

1802-014

SOUTHAMPTON COUNTY  
CHANCERY PAPERS

GURLEY vs PORTER

6/1802

Other SURNAMES: HARRISON,  
LITTLE, POTER, HARRIS

Gentry }  
no } Bill  
Porter }

Filed Sept. 1801

437 To the justices of Southampton county  
694 An Chancery setting

George Gurney complaining appears  
to the court that some time in  
the year 1794 whilst he acted  
as sheriff of this county two  
executions came to his hands on  
the hands of <sup>one</sup> his deputation, one  
in the name of Thomas Poles agst  
of now Little agst Wm Harris &  
the other ~~William Little agst~~  
William Harris agst William  
Little for the benefit of Thomas  
Poles these <sup>as I have been informed</sup> ~~executions~~ were returned  
in due time ~~for~~ which will appear by  
the records of the court to which  
your complaint bears reference  
may be had. But now as it  
may it please the court the  
said Poles intending to injure  
your complaint has fraudulently

obtained a judgment agst  
your Comptrol for the fine  
for not returning the exons  
above mentioned & has ~~found~~  
Laid out exon agst your  
Comptrol. All which actions  
& doings are contrary to  
equity & good conscience  
and as your Comptrol  
is now releivable in a  
court of equity your Comptrol  
prays that the sd Porter may  
be made deft to this bill  
that be true answer to this  
bill & that the court  
injoin the sd Porter & all  
others concerned from further  
proceedings till this <sup>injunction</sup> is heard  
in equity & then make

the same perpetual  
this doings for the  
Commonwealth; writ of  
Subpoena &c.

Geo: Gurley

August 18th/201 this day George Gurley  
made oath before me, a justice  
of the peace, that the state-  
ment was true given under my  
hand & seal the day & year  
above —

Geo: Gurley J. P.

Porter }  
ad. } Answer  
Gerray }

The answer of Thomas Porter to the bill  
of complaint exhibited against him by  
George Gurley late sheriff

This defendant saving & reserving to him-  
self every benefit of exception to the errors  
& insufficiencies in the said bill contain-  
ed in answer to so much thereof as he  
is advised is material he answering  
saith, That he is ignorant of the manner  
& form of transacting business of this nature  
but is induced to conclude, that this court  
would never have imposed a fine on  
any one of its officers without complete  
evidence that he had incurred such  
fine under the law; that ~~any~~ further  
reference to the record in this court would  
preclude the power <sup>of jurisdiction</sup> of a court of law who  
alone have the power to alter, to amend,  
& to complete their <sup>own</sup> records he therefore con-  
cludes that the court who fined the sheriff

did so upon ten days previous notice being  
proved to be given, by the person praying such  
fine to be imposed, at which time, if ever  
the complainant ought to have appeared  
& have shewn the record if it had been  
perfect & if it has not been perfect he would  
of course have been fined by the court ac-  
cording to law. This defendant prays to be  
hence dismissed with his costs &c

I Wisher for  
Sept

Sep 21. the 21<sup>st</sup> 1801 This day Thomas Potter  
personally appeared before me & made oath that  
the allegations contained in the within answer  
are true as far as they relate to his own  
knowledge & as far as they relate to the know-  
ledge of others he believes them to be true

John Wignall

For the  
Deputy  
Shower

Southampton County-

I hereby certify that Henry Harrison came before me  
this 21<sup>st</sup> day of June 1802 & made oath- that at the time Joseph Fort  
acted as Deputy Sheriff under George Gurly. he the s<sup>d</sup> Fort had an execution  
in his hands - of Thomas Porter vs - William Little. that he lived upon a  
Negro fellow <sup>of some other property</sup> of the s<sup>d</sup> Little - which negro was sold - & that the s<sup>d</sup> Porter  
never received any part of the amount of the s<sup>d</sup> Negro - & that he sold  
for a sum more than would have satisfied the Execution of Porter

Joseph Blum

Garley }  
no }  
Porter } Inq. & Rem.

Aug 1801  
B. G. G. G.  
Sep. 1801. ansica  
filed —

Know all men by these presents that we George Gurley Sr  
and George Gurley Jr are held & firmly bound unto  
Thomas Porter in the sum

of twenty one pounds in current money of Virginia  
to which payment well and truly to be made to the  
said Thomas Porter his heirs executors  
Assigns, we bind ourselves and each of us our and each  
of our heirs, executors & assigns jointly & severally firmly  
by these presents sealed with our seals and dated this  
18th day of August 1801 & in the 15th year of  
the commonwealth

The condition of this obligation is such that  
whereas the aforesaid Thomas Porter  
hath obtained a judgment at common law against the  
above bound George Gurley Sen for eight pounds  
Three Shillings with Int and cost and the said George  
Gurley Sen having obtained an injunction to stay the judg-  
ment untill the matter in equity upon a bill for  
that purpose filed can be tried if therefore the  
said Geo: Gurley Sen shall satisfy and pay  
the said judgment at common law & all cost &  
damages that shall be awarded to said Thomas  
Porter in case the said injunction  
shall be dissolved then the above obligation to be  
void or else to remain in full force & Virtue

Seals & delivered  
in presence of }  
John Gurley }

Geo: Gurley Seal  
Geo Gurley Jr Seal