{In. Chy}
against
William Moore, otherwise called William Sharpe and } Defendants
Benjamin Harrison }

The subpoena in Chancery having been duly executed on the Defendant
Harrison, and three months since filing the Bill and the service of the subpoena
having elapsed, and the said defendant having failed to appear and file his
answer, on the motion of the plaintiffs by their Attorney their said Bill is
taken for confessed as to the said Defendant Harrison, and the ^{Court} will at a
future day proceed to decree the matters thereof unless the said Defendant
Harrison shall within one month after being served with a copy of this
decree appear and show cause to the contrary.

P. Hapley Clerk. L. R. Edwards D.C.

c d.c.
Smiths Coxon

2 3/4 in. chg. & West. order

Moore & Harrison

1827. August fourth

Executed on Benja
Harrison A. Mott Downing
Dy of James Clayton
Sheriff. W. J. Glover
No inhabitant

do restrain the defendant Harrison from paying,
conveying away or secreting the debts by him owing to
or the effects in his hands belonging to the defendant
Wm. J. Moore otherwise called William Sharpe, till the
further order of the Court to the contrary.

Attesty James Rockelle Clerk

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of Southampton County—Greeting:

WE command you to summon William J Moore, otherwise called William Sharpe
and Benjamin Harrison.

to appear before the Justice of our County Court of Southampton at the
Courthouse on the 3^d Monday day of in August ^{Instant} term next, to testify and the truth to speak on
behalf of

in a certain matter of con-

~~traversy now depending and undetermined, between~~

answer a bill in chancery exhibited — Plaintiff — and — against them by
David Mason & Henry Smith Executors of Lawrence Smith dec^d Defendant,

and this they shall in no wise omit, under the penalty of £100—And have then there this writ.—

Witness, James Rochelle — Clerk of our said Court, at his office, the 2^d day
of August 1827, in the 32^d year of the Commonwealth.

James Rochelle Clk

Judgment for. £ 10. 19 =	36. 50
6 per Cent Int: thereon from 23 rd November 1808 till 23 rd May 1814.	12. 04
Costs of Judgment.	8. 38
	56 92
10 per Cent Damages thereon from 23 rd May 1814 till 21 st June 1826	68. 77
Costs in S ^{rs} Court.	8. 68
	134. 37
6 per Cent Int from 21 st June 1826 till 18 Aug 1828. av.	4. 74
36. 50	
	139. 11

Moore
To
Smith & Co.

Adj. bonds

(Copy)

John B. Mason Esq.

Southampton County

Virginia

Southampton June County Court 1826

William F. Moore	Plt.	} Upon an Injunction
Henry Smith & Daniel Mason Esrs of	}	
Laurence Smith att.		

On the motion of the Defendants by their attorney It is
~~ordered~~ ordered and adjudged that the injunction awarded the plaintiff in this cause be
dissolved as the same is accordingly hereby dissolved with costs and damages according
to Law.

Attest Teste James Rochelle Esr.
[Signature]

Know all men by these presents that we William Thorpe and Norfleet Harris are held our jointly bound unto Henry Smith & Daniel Mason Esq^{ts} Laurence Smith rec^d in the sum of One hundred & thirty Dollars to which payment well and truly to be made unto the said Smith & Mason Esq^{ts} we bind ourselves our heirs, Esq^{ts} and adm^{rs} jointly & severally by these presents sealed with our seals & dated this day of June one thousand eight hundred and fourteen -

The condition of this obligation is such that whereas the said Henry Smith & Daniel Mason Esq^{ts} of Laurence Smith instituted a Suit at Common Law against the said William Thorpe for the sum of Ten pounds nineteen shillings and obtained Judgment for the same with Interest from 23rd November 1808 till paid, ^{& the costs} and whereas the above bound William Thorpe obtained an injunction to stay the proceedings on the said Suit until the matter in equity on a bill filed for that purpose can be heard - Now if the said William Thorpe shall well and truly pay or cause to be paid unto the said Smith & Mason Esq^{ts} as aforesaid all damages and costs that may or can arise in case the said Injunction shall be dissolved and also the amount & costs of the said Injunction which the said Esq^{ts} have recovered against him & then this obligation to be void else to remain in full force -

Signed sealed & ack^d
in presence of
S. Kello

William Thorpe Seal
Norfleet Harris Seal

A Copy
Jesse James Rochelle Esq^r