

1811-002

SOUTHAMPTON COUNTY
CHANCERY PAPERS

EDWARDS

VS. GURLEY'S EXT^X. et al q1811

other SURNAMES: Williamson,
Revel, Barnes, BARNES, Revell

Edwards 1895

" } Bill
Gurloper. et al.

Aug. 1870. Order
for Pub. -

March 1871 A. Williams
& B. Edwards Answer
to order for Comm.

To the worshipping Court of Southampton County in Chancery
sitting - Humbly complaining sheweth unto your worships
your orator Revist Edwards, that late in the year 1806
or early in the year 1807, a certain John Gurley of South-
ampton County departed this life, having first duly made
and published his last will and testament in writing, and
the same having been duly proved in the Court of the said
County on the 16th day of February 1807 and ordered to
be recorded, Elizabeth W. Gurley, the executrix thereof
is named and appointed, obtained the probat thereof
in due and solemn form of law - That among the
services and bequests contained in the said last will
and testament, a negro boy slave ^{named Jack} was bequeathed
and given to a certain John Edwards, (your orator
son) as will fully appear by an attested copy of
the said last will and testament hereto annexed
and prayed to be taken as a part of this bill, and
that the said John Edwards, during the year 1809,
departed this life ^{during his infancy} intestate, unmarried and with-
out issue, leaving your orator his heir at law -
Now your orator begs leave to state, that the said
John Gurley, at the time of his death, owed very
few debts, not more than his perishable estate and

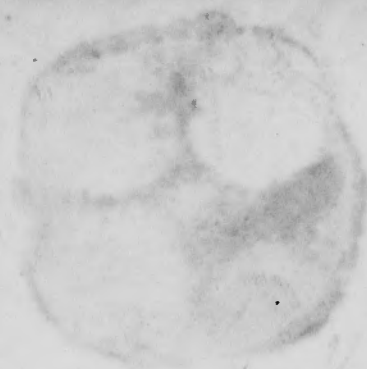
his credit would have discharged with ease. That the
said Elizabeth W. Gurley executed as aforesaid, well knowing
the prosperous situation of the estate and that the payment
of debts did not require it, sold the said negro by Jark,
given and bequeathed to your orator son as aforesaid, to a
certain Benjamin Edwards for the sum of one hundred
pounds, for which she took his bond payable to herself,
at the same time executing a bill of sale to him for
the said negro - that the said Elizabeth W. Gurley has
since removed to the State of Tennessee, leaving the
amount of the said bond still due to her, together with
several other sums of money, the collection of which she
has intrusted to a certain Arthur Williamson, where
your orator is informed, she has appointed her agent
in this state. But as it is, may it please the
Court, that although the said Elizabeth W. Gurley,
executed as aforesaid, has made herself individually
liable for the value of the above mentioned negro by Jark,
by having sold a specific legacy when the payment
of debts did not require it, yet your orator is apprehen-
sive that he will entirely lose the same unless the
aforesaid debt due from the said Benjamin Edwards
and the funds belonging to her in the hands of her said
agent Arthur Williamson, are subjected to the payment

of it. In tender consideration whereof and because
relief in the premises can only be had in a Court
of Equity in pursuance of the act of the General Assembly
made and provided in the case of absent debtors and
defendants, your orator prays that the said Elizabeth
W. Gurley executrix of the said John Gurley deceased, the
said Benjamin Edwards and the said Arthur Williamson
agent as aforesaid may be made defendants to this bill
and be compelled on their corporal goods, to answer,
as far as it respectively concerns them, all & singular
the allegations of the same as fully, perfectly, distinctly and
unreservedly as though each & every of them were herein
again repeated and they and each of them, were concerning
each and every of them particularly interrogated. And
travelling that the said Elizabeth W. Gurley, state, whether the
payment of the debts of her testator required the sale of the
before mentioned negro by name Jark? What was the
amount of the sales of the estate? What debts were owing
by her testator and to whom? What debts she has paid
and to whom? What debts were due and owing to her
testator and from whom? What sums of money she has
collected and from whom? and that she render a full
true and perfect account of all her actings and
doings a execution of the said John Gurley deceased.

that the said Benjamin Edwards and Arthur Wil-
liamson may be compelled to say particularly what debts they
or either of them, owe to the said Elizabeth Gurley and what
effects or funds belonging to her they or either of them have
in their hands - that the said Benjamin Edwards and Ar-
thur Williamson, agent as aforesaid, may be enjoined and
restrained from paying, conveying away or secreting any debts
of them or either of them owing, or any effects in their or
either of their hands belonging, to the said Elizabeth W. Gurley
until the further order of this Court. That your worship
will appoint some day in a succeeding term to be
notified to her by due publication thereof made, for the
said Elizabeth W. Gurley execution of the said John Gurley and
to take her appearance, & then first according to the act
of assembly in such case made and provided that
your worship will render a decree in favour of said
orator, for the value of the said negro boy Jack with such
interest thereon as may seem just and reasonable and without
the debts owing to the said Elizabeth W. Gurley by the said Benja-
min Edwards and Arthur Williamson or the effects or estate
in their hands belonging to him, or so much thereof as may be
sufficient to the payment of the same - that your worship
will enter up any other decree which from the bill, answer &
exhibits may be found consistent with law & equity and grant any
other general relief which may be meet & applicable in this behalf.
May it please the Court to grant the Comonomorators writ of Habeas
Corpus & commanding &c. and as in duty bound your orator will ever pray &c.
5th day of Complaint

E.W. Gurling's
Answer

Sept. 20. 1811-



State of Tennessee
Williamson County p 3

The separate answer of Elizabeth W
Gurley (now Elizabeth W. Shute) of the State of Kentucky apored
to a Bill of Complaint exhibited against the s^d Eliza-
-beth & others in the Court of Southampton County (vir-
-ginia) sitting in chancery by a certain Charles
Edwards

This Respondent saving & reserving to
herself, now & at all times hereafter all. Every bene-
-fit of exception to the many errors & imperfections
in s^d Bill, for answer thereto, or so much thereof
as she is advised it is material to answer, unto
answerseth & saith, that true it is as set forth
in s^d Bill that by the last will & testament
of John Gurley of Southampton County this
Respondent was appointed executrix thereof
& accordingly did take upon herself the execution
of s^d last will & testament. - That the estate of
the s^d John Gurley was at the time of his death
considerably entangled & involved in debt, but the
precise amount of those debts your Respondent can-
- not now recollect. Neither can your Respondent
accurately remember the amount of the debts which
were due to the estate of said Gurley, - but she
recollects well that they fell far short of the debts
which the estate itself owed - inasmuch that a
part of s^d estate was compelled to be sold in order
to discharge those debts. Your Respondent

further answering saith that the negro boy
Lark mentioned in the complainants bill was
not sold by this respondent as in & Bill of
complaint is charged - But that the s^d negro
boy Lark was sold by the s^d John Gurley to a
certain Benjamin Edwards, & delivered by the
s^d Gurley to the s^d Edwards, in his life-
time - That this respondent after the death
of s^d Gurley never had possession of s^d negro
boy Lark, nor ever exercised or attempted to
exercise any power or authority over him - but
always considered him the rightful property of
the s^d Benjamin Edwards.

This Respondent having answered
so much of s^d Bill as she is advised, is ma-
terial to be answered prays to be hence
dismissed with her reasonable costs &c.

Elizabeth H. Shute

State of Tennessee
Williamson County s^d.

August Tenth A.D. 1811.

This day came before me George Hulme
a justice of the peace for s^d County of Williamson
Elizabeth W. Shute (late Elizabeth W. Gurley) made
oath on the Holy Evangelists that the contents of the
within writing are true to the best of her knowledge
& belief sworn to & subscribed before the day & date
above written

G. Hulme J.P.

State of Tennessee. Williamson County s^d.
I Nicholas P. Hardeman clerk of said County
Court do certify that of course Hulme again whose
name is subscribed to the above certificate is
now, and was at the time of subscribing the same
an acting Justice of the peace in and for said
County, and that due faith and credit ought to be
given to his official acts. In testimony
whereof I have hereunto set
my hand and affixed the seal of
my Office this 10th day of Aug. 1811

N. Hardeman

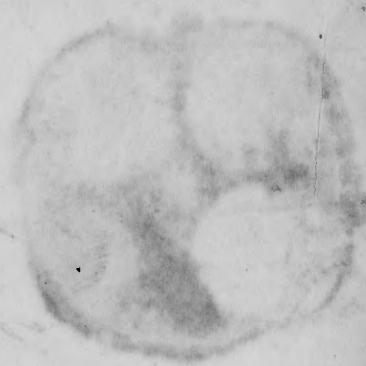
State of Tennessee. Williamson County
I George Hulme (Chairman) of said
County Court do certify that Nicholas P.
Hardeman whose name is subscribed to the
above certificate is now, and was at the
time of subscribing the same, Clerk of
said County Court, that the said certificate
is

is in due form, and that due faith and credit
ought to be given to his official acts, given under
my hand this 12th day of August 1891

G. H. Rube

E. W. Gentry's
Answer

Sept 26. 1891-



Edward
ads 2 lines
Edward

In the worshipful Court of Southampton County in Chancery
Sitting - The answer of Benjamin Edwards to the bill of
complaint exhibited in this worshipful ^{Court} by Rust Edwards
against Elizabeth W. Gurley and himself - &c

The said defendant saving and reserving to himself
every benefit of Exception to the said bill of complaint
for answer thereto saith - that he purchased the
negro boy Jack mentioned in the said bill of the
said Elizabeth W. Gurley as the complainant hath alleged,
that the said Elizabeth W. Gurley executed a bill of
Sale to him for the said negro boy Jack, and that
on the fifth day of March in the year one thousand 1807

~~and~~ ^{being} the same day on which the said
bill of Sale was given, he executed his bond to
her for the sum of one hundred pounds payable
on or before the seventh day of the said month of March
which amount your respondent still owes to her
for the said negro boy Jack and is ready to pay as
this Court may direct - Your respondent thinks
it proper to state that he was on a treaty with
the said John Gurley ^{before his death} for the purchase of the said
negro boy ^{Jack} - but that no final bargain was
ever made and concluded between them - whether
the said treaty for a purchase was to have been a
bargain or not depended on the result of a turf
which your respondent made to Norfolk for

the purpose of selling his cotton, when your res-
-pondent returned from Norfolk he found the said
John Guiley dead, and if the said John Guiley
had been alive on his return, he should
not have concluded the bargain - Having
assured to be true to be never dissipated &c.

(Signed) Henry Edwards

South. 21 March 1811 - Benjamin Edwards this
day personally appeared before me Simon Poykin
a Justice of the Peace for the said County of South
ampton & made oath that the foregoing is true
to the best of his knowledge & belief contains the
truth - Given under my hand the day & year
before written &

S. Poykin

Ar Williams

Answer to

Newitt Edwards

Bill in Chy.



The answer of Arthur Williamson
to a Bill in Chancery exhibited against
him and others by Nuri Edwards
in the County Court of Southampton.

For answer thereto saith, that
as to the ground of complaint set
forth in the s^d Bill, stating the sale
by Elizth W. Gurley of a Negro Boy
called _____ given by the last
Will & Testament of John Gurley de
to the s^d son of the said Nuri
he can say nothing of his own
personal knowledge; but he is
informed and verily believes that
the sale & delivery of the said
Negro Boy _____ was in the
life time of the said John Gurley
made to Benjamin Edwards, &
consequently operated a revocation
of that part of the Will of the
said John Gurley which bequeathed
the said boy to the son of Nuri
Edwards.

That the suggestion in the
Bill which represents this respondent
as the Agent of Elizth W. Gurley is
not well founded, since he has

only acted the part of a friend after
her removal out of the State, in his
endeavour to get some unsettled
business of hers adjusted - or James
Gippen's as far as this is dependent known
there were for that purpose put into
his hands some bonds by James Gilliam
for collection which are as to the
bonds now in suit to wit

Benjamin Edwards Bond on Lem. March 14th
1807 For ————— £100.0.0

Jesse Barralls Bond on Lem. July 18th
1808 For ————— 100.0.0

Credit Nov. 22nd 1808 For ————— 20.0.0

Jordan Jacksons Bond on Lem. Dec. 6th 1807 3.3.11

Dickson Chittys " " " March 6. 1807 1.16.0

Benjamin Savours " " " 1st 1807 1.15.0

an order on Halsey & Pugh for Mr. Lucy

Shilbys account - amt. unknown

Mon. 12. This day appeared before me
Jacob Darden a justice of the peace for
the Howard County Arthur Williamson &
made oath to the truth of the fore-
going annexed - Given under my hand
this 19 day of April 1811 - Jacob Darden

197
Edwards }
or } Orser
Emley }

August 1870. made
to return to Sept. 10.

Executed,
Carr Darwin
Depy of
James Geo. Shiff

S^c ampton August Court 1810.

Navit Edwards Comptt

ag^t

Elizabeth M. Gurley wife of John Gurley. In
Benjamin Edwards & Arthur Williamson Deft^s Chancery

This cause came on to be heard on the bill
of the complainant and arguments of Counsel, Whereupon
It appearing to the satisfaction of the Court that the
said Elizabeth M. Gurley is not an Inhabitant of this
Commonwealth. Therefore on the motion of the
Complainant by his Counsel It is Decreed & Ordered
that the said Elizabeth M. Gurley do appear here at or
before the first day of November term next and
answer the Complainant's said bill, and that a copy
of this order be forthwith inserted in the Petersburg
Intelligencer for two months successively and
posted at the front door of the Court House of this
County on two several Court days.

And It is further Ordered that the other Defendants
do not convey, pay-away or secret any monies or debts
in their hands belonging or due to the said
Elizabeth M. Gurley wife as aforesaid until the
further order of this Court.

Attest
Copy

Sam^l Wells Clk^t

Gayrent & Co
adi } Bonm
Edwards }

county of

the Commonwealth of Virginia to the Jesse Browne & Henry W. Low

Gentlemen greeting: Know ye that we trusting to your fidelity & provident circumspection
in diligently examining Molladay Revell Mrs Barnes George Gurley.

Polly Edwards Elizabeth Edwards & Nancy Barnes —

witnesses well on behalf of Newit Edwards —

plaintiffs as on behalf of Elizabeth W. Gurley ex of John Gurley, Benj Edwards
and Arthur Williamson
Defendants do command you to call and cause to come before you the witnesses

aforesaid, when and where you shall appoint and diligently examine on the
holy evangelist of almighty god, and their examination so taken unto court
of said county that you send without delay enclosed, returning to us also this
writ - Witness Samuel Kello clerk of our said court at his office the 17th
day of May 1811. in the 35th year of the Commonwealth —

Sam Kello

Southampton & C

This day appeared

before me William Blow

the peace for the aforesaid County of

Southampton Clements Rocher

and made

~~says~~ that on Wednesday

the 29th

day of May - 1811.

he delivered

to Stuart Edwards, a true copy of

the within notice. Given under

my hand this 4th of

Day of June

1811.

Wm Blow J. P.

Sir Take notice that I shall ~~on~~ Friday
the seventh day of June next at the house
of Wm. Hart in the Town of Jerusalem
between the hours of Ten O'clock in the
morning and four in the afternoon of
that day proceed to take the deposition
of Holladay Russell and others, in a
certain matter of controversy depend-
ing in the County Court of Southampton
wherein you are complainant and myself
Defendant, when & where you may
attend if you think proper. -

Wm. Hart Edwards

Edw. Gurley

Sampton 25th May 1811. -
11

The Deposition of William Powell & John Barnes sworn before the Hon. of William West in the Town of a Magistrate on Friday 17th day of June 1831 in a certain matter of controversy pending in the County Court of Southampton between Nevil Edwards Complainant & Elizabeth Gurley Def^t. The said Powell & Barnes being of lawful age & first sworn on the Holy Evangelist of Almighty God to deposit the truth.

presence of his Edwards's sisters
who were called on by the parties
to ~~take~~ notice thereof as witnesses
to the act & delivery — and further
he saith not ^{his} Holliday & Revel
mark

The deposition of John Barnes of
lawful age, ~~who~~ saith
That in the life time of John
Gentry he heard him say that he
had ~~sent~~ to Benja^r. Edwards a
Negro boy by the name of ~~John~~
that he John Gentry said he was
owing several debts & was induced
to sell the boy in order to pay
them off, which he believed was
nearly set him clear of the
world — he further says he heard
the same observation from Benja^r.
Edwards relative to the ~~same~~
Negro boy and further that the
boy was then in the possession of

Benja^r. Edwards as he believes.
And further that he believes John
Gentry told him the price was
\$300 — and further he saith
not ~~in~~ John Barnes

Taken & sworn to before us
as aforesaid

Edw. Drowne
Henry Blow Jr

Southampton 7 June 1811 — The Plaintiff by his attorney
will except to the reading of the above depositions
in the trial of the fact in which they are intended
to be used as evidence — S. Th. M.

Sampton
Chas. Comm.

Southampton 16th July 1860 - Hermit Edwards this day
personally appeared before me George Gurley a Justice
of the Peace for the County of Somerset and made oath that
as far as he knows or believes, Elizabeth Gurley Executrix
of John Gurley dec^d is an inhabitant of the State of
Tennessee - Given under my hand ~~at~~ ^{the}
~~day~~ the day & year first above written -

George Gurley

Pro Guellos

Will

In the name of God amen, I John Gurley
of the County of Southampton and State of Virginia
being of sound mind and memory, thanks be
given to almighty god for the same do make
and constitute this my last will & Testament
in form and manner following, to wit:

Item. I give and bequeath to my nephew John
Edwards one negro boy by the name of Jack
to him and his heirs forever.

Item. I give and bequeath to my nephew
John Drake one negro boy by the name of
Bob to him and his heirs forever.

Item. I give and bequeath to wife Elizabeth
W. Gurley and her heirs forever all my lands
& Tenements, I also appoint her whole and sole
Heir of all my estate real and personal
that I may die possessed of exclusive of the
legacies before mentioned. Lastly I appoint
my wife whole and sole Executrix to this my
last will and Testament. I Witness
whereof I have hereunto set my hand and
affixed my seal this 17. day of October 1805.

Signed, sealed, published &
declared by the s^d. John
Gurley as & for his last
will & Testament - I presence of

John Gurley Seal

us. John Wheeler }
Patrick M. Drake } John L. Edwards
Schubert Brainer

At a Court held for Sampson County Feb. 10th 1807
This will was presented in Court by Elizabeth
M. Gurley the Executrix named in the will,
proved by the oaths of John Wheeler and
Benjamin Edwards two of the witnesses hereto
and ordered to be recorded, and on the motion
of the said Exec. who made oath according
to law probat is granted her in due
form on giving security. Whereupon

Test Saml. Wells clk

At copy

J. Minter DC

Pro Gurley
Will