

1815-029

SOUTHAMPTON COUNTY
CHANCERY PAPERS

CARR et al

VS. Thompson vs ux vs al

9/1815

other surnames: Thomson,
Darden, Williams, Vaughan,
Lee

To the worshipful Court of Southampton County in Chancery
sitting. Humbly complaining shew unto your worship,
your orators James Carr and Arthur Carr and your infant
oratrix Sally Carr, by the said James Carr, her guardian
& next friend, that a certain Jesse Carr departed this life
on the day of _____ in the said County of South-
ampton Intestate, leaving a widow Ann Carr and three
children, to wit, your orators and oratrix - that at a Court
held for the said County of Southampton on the day of _____ 1797
and a suit in Chancery instituted in the said Court by your
orators and Matthew Carr, who should have been called
Sally Carr your oratrix, afterwards amended by leave of the said
Court, so as to make your ~~orators~~ orators and oratrix Sally
Carr, by a certain James Carr, complainants, against
the said Ann Carr, widow & executrix, and a certain
Darden, administrators of the said Jesse Carr dec'd & defendants
it was decreed by the said Court, that Jacob Darden, John
Williams, John Lee and Seymour Vaughan or any three of them,
should assign down to the said Ann Carr in the lands and
slaves of which the said Jesse Carr dec'd seized & possessed,
I divide the Residue of the said lands & slaves equally between
the said Complainants, which said decree was afterwards
carried into Effect by the said Jacob Darden, John Lee and
Seymour Vaughan, who assigned to the said Ann Carr
two negro slaves, Bob & Sharper, as her dower in the said slaves,
as will fully appear by attested copies of the said Decree
& the report of the said Complainants Jacob Darden, John Lee
and Seymour Vaughan, upon the return of which at the
September term of the said Court, ^{in the year 1800,} the said decree was made final,

hunts annexed and to which your worship are referred as a part of this bill - that the said Ann Carr, widow and executrix of the said Jesse Carr deceased, shortly thereafter intimated with a certain Nicholson Thompson - that the said Nicholson Thompson ^{and Ann his wife} sold her ~~share~~ ^{Downer} Interest in the said slave Sharper to a certain James Carr - that the said James Carr, sometime thereafter, departed this life, having first duly made and published his last will & testament in writing, by which he bequeathed his interest in the said slave Sharper, to a certain William Carr, of this County - as will fully appear by an attested copy of the said ~~last~~ will and testament, hereto annexed, and to which your worship are also referred as a part of this bill - that the said ~~James Carr~~ ^{Jacob Darden} was put in possession of the said negro slave Sharper, by ~~your orator James Carr~~ ^{the} Executor of the said James Carr deceased, in pursuance of the said will - that the said William Carr, being in possession of the said negro slave Sharper as aforesaid, ^{has lately} sold the absolute interest in the said slave Sharper, to some person in the State of North Carolina unknown to your orator & others, at the price, as they have understood, of about four hundred and five Dollars - by reason whereof, the reversionary interest of your orator & others in the said slave Sharper is not only greatly jeopardized, but will be entirely lost, unless the said Nicholson Thompson and William Carr or one of them, are required to give bond with security, to have the said negro slave, Sharper, forthcoming at the death of the said Ann Thompson,

late Ann Carr, widow & executrix of the said Jesse Carr deceased - that your orator James Carr begs leave to state to your worship that he is indebted to the said William Carr by bond or note executed on the day of April 1815, in the sum of four hundred Dollars, with interest from the date of the said bond or note - being a balance due to the said William Carr for land ~~and~~ purchased of him by your orator James Carr - and that your orator James Carr shall be given, to have the said bond or note with security shall be given, to have the said negro slave Sharper, forthcoming at the death of the said Ann Thompson, it would be highly unjust that your orator James Carr should be compelled to pay the said amount of the said bond or note, or that the said William Carr should be permitted to transfer or assign the said bond or note, to any other person - or the contrary the said bond or note should remain unpaid, until such bond with security shall be given, as the means of indemnifying your orator & others against loss & injury in this behalf. In testimony whereof the said James Carr & others have signed these presents in a Court of Equity, in the presence of the said Nicholson Thompson & Ann his wife, who live in the County of Guilford, and the said William Carr may be compelled, on their corporal oaths, to answer all & singular the allegations herein contained, & that as fully as if the same were herein again repeated, and they thereunto particularly interrogated - that your worship will decree that the said Nicholson Thompson & William Carr, or one of them, execute bond with security to your orator & others, conditioned for the forthcoming of the said negro slave Sharper at the death of the said Ann Thompson, late Ann Carr, widow & executrix of the said Jesse Carr deceased - that your worship will immediately injoin the said William Carr from transferring

suit against your orator James upon the said bond or note
or from transferring, assigning or in any manner disposing of the
said bond or note, until the matters of this bill are fully heard &
determined in Equity - that such other decrees be rendered, & such
other & general relief granted, in the premises, as may be found
consistent with Equity & good Conscience - May it please your
worships to grant the Commonwealth writ of Habeas & Injunction
as ~~commanding~~ ^{mandating} & as in duty bound your orators lawyers
will ever pray.

June 20th 1815

Sworn to in open court

Still for prompt

JR

September 15th 1815
answered file -

James 1815
Injunction subpoena issued

W. H. ...

James 1815

The answer of William Carr one of the Defendants to a Bill in Chancery exhibited against him and others in the County Court of Southampton by James Carr Arthur Carr, and Sally Carr an infant by James Carr her Guardian & next friend.

This respondent for answer shunts or to so much thereof as he is advised is material for him to Answer - saving to himself, all and all manner of rights of exception to any inaccuracies or errors which may be contained in the said bill of complaint. - Sath that he admits it is true as stated in the said bill that Jesse Carr departed this life leaving Lands & Slaves, which were by a Decree of the County Court of Southampton laid off and the Meadow Down allotted to her: in which the s^d Slave Sharper was contained; and that after the intermarriage of the said Ann Carr widow of the said Jesse Carr with the said Nicholas Thompson mentioned in the said Bill, they the s^d Thompson & Wife did dispose of their interest in the said Negro Sharper to James Carr now s^d Father to this Deft who by his last Will and testament bequeathed to this Deft. all his interest in the said Slave Sharper which said Slave was accordingly delivered

up to this respondent who continued to hold
the said Slave till about three years ago
when he the said Sharper run away and
kept himself out until the winter of
1813-14 - when he was taken on James River
endeavouring to get to some of the British
Ships of War then blockading the ports of
the U.S. - That after this Deft. received
the possession of the s^d Slave Sharper the
letter to secure him and prevent his escape
to the enemy's Ships. he the s^d Negro was
put in Irons, but soon after broke them
and escaped a second time, when this Deft.
considered him lost; but so it was that
the said Slave was again apprehended &
and after considerable trouble & pains taken
to dispose of him within the State of
Virginia this Deft. confesses he did sell
the said Slave to a certain Britan Simmons
of N. Carolina at the price of \$405 for the
very purpose of saving something for himself
as an indemnity for the interest he held - &
at the same time believing he was rendering
a service to the complainants they being
entitled to the redemption in the said Slave;
wily believing at the same time that if
the said Deft. did not secure something by
sale of the s^d Slave that himself & the
commissioners would suffer a total loss of his
whole value by his departure out of the
Country. - So far in answer to
the said bill of complaint this respondent
does not contradict or deny. But begs

leave here to remark that with respect to the
Debt of the said bill, he is not a little
surprised at the wonderful modesty of the
Compts - but more especially James Carr
who confesses himself indebted to this respondent
\$400 - and with great confidence demands
of the Court that he may be protected from the
emanation of process against him to compel
payment thereof; until he this Deft. shall
have given bond and security for the forth-
coming of the said Sharper Dead or alive
at the time of the decease of Mr Thompson
late Ann Carr - with the same reason
were the different Compts equally indebted
to this Deft. \$400 each he might be com-
pelled to abandon his just claims for
\$1200 for the precarious & uncertain rever-
sionary interest they the compts. hold in
the said Slave who perhaps may die long
before Mrs Thompson - for whose life this Deft.
held the s^d Slave. - Another view
of this case presents itself to this Deft.
which he here solicits leave to state to
the Court; it is well known & most
awfully true that when any cause gets
on the Chancery Docket in this Court
it is there for many lives to come - so
that an injunction is fully equal to an
extinguishment of any Debt thereby enjoined
This respondent therefore hopes that when
he has entered into bond which he was always

willing to do) as the Court may decree in such
sum of money as it may reasonably be supposed
the said Slave will be worth at the time of
the death of Mr. Thompson, for whose life
this Deft had a right to hold the said Slave;
that then there will be no farther pretext
conjured up to withhold from him his
money due for Land sold to the Compt. James
Carr. Demying all fraud & prays home
to be dismissed

For the
Deft Carr

Samptown Jct.

This Day appeared before me Jeremiah Cobb
a Justice of the peace for the S. County of Samptown
Mr Carr and made oath to the truth of the
 foregoing answer Given under my hand this
11th day of Sept. 1757

Jeremiah J. Cobb

William Carr
attorney for
Carr & al - Deft
in Exonary

Can. G. }
" }
Can. W. }
Aut. J. }
Decree }
Hof. J.

Southampton September Sessions 1797

James Carr, Arthur Carr and Martha Carr orphans of Sipe Carr dec'd. by James Carr

Complts

In Chancery

against

Ann Carr widow and relict of Sipe Carr dec'd. and Jacob Darden adm^r of the said Sipe Carr

Defts

This cause was docketed by consent of the parties and heard on the bill of the complainants and the answer of the defendants on consideration whereof, the decreed and ordered that Jacob Darden Senr. Jordan Williams, John Lee and Seymour Vaughan or any three of them, allot assign and set apart to the deff. Ann her dower in the land and Slaves whereof Sipe Carr dec'd did seize and possess, and also make partition and division of the residue of the said land and Slaves equally among the complainants James, Arthur and Martha Carr and make report thereof to the next court of quarterly Sessions in order to a final decree

Sam Hullo C.

Attest

James Rochelle C.

Southampton County to wit, April Court 1799

James, Arthur & Martha Carr infants of Sipe Carr dec'd. by James Carr

Complts

In Chancery

ag^t

Ann Carr & Jacob Darden adm^r of Sipe Carr dec'd. Defts

By consent of the parties in this cause it is ordered that the name of Sally Carr be inserted in the bill filed herein if the decree heretofore made in this case it appearing that one of the complainants is called Patry Carr instead of Sally Carr (by mistake)

Attest Sam Hullo

Attest Sute James Rochelle C.

Car. W. }
" }
Car. W. }
" }
" }
" }

Spa in

Chancery

To July Court 1815

Executed W. June 1815.

Wm. D. Dyer
Jacob D. Dyer
Dyer

To restrain the said William Case from instituting suits
against the said James Case, upon a bond or note or
from transferring, assigning, or in any manner disposing
of the said bond or note, until the matters of the bill for
that purpose filed are fully heard in equity.

Attest per
[Signature]

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of *Southampton* County Greeting:

You are hereby commanded to summon *William Carr*

to appear before the *Justices* of our *county* Court of Southampton County, at the Courthouse, on the *third* mon day of *July* next, to testify and do what he shall see fit on behalf of *answer a bill* ~~in~~ *whited* against himself and *Nicholson Thompson* of *and his wife* by *in a certain matter of controversy now depending and undetermined in said court between James Carr, et al. and Carr & Sally Carr* by the said *James Carr* his guardian & next friend

And this *he* shall in no wise omit, under the penalty of 100l. And have then there this writ.

Witness, JAMES ROCHELLE, Clerk of our said Court, at his office, the *21st* day of *June* 1815 and *39th* year of the Commonwealth.

J. Rochelle

Can }
is } Report in
Can } Chy.

Sept. 1800 Rept. ret.
of final reces -
Lutz
Rochell

In obedience to an order of court to us directed we have allotted to Ann Carr, her dower in the land, & slaves of which Jefe Carr was seized and possessed, & having made division of the remaining part thereof amongst the children of said Jefe (to wit) James Carr, Arthur Carr & Sally Carr as follows to wit, - First we have allotted to the said Ann Carr sixty acres of land, being a part of the manor plantation of the land adjoining, bounded as follows - Beginning at a red oak in Jefe Carrs line, thence along said line of Robert Darden line to a gum a corner in the cedar Swamp thence down said Swamp to a pine a corner for James Carr, thence along said James Carr line to a red oak near a path, thence along a straight line of marked trees through the plantation of wood to the first station, including the dwelling house with the outhouses appertaining thereto, together with two slaves. Bob a man & a boy Thompson as his dower

Item To James Carr, the half of that tract of land which said Jefe bought of Lawrence Carr, being the lower end thereof and bounded as follows, (to wit) Beginning at a small red oak standing in the boundary line of the Southwest side of said tract, thence along said line to a pine a corner for Abraham Mitchells land thence along said Mitchells line to a gum a corner in the cypress Swamp thence up said Swamp to a maple on the side the main road, thence $\text{S. } 42 \text{ degrees west}$, along a line of marked trees to the first station containing one hundred and sixty five acres more or less with two negroes slaves Caleb a man, & a boy named Ben -

Item To Arthur Carr all that part of the manor plantation with the land adjoining which is not included in the widows dower above stated, being one hundred and three acres more or less with two negroes Patience and her boy child Bob -

Item And to Sally Carr, all the balance of the tract which said Jefe bought of Lawrence Carr, above mentioned, being one hundred and sixty five acres more or less - with two slaves Isabella a woman & a boy named -

Given under our hands this 20th day of Decr 1798

Jacob Darden
John Lee
Symon Vaughan
Marked
Abel West
Rochelle

Town of Petersburg, to wit:

This day personally appeared before me a Magistrate of the said town, Tho^s Whitworth, one of the Editors of the Petersburg Intelligencer, and made oath that the subjoined Order of Court has been published for two successive months in the ~~the~~ paper aforesaid.

Given under my hand this 22nd day of Sept^r 1815

John Osborne Clerk

Southampton June Court 1815

James Carr and Arthur Carr and Sally Carr by the said James Carr, her guardian and next friend,

Compl^{ts}.

AGAINST

William Carr and Nicholson Thomson, and Ann his wife,

Def^{ts}.

IN
CHANCERY

THE defendants Nicholson Thomson and Ann his wife, not having entered their appearance and given security according to the act of assembly and rules of this court, and it appearing to the satisfaction of the court that they are not inhabitants of this commonwealth — therefore it is ordered that the said absent defendants appear here on or before the third Monday in September next, and answer the complainants' 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 courthouse of this county, on two several court days.

Teste,

ROCHELLE, c. c.

James Carrs Hill

Copy

[Faint, mostly illegible handwritten text covering the majority of the page, likely bleed-through from the reverse side.]

In the name of god Amen, I James Barr Senr
of Southampton County Virginia being in a low state
of health as to my body, but thanks be to god of sound
mind, and recollecting the mortality of my body and
knowing that it is appointed for all to die do make
(and ordain this my last will and testament in m-
=ner and form following Viz^{to}

First, I desire that my just debts and funeral expences should
be paid

Item I leave to my wife Selah Barr the use of the land and
plantation whereon I now live including one hundred
acres to be laid off in the North end of my land and
separated from my other land by a line to run across it
in a east and West direction during her natural
life and at her death I give the said land and plan-
-tation to my grandson James Barr to him his
heirs and assigns forever. I likewise leave to my
said ~~son~~ wife my interest in negro man Bob and
a negro girl Selma during her natural life and at
her death I give the said girl Selma and increase if
any to my son William Barr his heirs and assigns
forever

Item I give all the residue of my lands together with my interest in negro man Sharper to my son William Carr to him his heirs and assigns forever

Item The residue of my estate I leave to be disposed of in the following manner - to wit

I give to my son William Carr one cow and one heifer (besides three he now owns) one bed and furniture two pew-ter dishes 2 Basons and two plates to his own use -

Item I give to my wife Celea Carr the remaining part of my cattle (including the work steers) my stock of sheep and hogs twenty five barrels corn, and as much of my crop of fodder and peas as my executor hereafter named may think necessary for her use -

I also give her one piece of land and Saddle (the old horse) two beds and furniture 1 Chest 1 Trunk, 1 Desk and all my Kitchen furniture and plantation Utensils for her use and support during her life & no longer

Item I give to my grand son James Carr the horse I bought at Everett's sale, 1 bed and furniture & 1 Chest (the Chest called mine) to his own disposal

Item I leave all the residue of my estate together with what may be left at the death of my wife of the Chattel estate left to her to be sold and the proceeds of said sale I give the one half ^{to my son James Carr & William half} in equal distribution

to my three grand children James Carr Arthur Carr and Sally Carr to them and their own disposal

Lastly I hereby constitute and appoint my friend Jacob Darden and my grand son James Carr executors of this my last will and testament ratifying and confirming this and no other to be my last will and testament Witness my hand and seal this

15th day of November 1807

Signed Sealed published and pronounced in presence of
James Carr
William ^{his} Ellis
Ely ^{his} Daves
marks

Jacob Darden At a Court held for the county of Southampton the day of February 1808 This will was presented into court proved by the oaths of William Ellis and Jacob Darden two of the witnesses thereto and ordered to be Recorded - And at a Court held for the said county of Southampton on the day of April 1808 James Carr & one of the executors named in the will appeared (the other executor refusing in court to qualify) therefore on the motion of the said James Carr who made oath according to law probat is granted him in due form giving security whereupon
Attest
James Rockwell Esq