

1797-033

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BOUSH vs BLUNT

6/1797

other surnames: Calvert,
Rochell, Briggs, Day

The Hon

Court of Southampton sitting in chambers
showing. Sheweth unto your Wts. your

Benjamin Blunt.

Partnership, as Merchants & Partners: Some of
shown in the said Concern, and other parts of the
according to the several sums advanced, your
was made & put into the said Concern the sum of
Thousand pounds, and was considered as entitled

Mr. Blunt

and was severally entitled in the said Concern according
to the sums so advanced. That the whole & sole
management of the said business was committed to the said
Benjamin Blunt, who was entitled to an adequate
compensation and reward for his services in the said
and important business in which he was engaged, and
having the utmost confidence in the said Benjamin Blunt
presented his making a very early application for his
proportion of the said Trade in trade, and the profits were

the 1797 report showed
it done with us

South
3 June
Pine

NOT DEAR WIFE

thereupon, well knowing, that for the settlement of
of debt due to a person of such magnitude
of time was necessary.

That said was justly entitled to. who to your
great astonishment, said, he had settled your
part of the said account with Christopher Colver,
in order to satisfy charges. that he never gave any order
or writing, or any other direction whatever to have his
money paid to Christopher Colver.

considerable sum of money that was his right, and who
actually has never received or directed the payment
to any other than himself, which wrongs & wrongs
the said Benjamin your orator has just cause
to complain of.

In tender consideration whereof, as
for as much as your orator is without remedy only in
a Court of Equity.

To the end wherefore that the said
Benjamin Planet (who your orator prays may be made

Collection
greatly

advent to this bill of Complaint) may upon his Counsel call
true and perfect answer make to all and singular the
in this bill contained, and that as expressly as if
such

make any payment to your orator; and doth
actually refuse to do so.

And that your worship will please

is worth 10,000: when divided, to wit in May 1780, to give
with such interest as your orator is justly entitled to
all Costs of Suit, and make any other, or further
or decree for your orator Relief in the premises, as the
I am most

May it please

Your humble Servant
Compt

Blount

adv.

} Ans.ⁿ

Bousk

The answer of Benjamin Blount, Defendant, to the bill of complaint exhibited against him by Charles S. Brant, Complainant.

The Defendant, saving to himself every benefit of exception to the Complainant's bill, answers thereto as follows —
It is admitted that such a copartnership existed as the bill states, ^{under the firm of Blount & Company} & that the parties therein were interested in the proportions mentioned by the Complainant, except Matthew Wills, who put in stock to the amount of $\frac{3}{4}$ of a share: but the Defendant believes that the copartnership did not take place until the year 1779 — this however he mentions only from memory, the books and papers of the firm being lost and destroyed so as to preclude him from data in relation to this point. About this time the Defendant & most of the parties met at the house of Christopher Calvert, & entered into a written ^{agreement} upon this subject. At this meeting the Complainant was absent, ^{but} Calvert undertook to act for him, & the Defendant supposes, was authorised to do so. The copartnership was formed but for one year, & was not continued or renewed by any subsequent agreement. In May in the year 1780 Calvert, Buggs, & the Complainant came to the store of the copartnership, & made a partial settlement of the affairs thereof, it not being then possible from the peculiar state of their matters to settle fully. This settlement was made from the books & papers of the firm in the hands of the Defendant, who conducted the business. At this time there was a division of the goods remaining in the store, & of the money & tobacco in hands among the members of the firm as nearly as could then be done, — & thereupon Calvert, including his old account with the firm, received for himself & the Complainant, by the express consent of the Complainant, goods & tobacco to the amount of ~~£3961. 0.~~ ^{£3961. 0.} — which exceeded what they were then intitled to as much as £328. 17. 4. The Complainant did also consent that his part of the goods, tobacco, & money thus received should be carried into Calvert's account with the firm, which was accordingly done, & to a copy of that account the Defendant refers. Upon this settlement no writings or acquittances were given or taken relative thereto, but the written agreement spoken of above was destroyed, & by the respective parties deemed sufficient to periodicise the affairs of the firm in relation to themselves. There were some debts due to the firm, which were not divided, but left in the hands of the Defendant to collect, & sometime afterwards on that account the Defendant paid to Calvert for himself & the Complainant the further sum of £296, which, it was presumed, would nearly satisfy their claims upon these debts, but as there were some suits of the firm then undecided ~~therefore~~ the thing could not be precisely ascertained. However in May in the year 1789, the Defendant, having collected the debts as far as appeared possible, made a full & final statement of the affairs of the firm, ascertaining what each of the parties was

intitled to, - I thereupon finding that there was still a balance of
18/11 specie due to Calvert & the Complainant, sent that sum to
the former by Mr. Samuel Calvert in the month of July or August
following, with a letter informing him that it was the last money
which would come to him from the firm of Blount & Co.
It seems proper to mention that there was a hoghead of rum at
South-quay, which had been purchased for the firm, & was divided
there among the members of the copartnership ^{soon after} ~~about the time of~~
the division of the goods &c. at the Store, - when Calvert received
his own & the Complainant's parts of it. But if the Complainant
had not gotten his part of it in this way, the Defendant conceives
he could not be made accountable to the Complainant, having
never taken into his hands that rum as the Agent of the firm. Of
this rum Wills, Briggs for himself & Rochelle, & this Defendant sold
their parts to Edmund Day, - from whom the Defendant afterwards
collected the money due for the same, & has since regularly
accounted for it. The Defendant believes that the Complainant
never made an application to him for money, - but sometime
in the year 1795 he observed to the Defendant, in the course of
conversation, - 'When I saw you cash, you informed me that there
were some debts due to our old concern. I will thank you to
furnish me with an account of what you have paid to Capt.
Calvert for me as I may be enabled to settle with his Exe-
cutors.' - or in words to the same effect. *The Defendant
has considered for many years that the affairs of the firm of
Blount & Co. were finally & absolutely closed, - & indeed from
the observation of the Complainant just quoted he was justified
in believing that the Complainant himself thought so. If
however any error shall be pointed out by the Complainant
in the closure & final settlement, the Defendant is far from
being unwilling to correct it, - but as the written agreement
between the members of the firm has been destroyed, &
many of the books & papers lost or mislaid, & some of the Copart-
ners have died, the Defendant conceives that great incon-
veniences & perhaps serious injuries might be sustained by go-
ing into the business a-new.

And finally the Defendant, denying so much of
the Complainant's bill as he has not already answered, admitted,
or denied, prays hence to be dismissed with his costs in
this case wrongfully sustained.

Lanhampton County, to wit,

This day Benjamin Blount
made oath before me a Justice of the peace for the County aforesaid
that the foregoing answer is true so far as it is founded on his
own knowledge, & that so far as it is founded on the knowledge
of others ^{or others} evidence he believes it to be true. Given under
my hand this 11th day of February 1796.

Robt. Goodwyn

The Defendant must farther observe, - That on the 12th day of March 1795 he wrote a letter of that date to the Complainant containing a mem^o. shewing what the Complainant was intitled to look to Calvert for as received for him of the Firm of Blount & Co. - but the books, in which were the accounts of the Compt & Calvert, being ~~being~~ mis-laid, that memo. was chiefly made out from an account settled between Rochell, one of the Firm & ~~himself~~ ^{the Defendant} some time before. The Defendant has heard that the Compt should say, that the Debt in that letter acknowledges thirty thousand pounds a share to have been due to the Members of the Firm in paper money, when the affairs of it were closed, - but the ~~Com~~ Defendant avers, that he did never make such an acknowledgement, & that if the Compt has so understood that letter, he has fallen into a mistake - the Debt having, as he believes, expressly mentioned in the letter, that the goods run ~~to~~ on hand & belonging to the Firm, when divided were equal to three hundred pounds in paper money a share. - ~~This will be manifestly proved by the~~ As the settlement between Rochell & the Defendant shews that the shares were £300 - each, & not £30000 it is hereto annexed for the satisfaction of the Compt upon this point, & in order to

corroborate what the Deft now asserts as to his acknow-
ledgments in the letter & memo. The Deft recovered
since the settlement in May 1780 amounted to £2.16.9½
a share.

Boush

vs

Blunt

} Order
to refer

June 1797.

Southampton June Session 1797.

Charles L. Blount

vs

Benjamin Blunt

} In Chancery

By consent of the parties all matters in difference between them in this cause are refer'd to the determination final end and arbitrament of Robert Mabry, William Urquhart and Robert Goodwyn or any two of them whose award is to be made the judgment of this court.

Attest

In: D. Hauptmann D. C.

Blunt

at

C.S. Boush

} Dec.

} potest.

Southampton Lee

The Commonwealth of Virginia to John Simmons & John Wright
Gentlemen Know Ye that trusting to Your fidelity and
provident circumspection in diligently examining Samuel Calvert
& Matthew Calvert witnesses as well on behalf of the Defendant
Blunt defendant as on behalf of Ch^s S. Boush plaintiff
Command You ^{you} ~~thereby~~ call the witnesses aforesaid before You when
& where You appoint and diligently examine them on the holy
evangelists of Almighty God & then examination into our court
of our said county You send and certify incloud also Warning
to us this writ return Thello clerk of our J^d court at the
Chouse this 11th day of Sept^r 1795 & on the 20th Year of
the Commonwealth

Thello S
Cll

Notice for ~~the~~ ^{the} ~~the~~ ^{the}
dispositions

Sir
You will be pleased to take notice that I shall
on the seventeenth day of April next, (being T. Term
court day) at T. Term courthouse between the hours
of eleven o'clock in the forenoon and seven o'clock
in the afternoon proceed to take the depositions
of Matthias Wills & Levy Rochelle touching what
they may know in a suit in Ch. now depend-
ing in the county court of Southampton, be-
tween Charles S. Boush Pl. & Benjamin
Blunt Def. —

Ben. Blunt

To Richard Harbrough Esq.
attorney for Charles
S. Boush —

March 22nd 1797

I do acknowledge the above notice

Test

Robt Waddell

R. Harbrough Atty.
for Plaintiff

405
Froun
or
Blunt } Spa in
Chy.

To May 1795

Executed

L. Arrington J
R

The common wealth of Virginia to the Sheriff of Southampton county
Greeting you are hereby commanded to summon Benjamin
Blunk
to appear before the Justices of our said county court of Southampton
at the courthouse on the second Thursday in May next to answer
a bill in Chancery exhibited against him by Charles S. Baugh

and this he shall in no wise omit, under the penalty of £100
And have then true this writ witness Sam^l Kells Clerk of our s.^d
court at the court house aforesaid this 24th day of March
1795. in the 13th year of our foundation

Shello B
Clerk

Commission for
taking depositions
86

Southampton county Pa.

The commonwealth of Virginia to William Hines & Anthony Person
Gentlemen justices of the peace of Southampton county greeting. Knowye
that we trusting to your fidelity and provident circumspection in diligently
examining whatsoever witnesses as well on behalf of Charles S. Boush
plaintiff as on behalf of Benjamin Blunt defendant. Command you
or any two or more of you that at such time ^{and place} as you shall appoint you
appearable yourselves and the aforesaid witnesses and examine them
diligently on the holy Evangelists of Almighty God and their examina-
tions so taken into the Court of our county of Southampton do you send
without delay returning to us also then and there this writ. Witness
Samuel Hille clerk of our said court at the courthouse the 17th day of
April 1797 in the 21st year of the commonwealth

Jⁿ: D. Haufsmaan D66 SC
C²

The deposition of Matthew Calvert of full age (taken in a
suit in Chancery depending in the Court of Southampton
between Charles S. Boush and Benjamin Blunt) who being
first sworn ~~deposed~~ and faith — that (he this deponent)
many years ago, the particular year he does not recollect,
went in company with Mr. Boush the complainant, and Chris-
topher Calvert this deponent's father to Col.^d Benjamin Blunt
and that he understood the object of their journey was to break
up a store then kept by Col.^d Blunt & which he had heard
Mr. C. S. Boush his father & others were concerned in, that he
well recollects some goods were brought away by them tied
up in a bag, but this deponent being young at that time
was not witness to any settlement between the parties nor
does he recollect any circumstances that occurred that day
except that of measuring some of the goods & strapping them
away — this deponent further says that he does not know whether
the goods brought away were ^{appropriated to the use of Mr. Boush} the property of the concern before
^{or not} mentioned, nor does he recollect any dispute or altercation
between the parties.

Mat^d Calvert

Southampton House September 11th 1795

The above deposition was taken in presence
of Benj^d Blunt & Rich^d Yarborough Counsel
for the complainant & sworn to before us

John Simmons
John Wright

Southampton

September 11th 1795 This day Benjamin Blunt personally appeared before me and made oath that Samuel Calvert Esquire & Matthew Calvert are principle and material witnesses in a suit of Chancery now depending in the court of this county between Charles & Bouch P^{et} & the said Benjamin Blunt D^{ft} and that he is fearful and apprehensive that he may lose the advantage of their testimony.

You are therefore required to issue commissions to two Justices of the Peace for the said county of T^{own} to take the depositions of the said Samuel & Matth - thus Calverts Esquires - Given under my hand, the day above written

Rob^t Mabry

Samuel Calvert of full age being first ^{sworn} in a full depending on
the Court of Southampton between Charles S. Boush & Benj^r. Blunt
deposeth & saith that he received a letter from Col^o. Benj. Blunt
in the month of August 1789 directed to this deponent's father
with a small sum of money (18/11.) which was said to be a
balance due from the concern of Benj^r. Blunt & Co. to Cap^t.
C. Calvert & Mr. Boush parties in the concern aforesaid. — This
deponent further says that he ^{has} found an account stated on his
father's books with Mr. Boush explanatory of the dispositive of
the monies as he conceives arising from the profits made by
the concern of Benj^r. Blunt & Co. a true copy of which he
annexes to this deposition, he also annexes a letter rec^d.
rec^d. by him from Mr. Boush which he believes to be the
hand writing of the S^r. W^m C. S. Boush. This deponent
further says that he ~~has~~ heard his father say ~~that the~~
~~of the proceeds of the concern of Benj^r. Blunt & Co. were~~ on application
made to him ^{this this deponent} by Mr. Boush for a balance due him from
~~the concern~~ that he ~~had~~ killed Mr. Boush's part
of that concern with him

Taken before us at Southampton Towne
in presence of Benj^r. Blunt & by
Consent of Rich^d. Jacobson coeune
for the Complainant the 11th Sept. 1795

John Simmons
John Wright

Sam^l Calvert

Under the inclosed commission, to us directed,
we the subscribers have this day proceeded to take
the deposition of Levy Rockell, who after being sworn
on the holy Evangelist of Almighty God, deposed and
sayeth. That he was well acquainted with the hand
writing of his brother John Rockell dec^d, and that
he verily believes, and is fully satisfied that the
signature to the receipt on the back of an account
between Benjamin Blunt, and the said John
Rockell dec^d. ^{is in the hand writing of J^c Rockell aff^d the.} (which is hereto annexed), said receipt
dated January 7th 1790 and is for the sum of eight
pounds eight shillings & eight pence. And that
a comparison of the said signature with several
writings of the said John dec^d, which is now in
his (this deponent's) possession may now fully
satisfy all whom it may concern

Done before us at J. Ton Levy Rockell
countdown in presence of
this 16th day of April 1797

Wm: Kins
Anthony Benson & Jas. Carr

Matthew Wills being also sworn He sayeth
that the annexed ant. between himself & Benjⁿ
Blunt is a full and satisfactory account ~~for~~
between himself and ~~the~~ said Blunt, on
account of the debts due the firm of Blunt
& which were outstanding at the time
of the settlement & breaking up of said
firm —

Done before us at N. York Matthew Wills
Court House this 16. day
of April 1797 —

Wm. Sims

Anthy Person

J. Charles

Agreeably to the order of Southampton
Court Recording date June 1797
in the presence of the Council of the parties
that have examined into the Bill, answer
& exhibits, of Charles T. Boush against
Benjamin Blunt, in a certain chancery
-ery suit depending in the said Court
between the said parties, and on
of opinion that the allegations in the
Complaints with one groundless. &
that Benjamin Blunt has rightly
paid to the holders of the Concern
of Blunt & Company. that the said
Boush was entitled to upon a settle-
ment, and was also agreed that the
said Boush pay the Cost of this Suit,
given under our hands the 20th June 1797.

Robt. Mabry

Wm. Vagthart

Robt. Goodwyn

Blunt
&
Wills } aut.

D^r. Capt. Matthew Wills To Bery & Blunt. 6[?]

1709 To cash paid at T. Ton	1709	By your part of debts removed, and the con- cern of Blunt & Co. £4.5.2 ¹ / ₄
court - - - - -	2.16.9 ¹ / ₂	
To cash to bal ^r - - - - -	1.0.4 ³ / ₄	
	<u>4.5.2¹/₄</u>	

Per L^o. Bery & Blunt
Matthew Wills

Captain Christopher Colver to Blunt & Co. Dr

1700 st May 21	To 40 yards linen at 12 £	400. 0. 0	1700 st May 21
	8 1/2 doz large buttons at 100s	42. 10. 0	
	6 doz small do. at 60s	10. 0. 0	
	1 bound pattern	150. 0. 0	
	8 3/4 yards linen at 25 £	210. 15. 0	
	15 3/8 yards do. at 12 £	109. 0. 0	
	9 Quire Paper at 120s	54. 0. 0	
	15 Quire do. at 100s	75. 0. 0	
	36 1/2 doz Needles	44. 2. 0	
	10 ^{lb} Thread at 9 £	90. 0. 0	
	8 1/2 yards silk at 15 £	127. 0. 0	
	15 1/2 yards Linen at £ 13. 10. 0	209. 5. 0	
	9 hanks Mohair at	2. 4. 0	
	1 ^{lb} Wire	7. 10. 0	
	2 packs of Cards at 30s	3. 0. 0	
	5 hanks of silk at 30s	7. 10. 0	
	6 ^{lb} Steel at 57s	17. 2. 0	
	4 3/4 ^{lb} Copperas at 36s	8. 2. 0	
	and as pt. old account	25. 5. 0	
	3590 ^{lb} Tobacco at 60 £	2150. 16. 0	
	To 3 quarts of Rum at South Quay	24. 15. 0	
	1 Rum Hoghead	9. 10. 0	
		<u>3961. 6. 0</u>	

To balance due the concern as
pt. contra } 320. 17. 4

Contra 6th

By cash	5. 14. 0
By yours and Capt. Bouch's part of good V ^o sold and cash rec ^d by concern of Blunt & Co.	3626. 14. 0
Balance due the concern	320. 17. 4
	<u>3961. 6. 0</u>

Balance brought forward £ 320.17.4
 To cash at your house 296.0.0
624 17.4

1709
 May

By your and Capt. Boush's part
 of debts received since our settle-
 -ment that was then due the } 11. 7. 2
 concern of Blund & Co. . . .

Ans. Esq. Ben. Blunt

1709 May £624.17.4 paper money received
 by sale of appropriation of sixty }
 for one 10.0.3
 To extra trouble in collecting debts }
 & Co due the concern 10.11
£ 11. 7. 2

Mem^o. The charge for extra trouble in collecting debts & Co not being fully agreed to, by Capt. Calvert the mo-
 -ney that is 10/11 was sent to him by Mr. Saml. Calvert

Calvert & Boush
 to
 Saml. Blunt & Co.
 rec^d

1780 Dr. Mr. Charley Boush

1790 with Christo Calvert

Cap

February 12	To 380 lb. pork	184	8	0
	To salt for ditto	15	"	"
	To 7000 Brick @ £30	224	"	"
	To your part of blocks for ship	34	"	"
	To balance of Tho. Claiborne's acct	59	11	7
	To ditto Arthur Boush	10	17	"
	To sundries bought at W. Blunt's store	639	9	"
	To Cash Rec. my part of Mother's Estate	450	"	"
	To balance of my Brick kiln	300	"	"

October 5	To Cash to balance	1917	5	7
		178	1	9
		£ 2095	7	4

Febry 12	By Cash	270	"	"
	By ditto paid John Hart	12	"	"
	By Cash Rec. from Col. W. Blunt	1813	7	4

£ 2095 7 4

The above acct is a true copy taken from the books of acct^y of Christopher Calvert dec^d
 Sam^l Calvert adm^r

I enclose Certificates that the within Letter (from Ben. Blunt to
Cap. Christopher Calvert) was delivered to me, with the
within mentioned sum of money, viz 18/11 in the life time
of the said Christopher Calvert, to be delivered & paid to him

Ben. Blunt

1789

Sanctiwert
1789

Christopher Calvert

S. Mon July 25th 1787

Dear

On a settlement and
adjustment of the accounts of
the firm Blend & Co find a
balance of eighteen shillings
and eleven pence due to you
and Captain Boucher, which
I send by Mr. Colvint

I believe that this settlement
may be looked upon as final
altho' this is a small sum
due from a Mr. Knader of
Mecklenburg, for which I have
a judgment, but understand
he is poor and indigent; If ever I
get it I will be careful to for-
ward to you your & Captain
Boucher's proportion - I am

in your Obedt^{serv}

Ben. Blend

Capt. Boucher's account
done & paid

January 7th 1790 Dec^d of George Blunt
eight pounds eight shillings & eight pence
in full of the within Dec^t

J^{no} Rochelle

Blunt
to
Rochelle } Dec^t

Edmund formerly

Dr. Mr. John. Rockwell To Benj. Blunt . . . Dr.

1709

May To ba. a . . .
as per contra \$ 0.14.0

1709
Dec.

By your part of turn to
belonging to partner
ship of Blunt 986.⁰
300 £ Paper . . . } 3.0.0

1709
May

By your part of debt
owed that were due
the concern . . . } 2.16.9

By ba.^{te} due for work
done for the County
in the year 1704 - 2.17.10

£ 0.14.0

NOT DEMANDABLE

7/18/92

Benj. Blunt

Mr. Samuel Catcott, -
Fao to Mr.
Yareborough, Southampton County.

I hereby certify, that I received this letter (sign'd) Char.
Boush, which I believe to be his hand writing.
Sam. Galvest

Dr Sir

Lambert's Point Janry 5th 1795.

I shall esteem it a favour if you will
send to Mr. Charles Hawkeye in Suffolk
by the first opportunity as much good hogs
land as will come too £2:7:10. - it being the
sum I paid Saml. Portlock for yours &
your father's land Tac near & in the Borough
of Norfolk for the years of 1783 & 1784. - If his
receipt I delivered to you. If you recollect
you promised to pay me at the time it
was delivered to you - you may also send the
amt. of the money in hand, that Col. Benjⁿ
Blunt paid you on my acct. exclusive of
the barrel of Rum - I am willing to allow
you the highest price you can get for hogs.
turn over

Lard in Suffolk - I am disappointed in
York that was promised me by two men
that I thought I could depend on -

Your compliance with this request will
much oblige your affectionate uncle -

Cha: S. Boush -

My love to all your family
& if Col: B. Blunt gives
you a statement of the balance
due me from him please to
send it by Mr. R. Garrettsburgh -

C. S. B

Charles Boush Esq.
Norfolk

~~Lefton~~
~~Fisker~~ Car. is blunt dim'd def^u sects. by pl^lff att^o

203 / 1000 104 / 99

Southampton Ma: 12th 1795

Sir

I have not been able to find the book
in which Capt. Calvert and your accounts
are supposed to be stated, however in my
search have collected other accounts by
which I make the following memoran-
dum, and believe you may justly charge
Calvert for the amount incurred for you

(Viz) Dry goods, Rum &c. on hand when
divided to amount of £300,0,0
1700
May 15th paper currency p^r share
Debts recovered since the division
to amount of £2.16.9¹/₂ specie,
p^r share

If I am ever fortunate enough to
recover the lost or mislaid book, I will
send you a copy of the accounts as then
stated

I am Sir your Obedt^l

Ben. Bland