

1808-027

SOUTHAMPTON COUNTY
CHANCERY PAPERS

NEWSUM vs HILL & al OVERSEERS OF

THE POOR 6/1808

other surnames: Robertson,
Cutler, Overseers of
The Poor, Blow

To the court of Southampton county in chancery sitting
Humbly complaining sheweth unto your worships your own
Thomas Sampson, That some time about the day of
a certain Nancy Cutler of this county was delivered of a bastard child,
now afterwards likely to become chargeable to the parish, in consequence
of which the said Nancy Cutler appeared before a magistrates of this
county, and on oath charged your complainant with being the
father of the said child, by reason of which your complainant was
compelled by the court of this county to enter into bond with security
for the payment annually of £ 5.0.0 pounds for the support and main-
tenance of the said child. That the first annual payment being in
arrear and unpaid, the overseers of this county moved this court of this
county for a judgment against your compl. for the said sum of
£ 5.0.0 That a judgment was accordingly rendered against your com-
plainant notwithstanding it must be apparent to every person that your com-
plainant can not possibly be the father of the said child, inasmuch as the
said child is not a white child but must have been begotten by a Black
or mulatto man, your complainant most solemnly declares that if he
could think himself the father of the said child he would with the utmost
cheerfulness support it, but he is firmly convinced of the contrary, and
he submits to your worships whether it is not hard, improper, and
unlawful to every principle of natural justice, that he should be com-
pelled to support the child of another - But now as it is may it please
your worships, notwithstanding the matters and things above set forth
the overseers of the poor now threaten your compl. with an execution
for the said sum of money - In tender consideration whereof and for as
much as your compl. is only liable in a court of equity, to the said

Suppose that Thomas Hill the attorney for the defendant in this county and the
 officers of the poor may be made defendants to this bill and that a trial
 inspection, or of an issue to be made up and tried at this term to
 ascertain the fact whether the child be white or mulatto, your com-
 plaint may be that this honorable court will enjoin and
 restrain the said officers of the poor, from further proceedings
 in the said judgment until this fact can be ascertained and that
 your worship will grant to your compl^t such other & further
 relief as may be consistent with equity. May it please the court
 the premises considered to grant to your compl^t the same ^{1st} ^{2nd} ^{3rd} ^{4th} ^{5th} ^{6th} ^{7th} ^{8th} ^{9th} ^{10th} ^{11th} ^{12th} ^{13th} ^{14th} ^{15th} ^{16th} ^{17th} ^{18th} ^{19th} ^{20th} ^{21st} ^{22nd} ^{23rd} ^{24th} ^{25th} ^{26th} ^{27th} ^{28th} ^{29th} ^{30th} ^{31st} ^{32nd} ^{33rd} ^{34th} ^{35th} ^{36th} ^{37th} ^{38th} ^{39th} ^{40th} ^{41st} ^{42nd} ^{43rd} ^{44th} ^{45th} ^{46th} ^{47th} ^{48th} ^{49th} ^{50th} ^{51st} ^{52nd} ^{53rd} ^{54th} ^{55th} ^{56th} ^{57th} ^{58th} ^{59th} ^{60th} ^{61st} ^{62nd} ^{63rd} ^{64th} ^{65th} ^{66th} ^{67th} ^{68th} ^{69th} ^{70th} ^{71st} ^{72nd} ^{73rd} ^{74th} ^{75th} ^{76th} ^{77th} ^{78th} ^{79th} ^{80th} ^{81st} ^{82nd} ^{83rd} ^{84th} ^{85th} ^{86th} ^{87th} ^{88th} ^{89th} ^{90th} ^{91st} ^{92nd} ^{93rd} ^{94th} ^{95th} ^{96th} ^{97th} ^{98th} ^{99th} ^{100th} ^{101st} ^{102nd} ^{103rd} ^{104th} ^{105th} ^{106th} ^{107th} ^{108th} ^{109th} ^{110th} ^{111th} ^{112th} ^{113th} ^{114th} ^{115th} ^{116th} 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We the Lundy say the Chila is white

(Silas Limmund)

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Newman

as

Barth

} July 21

Not 1805 Bill filed

Rule to answer

Do Do Do

1804
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4 Cont. on R (Doctick)

The answer of Henry Blow for the - - -
Overseers of the poor in the Lower district of
St. Leger Parish To a bill of Injunction obtained
in the County Court of Southampton by Tho:
Museum against them, for answer thereto
saith. - That as to the colour of the
said Bastard child - or who is the father,
they can say nothing; - that the court
have once with the child before them
decided, that in their opinion Tho:
Museum was the father; and therefore should be
bound for its maintenance, in consequence
of which determination, bond and security
therefor was required, and entered into by
him; and that this proceeding these respondents
consider conclusive - the law holding out
no relief to such reputed fathers, but in
payment of such sums as the court have
deemed it proper they should pay as a
support. These respondents
very respectfully submit to the wisdom
and discretion of the court, whether it would
be proper to enquire into ^{the} subject of colour,
or who is the probable father at this period
but for themselves they must most solemnly
protest against the legality of such a
procedure after the decision already had
in the case, they are therefore ~~bound~~ bound

to oppose and pray the court will harken
to dissolve the injunction so unjustly
obtained, and give them the benefit of
their judgment at Law, and that they
may be hence dismissed with their
costs, so wrongfully incurred &c

Henry Blow Esq.

John C.

This day personally appeared before
me, a Justice of the peace for the aforesaid
County & made oaths to the truth of the
 foregoing answers

~~Henry Blow Esq.~~

given under my hand this 23rd Day of March
1808

Charles Briggs

The answer of
the answerers
of the poor

The answer of
Nancy Cutler

Apoor
new and 3 ch ipue

June 1808

Verdict given for pepps

The answer of ^{Nancy Robertson late} Nancy Culler to a bill of
Injunction obtained in the County court
Southampton by Thomas Newsum against
her &c. for answer thereto saith. -

That the allegations contained in the s.
bill are utterly false - untrue - & without foundation.

That the said complainant Newsum
should "believe" as he alleges the said bastard
child was begotten by a Negro, or mulatto
or more the effect of his unbounded
and parsimoniousness of soul: than the result
of any such conviction on his mind, as he
states in his said bill - To wit - that the
said child is not a white one. - This
respondent has once on the holy evangelist
of almighty God, made oath that he Tho:
Newsum was ~~the~~ father to the said child;
and were it necessary she would before
the face of her God, depose the same
every day she has to live. - She says
then, that his sworn oaths; which take their
rise only in an unwillingness to comply,
with the judgment of the court: will no
longer prove a bar to that justice the
laws of her country has ordained, in
compelling him to support, & maintain
his illegitimately begotten child. She
offers no objection to the prayer of his
bill, soliciting "a trial by inspection, or

"of an issue to be made up, and tried
at this bar: to ascertain the fact, whether
the child be white, or a mulatto." Since
the degraded state of wretchedness she has
been reduced to by his perfidy, will not
satisfy his desires of injuring her person,
and reputation, but descends even to the
malvolence of fixing on his own
offspring, the stamp & odium of
"helping" — abomination — the blood
of a negro, or mulatto; — she is not
afraid of the investigation — but as well
as the complainant in the bill, prays
the enquiry should be made. — Further
she has nothing to add but prays a dis-
solution of the Injunction, so unjustly
obtained by the compt. & that she may
be dismissed with her costs, so
unrighteously incurred. I remain

Yours truly J.C.

This day came before me, James
Cobb — a magistrate in the said county
Nancy Cutler and made oath to the
truth contained in the foregoing answer
given under my hand this 24th day of
March 1808. — J. Cobb