1770-008 SOUTHAMPTON COUNTY CHANCERY PAPERS GILLIAM vs. GILLIAM, et al. EDMUNDS 10/1770

other SURNAMES: Stith, Briggs, Bishop, Edmunds.

Gilliam
v
Gilliam &c

Copy left

Aug 67

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 Thomas Gilliam Jun[r] and Nicholas Edmunds to appear before our justices of our said county court in chancery on the second Thursday in August next to answer a bill in chancery exhibited against them by John Gilliam and this they shall in no wise omit under the penalty of £100 each and have then there this writ witness Richd Kello clerk of our said court at the court house the 9th day July in the 16th year of our reign.

Kello

Gilliam
v
Gilliam

Ded
Power

Southampton ſ.

George the third by the grace of God of Great Britain France and Ireland king defender of the faith &c To Danny Stith ~~and~~ Thos. Simmons & Wm Thornton ~~Wm~~ greeting know ye that we trusting to your fidelity and prudent circumspection in diligently examining whatsoever witneſses that are aged & infirm on behalf of Thos Gilliam Wm as on behalf of Mary Jordan Thomas Gilliam & Nicholas Edmunds defendants. Command you or any two or more of you that at ſuch certain days & places as you ſhall appoint you aſſemble yourſelves & the witneſſes aforeſaid before you or any two or more of you you call & cauſe to come & diligently examine on the holy evangelists of almighty God their examinations into the court of our ſaid county without delay you ſhall ſend and certify inclosed returning alſo to us this writ Witneſs Richard Kello clerk of our ſaid court at the courthouſe the ſixteenth day of December in the eighth year of our reign

Kello &

Gelthwaite
~
Gelthwaite

Nov 1769

Comn

Jan 70

Def filed Answ

Sept 1769

Rep Pleas Title

July 69

Comn

July and Def filed Exc

Oct 1769.

Rep & Hom.

Jany 70

Com to Depose

July 1770

Continued

April 70

Depos put. Objs be

hear in

May 70

Com

July 70 And

October 1770 Def

Ill Plff Cost

[illegible] Death of Thomas Gilliam intended the Survey aforesd. and further this

Sworn to this 20 Day of Jan. 1768

before Davy Tuttle
Jno. Simmons
William Thornton

Robert Biggs of full Age being first sworn upon the Holy Evangelists deposeth and saith That some Time in the year one Thousand seven Hundred and Sixty nine or the beginning of this Deponent being in Company with Thomas Gilliam one of the Defendants in this Suit in Search of Land upon Nutbunn River Thomas Gilliam aforesaid told this Deponent that he the said Thomas Gilliam and Timothy Gilliam Father of the Complainant had entered jointly for a Tract of Land upon Coutrie Creek in the County of Brunswick But that since the said Timothy Gilliam Died he had by his last will Devised all the said Entry to Samuel Gilliam [illegible] to attend the Survey of the Complainant

[illegible] to do but was prevented on the [illegible] said Timothy Gilliam and this [illegible] Survey aforesd. stood upon the North [illegible] Brunswick and this Deponent [illegible] said shown the said Timothy Gilliam as aforesaid But this Deponent [illegible] whether the marked Lines aforesaid [illegible] of a Tract of Land sold by the aforesaid Nicholas Edmonds of Brunswick County further saith that he believes [illegible] with the Boundaries of the [illegible] by Thomas Gilliam as aforesaid [illegible] that he appointed to Timothy Gilliam [illegible] Timothy Gilliam sometime after [illegible] to know what was to be done [illegible] should attend the Survey of [illegible]

[illegible] Sickness by the sudden Death of the Deponent further saith that the said [illegible] side of Coutries Branch in the County [illegible] further saith that he this Deponent [illegible] the Land intended to be entered, [illegible] further saith that he is ignorant [illegible] aforesaid is or is not within the Lines [illegible] aforesaid Thomas Gilliam to Col. [illegible] Brunswick County and this Deponent [illegible] part of the aforesaid Entry is [illegible] Tract sold to Col. Nicholas Edmonds [illegible] and further this Deponent saith [illegible] Robert Biggs one of the said [illegible] the Death of the said Timothy Gilliam [illegible] the Entry aforesaid and whether he [illegible] had been before requested to do by

his
Mason M Bishop
mark

[illegible] Suit in
[illegible] between John Gilliam Complainant and Thomas Gilliam
and others Defendants &c

Moses Bridges of full Age being first sworn upon the Holy
Evangelists Deposeth and saith That some Time in the Year one
Thousand seven hundred and Ninety seven meeting with Stanley Gilliam Father
to this Complainant and Thomas Gilliam one of the Defendants
in this Suit and that the said Stanley Gilliam did mark a certain
Beech with the Letters H.G. and that the said Thomas Gilliam
did also mark the said Tree on the same (viz) the North side with
the Letter T and this Deponent further saith that Stanley
Gilliam did inform him this Deponent that he the s.d Stanley
Gilliam did intend to make an Entry for eight Hundred Acres
of Land beginning at the aforesaid Tree and this Depon.t
further saith that the said Stanley Gilliam did desire this Deponent
to go and view an Entry
had made in the Fork of Nehon
to take that in Lieu of the other joint Entry
by the said Stanley Gilliam
for Samuel Gilliam aforesaid
his Brothers, as he looked upon
to be towards the River what was
And further this Deponent
Sworn to this 2d. Day of Jan.y 1796
before
Duncan Stith
Th. Simmons

William Thornton

with the said Stanley Gilliam
and the said Thomas Gilliam would
and if he liked it that he would
and would survey the said joint Entry
that he might have Land as well as
the Rest of the said Sam.l Gilliam
any pay for the said Possession
saith not.

Robert Briggs

Drury Stitt of full age [illegible] first sworn upon
the Holy Evangelist [illegible] saith That Hinchey
[illegible] appears as Complainant
pis make an Entry [illegible] on the west side of
Couches Branch in the Year 1736 for 800
Acres Beginning at a [illegible] Blazed up & down
& Marked HGT. Running [illegible] Head Branch for
Quantity, And Further the Deponant saith That
over Rec.d Entry in the Entry Book the word
Caution is Intered the Signification of which is
that he the said Surveyor was Security for the Right
money as this Deponant always understood
& Further this Deponant saith that to his knowledge
there was no Right money ever paid and that said
Land Surveyed for Thomas Gilliam on Couches Branch
was Surveyed by Order of Council as appears by
Record, & Further this Deponant saith on
Searching his Books [illegible] find any
entry made by the said Thomas Gilliam on
Couches Creek or the Branches thereof
for any Land, And Further this Deponant
saith he Cannot find any Order of Council
in his Office for the said 640 Acres of Land
Surveyed for the s.d Defendant Tho. Gilliam
And further this Deponant saith not

Sworn to this 28 Day Jany 1762

before

Tho. Simmons

William Thornton

D: Stitt

Depositions in a Suit in Chancery Depending in the Court of South-Hampton between John Gilliam Complainant and Thomas Gilliam and others Defendant—

Marion Bishop of full Age being first Sworn upon the holy Evangelists deposeth and saith that some time in the Year one Thousand seven Hundred and Thirty Seven as well as he remembers he this Deponent was in Company with Hinchy Gilliam Father of this Complanant and Thomas Gilliam one of the Defendants in this Suit and that the said Hinchy Gilliam Did mark a forked B with the Letters H·G. and that the said Thomas Gilliam Did also mark the said Tree on the same (Viz) the North side with the Letter T and this Deponent further saith that Hinchy Gilliam Did inform him this Deponent that he the said Hinchy Gilliam did intend to make an Entry for eight Hundred Acres of Land beginning at the marked Tree aforesaid and this Deponent further saith that the said Hinchy Gilliam did desire this Deponant to attend the Survey of the said Entry, which he this Deponant agreed to do but was prevented as he believes by the Sudden Death of the said Hinchy Gilliam and this Deponant further saith that the marked Tree aforesaid stood upon the north side of Coucher Branch in the County of Brunswick and this Deponant further saith that he this Deponant did show the Hinchy Gilliam the Land intended to be entered for as aforesaid but this Deponent further saith that he is ignorant whether the marked Tree aforesaid is or is not within the Lines of a Tract of Land sold by the aforesaid Thomas Gilliam to Colo Nicholas Edmunds of Brunswick County and this Deponant further saith that he believes a part of the aforesaid Entry is within the Boundaries of the Tract sold to Colo Nicholas Edmunds by Thomas Gilliam as aforesaid and further this Deponant saith that he applied to Faithy Gilliam Relict and Executrix of the said Hinchy Gilliam some time after the Death of the said Hinchy Gilliam to know what was to [illegible]

Survey of it as he had been before requested to do by the said Hinchy Gilliam to which she answered that she couldnot tell, well as he remembers and this Deponant saith that no Person after the Death of Hinchy Gilliam Aforesaid ever did apply to him to attend the intended Survey aforesd. and further this Deponant saith not. e

Sworn to this 28 Day of January 1768.
before

Robert Briggs of full Age being first Sworn upon the Holy Evangelists Deposeth and saith that some time in the year one Thousand Seven Hundred and thirty nine as well as he remembers he this Deponent being in Company with Thomas Gilliam one of the Defendants in this Suit in Search of Lands upon Meherin River Thomas Gilliam aforesaid told this Deponant that he the said Thomas Gilliam and Hinchy Gilliam Father of the Complainant had entred jointly for a Tract of Land upon Coucher Creek in the County of Brunswick But that since the said Hinchy Gilliam (then deceased) had by his last will Disposed of the said Entry to Samuel Gilliam Brother to this Complainant the the said Thomas Gilliam would go and view an Entry which the said Hinchy Gilliam had made in the Fork of Meherin and if he liked it that he would take that in Lieu of the other joint Entry Disposed of as aforesaid by the said Hinchy Gilliam and would Survey the said joint Entry for Samuel Gilliam Aforesaid that he might have Land as well as his Brothers, as he look'd upon the Mother of the said Samuel Gilliam to be too weak to know what was necessary for the said Samuels Provison and further this Deponant saith not

Sworn to this 28 Day of Jan. 1768
before

Depositions in a Suit in Chancery Depending in the Court of Southampton between John Gilliam Complainant & Thomas Gilliam & others Defts

Aaron Bishop of full age being first sworn upon the Holy Evangel-
ists Deposeth and saith That some time in the year one thousand
seven hundred and thirty seven as well as remembers Timothy
Gilliam Father of the Complainant did propose to this Deponent
that he this Deponent should attend the Survey of a certain Entry
of Land which he this Timothy Gilliam as he informed this Deponent
had made on the West side of Cowhar Branch in the County of
Brunswick And this Depon.t further saith that the Death of the said
Timothy Gilliam as this Depon.t believes prevented this Deponents
carrying the s.d Proposal into Execution And further this Depon.t
saith not

Aaron [W] Bishop
Mark

Sworn to the 1st Day Jan.y 1760
before Dury Stith & Tho.s Simmons

Robert Briggs of full age being first sworn on the Holy Evangelists
Deposeth and saith That about the year one thousand seven
hundred and [illegible] this Deponent being employed
with Thomas Gilliam Deft in Surveying a Tract of Land for
Timothy Gilliam
Deponent that he the s.d Thomas & this Brother had entered
Land on the West side of Cowhar
Branch in the County of Brunswick that since this Brother
Timothy died Thomas Gilliam the Deft has obtained a Grant
for the whole by which he claimed
the s.d Thomas would go and survey an Entry of Land made by
the s.d Timothy Gilliam in the Fork of Meherrin and in the
Line of the same Entry of Brother which was die-
rected by the said Timothy Gilliam
found as aforesd and also survey this s.d Grant mentioned
Entry for Sam.l Gilliam agreeable to this Father Will as aforesd.
And further this Depon.t saith not.

Robert Briggs

Sworn to this 1 Day of Jan.y 1760.
before Dury Stith
Tho: Simmons