

1804-008

SOUTHAMPTON COUNTY
CHANCERY PAPERS

TAYLOR'S HEIRS

vs.

BROWNE'S EXECUTORS 8/1804

other surnames: Blow, Blake,
Hall, Falcon, Browne, Cloud

To the honorable Justice of Southampton County
court in Chancery sitting - Humbly shew
your Complts.

& Peter Blow & Charlotte his wife, that a certain
Mrs Temperance Taylor late of Ston Co. being
possessed in her own right of a valuable property
in slaves & other personal things departed this
life on or about the day of 1799
intestate - That her son John Taylor jr was
appointed adm^r on her estate by the Court
as by the records will appear who is since
dead and there is now no legal representative
of the Estate Taylor - That on the 4th
day of June 1790, Mrs Temple and a certain
Wm Brown of Surry Co. made a contract &
exchange of negroes, a memo; whereof was

signed by the S^r Temple & delivered to the W^m
which was in the words, or substance following
to wit "Reced from Wm Brown, nine pounds
in part of swap money of negroes, Betty, her son
Sam, Peter, & Becky - for Cherry & Lou Bob, and
Betty's son James, the S^r Brown giving me
hundred dollars to boot

Temple Taylor"

June 4. '96

" June 9th 1797. Reced the above balance of
seventy dollars

(a copy,
witness E. G. Blake)

John Taylor Jr
admr of T Taylor"

Your Complaints therefore state
that ~~as~~ ^{altho} this bargain was carried thus into effect
both by the delivery of the S^r negroes reciprocally
and the consideration money being paid, yet
as one of these slaves which Brown had exchanged
was of tender years viz James the son of Betty
he was suffered to return & remain in his possession

as not being at that time of much profit, or
utility to the S^r Temple, and withal to indulge
the mother of the boy and satisfy the humanity
of the S^r Brown — Not long after the
above Transaction the S^r Temple died, and since
then the S^r William also who appointed
Nicholas Faulconer &
executor to his last will & testament — You Complaints
further shew that the aff^e exchange was a
matter of such notoriety so well known &
understood that in a distributive arrangement
of the S^r Temple's estate, made by Com^{rs} in
conformity to a decree & order of the s^r Co Court
the S^r boy James became the property of Charlotte
Taylor grandchild of the S^r Temple, and by virtue
of her intermarriage with your Complaints Peter
Blow is properly now his right & property —
That under these circumstances he hath applied
to N. Faulconer ex^r & executor as aff^e to deliver the S^r
slave agreeably to the above allotment, but he

hath refused the same, preferring a submission of
the right to a Court of equity - In consideration
whereof & forasmuch as y^r Compts are reliable
here, and to the end that the P^r Faulcon &

executors may be made Defrs hereto don oath
answer the allegations of this bill fully. - Particularly
is there not, or has there not been such an instrument
or memo; seen, or found by the Defrs or either of them
among the papers of their testator? Is ^{there} not a boy by the
name of James the son of Betty in the Defrs possession
as executors? - That this Court will decree & order that
the Defrs deliver the P^r Slave, and also pay y^r Compts
P^r Blow & wife the sum of _____ dollars & y^c from
the day of _____ 1799 since the boy was of use
to this P^r Brown's estate, or make such further decree
as shall be just & equitable? May it please the Court
the Comrs & P^r to grant decree to the Defrs &c

By
J^y Will for
the Compts.

Brown's ^{HP} reports

ads $\frac{2}{3}$ Ans. $\frac{1}{3}$

Taylor's admor Folkes

Sampton Court.

The joint & several answer of Nicholas Faulcon & Edward Faulcon surviving executors of the testament and last will of William Browne, late of Four-mile-tree in the County of Surrey, decd, to the Bill of complaint exhibited against them in the County Court of Southampton, by Joshua Glend a minor &c of Henry Taylor decd, Ellis G. Blake & Polly, his wife, & others

These defendants saving to themselves all benefit of exception to the errors &c in the complainants said bill of complaint contained, for answer thereto, say. That they have found among the papers of their testator a receipt in the words following, to wit, "Received of Mr Wm Browne the sum of nine pounds in part of a swap of negroes; Betty, her son Sam, Peter & Beck; for Cherry, her son Rob, & Betty's son Jimmy, the said Browne giving me £30.0.0 to boot." (Signed) "D. Temperance Taylor" "June the 4th 1796"

In which receipt are subjoined the following memoranda -
"Balance due £25.0.0"

"June the 9th 1797 Received the above sum of £25.0 in full" (Signed) "H. Taylor joint admr of"

"Test" "Ellis Gray Blake" "D. Temperance Taylor decd."

That among the negroes at Four-mile-tree, of which the D. Wm Browne did possess, was a boy by the name of Jimmy, who these defendants have understood as the son of Betty (commonly called Betty Taylor) which said boy is now in the possession of Nicholas Faulcon as executor aforesaid. These defendants beg leave to state that they have been informed, that at the time the exchange of negroes, spoken of by the complainants, ~~transacted~~ took place, their testator was in the actual possession of, & as they conceive had a complete and absolute title to, all the negroes mentioned in the above receipt, as well those which it is stated he was to receive from Mrs Taylor, as those which he was to give her in lieu of them, he having acquired a right to the said Betty & Cherry in virtue of his intermarriage with Elizabeth Taylor, who was a daughter of Ethelred Taylor & the D. Temperance, of which two negroes, Betty & Cherry, the others mentioned in the receipt were the issue. They further state that they have understood their testator had promised his wife that upon her death he would give the said negro woman Betty to her mother, the D. Temperance Taylor. But that, after that went had happened, being unwilling to

part with Betty he was induced to make the exchange above-mentioned. Under these circumstances the defendants did not think themselves justifiable in delivering the said boy Jimmy to the complainants without being authorized so to do by the decision of some competent & proper tribunal. The defendants beg leave likewise to represent to your worships that at the death of the said Mr. Browne, which happened in November 1799, & for some time afterwards the said boy was so small as to be employed as a nurse to his mother's children. They therefore trust that if the Court should decide that the complainants are entitled to him, that they will not decree the defendants to make any compensation for his services; the expenses of clothing & feeding him from the time of the exchange of the property aforesaid being vastly more than equal to any benefits which, either the testator in his life-time, or his estate since, has derived from him.

These defendants beg to leave dismissed with their costs &c. without that, that &c.

N^o 1 Faulcon
Edward Faulcon

Surrey County, to wit,

Nicholas Faulcon & Edward Faulcon made oath before me this 18th day of February 1803 that the above answer, so far as it relates to their knowledge, was true - & as far as it relates to the knowledge of others they believed it to be true -

B. Browne J. P.

Louthampton November court 1802

Joshua Clau and ad. of Henry Taylor Ellis G. Blake
and Polly his wife Wm. Hall in the rite of his wife
Patsy dec. Peter Blow and Eliza his wife formerly
Taylor Wm Taylor, Nancy Taylor, Lizza Taylor
Hannah Taylor & Henry Taylor Coheirs of Temperance
Taylor dec. Comptts

Against

Nicholas Faulcon & Edward Faulcon Surv.
executors of William Browne dec. Defts

On the motion of the comptts by their
attorney it is decreed and ordered that their bill be
taken for confessed unless the defendants appear and
plead in or before February next and that they be
served with a copy of this order

Sam. Kelly &

In Chancery

Southampton County ss.

Benjamin Blunt J^r personally appeared before me a Justice of the peace for the Co. aforesaid, and made oath, that on the 23^d day of November last, he delivered a copy of the within to Nicholas Taulson upon of Wm Browne deced^t: Given under my hand this 21st March 1803. -

Sam Blunt J^r

Taylor & Co. and
others } Copy
Against } Dece
Browns } Taulson
November 1802

Sampton June Court 1803.

Joshua Claus admr. of Henry Taylor, Ellis G Blake of Polly
his wife, Wm Hall in right of his wife Patsy, Peter Blount
& Eliza his wife (formerly Taylor) Wm Taylor, Nancy Taylor,
Eliza Taylor, Hannah Taylor, & Henry Taylor; coheirs of
Dempster Taylor Dec^d compl^t

vs
Nicholas Faulcon & Edm^d Faulcon surviving Ex^{rs} of
William Brown Dec^d Deft.

In Chancery

This cause was this day heard on the bill and
answer exhibits and arguments of Counsel on either side,
in consideration whereof it is decreed, and ordered that
the plaintiffs recover of the defendants the Negro boy James
mentioned in the bill; and that the said plaintiffs recover
of the defendants the hire of the Negro boy for three years
last past. And it is ordered that the Master Commissioner
ascertain the amount thereof and make report to the Court,
in order to a final Decree.

In conformity to the above decree and order
of the Court of Southampton, the Commissioner J. Fort
for the purpose of ascertaining for the three last years
past, the hire of James, the boy mentioned in the
 foregoing order, hath viewed him, and estimated his
value; for the first year \$12 for the 2^d \$15, and for
the third \$18 making forty-five Dollars for the three
years; believing him to be about fourteen years of age.

Which estimate is most respectfully submitted to
your worships consideration — in order to making
a final Decree. —

J. Fort M.C.


The commissioners charge for estimating the
value of the Boys hire; and for report
two hours service @ 3/9 — \$1.25

J. Fort M.C.

Southampton Oct. Court 1803.

Isiah Claud adm^r of Henry Taylor Ellis G Blake & Polly his
wife, W^m Hall in right of his wife, W^m Taylor & Nancy Taylor
Ely Taylor, Hannah Taylor, & Henry Taylor children of
John Taylor - Claim & representatives of Temperance Taylor
vs. Complainants

Against

Nicholas Faulcon & Edw. Faulcon
surviving ex^{rs} of W^m Brown Dec^d Sep^r

In Chancery

The Defendants having filed exceptions to the report of
the Master commissioner, it is ordered that the same be
recommitted to this examination, and that the complai-
nants give the defendants twenty days notice of the
time and place of ascertaining the hire of the boy
mentioned in the Decree, and make report thereof to
this Court, in order to a final Decree. -

Obedient to the foregoing order of Court the Master
Commissioner (for the compl^{ts}) has given notice to the
Defendants in this case, of the time and place of
estimating the said boys hire for the three last years, as will
appear by the Defendants acknowledgment on the inclosed
notification; and caused the boys attendance conformably
to the notice; and on reconsideration of the subject
find no cause to depart from the former report -
wherein it is stated at forty five Dollars, as the value
of the said boys hire. Which is again most respectfully
submitted to the consideration of the Court: -

Grasdon 16th Apr. 1804 -

J. Fort M.C.

Second report in this case over Low 8th 62nd
notice to defendants & one half Low 31st
8th 93rd

Paulson & Co

Bill

Paulson

Paulson & Co

Aug 1864

Deere fund

Paulson & Co

Deere fund

Bill

Paulson & Co

where Clauid adm. of Henry Taylor
Blake and Polly his wife, Wm Hall
1811

Nicholas Faulcon & Edward Faulcon
Surviving executors of William Brown
Defts.

The Defendants except to the annexed
Master Commissioner Fort for the following

- 1st Because the said report is ex parte, the defendants having never had due notice of the time and place of making the said report.
- 2^d Because your excellents humbly conceive your worships could never have been fully apprised of the circumstances attending this cause, or your worships could never have decreed your excellents as executors of William Brown deceased, to have paid a negro, which was to all intents and purposes the exclusive property of the said William Brown, in compliance with the dying request of the said William Brown, who gave the negro boy in question with some others to the said Temperance Taylor. Your excellents do hereby leave to represent to your worships, that at the time of the exchange of negroes in the complainants mentioned, the said boy James was an infant under years and too young to be separated from his mother, and on that account he was suffered to remain in the family of the said William Brown until the death of the said William Brown, after which your excellents did not think themselves authorized

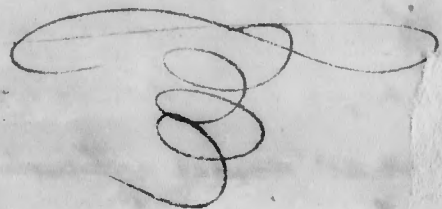
leaving him up with out the sanction of
Court of Equity—

And reasons, which your excellents humbly
trust should induce your worships to reject the
report is that, the said William Brown was
the trouble and expence of cloathing and supporting
a sick boy during his infancy, and in your excellents
opinion that at least should counterbalance any claim
the complainants could have for hire.

The foregoing reasons are humbly
submitted to your worships mature consideration by your
excellents—

Nicholas Faulcon

Edward Faulcon



Taylor, Blount,

to

Spa
in

Brownes, ag^o

Ch. 9.

To June 1801

50 Cents Tay p^o

March 16 H. E. 7
to N. Hamilton

Brownes M. H.

The Commonwealth of Virginia to the Sheriff of Southampton
County greeting You are hereby commanded to summon
Nicholas Paulson Esq. Paulson & Wm. Ruffin executors of
William Browne dec'd to ~~answer a bill~~ appear before the
justices of our county court of Southampton at the Court-
house of the S. county on the third Monday in June
next to answer a bill in chancery exhibited against them
by Henry Taylor, Ellis G. Blake & Polly his wife Wm. Hall in
right of Patsy his wife ^{the Widow of} Elizabeth Blaw ^{formerly} Taylor - Wm.
Taylor, Nancy Taylor, Lizzy Taylor, Hannah Taylor & Henry
Taylor who are heirs of Temperance Taylor dec'd & this
they shall in no wise omit under the penalty of £100 each
having then these words witness. I Kello clerk of our S. court
at the Chocoe the 16 day of March 1801 & in the 25th year
of the Commonwealth.

Jam Kello) 85C
(C)

(for the benefit of Peter Blaw & Lizzy his wife.)

Blow & Co
vs
Bronner & Co } Spec

(to Surry)

Executed on
Wm Ruffin. Copy left
for Edward Faulcon.

Arch. Lewis D. S. P.
for
James Lee D. S. P.

✓

The Commonwealth of Virginia to the sheriff of Sevier county

You are hereby commanded to summon Wm Ruffin & Esq. Faulcon
~~to appear~~ before executors of William Browne ^{at the House of} to appear before
the justices of our S. county court of Southampton on the third monday
in September next to answer a bill in chancery exhibited against
Nicholas Faulcon & themselves as exors of Wm Browne by Joshua Claud
adm. &c of Henry Taylor decd Ellis G. Blake & Polly his wife William
Hall in right of Patsy his wife Peter Blow & Elizabeth his wife
(formerly Taylor) William, Nancy, Lizzy Hannah & Henry Taylor
children &c of John Taylor - coheirs & representatives of Temperance
Taylor decd ~~as executors~~ & this they shall in no wise
omit under the penalty of £100 each I have then then this writ
witness Myello clerk of our said court ^{at the} at the House the 22^d
day of August 1801 & 26th Year of the Commonwealth.

Lam Wello Esq
10

For benefit Peter Blow & Eliz. his wife

Surry Court - House March 28th 1804

Mr. Benja. Blunt has this day
delivered me a correct copy of the
within notice - A ^{to} Sackler

Nicholas Faulcon Esq
Surry -

W Nicholas Paulson

Sir

You will take
notice that ~~on~~ Monday 10th day of
April next is appointed between the hours
of ten A.M. and four P.M. at this place
for making a review of Eames a Negro
Boy recovered by Peter Blow, and others
from you as Executor of Wm Browne ^{in the County Court of San Antonio} ~~dec.~~ for
the purpose of estimating the said Boy's
value during the three last years past
agreeable to order of Court directing the
Mr. Commissioner to report to the said
Court ^{what} ~~the~~ amount of the said Boy him
ought to be for those years.

Yours etc
Jerusalem 20 Feb 1804

Copy