

1803-008 Chancery Causes: Nathaniel Prouden vs William Jordan, admr of Rix Lawrence

Isle of Wight County

other SURNAMES: Hill,
Wrench, Johnson,
Bradley, Lawrence,

Wm. de la

as

Laurences adm^r

Jan^y. 1802 bill
fil^d Drules to amb^r

March 1803

Injunction made perpetual
against legal cont^r &c

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10
26
26
70
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43
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120
3, 11

To the worshipfull Courts of Isle of Wight County, in Chancery
sitting, humbly Complaining sheweth unto the Court your Orator
Nathl Ruden, That some years past, Wm Jordan the adm^r
of Rix Laurence dec^d advertised a sale of the estate of his
intestate among other terms of the sale were the following, to wit:
That purchasers before they received their property purchased,
must give bonds with two approved securities. Your Orator
became a purchaser of some small articles, and a young
bull at the price of 3/6- in all amounting to about the
sum of fifty one shillings, that the next day he attended
with his securities prepared to comply, on his part, with the
terms of sale and to receive his property; but as the adm^r
could not find the bull to deliver, your Orator declined
giving his bond. ~~Some~~ That some time afterwards, your
Orator saw the same bull which he had purchased at the
said sale, at the plantation of a certain John Hill of
Nansunond County; that he demanded the bull of the said
Hill, who in answer stated that he had purchased at the
said sale several head of cattle, and that when he received
his cattle the said Bull was delivered to him as one
of them, that he had given bond for all his purchase
(comprehending the said bull) and that he would not
deliver up the bull unless, Jordan the adm^r would
credit his bond for the amount ~~of~~ at which he was charged
for one of his cattle, which, as your Orator understood was
less than 3/6. Your Orator thereupon informed the
said Jordan the adm^r that the bull was at Mr Hill,
that Hill claimed him as his own, he having received him
the bull as part of his purchase; and required him
the said Jordan to procure the said bull and deliver
him to your Orator agreeably to the terms of the sale;
but the said Jordan would give himself no trouble
respecting the matter; nor would he release your Orator
as to his value: but contrary to Justice brought
suit in the County Court of Isle of Wight. By some
mistake of the sheriff the process was returned executed

which ~~in~~ fact your Orator truly believes was not the case, ~~the~~ being ignorant of the prosecution a Judgement was entered against him for the whole amount of his purchase including the said 3/6 for the bull; which Jordan the adm^t refuses to remit. Your Orator in fact saith that a remission of the 3/6. and the costs of the prosecution, would not have done him sufficient Justice; for that he considered the bull worth, at ^{least} 10/- more than he was to give for him, and that had the ~~bull~~ ^{cost} price of the bull been deducted from the account your Orator was at all times ready to pay the balance; and at any rate the sum would have been too small to found an action on, so that the costs are improperly incurred; and ought not in Justice to be chargeable on your Complainant. —

In tender Consideration Whereof and for as much as your Orator is without remedy only in a Court of Chancery, he prays your worshipps that the said William Jordan the adm^t as aforesaid be made a defendant to this bill of Complaint, and on his oath full, true, and perfect answer make to all the allegations in this bill contain'd; That he and all others be enjoined from further proceedings on said Judgement untill the case is fully heard in equity, and that the injunctions if consistent with Justice be made perpetual. He prays the Court to award him the Comm^{on} writs of Subp^a and to enter any other or further ~~any~~ decree in the premises as may seem equitable for ~~your~~ his relief — May it please V.

June 7th
Isle of Wight County ~~may~~ 10th 1802

This bill was sworn to before
me, a Justice for said County. —

Dolphin Driver

The answer of William Jordan adm^r of Dix Lawrence dec^d
to the bill of injunction exhibited against him in the
Worshipful court of Isle of Wight county by Nathaniel
Pruden -

This Respondent reserving to himself
all right of excepting to the various errors contained
in the Compl^t's said bill, for answer thereto, or to so
much thereof, as he is advised is material for him
to answer, and says, that he sold the personal estate
of the said Dix Lawrence as is stated by the Compl^t
and that the Compl^t then gave the highest bid
for a bull. He states that after the sale, the said
Bull was pointed out to the said Pruden as his,
which according to the plainest reasoning, and
the custom of this country, was a sufficient delivery.
Y^r Respondent begs leave to state that immediately
after the purchase aforesaid, the Compl^t and himself
agreed to rent the plantation of the said Dix Lawrence
where the bull was sold, and the Compl^t expressly
told him that he did not intend to move his
said bull from it: and that they did rent the
plantation in pursuance of the aforesaid agreement.
He further states that he did not hear of the said
bull being carried away by any other person
until upwards of a month after the sale. Y^r
Respondent also alleges that upon the bull being
carried away by a certain Still, the Compl^t
went and demanded the bull of the said Still
as his own. Y^r Respondent states that he did
not insist upon the Compl^t giving bond and
security, because all the articles bought by
him did not amount to more than eight or nine
dollars, and because he thought that he the Compl^t
might be relied on for that small ^{without} sum.

Y^r Respondent is astonished at the complete swearing that he did not consider the bull as his, because the advertisement required bond and security to be given before any of the property should be removed, when he must recollect that at the same time he bought other things (to wit a cog and some tallow and fine geese) and carried them away without having given any bond with security. His Def^t also states that after the purchase of the bull and after Pruden and himself rented the plantation Pruden told him that he should keep the bull on the s^d plantation. These facts prove that Pruden then considered the bull, his own; and Y^r Respondent avers that such were his own impressions. He finally states that there never was a legal tender made to him of the debt due by the s^d Pruden. Y^r Respondent partly swears to be hence damaged with his reasonable costs in this behalf most amply fully sustained.

Sworn to in Court.

P. Lighthoot, D.C.

Prudent
or Comm. to ex
Zamane: Wt.
Launce admo.

The Commonwealth of Virginia to *Thos Baykin*
& *Robert E Lee* - Gentlemen greeting. Know ye that we trusting
to your fidelity and provident Circumspection in diligently exa-
-mining *John Wunch*, *James Johnson* and *Henry Bradley* as
well on the behalf of *Nathaniel Purden Plaintiff* and *Wil-*
-liam Jordan Administrator of *Rix Lawrence decd* Defend-
-ant we command you or any two or more of you that as
such certain days and places you shall appoint and assem-
-ble your selves and the Witnesses aforesaid before you or any
two or more of you, you call and cause to come and dili-
-gently examine on the holy evangelist of Almighty God,
and such examination in writing into our County Court
of Isle of Wight distinctly and plainly without delay you shall
send and certify inclosed, returning also to us this writ. Witness
- *Nathaniel Young* Clerk of our said Court at the Courthouse
the 12th day of November 1801 in the 20th Year of the
Commonwealth —

Nathl. Young

At William Jordan Admr of Rev Laurence del

Sir take notice that at my house on Wednesday the 30th day this
instante betwix the hours of 10 and 12 o'clock I shall proceed
to take the depositions of John Warrick James Johnson &
Henry Bradley to be read in evidence at the trial of the
Injunction now depending in the county court of Shropshire
in which I am plaintiff and you are the defendant

Saml Pruden

Decr the 16th 1801

Anti Slavery
Dec 19th 1851

This day John Phillips came
before me and made oath to
the ^{within} notice.

Emm. C. Wills

The Deposition of John Wrench taken this 30th Day of
December 1801- at the House of Nathaniel Pruden
in a Suit now Depending and undetermined in the County
Court of Isle of Wight where in Nathaniel Pruden
is Plaintiff and William Jordan administrator of
Nix Lawrence is Defendant -

This Deponent Being of Lawful age and first sworn on the holy Evangelist of almighty God deposeth and sayeth that he the said Deponent became a purchaser at the Sale of Rick Lawrence Decd, and that the Term was that Each Purchaser was to Give his Bond with Two Securities before the Property was Delivered and that in Case of Default the Property was to Be Resold and the failing Purchaser to make up the Deficiency and this Deponent says not his

Further this Defendant says not his
Treas. Rogers John + Wren on
Ratt. Eley mark.

The Deposition of James Johnson taken this
30th Day of Dec^r 1801 - at the House of
Nathaniel Pruden in a Suit now depending
in the County Court of Tishpewat whose ind
Nathaniel Pruden is Plaintiff and
William Lord Adm^r of his Lawrence
is Defendant

This deponent being first Sworn on the
Holy Evangelist of Almighty God deposes
and saith that he the deponent was at
the house of Capt John Hills who ~~the deponent~~
became a purchaser at the Sale of his Lawrence
and of three Head of Cattle, and was call^d.
on by the said Hills to help him in killing them
that the said Pruden previous to that
came to Capt Hills, ^{told him} that one of those Cattle
namely a small Bull was bought by him
at the Sale of his Lawrence which he
had not R^d. and Capt ^{Hills} said that he should
not give him up without the Adm^r.

Lord an would allow him in his hand
~~interlined in the 16 & 19th line before~~
and further this Deponent saith that

Intention in the 16 & 19th line before Sign^d James Johnson

James Johnson
Not^y Elly

The Deposition of Henry Bradley taken at the
House of Nathaniel Prudden the 30th day
of Decem^r 1861 in a Suit now depending in the
County Court of Litchfield when in Nathaniel
Prudden is Plaintiff and William Jordan
Adm^r of Rix Lawrence is Defendant

This Dependant being first Sworn on the holy
Evangelist of almighty God Deposeth and
saith that he was present ~~when~~ ~~the~~
and heard the Plaintiff pruden Call on
William Jordan Adm^r of Lawrence saying
Here is the money for what property I bought
and I^d of you at the Soul of Rix Lawrence
to ~~the~~ Jordan Answered I will not receive
it and further this Dependant saith
not.

Henry Bradley

Heard, Roxkin
Robt, Eley