

1783-008

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BULLARD

vs.

STEWART 2/1783

other surnames: Stuard,
Nicolson, Stuart, Bulard

and
art
Papers

1773
June. Cont for
Depos. - July Cont
for Depos.
Sep. Cont
Oct Cont for Depos.
Nov. Cont a
for Depos.
Sep. 1782 Cont
July. 1783. Cont

To the worshipful court of the county of Southampton
sitting in chancery

Humblly complaining Sheweth unto your worships your orator
James Bullard of this county that a certain William Stewart
being seized in fee simple of a tract of land lying on the eady
bank on the North side of the three creeks which said tract of
land your orator inclined to purchase That in consequence
thereof he applied himself to the said William Stewart
for satisfaction as to the quantity of acres and the price
he demanded for the same who thereupon informed your
orator that the said tract of land contained two hundred &
twenty five acres and that his price for the same was
thirty five pounds which your orator agreed to give
admitting the tract contained the above mentioned quantity
of acres Your orator further sheweth that a day was appointed
by the said Stewart and himself to enter into bond for the
consideration money and also for your orators receiving a
conveyance of the said land to him That in pursuance to the above mentioned
appointment they met but the said Stewart not having
the patent of the said land the quantity of acres could
not be ascertained therefore it was agreed between the
parties your orator and the said Stewart that your orator

should give him bond for the thirty five pounds and that the
said Stewart should convey to your orator the fee simple estate
of the said tract of land supposed to contain two hundred
thirty five acres but that should it appear afterwards
when the patent was obtained that the tract should not
contain the above mentioned quantity that then the said
Stewart should abate in proportion out of the sum of
thirty five pounds for which your orator had given his
bond Your orator further sheweth that soon after the
execution of the writings aforesaid he got possession of the
patent of the aforesaid tract of land by which it appears
that ~~the tract of land~~ it contained only two hundred acres of which
your orator informed the said William Stewart and
requested him to make deduction of out of your orator
bond as aforesaid But now so it is may it please
your worship that the said Stewart hath prosecuted his
suit in this worshipful court agt your orator and
recovered a judgment agt ^{him} your orator for the sum of
eleven pounds fourteen shillings eight pence ~~which was~~
^{Oct. last} which was the balance due on your orator bond without
making any deduction on account of the mistake in the
quantity of acres so as aforesaid alleged or without

deducting the sum of seven pounds ten shillings in paper
currency which your orator tendered at the court held for
this county in April last past and ^{at the trial of the case} which was refused
the same not being a legal tender altho your orator
has good reason to believe ~~the sum~~ ^{it} was only ^{requested} to
have your orator and perplex your orator I
tender consideration whereof and for that your orator is
remedied by the strict rules of the common law and
only relieved in this worshipful court where matters
of this sort are relieved against To the end therefore
that the said William Stewart may upon his cor-
poral oath fully true and perfect answer make to
all and singular the allegations of this bill as fully
and particularly as if the same were herein again
repeated and interrogated And that your worship
with decree and order that the sum of nine pounds ten
shillings and eleven pence the proportion of the thirty five pounds
considerable money ~~may~~ for the deficiency of seventy five
acres as aforesaid may be deducted out of the Judg. aforesaid
agt your orator together with just part of the aforesaid
sum of seven pounds ten shillings as will be sufficient to discharge
the balance of the Judg. aforesaid and the cost of the same to

the time of the tender for that your worship will make
first public notice in the premises in that he agrees
to execute & good conscience

May in place your worship
thy

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Thomas & Co. of
London

Wm. Lloyd Garrison

My dear friend
I have just received your letter of the 14th inst. and am
glad to hear from you. I am well and hope these few lines
will find you the same. I have been thinking much of late
of the state of the world and the progress of the
cause. I feel that we are making some progress, but
there is still much to be done. I hope that you are
also thinking of the same things and that we may be
able to do more for the cause together.

I am, dear friend,
Yours truly,
Wm. Lloyd Garrison
March 73

The Answer of William Stuard
defendant to the bill of Complaint
of James Boucard Complainant
For Answer thereto or unto so much thereof as this
defendant is advised is necessary for him to
answer unto he answereth & saith, that at
the time he agreed with the Complainant for the
Sale of his Land this defendant Informed
the Complainant that he was not certain
what Quantity of Acres the Land contained
but believed it to be about ~~1000~~ hundred &
twenty five Acres but that whatever it contained
he this deft would take thirty five pounds for it
which the Complainant agreed to give
this deft believes that the Complainant knew
the Land and its contents better than he
does as he the Compt lived within two Miles
of the Land, the deft at a great distance and
had from his Infancy lived a great distance
from it this deft doth deny he ever agreed
to make any abatement in the Price in
proportion to the Quantity or in any
other Manner than to ~~give~~ ^{see} that Land for
the said Sum of thirty five pounds, all &
any other matter or thing in the bill said
this deft doth deny & therefore prays that
your W^{or}ship will order & decree that
the Injunction obtained by the Complainant
this deft's Action at Law may be dissolved
and that ~~the~~ the Compt may be compelled to
pay to the deft his cost in this Cause & be paid
of &c

March 11th 1773

Sworn to in Court

William Stuard

Stewart
or
Bullard } Det
Isaac Nicholson

Southampton (to wit)

The Deposition of Joshua Nicolson
of full age being first sworn on the Holy Evangelist of
Almighty God in a Suit in Chancery in the Court of the
aforesaid County, between James Bullard *Plt.* & William
Stewart *Def.*

This Depo^{nt} saith (to the best of his knowledge) about
4 or 5 years ago the said Bullard came to his house for
him the *Depo^{nt}* to go with him to write a Deed for ~~the~~
a certain tract or parcel of Land which he the *Depo^{nt}* Bullard
had purchased of the *Depo^{nt}* William Stewart. The *Depo^{nt}* further saith he asked the *Depo^{nt}* Bullard if he or the *Depo^{nt}* Stewart
either of them knew the Quantity of Acres belonging to the
said tract, and he the *Depo^{nt}* Bullard said he knew not, but the
said Stewart had sold the *Depo^{nt}* Land to him for 275 acres.
The *Depo^{nt}* saith he immediately looked in his Sheriff's
Book and found the *Depo^{nt}* Land to be charged only 200, acres
but the said *Depo^{nt}* saith he went to the *Depo^{nt}* Bullard's &
wrote a Deed for the conveyance of the *Depo^{nt}* Land from
the *Depo^{nt}* Stewart to the *Depo^{nt}* Bullard and when he came to
the part of the Deed where it was required for the Quantity
of Acres to be mentioned, he the *Depo^{nt}* asked what *Depo^{nt}* Stewart
he must mention, the *Depo^{nt}* Stewart directed for 275 acres
to be mentioned, the *Depo^{nt}* saith he told him the *Depo^{nt}*
Land was entered on his Sheriff's Book but 200, and
that the *Depo^{nt}* Stewart insisted on it there was 275 acres
and that he knew there was that Quantity, and agreed he
had sold the *Depo^{nt}* Land to the *Depo^{nt}* Bullard for 275 acres
and that the *Depo^{nt}* Stewart directed for it to be mentioned
in the *Depo^{nt}* Deed 275 more or less which was according-
ly done -

The *Depo^{nt}* further saith he was ^{by the *Depo^{nt}* Stewart} desired to write
a Bond from the *Depo^{nt}* Bullard to the *Depo^{nt}* Stewart for the
sum of \$35 ~~man~~ which was done, and when the *Depo^{nt}*
Bullard was asked to sign the same he the *Depo^{nt}* Bullard
refused and said he was well satisfied there was not so
much Land in the *Depo^{nt}* tract as the *Depo^{nt}* Stewart had sold it
to him for, and that the *Depo^{nt}* Stewart insisted very much
on the *Depo^{nt}* Bullard to sign the *Depo^{nt}* Bond, but still the *Depo^{nt}* Bullard
refused, but the *Depo^{nt}* Stewart promised if there was not 275

he would deal generously & nobly with him. The S^d deponent further saith that the said Bullard said there was no reason for him to run such a rescue and proposed if the said Stewart was willing that provided there was only 200 acres he would give his Bond for £30 and if there was 275 acres for the S^d Stewart to accept of a Bond for the S^d £30 but the S^d Stewart refused the S^d Bullard's offer.

The S^d Deponent further saith that he the S^d deponent advised the S^d parties to depend on the Patent for this S^d Land, & the Will of John Davis deceased who was the person which bequeathed this S^d Land to the said Stewart or Davis. The S^d Stewart agreed to the said proposal last mentioned, but insisted on the Bond for £35 to be executed but the said Bullard still refused to execute the same, until the S^d Stewart promised if by the S^d Patent for the S^d Land or by the Bequest in the S^d John Davis's Will it appeared there was not 275 acres of Land that he the said Stewart would make an allowance to the S^d Bullard when the S^d Bond was to be discharged, on which the S^d Bullard consented and gave a Bond to the S^d Stewart for £35. The S^d Stewart refusing to have the agreement entered in the conditions of the S^d Bond & insisted his word might be depended on. The S^d deponent saith he understood the S^d mentioned in the S^d Bond was for the S^d Land and on no other acct. This S^d deponent saith that when the S^d Stewart came down for the consideration sum mentioned in the Bond, the two parties came to his House & that the S^d Bullard produced a Patent for the S^d Land & a copy of the S^d John Davis's Will in each there was but 200 acres mentioned but the said Stewart said he would make no allowance at all for he had got the said Bullard's Bond for £35 and he would make him pay it and after that he might catch him in Virginia if he could and make him

suffer for any thing he the S^d Bullard could make appear against him, the S^d Bullard seems very desirous to have matters settled agreeable to the terms agreed on when the S^d Bond was executed, but the S^d Stewart refused and the S^d Bullard he might go and survey the S^d Land, for he should not make any allowance till he was forced and further this deponent saith not

Southampton the 2nd 1773

Sworn before us

John Nicolson

Richard C. Esq.

Math. Ridley Esq.

In Obedience to this Decimus Potestatum bonus discrios
we have Examined and taken the Deposition of the within
in the S^d Court of the S^d County of Southampton

Stewart
Bullard

he would deal generously & nobly with him. The S^r. depon^t. further saith that the said Bullard said there was no reason for him to run such a risk and proposed if the said Stewart was willing that provided there was only 200 acres he would give his Bond for £30 and if there was 275 acres for the S^r. Stewart to accept of a Bond for the S^r. £30 but the S^r. Stewart refused the S^r. Bullard's offer.

The S^r. depon^t. further saith that he the S^r. depon^t. advised the S^r. parties to depend on the Patent for this S^r. Land, & the Will of John Davis deceased who was the person which bequeathed this S^r. Land to the said Stewart or his heirs. The S^r. Stewart agreed to the said proposal last mentioned, but insisted on the Bond for £35 to be executed but the said Bullard still refused to execute the same, until the S^r. Stewart promised if by the S^r. Patent for the S^r. Land or by the Bequest in the S^r. John Davis's Will it appeared there was not 275 acres of Land that he the said Stewart would make an allowance to the S^r. Bullard when the S^r. Bond was to be discharged, on which the S^r. Bullard consented and gave a Bond to the S^r. Stewart for £35. The S^r. Stewart refusing to have the agreement entered in the conditions of the S^r. Bond & insisted his word might be depended on. The S^r. depon^t. saith he understood the same mentioned in the S^r. Bond was for the S^r. Land and on no other account. This S^r. depon^t. saith that when the S^r. Stewart came down for the consideration sum mentioned in the Bond, the two parties came to his House & that the S^r. Bullard produced a Patent for the S^r. Land & a copy of the S^r. John Davis's Will in each there was but 200 acres mentioned but the said Stewart said he would make no allowance at all for he had got the said Bullard's Bond for £35 and he would make him pay it and after that he might catch him in Virginia if he could and make him

Southampton. George the third by the grace of God of Great Britain France and Ireland King Defender of the Faith &c. To James Ridley and Nath. Ridleys gent^l men knowing that we trusting to your fidelity & providing circumspection in diligently examining whatever witnesses as well on behalf of James Bullard as on behalf of William Stewart. 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 & advise to come & diligently examine on the holy evangelists of Almighty God & their examination into the court of our County of Southampton in Chancery without delay you shall send & certify enclosed returning also to us this writ Witness Richard Kello Clerk of our said Court at the Court house the fourteenth day of October in the thirtieth year of our reign

R. Kello

The Clerk of the Court
of the County of Southampton

he would deal generously & nobly with him. The S^d. deponent further saith that the said Bullard said there was no reason for him to run such a risk and proposed if the said Stewart was willing that provided there was only 200 acres he would give his Bond for £30 and if there was 275 acres for the S^d. Stewart to accept of a Bond for the S^d. £30 but the S^d. Stewart refused the S^d. Bullard's offer.

The S^d. Deponent further saith that he the S^d. deponent advised the S^d. two parties to depend on the Patent for this S^d. Land, & the Will of John Davis dec^d who was the person which bequeathed this S^d. Land to the said Stewart or Bond. The S^d. Stewart agreed to the said proposal last mentioned, but insisted on the Bond for £35 to be executed but the said Bullard still refused to execute the same, until the S^d. Stewart promised if by the S^d. Patent for the S^d. Land or by the Bequest in the S^d. John Davis Will it appeared there was not 275 acres of Land that he the said Stewart would make an allowance to the S^d. Bullard when the S^d. Bond was to be discharged, on which the S^d. Bullard consented and gave a Bond to the S^d. Stewart for £35. The S^d. Stewart refusing to have the agreement entered in the conditions of the S^d. Bond & insisted his word might be depended on. The S^d. deponent saith he understood the same mentioned in the S^d. Bond was for the S^d. Land and on no other acct. This S^d. deponent saith that when the S^d. Stewart came down for the consideration sum mentioned in the Bond, the two parties came to his House & that the S^d. Bullard produced a Patent for the S^d. Land & a copy of the S^d. John Davis Will & in each there was but 200 acres mentioned but the said Stewart said he would make no allowance at all for he had got the said Bullard's Bond for £35 and he would make him pay it and after that he might catch him in Virginia if he could and make him

suffer for any thing he the S^d. Bullard could make appear against him, the S^d. Bullard seemed very desirous to have matters settled agreeable to the terms agreed on when the S^d. Bond was executed, but the S^d. Stewart refused and to the S^d. Bullard he might go and survey the S^d. Land, for he should not make any allowance till he was forced and further this deponent saith not
Southampton the 2nd 1773
Sworn before us

J. Ridley Esq^r

Math^y Ridley Esq^r

In Obedience to this Decimus Potestatum I am directed we have examined and taken the Deposition of the within

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Bullard

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suffer for any thing he the S^r. Bullard could make appear against him, the S^r. Bullard seemed very desirous to have matters settled agreeable to the terms agreed on when

Southampton f. George the third by the grace of God of Great Britain France and Ireland King Defender of the faith &c. To James Ridley and Nath^l. Ridleys gent^l greeting know ye that we trusting to your fidelity & provident circumspection in diligently examining whatever witnesses as well on behalf of James Bullard as on behalf of William Stewart. Com^{mand} 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 examination into the court of our County of Southampton in Chancery without delay you shall send & certify enclosed returning also to us this writ the Witness Richard Kello Clerk of our said Court. at the Court house the fourteenth day of October in the thirtieth year of our reign

R Kello

James of London
reaffirming

Bullard
to Bond
Stewart
Lijun

Know all men by these Presents that We James Bullard
Nathaniel Monell & Henry Appleton have

are held & firmly bound unto William Stewart
in the full & just sum of seventy pounds
current money to be paid to the said William
Stewart his certain attorney or
admonors to whom Payment well & truly to be made
We bind ourselves & each of us our & each of our heirs
executors & admonors jointly & severally firmly by these
present sealed with our seals & dated this 13th
day of December 1770

The Condition of this obligation is such that whereas
~~the above named James Bullard & Nathaniel Monell~~
^{James Bullard & Nathaniel Monell}
hath obtained an injunction to stay the execution on a certain
judgment obtained in the court of the County of Southampton
against the abovementioned William Stewart
Now if the abovementioned James Bullard & Nathaniel Monell
his heirs & shall well & truly pay & satisfy all such sum or
sums of money or tolls & costs which shall be now due and
on the judgment aforesaid & also satisfy & pay unto the said
William Stewart all such ~~costs~~ costs as shall be
awarded against him in case the injunction aforesaid be dis-
solved Then this obligation to be void or else to remain
in full force & Virtue
Sealed & delivered
in Presence of

James Bullard

Nathaniel Monell

Henry Appleton

Know all Men by these presents that We James Bulard
and Nathaniel Morrell both of Southampton County are held
and firmly bound unto William Stewart of Johnson County
North Carolina In the just and full sum of seventy pounds
Current money of Virginia to be paid unto the said William
Stewart his Certain Attorney his heirs Executors Administra-
tors or Assigns: to Which payment Well and Truly to be made
We bind ourselves jointly and severally our joint and several
heirs Executors and Administrators firmly by these presents
sealed With our seals and Dated this twenty fifth of October
1768

The Condition of the above Obligation is such that if the
above bound James Bulard or Nathaniel Morrell Do and shall
Well and Truly pay or cause to be paid unto the said William
Stewart his Certain Attorney his heirs Executors Administrator
or Assigns the just sum of thirty five pounds Current Money
of Virginia on or before the 1st of December 1769 then the
above Obligation to be Void or else to remain in full force and
Virtue

Sealed and Delivered)
In the presents of us

Josh^a Nicolson

his

John Bullock
mark

James Bulard
his

Nathaniel Morrell
mark

Octob^r. 26th 1768 Paid in part of the within bond
 October 27th 1768 Received in part of the within bond
 March 3. 1770 Paid in part of the within bond

Summit

Summit

7th Q^{tr}

1770
 March 3 Pay the Ballance of the within Bond with
 Interest to Capt. James Jones or order
 Test
 James Marshall

Wullock vs Bond
 40
 Stewart
 for £35
 recd of Capt. J. Jones
 1770

35.0.0
23.6.3
11.13.9
1771.38
5 10
2.11
8.9

Stewart
 vs
 Ballard
 Murrell } Bond

Stewart
vs
Dullard & Co

April 70.
In C. Court.
payable to

July 1772.
Const. And
Atta
in answer
for Catta,
the 13. July

Cont
March
and signed
of Rep
& Com.
May
Rep & Com

July 1770
Judgmt
Lajunt
July 71
Cont
Appl
Cont. & Com.
Sept. Cont
for ans
July 1772
Cont.
May Cont
from alla
for ans
July 1772
Cont.
May Cont
from alla
for ans

1. Or James M. Davis

James M. Davis

James M. Davis

Warrant
of
You
They
as
coun
com
are
You
S
the

Warrant
take James
in found
you have
court

in the grace of God of Great Britain
being defender of the faith &c To Messrs
the command of our said
Pittard & Nathaniel Murrell is
within your Bailiwick of them safely keep
their bodies before our Justice of our sa
the court house of our said County on the
April next to answer William the
and Damages
with witness Richard Kells clerk of
d court at the court house the ninth day of March
fourth Year of our reign

R Kells

Bullard
ad. She
Stewart

Will
Coping with

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 to summon
Joshua Nicholson and Nathaniel Munnell

to appear before our Justices of our said County, at the Court-House, on the
second Wednesday in May next.

to testify, and the Truth to say, in Behalf of *William Bullard*
& Nathaniel Munnell

in a certain Matter of Controversy in our said Court, before our said Justices
depending and undetermined, between *William Stewart, M^r &*
the said Will Bullard & Nathaniel Munnell Deft^s

and this *they* shall in no Wise omit, under the Penalty
of each of them *£100* WITNESS *Rich^d Wells*
Clerk of our said Court, at the said Court-House, the *twelfth*
Day of *April* in the *tenth* YEAR of our Reign.

Rich^d Wells

Rolland }
vs. }
Stewart }
Att
for
ans

W. J. Scholten

WJ

George the third by the grace of God of Great Britain
France and Ireland king defender of the faith. To
the Sheriff of Southampton County greeting We Command
You that you attach William Stewart if he be found
within your bailiwick so that you have his body before
our justices of our court of our said county on the second
Thursday in July next to answer us as well of a certain
contempt by the said William Stewart to us offered
as it is said as upon those things which to him then
shall be objected and further to do and receive what
our said court shall in this part consider And
have then then this writ witness Richard Skells
Clerk of our said court at the Court house
as aforesaid the fifteenth day of June in the
twelfth Year of Our reign
For not appearing to answer the
writ of injunction of James Bullard

R. Skells
H. B.

George the third by the grace of God
Britain France and Ireland King Defender of
the Faith &c To the Sheriff of Southampt^{sh} County
greeting We command You that you attach
William Stewart if he be found within Your
Baronies so that you have his body before
Our justices of our court of our said County
on the second Thursday in October next to answer
us as well of a certain contempt by the s^d. William
to us offered as it is said as upon those things
which to him then and then shall be objected
further to do and receive what our s^d. Justice
shall in this part consider And have then
then this writ Witness Our Selfs Clerk of our
said Court at the Courthouse of said the 12th
Day September in the 12th Year of our reign
For not Appearing to Answer
the Bill of injunction of James
Bullard

J. H. H. H.

Bullard & Co
or
Stewart & Co.

Ex^o

W

George the third by the grace of God of Great Britain
King and Ireland king defender of the faith &c
To the Sheriff of Southampton County greeting We
command you that in all singular places in
your bailiwick where to you it shall seem most
expedient you cause it publicly on our part to be
proclaimed that William Stewart under the
penalty of his allegiance upon our justices of
our county Court of Southampton in Chancery
on the second Thursday in December next personally
do appear And notwithstanding the said William
Stewart in the mean time if you can find
you attach so that you have his body before
our justices of our Court of Southampton on the
second Thursday in December next to answer
us as well of a certain Contempt by the said
William to us offered as it is said as upon those
things which to him then & then shall be objected
further to do and receive what our Court
shall in this part consider And have then the
his true witness And D. Kells clerk of our
said Court at the Courthouse aforesaid the 14th
day of November in the 13th year of our reign

D. Kells