1806-037 Chancery Causes'. Joseph Scott 'o admrs vs Thomas Jordan & al

Isle of Wright County

other surnames: Muse

The Commonwealth of Virginia to the Sheriff of Isle of wight County Greeting: we Command you that you Summon Thomas Jordan (of Hezekiah) Samuel Jordan, and Josiah Jordan (of Josiah) to appear before our Justices of our County court of Isle of wight at their Courthouse of said county on the first Monday in March next, then and there to answer a bill in Chancery against them exhibited by William Mirse Administrator of Joseph Scott dec'd and this they shall in no wise omit under the penalty of £100 each and have then there also this writ. Witness Nathaniel Young Clerk of our said Court the 14th day of December 1804 and in the 29th year of the Commonwealth

Nath'l Young

Acknowledge the within service

Little
Mills Mills

Tho Jordan

Scotts Rdmon.

W. 33 Jan. in Chan.

Jordan Wms.

Borden Wm. 33

for the Complt. 33

Service acknowledged by Th.o Jordan
& Sam.l & Josiah Jordan Not to be found

Henry W Willis D.st for
Willis Willis Hff

The answer of Josiah Jordan, one of the defendants to a bill in Chancery, exhibited against, Thomas Jordan, Samuel Jordan & himself, in the worshipfull County Court of Isle of Wight. —

This respondent acknowledges the receipt of the £20 — bequeathed to him by Morning Jordan, as in the bill set forth, from the said Joseph Scott the Complainants intestate who was at that time the Guardian of the said Samuel Jordan, and believing that Samuel the ward, had no funds to discharge the said legacy and thereby relieve the land devised to him by the Dec Morning Jordan from the lien and debts aforesaid, he this respondent, always did Consider the lien Originally Created in his favour, to be transferred and Vested in the said Scott, from the moment he paid the money; this much at any rate, he Knows it was the intention of the parties, to wit. Scott himself that the lien should be devested from this respondent & Vested in the said Scott. From all the Circumstances, within his Knowledge this respondent is fully impressed with the truth of such allegations Contained in the Complainants Dec bill, which Cannot Strictly withing his positive Knowledge. And therefore prays to be hence dismissed with his Costs. &c

Josiah Jordan

State of North Carolina
Perquimmons County, to Wit. This day the above named Josiah Jordan Came before me, a Justice of the peace for said County, and made oath to the truth of the foregoing answer as far as he Knows and believes. which answer is Signed by him. Given under my hand the 9th day of April 1805.

Jno C Cary JP

Josiah Jordan
ad
Mus. ad W.

Answ

The answer of Samuel Jordan to a bill in Chancery exhibited in the worshipfull Court of Isle of Wight County by William muse admr of Joseph Scott dec: against Thomas Jordan, himself and Josiah Jordan. This respondent, acknowledges the truths of all the allegations in the Complainants bill Contained, as far as, of his own Knowledge he has had an opportunity to be acquainted, and such as he Could not positively Know, from his Knowledge of the parties, and Circumstancies Connected with the Case, he believes them to be true.

He is positive the payment of the £120 Currant money of Virginia was made by his Guardian Scott, equally so that the payment was an advance from Scotts own funds, and that in Selling the land in the bill mentioned, this respondent, intended, and he believes did make, the payment of £120 to said Scott or $400 — a Consideration in his deed to Thomas Jordan — He is satisfied the said Thomas Justly owes that Sum with legal interest thereon to the Complainant And prays them to be dismissed &c —

Baben. for the dft:
Samuel Jordan —

Sworn to before me a Justice of the peace for the County of Nansemond by the above named Samuel Jordan — Given under my hand the 29th day of January 1805.

Samuel Jordan
ad:
Wm Marsh admr &c
Answr

(Not to be filed)

To the Worshipfull Court of Isle of Wight humbly Complaining
Sheweth unto the Court your Orator William Muse adm.r of
Joseph Scott decd late of the County of in the State
of North Carolina, that your Complainants intestate, Was during
his life the Guardian to a Certain Samuel Jordan, Son of a
Certain Robert Jordan of the County of Isle of Wight, and grand
Son and devisee of Mourning Jordan late of the County last
aforesaid: That the said Mourning in her last Will, which bears
date on the day of 179. Has the following
devise, to wit: "Imprimise I give and devise to my Son
"Robert Jordan the plantation and lands whereon I now dwell,
"also all my right, title and interest in a tract of Land lying on the
"East side of Powels branch (adjoining the Lands of Son Thomas)
"to him the said Robert during his natural life and in case
"of his death then to Sarah Wife of the said Robert untill my
"grand Son Samuel Jordan shall arrive to the age of twenty one
"Years, and the said Sarah his mother then shall enjoy only one
"Third of the Land I now live on during her natural life.
"Item I give and devise to my said grand Son Samuel
"Jordan, Son of my said Son Robert, after the death of his
"father, or after his mothers right in the said Land is determined,
"the said Several tracts of Land above mentioned (to wit) the
"tract of Land on which I now dwell, and one other tract or parcell
"of Land lying on Powels Branch, to him the said Samuel Jordan
"his heirs and assigns forever, on this Condition nevertheless that my
"said Son Robert Jordan do and shall well and truly pay or
"Cause to be paid to my Grand Son Josiah Jordan, of Josiah, the
"full and Just Sum of One hundred and Twenty pounds, Current
"Money of Virginia within five years after my decease Clear of
"interest with this further reservation, that if my aforesaid Son
Robert Jordan

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" his heirs, Executors, administrators do or shall fail refuse or neglect
" to pay to my said grand son, Josiah Jordan, his heirs, executors,
" or administrators the said Sum of one hundred and twenty
" pounds Current money of Virginia within five years after my
" decease as aforesaid, then in that Case it is my will and desire,
" that my said grandson, Josiah Jordan, shall have full power
" to Sell as much of the unimproved said tract of Land as
" shall amount to the said Sum of one hundred and twenty
" pounds of Lawfull money at the expiration of the five years
" above mentioned ;;' — About three years after the death of the
said Mourning, the said testatrix, he the said Robert, and
Sarah his wife both died without having paid the said one
hundred and twenty pounds, or any part thereof, to him the
said Josiah — This Complainants intestate being uncle and
Guardian to the said Samuel the devisee, was induced, with
a view to promot the interest of his ward, ~~to~~ and to prevent
the mutilation of the Lands devised to him, to advance the
£120 - Current money in the bill mentioned out of his own
funds, (his ward, the said Samuel, being without any) which
Sum he did actually pay to the said Josiah, and thereby
redeemed the Land aforesaid from the lien Created thereupon
by the will aforesaid. After the said Samuel arrived at
mature age, he sold the Land aforesaid to one Thomas Jordan
of the said County of Isle of Wight, and being Conscious of
the Justice of your Orators intestates Claim; and also that he, your
Orator, intestate in Consequence of the advance and payment aforesaid
had acquired a lien on the said lands, made the payment
of the said Sum by Thomas the purchasir to your Orators
intestate, one of the Conditions of bargain and Sale
of the premises aforesaid, as by a Copy of the deed
of Conveyance hereunto annexed will more fully appear
which is prayed to be taken and Considered as a part of this bill.
Being so Circumstanced your Orator intestate in his lifetime
frequently applied to the said Thomas Jordan who now holds the
said Land for the said £120 - with Lawful interest thereon; and
finally, finding all solicitations useless, brought a Suit in Chancery
in this Court to force that justice which was refused to him,
which Suit abated by the Complainants death. That an
equal deal can has been given to your Orator since his
decease to the said Thomas, on the very Just and
equitable Claim. — In tender Consideration whereof
and for as much as your Orator is remediless at Common Law,
to the end therefore he prays that the said Thomas Jordan (of
Hezekiah), the said Samuel Jordan and the said Josiah
Jordan be Made defendants to this bill and may on oath full, true
and perfect answer make to all and Singular its allegations
as tho: the same was herein again repeated — That the
said Thomas Jordan be decreed to pay to your Orator the said
£120 - with reasonable interest thereon, Or in default thereof
that Certain Commissioners by the Court to be named and
appointed, make Sale of the Land so devised as aforesaid
Or so much thereof as shall be Sufficient to discharge
the said £120 - Current money of Virginia, with such
interest and Costs, as your worships shall deem just
and equitable to award to your Complainant; and
finally that such other Or further Order or decree be
entered for your Orators benefit and relief as the
Wisdom of the Court shall dictate, Comporting with
Justice and equity. may it Please &c.

Barber for Compt.

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In the Name of God Amen I Solomon Jordan of the County of Isle of wight being of sound mind perfect sence and disposing memory, do make and Ordain this to be my last Will and Testament in manner and form following to wit. ——

Imprimis I give and devise to my Son Robt Jordan the Plantations and lands whereon I now dwell, also all my right, title, and Interest in a tract of land lying on the east side of Powells Branch (adjoining the lands of Son Thomas) to him the said Robert Jordan during his Natural life, and in case of his death, then to Sarah Wife of the said Robert, untile my Grandson Samuel Jordan shall arrive to the age of Twenty one Years, and the said Sarah his mother then shall enjoy only one third of the land I now live on, during her Natural life — Item I Give and devise to my said Grandson Samuel Jordan son of my said Son Robert after the death of his Father, & after his mothers right in the said land is determined, the said Several tracts of land above mentioned (to wit) the tract of land and plantation whereon I now dwell, and one other tract or parcel of land laying on Powells Branch to him the said Samuel Jordan his heirs & Assigns forever, on this Condition Nevertheless, that my said Son Robert Jordan, do and shall well and truely pay or cause to be paid to my Grandson Josiah Jordan of Josiah, the full and just Sum of One Hundred & Twenty Pounds Current money of Virginia within five Years after my decease clear of Interest with all Costs & charges that may accrue by reason of the said Robert Jordan his Heirs Executors Administrators, do or shall fail, refuse, or neglect to pay to my said grandson Josiah Jordan his Heirs Executors or Administrators the said Sum of One Hundred & Twenty Pounds Current and Money of Virginia within five Years after my decease as aforesaid, then in that case it is my Will and desire that my

All Available Text Successfully Captured

said Grandson Josiah Jordan shall have full power to sell as much of the unimproved said tract of land as shall amount to the said Sum of One Hundred & Twenty Pounds of lawfull Money at the Expiration of the five Years above mentioned In Witness whereof I have hereunto set my hand & affixed my seal, this Eighteenth day of September in the year of our Lord One thousand seven hundred and eighty Nine

Signed Sealed & Delivered
in presence of ——
Pleasants Jordan
Natthaniel Harrison
Mourning Eley ——

Mourning Jordan (Seal)

Item I give to my Daughter Dolly Brown five Tablespoons (Silver) Item I give to my Grandson of Hezekiah Jordan Ten pounds Current money if the said Sum should be remaining after all my Last Debts are paid / the Ballance if any to be equally divided among the representatives of my Son Josiah, Hezekiah, Peggy, Pleasant and my three Children Thomas Jordan, Robert Jordan, and Dolly Brown ——

Signed Sealed & Delivered
in presence of ——
Pleasants Jordan
Natthaniel Harrison
Mourning Eley ——

Mourning Jordan (Seal)

At a Court held for Isle of wight, County the 2d day of January 1792 — This Will was presented in Court and proved by the oaths of Pleasants Jordan, Natthaniel Harrison, & Mourning Eley the Witnesses thereto and Ordered to be Recorded. —

Matth. Young Ck.

Will —

Wm Jordan Dec'd
vs
Thos Jordan
Will —

Wm Jordan to Levy &c
1801. mar. Sarah [illegible]
Tho. Sam. & Wm Jordan

Hezr. Lane & Lucy Lane. —
1803 Sept. 21. a bill to be
taken for Confd.
1804. May. Sept. Dismissed
Lane Plaintiffs —

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