1829-007
City of Lynchburg Chancery Cause: Thomas Bondurant vs Ephraim Bondurant

Case file #866
Superior Court

CA-Debt
T-Property

Bundurant, Strange, Kavada, Kenedy, Lockett, Moore, Hewitt
Dowdy, Tracy, Lee, Jones, Scott, Noell, Sopling, Terry,
Hardy, Otey, Wheat

— Mortgage

To the Honorable Creed Taylor Esquire, Judge of the Chancery district court holden at Lynchburg. Humbly complaining sheweth unto your Honor, your orator Thomas Bondurant of the county of Bedford.

That sometime in the year he loaned to his brother Ephraim Bondurant the sum of two hundred dollars. To secure the repayment of this sum the said Ephraim executed to your orator a mortgage of sundry articles of personal property as will fully appear by reference to the deed of mortgage herewith exhibited marked - A.

About twelve months after the execution of this mortgage it was by consent of parties deposited in the hands of John Bondurant their father for safe-keeping; with him it remained untill the death of the said John in the year when your orator again obtained possession of it.

Your orator further sheweth that the mortgage was never recorded and that during his life time your orator made repeated applications to his father for it, that he might take some measures to obtain the amount secured upon it, this however was always refused by the said John, (under the influence as he verily believes of his brother Ephraim) and being very unwilling to enter into any controversy with his father upon the subject he forbore to press it further untill the death of father when he again obtained possession of it as aforesaid.

Your orator further sheweth that his brother Ephraim took advantage of the interval during which the mortgage was withheld by his father, to sell and dispose of all or nearly all the property contained in the deed of mortgage without the knowledge or consent of your orator, to divers persons who having no notice of your orators lien would therefore as he is advised be protected in their purchases.

All which actings and doings are contrary to equity and good conscience and tend manifestly to injure and oppress your orator in tender consideration whereof, and for as much as your orator is unidilesh in the premises at law, and relieveable only in equity where matters of this sort are properly cognisable. He prays that the said Ephraim may be made a party defendant to this his bill of complaint and compelled on oath to answer the several allegations thereof that he may be decreed to refund the aforesaid sum of $ with interest, & for such other and further relief &c. And may it please your honor to award process &c

J. Hendrick for Complt

4.0

Bondurant (866)

vs. } Bill & exhibits

Bondurant

April T 1827 Answer Gen rep

Octo T 1827 Set for hearing

Octo Term 1829 Decree

Octo. term 1829.

dism.d w. costs.

4-23

28 Nov 1825

412 wony

The answer of Ephraim Bondurant to the bill of Complaint exhibited against him in the Superior Court of Chancery for the Lynchburg District by Thomas Bondurant.

This defendant saving to for answer says: That he admits he did sign, seal, and deliver the paper refered to in the bill, and which is therein called a Mortgage; but he denies expressly, that said paper was founded on any valuable consideration whatsoever, or that he, the defendant, at the time it was so signed, sealed, and delivered by him, was indebted to the plaintiff in the sum of two Hundred dollars, or any other amount whatever. The facts in relation to said paper were then — This defendant at the time it was executed was med for a debt on account of his father, and not being then prepared to pay it, and being apprehensive a judgment would be obtained, and execution issued against him for it before he could get his Crop to market, it was proposed by the plaintiff, that this defendant should execute the paper in question in order to cover the property & gain time, so that he might be enabled to sell his Crop, & pay the debt for which he was med as aforesaid, without a sacrifice of his property. This defendant being thus pressed by pecuniary difficulties was induced by the persuasions of the plaintiff to execute the paper in question, and did so accordingly, with the distinct understanding, and agreement between the plaintiff, and this defendant at the time, that it was merely nominal, and should be surrendered to this defendant, or destroyed, as soon as the purpose for which it was executed as aforesaid had been accomplished; that is to say, so soon as

this defendant should have paid the debt for which he was sued as aforesaid. This defendant shortly after said paper was executed paid the debt for which he was sued as aforesaid, and from that time until very recently heard, or thought nothing more of said paper, and indeed had almost forgotten that it had been executed. This defendant again denies that he owed the plaintiff one cent at the time said paper was executed, either for money lent, or on any other account, ~~&~~ and avers, that the ~~Con~~ sum of Two Hundred Hundred Dollars inserted in said paper as a consideration, was entirely colorable, and nominal. This defendant denies that the said paper was delivered to his father for safe keeping; and he does not know, believe, or admit, that the plaintiff ever applied to his father for said paper, or that his father refused to deliver it to him. This defendant admits, that he has sold (as he had a right to do) a part of the property mentioned in said paper. This defendant denies that he now owes the plaintiff one cent; on the contrary the plaintiff is justly indebted to this defendant from one to two Hundred dollars. This defendant denies that the plaintiff has ever asserted, or set up any claim to the money, or property mentioned in the paper aforesaid (called in the bill a mortgage) ~~from~~ or to any part thereof, from the date of said paper until recently, a period of about fifteen years. This circumstance of itself goes clearly to prove that the plaintiff knew he had no such claim, or right. The plaintiff at the date of the said paper was in necessitous circumstances himself, and has so continued from that time to the present. This defendant on the contrary has allways been able to have discharged such a claim as the one in question either in money, or property.

Having thus fully answered this defendant prays to be hence dismissed with his Costs &c.

his
Ephraim Boudurant
mark

Corporation of Lynchburg to wit,

The said Ephraim Boudurant this day made oath before me a justice of the peace for the Corporation aforesaid, that the statements made in the foregoing answer are true. Given under my Hand this 24th ~~day of~~ March 1827.

Thomas R. Smith

Bondurant

To ~~Ex~~ Answer

Bondurant.

24 March 1827.

The diposion of William Tracy taken at ~~the~~ Tarrys Brick tavern in Liberty Bedford Court house on the 22d day of September 1828 to be read as evidence in a suit now depending and undetermined in the Superior Court of Chancery for the Lynchburg District where in Thomas Bondurant is plaintiff and Ephraim Bondurant is Defendant deposeth and saith. That he has been acquainted with Jeremiah Lockett about thirty years since I do believe that he is a man that could be depended upon as a man of truth

William Tracy

Question by plaintiff.

Did you never hear that Jeremiah Lockett was in a habit of burying himself with other peoples business.

Answer. I never did until to-day

Subscribed and sworn to before me this 22d day of September 1828.

Chas. Wheatley J.P.

Lu McDaniel J.P.

Chas. Wheatley J.P.

Bundment

Depo
Jm Tracy

Bundment

under cover sealed Dep
Vir 13 Decembr

Clerk Supreme Court
Clarence
Williamsburg

Mr Daniel Jr

The deposition of Joseph Bondurant of lawfull age taken pursuant to notice at the House of James C Moorman in the Town of Lynchburg on Saturday the 10th of May 1828 to be read as evidence on the trial of a suit now depending in the Superior Court of Chancery for the Lynchburg district wherein Thomas Bondurant is plaintiff & Ephraim Bondurant is defendent. This deponent being first duly sworn deposeth & sayeth.

Question by the plaintiff. Were you or were you not present some years ago when Ephraim Bondurant applied to me for a loan of money?

Answer. I was. he ask for the loan of three Dollars he said he had not them but that he could get him has, & I then handed him a ~~fund Draft~~ Bank note.

Question by same. Did not the defendent at the same time ask me for the loan of his Pocket Book & did I, or did I not hand it to him?

Answer. He did but I believe it was returned to you safe

Question by same. Do you know & if you do know please to state what ~~what~~ was Ephraim Bondurant's pecuniary situation at that time?

Answer. ~~Pecuniarily~~ the ~~circumstances~~ information I could gather he was in embarrassed circumstances

Question by the Defendant. Have you not heard the plaintiff (Thomas Bondurant) say whilst the suit was depending in Campbell Court brought by him for the benefit of Col. Hewitt against me, that

if I would pay twenty five dollars, or a good feather bed, that all accounts, and claims between him, and me, including that suit should be considered as settled, and balanced?

Answer. I dont recollect at this time that I ever did

The deposition of Polly Bundurant at the same time and place.

Question by the Plaintiff. Have you constantly resided with your father the Plaintiff, & have you ever seen Samuel Moore at his house & if so, when & How often?

Answer. I saw him there once setting in yard.

Question by the same. were you or were you not present at the time he was there, & did you or did you not hear the conversation that passed between them?

Answer. I was present and heard all the conversation.

Question by the same. In that conversation did your father or Samuel Moore say any thing about Ephraim Bondurant or his affairs?

answer he did not

Question by the ~~same~~. defendant were you out in the yard with Samuel Moore, and your father all the time they were there, and can you say Catagorically that you heard every thing that passed between them?

answer. Yes

Questionly the same. Was not Mr. Holt at your father at the time, and when the way about starting away did you not go into the House with her, and leave your father, and the said Moore in the ~~yard~~ yard?

Answer. No Mr. Moore went away long before Mrs Holt

Question by the same. How often has said Moore been to your father within your knowledge?

Answer. I suppose he has been there as often as a dozen times.

The deposition of Catharine Bundurant at the same time and place

Question by the Plaintiff Have you constantly resided with your father the Plaintiff & have you ever seen Saml Moore at his house & if so when & How often?

answer. I have seen him there but dont know how often.

When he was there were you generally present at any conversation between him & your father?

answer. Yes.

Question by same did you in any such conversation ever hear them speak of Ephraim Bondurant or his affairs?

answer. No.

Question by the same. were you present at all times when your father and myself walked out in his plantation

answer. No.

Question by the same. Have you not seen me at your Farthing more than a dozen times

answer. I dont know how many times.

The deposition of Samuel Moore at the same time and place

Question by the plaintiff. Are you not interested in the present suit between Thomas Bonduraut & Ephraim Bonduraut?

Answer. I am not.

Question by the same. Are you to receive any thing from Ephraim Bonduraut in case he shall succeed in the present suit?

Answer. ~~No~~ I am not

Question by the same. Have you not regularly attended to the taking depositions in this suit for Ephraim Bonduraut?

Answer. I attended to give my own deposition. I attended to be qualified to the copy of a notice and I attended here to my understanding that my testimony was to be impeached.

Corporation Lynchburg to wit

Sworn to before us justices for the corporation aforesaid. given under our hands this 10th May 1828

W. W. Bagby

Samuel Nowlin

Bonduraut
vs
Bonduraut
Ephraim Bonduraut

Filed Corp. Court Lynchburg May 17th 1828

40

The Deposition of Nath. S. Shange of lawfull age taken at Bedford C.H. on Monday the 28th of May 1827 to be read as evidence in a suit now depending in the Lynchburg Chancery Court wherein Th. Bondurant Compt. & Ephraim Bondurant Deft.

This deponant being first sworn & interrogated saith:

Ques. by the deft. Did you ever write a conveyance of property from me (the Deft) to Th. Bondurant & when? Ans. I did and it was some time ~~about the~~ between the yr. 1810 & 1815

Ques by the same, At the time you wrote the instrument above stated do you think Thomas Bondurant was able to make a loan of Two hundred Dollars? Ans. I took Th. Bondurant to be a man in very indigent circumstances

Ques. by the same, When you wrote the same did you not believe it was merely for the purpose of shielding said Ep. Bondurants property? Ans. I did and had some scruples in writing the same

Ques by the same, did not your father whom Thos. Bondurant was then security for have to pay some money for the s. Thomas B.? about that time

Ans. About that time or before my father became a kind of security for s. Thomas. where money & as his adm. he had to pay & have made the same out of Th. Bondurant since

Ques by ~~the Deft~~ Deft, when your wrote the instrument above named did not Ephraim Bondurant tell you that he owed him $102?

Ans. I dont remember holding any conversation with Epm Bondurant respecting the consideration (but might as it has been a considerable time back and I dont remember many of the circumstances) but I think not as I wrote the instrument thro' the solicitation of Thomas Bondurant and from the recommendation of Jas. Campbell to do so -

Questn by the same. Whilst I lived at Jas. Callaws as an overseer, did not I go to Obadiah Reynolds and take in a Bond of Ephraims for $50. 00

Ans. I think I heard of such a circumstance, but the length of time since has been such that I cannot recollect any of the particulars

Nathl. S. Strange

We do hereby certify that the above deposition of Nathl. S. Strange was duly taken before us at the Court House of the County of Bedford on the 28. day May 1827. Given under our hands this 28. day May 1827

Richd. Hobson Jr
L. McDaniel J.P.

Bondurant
vs
Bondurant

Returned to Court
Sat. 5 June 1827

The deposition of Claybourn Hlowdy of lawfull age taken at the grocery of William V. Hadwin The county of Campbell agreeable to notice on the 9th day of may 1828 To be read as evidence in a suit now depending & undetermined in the Superior Court of Chancery for the Lynchburg District. wherein Thomas Bundrant is Plaintiff & Ephraim Bundrant is Defendant. This deponent deposeth & sayeth

that some time ago perhaps five or six years ago Thos & Ephram Bundrant met at Major Roads Mill to settle there accounts they ~~and they~~ agreed to have it to Informe the referees was ~~Major Roads~~ Capt Irvine & Frank Lee it was not settled at that time — on the same Evening at Thomas Bundrants own house they did agree to settle all there accounts from the Commencement to that ~~by~~ day by Ephram giving the said Thomas Sixty dollars which Ephram did agree to give

Quest by the plaintiff Thomas Bundrant did not you & Capt Wm Irvine have some Conversation about that settlement while you lived at Scotts

Answer I do not recolect but I know Every thing was settled on that Evening by Ephram giving the sixty dollars

~~Cross Quest Saith not~~

Question by the Defendant Ephram Bundrant
and upon hear Thomas Bundrant say that he had the
papers or accounts or Bond against ~~him~~ me and that the
Sixty dollars was to pay all up to that day

Answer Every thing was filed all bonds and accounts
of Every nature was filed up to that day

Clabourne his X Dowdy
mark

Campbell County to wit

The above deposition was sworn to and
subscribed by Clayborne Dowdy before
us Justices of the peace for the County
aforesaid this 9th day May 1828
Given under our hands the date above
written.

H. T. Early
Boyd Haden

Bundrant
vs
Bundrant
Deposition

To the Clerk of the Defendants
Court of Campbell County
H. Clay Claiborne Attorney

Henry T. Early J P

Dunsurant

" 3 Depo

Dunsurant

Under cover sealed to
May 1829

The deposition of Francis L. Lee of lawfull age taken
in Bedford Court House. again able to a commis
=sion. to us directed and notice. on the 28th day of
May 1827. to be read as evidence in a suit
now depending in the Superiour Court of Chanc
=ery for the Lynchburg district — Thomas Bundurant
plaintiff and Ephram Bundurant - defendant - after
being duly sworn. deposeth and sayeth that
between three and four years ago. he this deponant
together with Capt. Wm Irvine acted as referees in
matter ——— depending between Thomas Bundurant and
Ephram Bundurant - in the County Court of Campbell under the direction of an order
from the said County Court of Campbell - and we settled
then all accounts which they said existed between
him, and Ephram Bundurant was to pay Thomas
Bundurant sixty dollars. F. L. Lee

The deposition of Lewis Lockett of lawfull age first
being sworn sayeth. that
Quest. by defendant. What passed between you and
Thomas Bundurant about some property
made over to me by my Father. and did
he say any thing about this suit at that
time -
Answer. -
at some time in the fall after the death
of your Father, the plaintiff Thomas Bundurant
came to my House. a little intoxicated and
asked me some Questions concerning the property
made over to you by your father. and said
that if you did not divide it that he would
bring this suit. Next morning when cool took
me out. and stated that it would be impro
=per for him to the defendant Ephram Bundurant
pay the $200. as he never owed it to him yet
he thought that he was due him about $20. nevertheless
=less. thought to be compelled to divide the property, which

he held under the conveyance of his father

Ques. by same. What was the circumstances of Thomas Bundurant about that time and could he have spared as much as $200. to loan me.

Answer. As to his circumstances I cant so clearly ascertain he followed farming and I suppose took most that he earned in that way to maintain his family

Ques. by same. What became of the Horses named in the Trust Deed, or instrument of writing aled to - and was they disposed of before the executing of the paper or not

Answer. I feel at a loss to say as to time but am inclined to think they were disposed of -

Jeremiah Lockett

The deposition of Sam. Moore of lawfull age after being sworn. sayeth. about two years ago. The plaintiff Thomas Bundurant proposed to swap Horses with me. and we could not agree as to the amount of boot and which should give it. I proposed to leave it to his brother Ephram Bundurant, and he the plaintiff replyed that he was clear of Ephram Bundurant the defendant and that the said Ephram was clear of him and he was determined to have nothing more to doe with him some months after I was at Thomas Bundurants and he the said defendant ~~mentioned~~ to me that he had sued Ephram Bundurant and notwithstanding it was for $200. if Ephram Bundurant would give him a feather bed or $25 or 30 $ that he would have nothing more to doe with the suit

Ques. by plaintiff was this conversation in my House or not

Answer. I do not recollect whether it was or not

Ques. by same. At what time did I name to you the bed and did $30 and was any one present or not

Answer - I think it was in the month of July or Augt. 1825 and no one present with us that I now recollect of -

Samuel Moore

We do hereby certify the above depositions of Francis L. Lee. Jeremiah Lockett and Sam. Moore was duly taken before us. in the Court house. of Bedford County on the 28. day of May 1827.

Richd Hobson J.P.
Lee Daniel J.P.

Bundurant

3

Desp.

Bundurant

Letter of Assistant Govt. of Canara

Appointing Katha

Recd under Cover Seals
5 June 1827

Copy

Recd 28th June 1827

Letter of Assistant Govt. of Canara appointing Katha Bundurant

The deposition of William P. Jones of Lawfull age taken before us at the Tavern of William Terry in the town of Liberty on Monday the 28 day of April 1828 pursuant to notice & a commission to us directed to be read on the trial of a suit in chancery now depending in the Superior court of Chancery for the Lynchburg district wherein Thomas Bondurant is plaintiff & Ephraim Bondurant is defendent. This deponent being first duly sworn deposeth & saith.

Question by the plaintiff. Are you well acquainted with Jeremiah Locket?

Ans. I am & have been for the last 25 or 30 years —

Question by the same. What is his character as a man of truth. & from his general character would you believe him upon oath?

Ans. I would not believe him upon oath.

William P. Jones

This is to certify that the above deposition was subscribed & sworn to before us at the time & place mentioned in the caption.

Mitchell Ewing J.P.

Peter Plow J.P.

Pendleton
vs
Pendleton

Under Cover Wax
10 May 1828

The deposition of Lillebery Bondurant of lawfull age taken pursuant to notice & commission to us directed at the Tavern of William Terry in the town of Liberty on monday the 28 day of April 1828 To be read as evidence on the trial of a suit now depending in the Superior court of Chancery for the Lynchburg district wherein Thomas Bondurant is plaintiff and Ephraim Bondurant is defendant. This deponent being first duly sworn deposeth & saith

Question by the plaintiff. Are you well acquainted with Jeremiah Locke?

Answer. I am.

Question by the same. What is his character as a man of truth & from his general character, would you believe him upon oath?

Ans. When he was interested I should have my doubts.

Lillebary Bondurant

This is to certify that the above deposition was subscribed & sworn to before us at the time & place mentioned in the caption.

Mat Nell Ewing J.P.

G. Stutton J.P.

Cumberland

" 3 Dep.

Commonwealth

Under Cover Covered

May 1808

The deposition of John W. Scott of Lawfull age taken at the Tavern of William Terry in the town of Liberty on Monday the 28th day of April 1828 pursuant to notice & a commission to us directed to be read as evidence on the trial of a suit in Chancery now depending in the Superior court of Chancery for the Lynchburg district wherein Thomas Bondurant is plaintiff & Ephraim Bondurant is defendent. This deponent being first duly sworn deposeth & saith.

Question by the plaintiff. Are you well acquainted with Jeremiah Lockett?

Ans. I am. I have been for the last four or five years.

Question by same. What is his character as a man of truth & would you believe him on oath?

Ans. Jeremiah Lockett is not to be relied upon in the common transactions of life, nor would I believe him on oath.

John W. Scott

This is to certify that the above depositions were subscribed & sworn to before us at the time & place mentioned in the caption.

W. Irving J. P.
G. Stupler J. P.

Sundry
Dep.
Sundry

Under Cover Sealed
May 1888

The deposition of John C. Noell of lawfull age taken at the Tavern of William Terry in the town of Liberty on Monday the 28 day of April 1828. pursuant to notice & a commission to us directed to be read as evidence on the trial of a suit now depending in the Superior court of Chancery for the Lynchburg district wherein Thomas Bondurant is plaintiff & Ephraim Bondurant is defendant. This deponent being first duly sworn deposeth & saith.

Question by the plaintiff. Are you well acquainted with Jeremiah Lockett.?

Ans. I am personally well acquainted with the Mr Lockett.

Question by the same. What is his character for a man of truth. & from his general character would you believe him upon oath?

Ans. I should consider his character as a man of truth very suspicious. I would believe him on oath when he was interrested

John C Noell

This is to certify that the within deposition was subscribed & sworn to before us at the time & place mentioned in the caption.

Mitchell Irving J.P.
G. Stubblefield J.P.

Pundersant
" Depo
Pundersant

Under Cover Sealed to
Wm Gray 1848

The deposition of James Jopling taken pursuant to notice & a commission to us directed at the Tavern of William Terry in the town of Liberty on Monday the 28 day of April 1828. To be read as evidence on the trial of a suit now depending in the Superior court of Chancery for the Lynchburg district wherein Thomas Bondurant is plaintiff & Ephraim Bondurant is defendant.

This deponent being first duly sworn deposeth & saytth. In answer to the following questions

Question by the plaintiff. Are you well acquainted with Jeremiah Lockett?

Ans. I am. I have been for the last 20 odd years

Question by the same. What is his character as a man of truth, & would you believe him upon oath?

Ans. His general character for veracity is very bad. & I would not believe him upon oath

James Jopling

This is to certify that the above deposition was subscribed & sworn before us at the time & place mentioned in the caption.

Mitchell Ewing J.P.

J. Stilton J.P.

Chandler vs
E. Ogle
Ann Durand

Under Cross Claim to
May 1850

The deposion of Enoch W. Terry taken at the Brecktavern in Liberty Bedford Court house on the 22 day of September 1828 to Read as Evidence in a Suit now depending and undetermined in the Superer Court of Chancery for the Lynchburg District where in Thomas Bondurant is plantiff and Ephraim Bondurant is defendant deposeth and saith

That I have known Jeremiah Lockett for a term of years and ever always relied upon him as a man of truth on oath or in any other Words respecting the truth

Enoch W. Terry

Subscribed and Sworn to before us this 22d day of September 1828

Chas. Whitley J.P.
L. McDaniel J.P.

Bondment

Deposo

Bondment

Wd Dwcover Seal D ng
13 Oct 1828

The Deposition of Benjamin Kanada Tahin at the Brick Tavern in Liberty at Bedford Court house on the 22 day of September 1828 to be read as Evidence in a suit now depending and undetermined in the supreme Court of Chancery for the Lynchburg District wherein Thomas Burnwart is plaintiff and Ephrim Burnwart is Defendant

deposeth and saith that he has been acquainted with Jeremiah Lockett seven or Eight and Twenty years and have lived the greatest part of the time within four or five hundred yards of his door I have all ways found him a man of peace and quietness in the neighbourhood and of great usefullness among the sick he has often been a witness both for and against me and I have often heard him give Evidence and have allways Considered him a man of truth and have never heard his Evidence Call in question and think that it Cannot only through prejudice and further this affeant Sayth not — questions by the deffendant what is the gineral Carracter of william B Jones answer he is a destuber of the peace of the neighbourhood and a man whose Carracter is as bad as any mans in this Commonwelth

Benjamin Kenedy

The within deposition was subscribed and sworn to before us this 22d day of September 1828

Chas. Whitely J.P.

Jno McDaniel J.P.

Brandywine

v. Deposition

Brandywine

Filed & recorded

13 Oct 1828

Bundrant

4 Depo

Bundrant

Union Coverdale Dep

13 Oct 1908

The Deposition of Isaac Otey Sr. Taken at the Buck Tavern in Liberty Bedford Courthouse on the 22d Day of September 1828 to be read as Evidence in a Suit now depending and unadetermined in the Supreme Court of Chancery for the Lynchburg District Wherein Thomas Bondurant is Plaintiff and Ephraim Bondurant is Defendant deposeth and saith ~~that~~ I have been acquainted with Lorenzo Lockett for a number of years and have frequently seen him sworn in Court as a Witness and have never known him charged with false swearing and further ~~this~~ affiant says ~~the~~ not

Isaac Otey

Sept. the 22 1828

This day the above deposition was sworn to be fore us

John H. Otey Jr.

A. Otey Jr.

The Deposition of William Otey taken at the Buck Tavern in Liberty Bedford Court house on the 22d day of September 1828 to be read as Evidence in a Suit now depending and undetermined in the Supreme Court of Chancery for the Lynchburg District wherein Thomas Bondurant is Plaintiff and Ephraim Bondurant is defendant deposeth and saith

That I have been acquainted with Lorenzo Lockett for a Number of years and have frequently seen him sworn in Court as a witness and have never known him charged with false swearing and further this affiant says not

William Otey Jr.

Sworn to and subscribed before us this day of September 1828

John H. Otey Jr.

A. Otey Jr.

Clerk Superior Court Chenango

Lynchburg

Va.

The Deposition of John Hewitt of lawful age, taken at the ~~house of Edward Berryman~~ 4th Toll Gate in the County of Bedford this 9th day of October 1828 agreeably to notice, to be read as evidence in the trial of a suit now depending & undetermined in the Superior Court of Chancery for the Lynchburg district, wherein Thomas Bundrant is Maintiff & Ephraim Bundrant his defendant — This Deponent being first duly sworn deposes & says — That some few years ago I traded a Horse to Thomas Bundrant & took a bond upon Ephraim Bundrant for fifty dollars in part pay — upon application to Ephraim Bundrant, he told me that he owed his Brother Tom nothing — & that he should pay him nothing — that upon a settlement his Brother would be owing him — I then sued the Bond — afterwards by consent of all the parties interested, the suit was taken out of Court & the matter submitted to Capt Irvine & Francis Lee as Referees — who gave it as their opinion that Ephraim Bundrant should pay Thomas Bundrant Sixty dollars — Ephraim still insisted that he owed Tom nothing — but said to have peace he would pay the $60 — which Tom agreed should be in full satisfaction of all claims & demands he had against his Brother — Ephraim Bundrant did afterwards settle that suit with Mr Watts for me —

John Hewitt

Bedford County to wit,

This is to certify that the within depos
was subscribed & sworn to before us at the time & place
mentioned in the caption.

David Saunders J.P.
G. Stapton J.P.

Bondsmen
Z. B. Stanworth
Recd Judgment

Under over & upwards
10 Oct 1825.

The deposition of Zachariah Wheat Taken at the Forum Tavern in Liberty at Bedford Court House on The 22d day of Sept 1828 to be Read as Evidence in a Suit now depending and undetermined in the Superior Court of Chancery for the Lynchburg district ~~court of Chancery~~ wherein Thomas Bundrant is plaintiff and Esther Bundrant is defendant and deposed and saith that he has been acquainted with Jeremiah Lackett about thirty years and does believe him to be a man of truth

Given under my hand Zachariah Wheat

The above Deposition was signed & sworn to before Justices of the Peace for Bedford cty at Wm Forums Tavern in the Town of Liberty on the 22d Day of September 1828

P Mulligan
Jno Daniel J.P.

Bundment

Dafo
Bac. Wheat

Bundment

[illegible] yin

[illegible]

L McDaniel

Wm Dan Coverseed Ups
13 Oct 1828

Know all men by these presents that I
Ephraim Bonduraut of Bedford for and in
Consideration of the sum of Two hundred Dollars to
me in hand paid by Thomas Bonduraut of said
County at and before the sealing & delivery of these
presents (the rec.t whereof I do hereby acknowledge)
have bargained sold granted, & confirmed & by these
presents do bargain, sell grant & confirm to the
s.d Thomas Bonduraut One Bay Horse 1 Horse mare
1 Bay colt, 5 feathers beds & furniture, fifteen Hogs
and all my property at my father's Jno. Bonduraut
provided always and it is hereby agreed between
said parties to these presents that if I the s.d
Ephraim Bonduraut my exr. &c. do & shall
well & truly pay, or cause to be paid unto the s.d
Thomas Bonduraut or his certain attorney Ex.ors
administrators or assigns, the full sum of
two hundred Dollars on or before the twenty
fifth day of Dec.r Eighteen Hundred & eleven for the
redemption of the hereby bargained premises
then these presents every clause article, condition
and thing herein contained shall cease and be void
otherwise to remain in full force & virtue In Wit-
ness Whereof I have hereunto set my hand
and affixed my seal this 7th day of Octo-
ber in the year Eighteen Hundred & Eleven
Sealed, sealed signed
& delivered in presence of
James Campbell
Austin Hughes

his
Ephraim Bonduraut
+ mark

E. Bandurau

Engaged

Th. Bandurau

250 words

Received 29th April 1824 of Ephraim Bundrant seventy four dollars and forty five cents in full of an execution Obadiah Reynolds for the benefit of John Hunt against him the said Ephraim Bundrant

Anselm Wuden D S for
R. Hunter Shff

Bondurant
v Spaper
Bondurant

Campbell County To wit Obadiah Reynolds (who sues for the benefit of John Hewitt) complains of Ephraim Bandurant in custody &c of a plea of debt that he render unto him the sum of one hundred dollars which to him he owes and from him unjustly detains for this to wit that the said defendant on the 19th day of October in the year of our lord 1808 at the parish of and county aforesaid by his certain bill penal sealed with his seal and now here to this court shewn the date whereof is the same day and year aforesaid on or before the 19th day of October then next ensuing promised to pay to the plaintiff his heirs or assigns the just and full sum of fifty dollars good and lawful money of Virginia for value received of him and for the true performance he bound himself his heirs and assigns in the penal sum of one hundred dollars like money and the said plaintiff avers that the said defendant (although often thereto requested) the said sum of fifty dollars to the said plaintiff hath not paid at any time on before or since the said 19th day of October 1809 By means whereof an action hath accrued to the said plaintiff to demand and have of the said defendant the said penal sum of one hundred dollars yet the said defendant (although often thereto requested) the said sum of money last named to the plaintiff hath not paid but the same to pay hath hitherto refused and doth still refuse to the damage of the plaintiff $100.— and therefore he sues

C Dabney p. ltf

on or before the nineteenth day of October next I promise to pay Abenah Reynolds his heirs or assigns the lesh and full sum of fifty dollars good and lawful money of Virginia for value received of him and for the true performance I bind myself my heirs and assigns in the penal sum of one hundred dollars like money as witness my hand & seal this nineteenth day of October eighteen hundred and eight

Teste Jeremiah Lockett
Daniel Lockett

Ephriam his X mark Bondurant (Seal)

I assign the within bond to John Hewitt for value received as witness my hand this 23 day of March 1822

Thomas his X mark Bondurant

1808 Thomas Bundurant To Ephriam Bundurant Dr
To one bed of feathers & furniture $10:—
1812 To Cash . . . . . 5:—
By cash paid to Davis Store account 20:—
1817 By an order to Mr Mocely for —50:—
1820 To five dollars I a counterpin & 1 bunk 6:—
To 1 lafe stunge one set cups & saucers and one set of plates . . . . . 2:—
1821 By cas to Bradfute . . . . . 2:—
By cash lent to you at Christmas — 1
By Cash lent by my wife and one pocket book 1:50
Cash paid to Isaac Butterworth —4:—
$101:50

Campbell August Court 1823
Abenah Reynolds for the benefit of John Hewitt Pltff
against
Ephriam Bundurant — Deft

By consent of the parties all matters of difference in this cause are referred to the final determination of William Irvine and Francis Lee and in case they disagree to their umpire and their award or the award of such umpire to be made the Judgment of the Court and either party may proceed to trial on giving to the other reasonable notice of the time and place

A Copy. Teste
John Alexander Clk

Bedford County at Reads mill we have met agreeable to an order of Campbell Court. The Defendant agreed to pay $60:— which was consented to by the plaintiff in full of all demands &c

William Irvine
F. L. Lee

November 22 1823

and at a Court held for Campbell County the day of March 1824 came the parties aforesaid by their attorneys and the arbitrators to whom the determination of the matters of difference between the parties were submitted having returned their award in these words "Bedford County at Reads mill we have met agreeable to an order of Campbell Court. The defendant agreed to pay $60:— which was consented to by the plaintiff in full of all demands &c In confirmation of whereof it is consid-
-ered

considered by the court that the plaintiff recover against the defendant the sum of sixty dolla=rs with legal interest thereon from the 22 day of November 1823 till paid and the cost $9.41 Cents

Copies Teste John Alexander clk

Reynolds for Hewitt

Copy paper

v

Rundusant

for Ptf. Rundusant

Rundusant

"

Rundusant

Mar 1838

THE COMMONWEALTH OF VIRGINIA,

To Rev. Hobson L. Yancey & McDaniel Gentlemen, Greeting:

KNOW YE, That we trusting to your fidelity and provident circumspection, in diligently examining whatsoever witnesses, as well on behalf of Thomas Bundurant plaintiff as of Ephraim Bundurant defendant

command you, or any two or more of you, that at such certain days and places as you shall appoint, you assemble yourselves and the witnesses aforesaid before you, or any two or more of you, you call & cause to come, and diligently examine on the Holy Evangelists of Almighty God, and their examination into our Superior Court of Chancery, directed by law to be holden in the town of Lynchburg, distinctly and plainly, without delay you shall send and certify enclosed, returning also this writ. Witness, JOHN WILLS, Clerk of our said Court at Lynchburg, this 24 day of March 1827, and in the 51 year of the Commonwealth.

J Wills

Bundurant

4 3 Com

Bundurant

5 June 1827

THE COMMONWEALTH OF VIRGINIA.

To the Marshal of the Lynchburg *Chancery District Court—Greeting:*

You are hereby commanded to summon Ephraim Bundurant

to appear at the court-house in the town of Lynchburg before the Judge of the Superior Court of Chancery, directed by law to be holden in the said town, on the first Day of the next term — to answer a bill exhibited against him in the said court by Thomas Bundurant; and unless he shall answer the said bill within four months thereafter the Court will take the same for confessed & decree accordingly

And this he shall in no wise omit under the penalty of 100*l*. And have then there this writ. Witness JOHN WILLS, clerk of our said court at Lynchburg, the 6 day of Nov 1821, and in the 51 year of the Commonwealth.

J. Wills C. C.

Hent

Sundrant

" 3 Mifka &c

Sundrant

Executed on Ephraim Bon
durant Jany. 18th 1827
J. H. Holcombe Ne

~~Hampton~~ Bedford

3

THE COMMONWEALTH OF VIRGINIA,

To Jno. W. Bagnell & Saml. Howlin Gentlemen, Greeting:

KNOW YE, That we trusting to your fidelity and provident circumspection, in diligently examining whatsoever witnesses, as well on behalf of Thomas Bundurant plaintiff as on behalf of Ephraim Bundurant Defendant

command you, or any two or more of you, that at such certain days and places as you shall appoint, you assemble yourselves and the witnesses aforesaid before you, or any two or more of you, you call & cause to come, and diligently examine on the Holy Evangelists of Almighty God, and their examination into our Superior Court of Chancery, directed by law to be holden in the town of Lynchburg, distinctly and plainly, without delay you shall send and certify enclosed, returning also this writ. Witness, JOHN WILLS, Clerk of our said Court at Lynchburg, this 5 day of May 1828, and in the 52d year of the Commonwealth.

Wills cc

Dunderant

vs

Ozm

Dunderant.

17 May 1838

THE COMMONWEALTH OF VIRGINIA,

To the Marshal of the Lynchburg *Chancery District Court—Greeting:*

You are hereby commanded to summon Ephraim Bundurant

to appear at the court-house in the town of Lynchburg before the Judge of the Superior Court of Chancery, directed by law to be holden in the said town, on the first day of the next term to answer a bill exhibited against him in the said court by Thomas Bundurant and unless he shall answer the said bill within four months thereafter the court will take the same for confessed and decree accordingly

And this he shall in no wise omit under the penalty of 100*l.* And have then there this writ. Witness JOHN WILLS, clerk of our said court at Lynchburg, the 10th day of June 1826, and in the 50th year of the Commonwealth.

John Wills Clk

Hand

Bundurant

v. R. Spear & D. Mai

Bundurant

Not time to execute

G. B. Moodor

Ret 16 Oct 76

The Commonwealth of Virginia,

To the Marshal of the Lynchb *Chancery District Court,—Greeting:*

YOU are hereby commanded to summon Ephraim Boudwrant

to appear at the court-house in the town of Lynchburg before the Judge of the Superior Court of Chancery, directed by law to be holden in the said town, on the first day of the next term to answer a bill exhibited against him in the said court by Thomas Boudwrant

And this he shall in no wise omit under the penalty of 100*l*. And have then there this writ. Witness JOHN WILLS, clerk of our said court at Lynchburg, the 17 day of August 1825, and in the 50 year of the Commonwealth.

J. Wills

Boudurant

Lyon

Boudurant

27 Octo 1835

Mr. Thomas Bundrant

Sir

You will please take notice that on Saturday the 20th day of September 1828 at the brick Tavern at Bedford Court House between the Rising and Setting of the sun of that day I shall proceed to take the depositions of Isaac Hey and others and continue from day to day Sundays Excepted until the completed and on Tuesday 23rd of the same month at Widow Kents in the same County I shall take the deposition of Jacob Kent and on Wednesday 24th at Guatkins shop in the same County proceed to take the deposition of Edward Guatkins and others which depositions are to be read as evidence in a suit now depending and undetermined in the superior Court of Chancery for the Lynchburg district wherein you are plaintiff and I am defendant at which time and place you may attend if you think proper

yours &c

Ephraim Bundrant

Campbell County Court

This day Lewis C Dowdy personally came before me a Justice of the Peace for the county aforesaid and made oath that he delivered a true copy of the within notice to Thomas Bundrant on Tuesday the 16th day of September 1828 Given under my hand this 16th day of September 1828

Harvey T. Eaches

Bundrant
vs
Notice
Bundrant

Ex Co 1828

Thomas Bondurant. Take notice that I shall on Thursday ninth of the present month October at the fourth Turnpike-gate in the County of Bedford proceed to take the deposition of Col.° John Hewitt and continue from day to day sunday excepted till the same be finished to be read as evidence in a suit now pending in the Lynchburg chancery Court in which you are plaintiff and I am Defendant When and where you may attend if you see cause

Ephraim Bondurant

October 6th 1828

Campbell County To wit

This day Conrad Power came before me a Justice of the peace for the County aforesaid and made Oath that he delivered a true copy of the within notice to Thos Burdorant on the 6th day of October 1828 given under my hand the day and date above written

A. T. Early J. P.

Thos Burdorant
vs
Conrad Power

Mr Ephraim Bondurant

Sir

Take notice that I shall on Monday the 28 day of this month between sunrise & sun set of that day at the tavern of William Terry in the town of Liberty take the deposition of John Scott. Sworn head & others for Saturday the 3rd day of May next at the House of Jubal Cundiffe in the town of New London between sun rise & sun set I shall take the deposition of Joseph Bondurant, Nancy Holt & others all which are to be read as evidence on the trial of a suit now depending in the Superior court of Chancery for the Lynchburg district wherein I am plaintiff & you are defendant

Thos Bondurant
22 April 1828

Campbell County to wit

This day Silas Bondurant personally appeared before me a Justice of the peace for said County & made oath that he did on the 22nd day of April 1828 deliver to Ephraim Bondurant a true Copy of the within notice. Given under my hand this the 5th day of ~~April~~ May 1828.

A. T. Early J.P.

Bondurant

v.

Blake

Bondurant

Bondurant

Mr. Thos. Bunavant

will please take notice that on Friday the ninth day of may at the Grocery of William V. Hadin in the county of Campbell between the rising & setting of the sun on the same day I shall proceed to take the depositions of Claiborne Moody and others to be read as evidence in a suit now depending in the superior Court of Chancery for the Lynchburg District wherein you are plaintiff & I am defendant at which time & place you may attend if you think proper

Ephraim Bunavant

May 1st 1828

Campbell County To wit:

Saml. Moore personally appeared before me one a Justice of the peace for the County aforesaid and made oath that he delivered a true copy of the within notice to Thomas Brundrant on saturday the 5th day of may 1828. Given under my hand this 9th day of may 1828

H. T. Early

10 May 1828

Chandler

v. Z. Moore

Summons

THE COMMONWEALTH OF VIRGINIA,

To Gentlemen, Greeting:

KNOW YE, That we trusting to your fidelity and provident circumspection, in diligently examining whatsoever witnesses, as well on behalf of Thomas Bondurant Plaintiff as on behalf of Ephraim Bondurant Deft

command you, or any two or more of you, that at such certain days and places as you shall appoint, you assemble yourselves and the witnesses aforesaid before you, or any two or more of you, you call & cause to come, and diligently examine on the Holy Evangelists of Almighty God, and their examination into our Superior Court of Chancery, directed by law to be holden in the town of Lynchburg, distinctly and plainly, without delay you shall send and certify enclosed, returning also this writ. Witness, JOHN WILLS, Clerk of our said Court at Lynchburg, this 19 day of October 1827, and in the 52d year of the Commonwealth.

J Wills Ck

Bondmans

Com

Bondmans

Pl

10 May 1828

Mr Ephraim Bondurant

Sir

Take notice I shall on Saturday the 10th Inst: at the House of James Moorman in the town of Lynchburg between 10 O'Clock A.M & 4 O'clock P.M. take the deposition of Joseph Bondurant Nancy Holt & others to be read as evidence on the trial of a suit now depending in the Superior court of chancery for the Lynchburg district wherein I am plaintiff & you are defendant.

Thomas Bondurant
5 May 1828

Campbell County ss

This day Silas Bondurant personally appeared before me a justice of the peace for said county & made oath that he did on this day deliver to Ephraim Bondurant a true copy of the within notice given under my hand this the 5th day of May 1828.

W. T. Early J.P.

Bondurant

E. Bondurant

Bondurant

The Commonwealth of Virginia,

To the Marshal of the Lynchburg *Chancery District Court,—Greeting:*

YOU are hereby commanded to summon Ephraim Bundurant

to appear at the court-house, in the town of Lynchburg before the Judge ——— of the Superior Court of Chancery, directed by law to be holden in the said town, on the first day of the next term to answer a bill exhibited against him in the said court by Thomas Bundurant

And this he shall in no wise omit under the penalty of 100*l.* And have then there this writ. Witness JOHN WILLS, clerk of our said court at Lynchburg, the 28 day of October 1825, and in the 50 year of the Commonwealth.

J Wills C C

Bond

Bundurant

v. 20 Mspa

Bundurant

not time to execute

R. Scott, D.M.

To Thomas Bundrant

Sir you will please take notice that on the fourth monday in may at Bedford Court-house in the court house there of between the rising and setting of the sun I shall proceed to take the depositions of Jeremiah Lockheart Nathl Strange and others to be read as evidence in a suit now depending in the superior court of chancery in Lynchburg in which I am Defendant and you are plaintiff and if from any cause they should not be compleated in one day to continue from day to day until compleated sundays excepted when and where you may attend

Ephraim Bundrant

May 17th 1807

Bedford County To Wit

Personally Came Moses of lawfull age and made Oath that did about Ten days ago give Thomas Bundurant a true copy of the within notice

Given under my hand this 28th day of May 1827.

Jno Dawson J.P.

Thomas Bundurant

Moses

Bundurant

vs

June

1827