

1814-025

SOUTHAMPTON COUNTY
CHANCERY PAPERS

GILLIAM

vs.

ROCHELLE'S EXECUTOR

5/18/4

Gulliam

2

Reckells et

} Bill

1797 July, Bill filed

May 1814 cont.

To the Worshipped Court of Southampton County
sitting in chancery, humbly complaining I sheweth
unto the Court your orator Thomas Gilliam of
the County of said,

That Levy Rochelle the son of Mr. Rochelle
deceased brought a Suit against your orator upon
a claim founded on Simple Contract & recovered
a judgment for the benefit of his testator's estate
to the amount of £ That your orator at
the same time had a Suit depending against the
said Levy as executor of said deceased, founded upon a
claim to a greater amount than the aforesaid
judgment. That the jury upon the trial of this
Cause brought in their verdict in favor of your
orator, but for some cause this Court granted a
new trial, by means whereof the said Levy's
judgment in November Term stood open against
your orator, and his claim delayed. whereas
orator always dies, conceives it equitable & just
that one of these claims should operate as an off-
= set against the other, equably to their amount.

but the said Levy notwithstanding the promises
made by your orator with an exception & to Com-
pell him to make payment, when your orator is well
opposed that the said John Rockells estate upon a
fair settlement is in your orators debt.

Intend on consideration whereof, and for as
much as your orator is without remedy only in
a Court of equity

To the end therefore that the said Levy
Rockells the executor of John Rockells dec. who your
orator prays may be made defendant to this bill
of Complaint, may upon his Corporal oath make
true and perfect answer make to all & singular
the allegations in this bill contained, and that as
fully and sufficiently as if the same were again
renewed repeated & interrogated

And that your orator will resign the said
defendants and all other concerned from further
proceedings at law, until the decision of your
orators suit against the said Levy is had, and
will make any order or decree here for your orators
relief as may seem meet. May it please your honor

Southampton County Va

Thomas Gilliam made oath before me
that the allegation of the foregoing bill are
true as far as he knows & truly believes
of and under any bond the 10 day 1797

James Millard
(11)