

1807-012

SOUTHAMPTON COUNTY
CHANCERY PAPERS

CRICHLLOW

VS. NEAL

12 | 1807

other surnames: Black

Cucklow Inpt
as } Bill
Neac }

July 1807 Inpt granted

Bill filed & rule &

Aug. rule to answer

4th Octo, Oct. Octo

Dec 1807

Inpt perpetuated

To the worshipful Court of Southampton County in Chancery
sitting. Humbly complaining sheweth unto your
worships your orator James Cucklow. That a certain James
Neal of the State of North Carolina instituted ~~an~~ suit in
a bond executed by your orator to the said Neal
on the Common law side of this worshipful Court
and has recovered a judgment against your orator
for the sum of dollars and now threatens your
orator with an execution. Your orator states that
though it was not in his power to establish payment
at the trial at Common Law, as well because his
witnesses were at so great a distance that they
~~could not~~ be persuaded to attend the trial, as
because it came within a measure within the
knowledge of Neal alone, he has actually
paid the same. For the said Neal either
deposited the claim for collection or transferred
it to a certain William Black who presented it
to your orator for payment some time in the
month of April 1882 but not being in a
situation at that time to pay the money
to Black, he took a statement of the principal
sum due and the interest accruing thereon
with a promise to Black that he would
pay it in a short time. soon after he
received a second application from Black

your orator immediately paid the amount
of the claim by the statement which he
had taken; ^{he then asked Black for the note} Black observed that by
mistake he has left the note behind and
that he would place in his hands as
security for the delivery of your orators
note to ~~Neale~~ a bond on some person in
Portsmouth as security for the same. Your
orator took the same and kept it until
he was well informed that the person
on whom the claim was, was not worth
a groat. He then introduced the same to
a Mr Miller with a request to ~~take it~~
deliver it up to Black and take in his
note. But so it is the defendant Neale
intending to defraud and oppress your
orator still pretends to say that the said
money has not been paid. In tender consider-
ation whereof and in as much as your orator
is remediless in the premises except through
the intervention of this worshipping court
your orator prays that the said Neale may
be made a defendant hereto and that
he may be compelled in his corporal

oath to make a true and perfect answer to the
foregoing allegations as if the same were
here again repeated and he thereto particularly
interrogated. and more especially that he
'sit forth' and say whether he did not place
the said claim in the hands of Black
for collection or whether he did not transfer
the same to him and whether it has not
been fully paid and satisfied by your
orator. And your orator prays that the said
Neale and all others concerned may be enjoined
from further proceedings on said judgment
and execution and that your worship
will grant the Commonwealth writ of
injunction commanding &c and your
orator will ever pray &c *Forget* per

This day James Cahlow personally appeared before
me a justice of the peace and made oath to
the truth of the allegations contained in the
foregoing Bill

July 21st 1886.

James Cahlow J.P.

Cricklan
to } In Bond,
Neal }

Know all men by these presents that we James Cricklaw and
Sam Kello are held and firmly bound unto James Neal in
the sum of One hundred dollars to which payment well and truly
to be made we bind ourselves and each of us our and each of our
heirs ex^{ta} jointly and severally firmly by these presents sealed
with our seals and dated this 13 day of July 1800

The condition of this obligation is such that whereas the s^d
James Neal hath obtained a judgment at common law ag^t the
above bound James Cricklaw for the sum of thirty eight dolls
with int^{er} at 6 p^{er} cent from 10 April 1800 till paid and costs
which are 8 dolls & 63 cts with the following credits ten dolls
paid the 8 Oct^r 1800 and whereas the s^d James Cricklaw hath
obtained an injunction to stay the proceedings on the said
judg^t & costs untill the matter thereof in equity on a bill filed
for that purpose can be heard now if the said Jas. Cricklaw shall
well & truly pay or cause to be paid unto the s^d Neal or his
ex^{ta} or adm^r the amt^y of the s^d judg^t and costs and all damages
that may arise in case his said bill in equity shall be
disolved then this obligation to be void or else to remain
in full force & virtue
Signed sealed & acknowledged
in presence of
James Frey and

Jas Cricklaw Seal
Sam Kello Seal