

1807-012 Chancery Causes: Willis Holsford vs William Simmons & Matthias Spencer

Isle of Wight County

other surnames: Holsford

Know all men by these presents, that we Willis Holliford and
David Edwards are held and firmly bound unto Matthias Spencer
in the sum of 40 dollars
of current money to which payment well and truly to be made, we bind ourselves
our Heirs Executors and Administrators Jointly and severally firmly by these
presents, sealed with our Seals and dated this 5th day of Sep^r 1803

The Condition of this obligation is such that whereas the said Matthias Spencer
hath obtained Judgment at Common Law, against
the said Holliford in the County Court of Isle of Wight for
\$14.50 cents and Costs and the said Holliford
hath obtained an Injunction to Stay the Execution
of the said Judgment untill the hearing the matter in equity upon a bill for that
purpose filed. If therefore the said Holliford
shall satisfy & pay the said Judgment, at law, and all Costs and Damages that
shall be awarded to the said Spencer in case the said
Judgment shall be dissolved that then the above obligation to be void or else to remain
in full force and Virtue

signed and sealed
in presence of

N. Lightfoot

Willis Holliford Seal

David Edwards Seal

The answer of Matthias Spencer to the bill of
complaint exhibited against him and Wm. Simmons
in the worshipful court of Isle of Wight.

This Respondent reserving to himself
all right of excepting to the various errors of and
in the said bill contained; for answer thereto or
to so much thereof as he is advised is material
for him to answer; he says: That he believes that
the house which the complainant received
in the swap with William Simmons was a very
good house at the time of making the exchange.
That he has understood and believes it to be true,
that the complt. boasted of his said swap
some time afterwards, alledging that he had
made an extraordinary bargain. This deft. prays
to be hence dismissed with his costs in this
behalf expended.

Matth^s Spencer

Sworn to before me one of the
justices of the peace for Southampton county
this 18th day of June 1804.

John Lee 

Holston }
25 }
Spencer } *Amur*

The answer of William Simmons to the bill of
Injunction exhibited against him & Matthew Spencer
in the Worshipful Court of the Mayor & Commonalty &
Clerks of the City of London by
Wills Holford — This Defendant saving and
reserving to himself all right of exception to the various
errors contained in the Comptrollees bill for answer —
thence saith that the horse he lets the Comptrollees have
was a good sound horse at the time he let him have
him, so far as he knew, that Holford saith that he
would not swap back horses for twice the sum that
he was to give — And that the Comptrollees then told him since
he was sure for the sum, which he was to give in
exchange of the horse, that if he had kept the note
himself he would have paid it off long ago — He
prays to be hence dismissed with his costs in this
behalf more wrongfully sustained.

Wm Simmons



Southampton County Court

This day personally came before me a Magistrate for
the said County, Wm Simmons & made oath to the truth of
of the above answer. Given under my hand this 16th Feb. 1805.
J. O. Vicke

Simmons
ads } lumber
Holsford }

To the Worshipfull Court of Chancery
in Chancery, I humbly Complaining
Sheweth to the Court your Orator Willis
Holford, That He ^{Swaps} ~~for~~ a horse
with a William Simmons in Southampton
and incurred an obligation payable to the
Said Simmons, for the sum of ~~£100~~ The
Difference between the value of the horses,
as agreed upon ~~the~~ between them.

That your Orator rested himself on the
Assurances of the Said Simmons, as to the
Soundness of his horse, That he, Simmons,
repeatedly assured him thereof, and did
warrant the horse to be a healthy sound
horse — That the horse so far from being
a sound one ~~was~~ was rendered perfectly
useless by Fistulas the effects of which
was concealed by the saddle.

Your Orator here has to represent
that notwithstanding the premises, the
Said Simmons aff^d the obligation to one
Matthews Spencer who has sued out Judgment
against your Orator, against equity
and Justice. In tender Consideration
Whereof, and as y^e Orator is without

remedy only in a Court of equity,
he prays the Court that the said Judgment
be arrested by an injunction, until
the parties ~~are~~ fully and fairly
heard in Chancery - and that such
other relief may be admi^d. by the
Court as may accord with justice
&c. &c. May it please

Butler for
Tolff

Sworn to before me Sept 5th

1803

Joseph W. Ballan²⁰

Holford } Bell
vs
Spencer }

Sept. 1803 bill filed

Dec. 1803

rule for Ans^r

July 1804

Ans^r filed

June 1807 dis in^d agree.

~~James H. H. H. H.~~

~~James H. H. H. H.~~