

1808-020

SOUTHAMPTON COUNTY
CHANCERY PAPERS

EVRIITTE vs. JACKSON etal 8/1808

other surnames: Wilkinson,
Bynum, EVRITT, Everitt,
Francis, Powell, Williams

No 80

Errett 2

M } Bill K
Bynum ad

Errett }
M } Bill
Bynum ad K

March 1805

Bill filed & L

Nov 1804

For Jacksons answer

Filed Nathan 1804
answer filed & rule

No 3

To the worshipful Court of Southampton
County in Chancery sitting humbly com-
plaining sheweth unto your worships your
orator Simon Ewitt -

That your orator became
the security of a certain John Bynum
in a bond due the 4. day of in the
year 1 for the sum of £ - That a
suit was instituted in this Court on the
said against the said Bynum & your orator
& during the pendency whereof the said
Bynum died, the suit abated as to him &
a judgment was lately rendered thereon against
your orator alone & he hath since discharged
the amount of the said judgment, the interest
accrued and the costs which will fully appear
by a copy of the said judgment heretoan-
-nexed as part hereof - That the said
Bynum also died indebted to your orator
in the amount of a bond of £22.4.9 herewith
exhibited which bond your orator acquired
by assignment from said Forrister & Dras Parrell
- That the said Bynum died insolvent and
~~except as to his estate~~ of property ex-
-cept as to his equity of redemption in a
tract of land containing acres
and negroes which were conveyed
in trust to Lucas Jackson &

for the satisfaction of a debt due by
said Bynum to James Wilkerson - That
the said Wilkerson's demand will not ex-
haust all the property conveyed in trust as
aforesaid; but that there will be enough

Left of the proceeds of the sale thereof
after paying S^r Wilkenson's demand, to
satisfy the demands or debts aforesaid
due by S^r Byrum to your orator. The
legal interest however of the said property
residing in the said trust leaves your
orator completely remediless at com-
mon law, wherefore your orator prays
that the said Jackson, Wilkenson, &
may be made defendants herto
as also Nathan Williams ^{att} adm^r of the said
Byrum. That the said Dfts may on oath
fully answer the allegations and disclose
the circumstances of this bill - That the
said Trustee may be com^{pe}elled in-
-mediately to sell all the said property
conveyed to them in trust as aforesaid
& out of the proceeds first pay to James
Wilkenson his just demand & then pay
to your orator the amount of this said
Judgment bond interest on both & the cost
of all the suits in which your orator hath
been unjustly involved concerning the
premises - And may your worship grant
your orator such further & other relief in
the premises & he ever will do

Sholton for pl^y

amendment of the Bill
by order of Oct. 6th 1806

And Simon Everett the Compl^t afores^d further charges
that James Jackson the Dft afores^d owes in his
own right twelve pounds & interest thereon to the
estate of S^r Byrum dec^d & the compl^t prays
that the said sum may be applied in S^r Jackson's
hands towards the satisfaction of his aforesaid demands -
Sholton for pl^y

The answer of James Wilkenson to the bill of complaint
exhibited against Nathan Williams, James Jackson and
himself in the worshipping court of Southampton by
Simon Everett -

This Respondent saving to himself
all right of excepting to the various errors contained
in the complete said bill, for answer thereto, or to
so much thereof, as he is advised is material for
him to answer. Says, That it is true that John
Byrum conveyed to James Jackson sundry negroes
to receive to him the payment of \$829.60 with
interest - That the said Jackson has sold all
the said negroes except one named Mowmning
that the sales of the s^d negroes overpaid this
Respondent by about \$80 - This Respondent
acknowledges that he is fully satisfied as
to his claim against the s^d John Byrum,
and as he knows nothing more of the
said Byrum & his estate he prays that his
complaint be dismissed with
his costs - This he hath expended -

Sworn to before me -

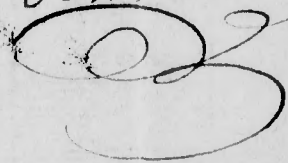
The separate answer of James Jackson to the bill of complaint exhibited against Nathan Williams, James Wilkinson and himself in the court of Southampton county by Simon Everitt.

This Respondent saying to himself all right of excepting to the various errors contained in the said bill, for answer thereto or to so much thereof as he is advised is material for him to answer. Says that all the negroes conveyed to him by John Byrum to receive a debt due to James Wilkinson were sold by the said Nathan Williams administrator of the said Byrum with the consent of the said James Wilkinson and your Respondent, that ~~price~~ the said Williams paid to your Respondent the money he received for all the negroes except one. That he has never received the price of that negro from the said Nathan Williams to this day. That with the prices of the other negroes paid to him as aforesaid he has discharged the debt to the said James Wilkinson as stated in the bill. That there remains in his hands an overplus of about twenty five pounds, which he is ready to pay in any manner this court shall direct after deducting the costs expended by him in depending this suit and one brought against

him upon the same grounds by James Gee.
He thinks proper to remark, that he was
served with the process which was issued
by James Gee as aforesaid, long before
the process issued against him in this
suit. He therefore prays to be hence dismissed
with his costs in this behalf expended.

Done to be done the Thirtith Day of November
1806.

Sam Bowyer



The survey of John Milman to the bill of complaint
against him exhibited in the County Court of Southampton
on the part of Simon Everett, compl^{ant} ~~and~~
~~Simon Everett~~ - This de^{ft}. admits himself
Coun^{ty} of Southampton. - He cannot say, that
the de^{ts} mentioned on the part of the count^{er}
are unjust - admits the property
conveyed to Jackson in trust as mentioned -
but states, - soon after his qualification
the said trustee, - by consent of J^r Wilkins
gave him up the property in question,
with directions that the de^{bt}. due J^r Wilkins
should be made therefrom - That J^r
de^{bt} was accordingly paid by this de^{ft}.
That from the residue he discharged to
Mess^{rs} W^hanner the amt of rent due him
by his undertake which he was compelled
to pay amounting to £40. - That the
bal. except about £5. was given up
to J^r Jackson in whose hands
it now is - That J^r. £5. retained by himself

has long since been apply^d to the necessary
exchequer, attendant on his duties as ^{to those of the Comptroller} Auditor
" That there are debts of superior dignity
more than sufficient to swallow up
the surplus of £25. in £ and besides,
from the advances already made from
the private pocket of the Comptroller in and about
the necessary management of, &c. &c.
" It will scarcely at this time
indemnify him ~~to say nothing of~~ — nor will it be
sufficient to carry on the ~~the~~ business
he is apprehensive without a sacrifice
from his own pocket — He therefore
trusts that a Court of Equity will
not take its funds from his hands but
permit him — to apply the same
to his own indemnity — as is mentioned
" This debt being very all I have to
pay to be sent — —

10th Dec. 1806 Henry D.
After Mr Nathaniel Williams came before
me a Magistrate I made out to the
bank of the Treasury and of
July 22. 1806 Saml. Calvert JP

Order to make

James Jackson

a Deft. for a suit

in Chancery

October Court 1848

Executed

Rich Mabry Es

for

Robt Mabry Shk

Sampton Octr Court 1806

On the motion of Simon Ervite by his attorney
to make James Jackson a deft to a suit in Chancery
now depending in this Court wherein the said Ervite is
Complt and Nathan Williams and others are defts the
Court is granted him And it is ordered that the said
James Jackson appear to answer the ~~Complaint~~ bill
the next Court and that the Sheriff serve him
with a copy of this order

Sam Wells

as to N Williams and H Blunt

Copy left
as to the fathers

Carritt
W. J.
Williams & Co
Havin
Chernery

Williams & Co 18th

Executed A Whitehead Esq
for
R Goodwin Esq

The Commonwealth of Virginia to the Sheriff of Sampson County
greeting you are hereby commanded to summon Nathaniel William
ad.^{rs} John Byrum James Wilkinson Britain Bryant and Percy
Blunt to appear before the justices of an said Court at the Court House
of the said County on the 3rd monday in November next to answer
bills in chancery exhibited against them by James Everett
and that they shall not omit under the penalty of one hundred
pounds and have then their writ Witness Sam^l Kello
Clerk of an said Court at the Court house the 5th day of
November 1861 and in the 29th year of the Commonwe
alth —

Sam^l Kello

215
Everitt exor. ^{Spa}
W

Byrum's at my Chancery

To Sept 1808-

1808 august 11th

Executed

The Stanly Dept
of
Saml. Calvert Esq

The Commonwealth of Virginia to the Sheriff of Southampton County greeting
ye are hereby commanded to summon Nathan Williams and of John Byrum
to appear before the justices of the County Court of Southampton aforesaid at the
Court House of said County on the third Monday in September next to answer
a bill in chancery exhibited against them by Sally Everitt executrix
of Simon Everitt dec^d. And that he shall in no wise omit under the
penalty of £100. And have then there this writ Witness
Samuel Kells clerk of our said Court at the House the 28th
day of July — 1808 — in the 33^d Year of the
Commonwealth —

Benj. Colt d. C.

On demand the 28th day of June next Mr John Bynum and Simon Everett
each of Sampson County do promise to pay ~~the~~ cause to be paid unto Samuel
Francis adm^r of New Paverle dec^d the just sum of twenty two pounds
four shillings & current money of Virg^a To be paid unto the said Francis his
Exec^r adm^r or assigns in which payment well and truly to be made
we bind ourselves our heirs and separate his Exec^r adm^r and assigns
firmly by these presents In witness whereof we have hereunto set our
hands and affixed our seals this 28th day of Jan^y. 1804

Signed Sealed and delivered
in presence of

James McLow

Jⁿ Bynum
Simon Everett

1874 June 26. Received three pounds in part of the
within, viz. in a whole saw

Simon Everett

Dynamite
To { Board
Francis Adams
L22.4.8

with brought
to Sept 1874
P36

James
Francis Adams of New

Pay the within, to Capt. Simon Everett for
value received, without receipt to

#24.8-6
 3-9
 24.12.3
 24.12.3
 49.4.6

KNOW all men by these presents, that we Simon
 Everitt Thomas Holladay
 are held and firmly bound unto Truland & Gillies agents

in the just and full sum of Forty nine pounds 4/6

to be paid to the said Truland & Gillies agents

their certain attorney, their heirs, executors, administrators or assigns; to which
 payment, well and truly to be made, we bind ourselves, jointly and severally, and each
 of our joint and several heirs, executors and administrators, firmly by these presents;

sealed with our seals, and dated this 2^d day of July

one thousand eight hundred and four

THE condition of the above obligation is such,

That whereas Truland and Gillies agents hath sued out of the
 county court of Southampton a writ of Fieri Facias against the estate of the

~~above bound~~ John Brynner Simon Everitt Arthur Turner & Ben.^a
 Gray
 for the sum of Twenty four pounds 12/3

including interest, costs, and sheriff's commissions, which writ hath been duly exe-
 cuted by John Barnes Esq. of

R. Goodwin Sheriff of the county of Southampton on the
 following property, to wit, ~~Two acres~~ belonging to Simon
 Everitt

and the said Simon Everitt being desirous of keeping
 the aforesaid property in his possession until the day of the sale of the same, hath
 tendered the above bound Thomas Holladay
 as security for the forthcoming and delivery of the said property at the place and
 on the day of sale, agreeable to law.

NOW, if the said Simon Everitt and
 Thomas Holladay or either of them, do and shall deliver
 the aforesaid property to me the said John Barnes or some other Esq.
 of R. Goodwin Sheriff as aforesaid, at the Keys
 in the said county of Southampton on the 30th day of July
 next, then and there to be disposed of according to law, for the discharge of the
 said writ of Fieri Facias, then, and in that case, the above obligation to be void,
 or else to remain in full force and virtue.

Signed, sealed and delivered
 in the presence of

John Barnes

Simon Everitt Seal
 Thomas Holladay Seal