

1768-004

SOUTHAMPTON COUNTY
CHANCERY PAPERS

JARRELL

VS. THARP, 6/1768

See also ATHERTON & wife VS. THORP, 1770-3
Jarrell v. Thorpe, 1779-3
etc.

Other surnames: Atherton, Thomas,
Edwards, Williams, Scarborough,
Scarborough, Thorpe, Ricks,
Hewton

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the above matter. I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the above matter. I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the above matter.

To the honorable court of the county of Southampton sitting in chambers
 Humbly complaining sheweth unto your worship your orator Thomas Daniel an infant under the age of twenty one years and him at Law of Thomas Daniel deceased late of this county That your orator father in his lifetime being seized and possessed of several valuable tracts of land in the said county but particularly of one tract or parcel of five hundred acres also a water grist mill and twenty acres of land thereto adjoining and also one other tract or parcel of land containing three hundred and fifty acres contiguous and adjoining to the aforesaid tract and mill containing in the whole eight hundred and seventy acres That your orator said father being seized and possessed of the same some short time before his death in order to break him self did propose to sell and convey the aforesaid tract of land and mill which your orator charges were of very considerable value to the amount of £1000 That your grandfather one Timothy Sharp a witness doth depose that your orator father at that time lived under and heard of just his intention did propose to convey the sum of three hundred pounds in consideration of which your orator father conveyed the said lands and mill for so simple to the said Timothy Sharp but your orator expressly charges that the same was on the following terms and conditions that as the profits of the said lands and mill were very considerable the said Timothy Sharp was to hold the same until your orator arrived to the age of twenty one years at which time in case your orator lived so long but when the same were to be conveyed by the said Timothy or his heir in fee simple to your orator but if your orator should not arrive to such age that then the estate of the said Timothy therein was to be absolute Your orator further sheweth that the said Timothy Sharp having neglected to procure proper writings appropiating the agreement aforesaid but some few days before the death of your orator father brought and did convey the absolute property of the aforesaid lands and mill which being used before given without your orator for the purpose

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to execute attests that the said deed did not express the agreement
between him and the said Timothy and thereby to your orator to
his inheritance and the advantage intended him by the said agreement.
That no person being present being capable of doing the said agreement
writings and the said Timothy ^{in person of said Timothy} then declared his
absolute conveyance aforesaid should not be given to him for your orator
but that he would personally perform and fulfil the agreement aforesaid
in as full and ample a manner as if such deed had been given to him
and as if such writings had been properly executed and never been signed
was then repeated particularly and ~~in~~ ⁱⁿ his own presence which said agreement
the presence of the ~~witnesses~~ ^{witnesses} aforesaid the performance of which your orator
further then relies on did execute the absolute conveyance aforesaid
and from after departed this life but now so it is in your orator's
writings that the said Timothy Sharp hath also departed this
life leaving by his last will and testament the whole of the said lands
estate of the said lands to his son Timothy Sharp without
any regard to his agreement aforesaid. In this consideration whereof
and for that your orator is now infant yet of full age and years and the
witnesses or some of them who are present ~~are~~ ^{are} and of
are aged and infirm and not able to live long and to the intent
he may examine them in this court for production of their testimony
for proof of the said agreement and their evidence deposition and
testimony thereof and touching the same may be here preserved
for making out your orator's bill to the said lands and rents and
to the end your orator may be relieved in all and singular the
premises. May it please your worship the premises considered
to grant unto your orator his majesty's commission issuing out
of this court in due form and directed to such persons
as your worship shall think meet inhabiting in the said county
for the examining of your orator's said witnesses in perpetuum
in memoriam for the proof of the matter aforesaid and also his
majesty's most gracious writ of Subpoena directed to the said
Timothy Sharp thereby commanding him at a certain day
therein limited and expressed personally to be and appear before
your worship in this court to make answer unto all and

singular the premises aforesaid and to stand to and abide such
order therein as to your worship shall seem meet and your orator
shall ever pray

The answer of Timothy Sharp an infant by John Patten his guardian
to the bill of complaint of Thomas Parry an infant complainant
This Defendant moves and at all times hereafter saving and reserving to himself
all advantages hereafter to the manifest uncertainty in the complainant's
said bill of complaint contained for answer unto or to be moved thereon
the Defendant is advised material for him to make answer unto the
agreement and saith that this Defendant being an infant of tender years
is a stranger to the several allegations in the said bill set forth and
subscribes himself to the verity of this worshipful court
and hopes the court will take care what right he hath in the premises
may be proved to him

John Patten

Jamell }
Dudman }
Thorp }

witnesses Henry Thomas. May. Edwards
Benj. Williams - Saml. Scarborough
Wm. Taylor.

George the third by the grace of god of Great Britain France
and Ireland King defender of the faith &c To James
Ridley Abbot of the Tower & James Tower gent greeting know ye that
we trusting to your fidelity and provident circumspection
in diligently examining whatsoever witnesses as well on
behalf of Thomas Jamell an infant by Richard Richs his
guardian &c as Timothy Thorpe an infant devisee of Timothy
Thorpe dead step coronand 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 aforesd before you
or any two or more of you you call and cause to come and
diligently examine on the holy evangelist of almighty
god and their examination into the court of our county
of Southampton you shall send and certify inclosed
returning also to us this writ witness Richard Kells
clerk of our said court at the courthouse the 11th day
of July in the fifth year of our reign

W. H. L. & Co
1822

Jarrell }
Thorp } Cha

Estd: N & D L

December
Time to answer
Jan'y.
can't for bill

George the third by the grace of god of Great Britain France
and Ireland King defender of the faith &c To the Sheriff of
Southampton County greeting we command you that you
summon Timothy Thorne an infant devisee of Timothy
Thorne dead to appear before our Justice of our county
court in chancery on the second Thursday in November next
to answer a bill in chancery exhibited against him by
Thomas Jarrell an infant by Richard Smith his guardian
and this he shall in no wise omit under the penalty of
£100 and have then there this writ witness: At Wells this
of our said court at the court house the eighth day of
November in the fifth year of our reign.

R. G. 1753
J. G. 1753

The Deposition of Betty Atherton formerly Widow of Thomas Jarrah
Deed & Daughter of Timothy Tharp & Jarrah from time before the
Death of this Deponent's Husband Tho^s Jarrah there was an agreement
made between the said Thomas Jarrah and this Deponent's father
Timothy Tharp for the lands & tenements in the Bills mentioned the
said Tharp being to give the said Jarrah the sum of three
hundred pounds for the same but under this restriction
that the said Tharp was to give the same to this Deponent
for the comp^l some time afterwards this Deponent endeavored
to persuade her father to decline taking the s^d land but to
take that which they then lived upon which the said Tharp
refused this Deponent then told him he did not give the work
of the land he had bargained for that her husband had
been offered four hundred pounds for it the said Tharp
then said he would give 400 £ for it if that would do but
that the reason he was to have it for £300 was that the
the said Tharp was to give it to the comp^l. That some time
afterwards and at sundry times the said Tharp said that he had
given this Deponent 400 £ and that he intended the land
~~to be given~~ for this Deponent's portion and the reason that
the said Tharp did not choose to give it to her husband was
that ~~he~~ the said Tharp was sure that Jarrah would
squander it away This Deponent further saith that when
her husband Thomas Jarrah was on his death bed the said Tharp
^{to} ~~persuaded this Deponent to persuade her husband to sign the deed~~
~~for if he did not his flour &c would be sold and this Deponent~~
~~would have nothing to put her upon that her husband was~~
much in debt and that it would take way this except the land
to pay his debts on which this Deponent persuaded the
said Jarrah to sign the Deed This Deponent further saith that
after the death of the said Jarrah ~~the said Tharp~~ this Deponent

had heard that her father did not intend to give the land to the
Compt. which this Deponent acquainted him with on which
he said Thompson said that if he did not give the ~~land~~ Compt. the
land he should give this Deponent's daughter £100 & this Depont.
an equal part of all his estate except his lands which
satisfied this Deponent further this Deponent saith not.

Sworn to before Oerze Betty Atherton
18th 1766

J. Paruley.
A. Jones
James Jones

In Pursuance of a Dedimus inquis from the county court of Southampton hereto annexed in a suit of Chancery between Thomas Jarrah an Infant by Richd Rich. his Guardian and next friend J. B. and Timothy Sharp an Infant Vice of Timothy Sharp deced defendant We Arthur Ridley. Alldredgeton Jones & James Jones have diligently examined on the holy evangelist of Almighty God the several witnesses who subscribe the depositions herewith annexed

The Deposition of Henry Thomas aged fifty three faith That some few days before Thomas Jarrah deced father to the complt. ^{dec.} This Deponent was at the said Jarrah's house and Capt. Timothy Sharp ~~came there with a deed~~ father to the complainant's father's wife came there with a deed conveying the ~~land~~ & with in the lib mentioned and requested the said Thomas Jarrah dec. to sign the same The said Jarrah told the said Sharp that he would sign the deed according to the agreement entered into between the said Jarrah & Sharp which was that Timothy Sharp was to recover the same to the complt. when he should arrive at the age of twenty one years and told the said Sharp that he must sign some instrument of writing to oblige him ^{to do so} The said Sharp there appeared very angry and said he had promised never to ~~sign any~~ put his name to any ^{instrument of} writing again and said that if he would not take him word at uttering which words the sd. Sharp went out which made the said Thomas Jarrah dec. very uneasy The said Thomas then requested this Deponent to ~~call~~ the said Sharp in again which this Deponent did The said Thomas dec. then told the said Sharp that if he would promise before the persons then present to subscribe his agreement he the said Thomas would sign the deed to which the said Timothy Sharp dec. then agreed

and promised in the presence of Capt. Michajah Edwards, Benj^m William Samuel Scarbrough & this Deponent who were then called on to bear testimony that when the Compl^r came of age that he the said Timothy did oblige himself to reconvey the said Land and premises ^{to the compl^r} granted by the said deed to be signed by the said Thomas Jarrell and on which the said Thomas Jarrell signed the deed and in a few daies afterwards died & further this Deponent saith not.

Sworn to before
Dec 27th 1766
J. Ridley.

Henry Thomas

The Deposition of Michajah Edwards aged forty seven saith that the complainant father Thomas Jarrell did bring very ill this Deponent went to visit him when this Deponent came there he found Capt. Timothy Sharp did Mr Henry Thomas Merge William & Samuel Scarbrough the said Sharp at the same time presented very papers for the said Thomas to sign a Deed then ^{conveying a tract of Land & with formerly the property of Jarrell} produced by the said Timothy, which the said Thomas refused unless the said Timothy would sign some instrument of writing to oblige the said Timothy to comply with his promise made to the said Thomas of reconveying the farm to the compl^r. the said Timothy said he never would sign any instrument of writing but called upon this Deponent and the above mentioned persons as witnesses that he then promised to ~~convey~~ convey the lands mentioned in the said deed to the compl^r. on which ^{agreement} the said Thomas then signed the deed and in a few daies afterwards the said Thomas Jarrell died further this Deponent saith not.

Sworn to before
Dec 27th 1766
J. Ridley.
Agones
James Jones

Michajah Edwards

The Deposition of Benjamin Williams aged forty two years saith that he believ^e he was sent for by some of Thomas Jarrell's Family ~~and~~ when he came Cap Timothy Sharp did was at the said Jarrell and bargaining for the land & with mentioned in the bill the said Jarrell did the said Sharp that it was worth much more than he ~~had~~ the said Sharp was to give which was agreed to by the said Sharp. The said Jarrell then said it was worth five hundred pounds to which the said Sharp ~~agreed~~ but agreed the value thereof to be more than he was to give and then prop^d the said Jarrell to sign a Deed which he the said Sharp had prepared for the conveying the farm which the said Jarrell refused unless the said Sharp would when his grandson the complainant came of age convey the farm to the complainant and give some instrument of writing to oblige him there to the said Sharp refused to sign any instrument but called on this Deponent and Henry Thomas Michajah Edwards, Samuel Scarbrough to bear testimony that he then agreed to convey the lands ~~conveyed by the deed~~ ~~the said Sharp prepared~~ in the bill mentioned to the compl^r when he came of age which were the lands then bargained for by the said Sharp of the said Jarrell on which agreed the said Jarrell signed the deed the farm the said Sharp was to give was three hundred pounds. The said Jarrell in a few daies died & further this Deponent saith not.

Sworn to before
Dec 27th 1766
J. Ridley.

Benj^m Williams

Agones
James Jones

The Deposition of Samuell Scarborough saith That the Year Thomas
Jarch did die he was Overseer for the said Jarch and was sent
for by the said Jarch to come to the house to be a witness of an
agreement between the said Jarch and Timothy Sharp decd
That the said Jarch / this deponent understood / was to convey
his tract of Land and mile mentioned in the bill to the said
Timothy for the sum of three hundred pounds That the said
Sharp was to have a deed prepared and a bond to complete
the said Sharp to ~~convey~~ ^{give} the said land and mile
~~in his will to the complainant~~ when this deponent came
to the house Sharp was there but had omitted bring
the bond which gave Tho: Jarch some uneasiness and
occasioned his refusing to sign the deed The said Jarch told
the said Sharp that Mr Cary would give 500 £ for the land
the said Sharp asked why he did not sell it to him Jarch
answered that he did not design to sell it but intended
to keep it for him for the Compl: and would not sign
the deed unless he would agree to give it to the complt.
accordg to his agreement This Deponent seeing there was but
little probability of their coming to an agreement went out
but soon after returned and then they had agreed and this
Deponent was called to bear witness ^{to the deed which this deponent}
^{has executed} ~~that the said Jarch~~ ~~was to be conveyed to the left~~ ~~of the said~~

~~The agreement was made at the said Sharp's house~~
~~agreement of the said Thomas Jarch the said~~

That after the deed was executed Thomas Jarch desired the said
Sharp to make his will for that when the s: Sharp was taken
sick he was very often out of his senses for some days ^{after} the s:
Jarch died forth this deponent saith not

Sworn to before Dec: 2nd 1766

Teste

James Jones

Samuell Scarborough