

1808-034

SOUTHAMPTON COUNTY
CHANCERY PAPERS

URQUHART ETC VS. BRACEY

1808

other SURNames: William
Urquhart + Son], Boon, Eley,
Bracy

Unjustant mung

as

Brucay.

} Bill

Nov. 1800

Bill despatch

File to annu

1808

Dismissed

7

To the justices of Southampton court, sitting in
chambers, humbly complaining, sheweth to the court
your orator John Ingham surviving partner of
William Ingham & Son.

That a certain Jesse Bracy of the
county aforesaid being indebted to the said William
Ingham & Son in the sum of one hundred and
sixty five pounds with interest, on the sixth day of
September A.D. 1802 executed a mortgage unto them
(the said William Ingham & Son) on a tract of land
lying in the county of Wigt. That the said
mortgage was intended as a deed in trust, but from
the carelessness of the writer, some of the most
material ingredients of a deed in trust were omitted.
That the land so conveyed contains by estimation
three hundred and eighteen acres and an half
and is the same land which was bought by the
said Jesse Bracy from Nathliff Boore executor, as
will more fully appear by reference to the said
deed of mortgage hereto annexed and prayed to
be taken as a part of this bill. That in September
1805 that is to say on the 19th day of the same month,
the said Bracy had and made a partial settlement
with the said William Ingham & Son, and after
receiving all credits including three bonds from
John Play amounting to one hundred and nine dollars
and ten cents, a balance then remained due to the
said William Ingham & Son upon the said mortgage

of forty eight pounds, nineteen shillings and three pence from him to them. That the whole of the said balance of £48.19.3 with interest is yet due from the said Macey to whom innumerable vain and fruitless applications have been made for payment by the said William Ingham Esq. Your orator states further that the said mortgage was not recorded and the said Macey has since sold the said land to a certain John Eley.

In tender consideration whereof, and for as much as your orator is remediless, in the premises at law, he solicits the intervention of your worship.

To the end therefore he prays, that the said John Macey may be made defendant to this bill of complaint and that he may on his corporal oath full, true and perfect answer make to all and singular the allegations aforesaid and that as fully as if the same were here repeated and he thereto particularly interrogated. He lastly prays that your worship will decree that the said Macey pay to him the said sum of £48.19.3 with interest from the 19th day of September 1800, or make any other order or decree in the premises for his relief that may seem just & equitable.

May it please V.

Rich^d d^{ble} Pryde
p. 2

Know all Men by these presents that I Jesse Bracy of the County of Isle of Wight being Indebted to ^{William} Maguirk
Son of the County of Southampton in the just full Sum of one hundred & Sixty five pounds to Interest
current Money of Virginia with lawfull Interest thereon from this date & being willing & desirous to secure the
payment thereof: have as well for the consideration of the aforesaid Sum of one Dollar
as also the Sum of One Dollar to me in hand paid by Daniel Simmons Trustee for the said William
Maguirk Son the receipt whereof is hereby acknowledged; I the said Jesse Bracy have bargained sold
by these presents do bargain sell unto the said William Maguirk Son One certain tract or parcel of
Land lying & being in the County of Isle of Wight & containing by estimation three Hundred Eighteen & one
half Acres being the tract of Land which the said Jesse Bracy bot of Ratliff Boones Executor & bounded
as follows. To wit beginning at a ^{in the Horse Swamp thence} N. 30.° W. 65 p. to a corner pine thence
N. 33. E. 168 p. to a pine thence N. 48. E. 100 p. to a corner pine, in a branch thence S. 55. E. 162 p. to a Branch thence
due East 66 pole to a Sweet Gum thence due South 69 pole to said Horse Swamp thence down said Swamp to
the beginning to which tract of Land I do for myself my Heirs &c. relinquish to the said William Maguirk Son
all right title & claim to him the said William Maguirk Son & his Heirs &c. forever & will in him against
all persons the right forever Warrant & ~~also~~ ^{also} ~~write~~ ^{write} ~~the said William Maguirk Son~~
~~when it becomes the right & property of the said William Maguirk Son to have & to hold unto the said William~~
~~Maguirk Son his Heirs & Assigns forever, all the aforesaid property, to the only use & behoof of him the said~~
~~William Maguirk Son in special Trust & confidence to the said intent & purpose; that if the aforesaid~~
~~Sum of one hundred & Sixty five pounds~~ ^{shall remain unpaid to the said William Maguirk}
~~Son their Heirs Exors. Admrs. or Assigns at or upon the 25 day of Decr next, that then the aforesaid~~
~~Daniel Simmons his Heirs Executors Admrs. or Assigns, shall after giving reasonable notice expose the~~
~~aforesaid Land to the highest Bidder~~ ^{to public Sale at any}
time after the said 25 day of Decr next; & with the Money arising therefrom first to pay & satisfy
the aforesaid Sum of One hundred & Sixty five pounds with lawfull Interest thereon, & also
as also the expence attending the execution of the said trust. & the surplus (if any) to be returned to me
the said Jesse Bracy my Heirs or Assigns. In Witness whereof I have hereunto set my hand & seal this 6th day of
Sept^r ~~17~~ Eighteen Hundred & two.
Sealed & Delivered in the presence of
Wilson Davis
Edm^d Coe by Isaac Kelling

1803 Sep. When settled all acc. with Mr. Jesse Bracey &
find a bal. of Forty Eight Pounds Nineteen Shillings &
three pence due us
William Wigham & Son

By 3 Bonds from Jno. Ealey One Hundred Nine
Dollars & 10 Cents.
Sept. 19. 1803
Wm Wigham & Son

Jesse Bracey to
Wigham & Son

paid in cash