

1810-004

SOUTHAMPTON COUNTY
CHANCERY PAPERS

CLAUD

vs. BLAKE et al

3/18/0

other surnames: Leonard,
Mabry, Taylor, Parker,
Clements

To the honorable Court of Southampton County
in chancery sitting this day, the 1st day of
July 1864, your Orator Henry Taylor
Jr. & Co. v. - That some years past
he was seized as ^{on the estate} owner of a certain Henry Taylor
that, since that qualification, a considerable
no of debts were presented, such as, &
Judgments ^{decrees} ~~recorded~~ that such on the parts of
said creditors have been instituted, Judgments
Records, & Executions ordered which in consequence
of y^r. Compt^r having no assets at that
time in his hands were returned, uncollected
in the hands of Eliza G. Blake - who at that time was a wife
of a certain Mr. Blake - a certain Mr. Blake
instituted his suit in the County Court of
Southampton, founded on an open account
that at the time of calling said suit
it was understood that a judgment might be
entered by consent. That on these special
conditions, that in case it should appear
that there would not be on a settlement of
said estate a sufficiency of assets, after
duly and legally discharging the debts of
superior dignity. That in such case this
suit was by consent to be reinstated on
the docket, stand for trial on the issue of debts of

superior dignity, fully recommended the
that said Court at that time was impressed with
a belief that there might be a sufficiency of
evid^{ence} legally to discharge this claim
and under this impression only, permitted by
~~the Court~~ the Court to be rendered ^{in the name of}
a part of which understanding will appear by
inspection of the record in such cases ^{the parties}
satisfactory testimony that such ~~was~~ ^{the} has
been the entry made ^{on the record} — that some short
time since your Orator, having instituted a
suit in the County Court of Southampton
against a certain Francis Clements
recorded thereon upon an affidavit of
Execution the Sh^{eriff} of sd County Rob Mabry ^{as in my affidavit}
obtained Satisfaction ~~thereof~~ for the same that
that the money thus made being in the hands of
sd Mabry, — the sd Leonard — fraudulently
intending toward said Court look out for
Execution on sd Court & put the same into
sd Mabry's hands — with positive directions
that he should satisfy the same out of
sd Clements sd Execution against Clements —
and your Court further states I will make
manifest by satisfactory documents submitted
to V^{er} Warships — that the ~~superior~~ dist^{inction} of superior

dignity sd Court ~~to~~ Court duty I
will fully exhaust all the efforts that have
a suit come into his hands as Court ordered
that, ^{before the rendition of this Judgment} in consequence were the dist^{inction} of Leonard
discharged. From the source aforesaid he, your
Orator, would clearly be subject to its amount
out of his own pockets — that altho
the situation of your Orator has been thus
fully stated to sd Leonard ^{He says} The requested
to forbear with his sd Execution, I recant
~~that~~ and for treat on the plea aforesaid —
agreeable to the true proper intentions of
the parties, ~~as aforesaid~~ yet sd Leonard ~~intention~~
apparently intending toward him state
refuses to do so — but insists that the Sh^{eriff}
satisfy as aforesaid his said Execution —
he under consideration therefore to the end that
sd Leonard & Mabry call these answers make
the premises as fully particularly as again
repeated, — being otherwise remedied for
your Court, pray that the Sh^{eriff} may be ~~super~~
informed of the satisfaction of his said Execution
~~that~~ that he ^{shall} may be reinstated on the
docket to go further treat on the issue aforesaid
that your Warships make such other order &
decree as may comport with equity & justice —
at the Court — Done by

Latham County, La.

Thy. My Henry Parker All in fact
came before me a Magistrate & I
swore & made oath that so far as
respects his own knowledge the contents
of the within bill is true & correct
So far as respects his information
from others he believes it to be
true

Jam^r Albert
Mar 19. 1886

Claud
vs
Blake & Bill
March 18 86
Bill files it

303
Ellis G Blake
adv

~~John~~ ~~Retard~~ ~~He~~

Answer

To the worshipful Court of ^{Southampton} ~~Leamington~~ ^{Leamington}
Sitting - The Answer of Ellis of Blakes to
the bill of Injunction exhibited against him in
said Court and Michael Leonard and Robert
Mabey late Sheriff in said County by Joshua
Cland. This respondent saving and reserving
to himself every benefit of exceptions to the
manifest errors imperfections and untruths
in said bill contained for answer thereto or
to so much thereof as he is advised as material
for him to make answer unto answering that
that he gave to the said Michael Leonard
a valuable consideration for his claim against
the estate of the said Henry Taylor dead
and that after repeated applications to the said
David for payment suit was instituted ^{on it} and
judgment regularly recovered ~~only~~ ^{on it} respondent
positively denies that there was any agreement
or understanding between him and the said
Cland that he should take a judgment
subject to the conditions set forth by the complainant
on the contrary the said Cland expressed a
willingness to accept judgment for the amount
of the claims. Your respondent here begs leave
to state that it is extremely imprudent that

he should take judgments subject to such
conditions as the complainant hath alleged
since it was a fact within the knowledge
of many that the estate of Henry Taylor was
a solvent one, and in support of this fact you
respondent will venture to state that the said
Cland removed many valuable slaves
belonging to the said estate out of this
commonwealth to the State of Georgia
and has never yet accounted for the same.
In further support of your respondent's statement
he will ^{say} state from ~~all~~ ^{that} all the information
he has yet obtained, the said Cland hath
not yet returned an account of his administration
on the said estate which it is extremely
probable would before this have been done
had the estate been in the situation which
the complainant would endeavor to persuade
you would be it was. Your respondent denying
all fraud combinations or saying the information
improperly obtained in this case may be
disproved and that he may be ~~dismissed~~
dismissed with his costs in this behalf
most unjustly obtained and this respondent
will &c -

May 7th 1870 This day Eliza G. Blake
personally appeared before me a justice
of the peace for the County of Sussex and
made oath to the truth of the statement
contained in the foregoing answer as far as
it depended upon his own knowledge and
as far as it depends upon the knowledge
of others he believes it to be true -

~~Sussex County~~ Given under my hand
this 7th day of June 1870 -

Benj. B. Roper Jp

Leonard
adrs
Claus Johannes

The Answer of Michael Leonard to the bill of injunction
exhibited against Ellis Gray Blake and himself in the
County Court of Southampten by Joshua Clark
This Respondent saving and reserving to himself
all and every benefit of exceptions to all errors and
imperfections to the Complainant's bill for answer
thereto verily. That he knows nothing of the agreement
stated to have been made before the trial of the
suit at law for he never considered that the suit
was at all under his management. This respondent
states that the account upon which the suit
was instituted against the Complainant as
adm'r of Taylor was transferred to the said Ellis
G Blake by this respondent without any
responsibility to make the same good provided
it could not be recovered of Taylor's Estate
This respondent denying all fraud combination
he prays to be hence dismissed &c

October 11th 1868 This day Michael Leonard personally
appeared before me and made oath to the truth
of the above Answer.

James Hewin

Sampton Meramben & Co. 1803
Benjamin W. Johnston - - plff } In case
vs
Joshua Claud ad Henry Taylor Defs

Verdict and judgment for the plff
for thirteen pounds nineteen shillings and five
pence and Corts & which are 6 doll. and thirty
two cents

Teste
Sam Kello

84.14
21.68
tax 50
\$6.32

Parker for Claud }
vs } Decree nisi
Leonard & Blake } In Chancery

To March Court - 1810.

Southampton December Court 1809.

Henry Parker attorney in fact for Ismael Clark Complainant

against

Michael Leonard and Ellis Gray Blake Defendants

} In Chancery

On the motion of the complainant by his attorney It is Decreed & Ordered
that unless the defendant Blake shall appear here and answer the
Complainant's bill, on or before the 3rd Monday in June next,
that the same will be taken for confessed as to him, (and a
Decree entered according to the prayer thereof.

Teste Harrison Minton D^c

Executed on Ellis C. Blake.
Michael Leonard, Mo Inhabitant
April 18th 1810 C. Hawks Deput^y for
No. Lanier Sergeant

Parker for Claud } Doceenist
100 }
Leonard & P. Lohr } in Chancery

To March Court - 1810.

Parker for Claiborne
vs
Malby

Sampton March Court 1866

On the motion of Henry Parker attorney in fact
for Joshua Claud ad & offer an injunction to stay
proceedings on a judgment of the said Joshua
Claud as adm^r of Henry Saylor obtained by Mike
Leonard who prosecutes for Ellis Blake ~~benefit~~ the
same is granted him on giving bond &c & it is
further decreed and ordered that the plaintiffs

the sheriff and the attorney And all others con-
cerned be restrained from paying away all or
any monies in their hands received by virtue of
an execution which issued from the this office in favor
of Joshua Claud ad & Saylor dec^d ad Francis
Clements either to the said Leonard, Blake, or their agents
or attorneys and that they be severally served with a
copy of this order

T. H. Skellie

13
4/4
2/2

Taylor's Adm'r
and 3 Order

M. Clements

1st November 1804.

25.55.4
5.16.2
20.3.2

W^m Clements

Sir

At the determination of my suit against you
Please pay Mr Johnston The amount of a judgment
(except the Cost) which he has obtained in this Court against
me as adm^r of Henry Taylor dec^d

1st November 1864

And oblige Y^r Moob
Joshua Claude

W^m Francis Clements