1818-005 SOUTHAMPTON COUNTY CHANCERY PAPERS CRICHLOW'S EXECUTORS VS. BLOW & al

3/1818

other SURNames: Fort

Nicholas's exor.
vs
Blows

Bill filed

June 1805

Richd & Thos Blows
answer filed & rule
to dispolve

Octr. 20th 1817 T. Blows
answer quashed & Rule
answer to rules to be filed

march 17th 1818
Injc Dissolved with
damages &c

Hill

Not deacidified
1992

To the Justices of Southampton County Court in Cty
sitting. — Humbly sheweth your Compt. John Cricklow
exor of Wm Cricklow dec'd; That on or about the day
of in the life time of the said Testator
a certain Richard Blow of this County was indebted to the
said Wm Cricklow in the sum of dec'd
by account — That subsequent thereto, to wit in the
year 1798 the s'd William was putting up sundry buildings
the sawing whereof was undertaken by the s'd Richard
Blow who had a negro-man by the name of Hal that
with one by the name of Moses (said to belong to
Thomas Blow) in the service of the s'd Richard performed
some of the s'd work — That under the circumstances
the testator employed the s'd Richard to have some Plank
& Scantling sawed at which time it was understood by the
said testator (and without doubt by the s'd Richard Blow
also) as yr Compt'nt verily believes that the acc't due
the testator by and from the s'd Richard Blow should
be allowed in the acc't for sawing done & performed
in consequence of the s'd Richard's undertaking — n —

Your Compt'nt further shews as he has been informed
& believes, that in the life time of the Testator some
conversation passed respecting an acc't or order put in the
hands of some Att'y in the name of Thomas Blow for sawing
&c against the Testator, and he the s'd William Cricklow
expressly refused to pay the same alledging the

he had no transaction with Thomas Blow relative to such an acct, that with Richard, who owed him he had made a bargain, & that with him he was willing & ready to account, ~~and expected that at last settlement~~

It is strange therefore that under these circumstances no suit was brot in the life time of the Testator when the transaction was more capable of being explained & understood ~~But~~ the reason is can only be accounted for upon the principle that it did not suit the purposes of Richard & Thomas Blow as either of them ——— From the foregoing it is evident that Richard Blow was the only known & ostensible Person in the sawing business, and of course the only one to whom the testator was bound or his estate is bound to account — but if it should appear otherwise, and that the Defts Richard & Thomas Blow were Partners in that case, the acct exhibited and on which Judgt has been obtained in this Court by Pltff Complnt should have been in the name of Richard & Thomas Blow, and then the discount here insisted on by Pltff Complnt would apply as far as a matter of the Defts acct — and indeed taking the acct upon that principle it would remain to be proven by Testimony independent of the Parties or either of them, because they cannot be witnesses in their own Cause — but whether the Defts Blow were Partners, or not, when the case is viewed in another light, the Complt in this and in all others calls for legal & indubitable testimony as ~~to what~~ to all the items & value of the Defts acct — In tender consideration whereof, and inasmuch as matters of this kind are properly relievable here, and to the end therefore that the Defts Thomas Blow & Richard Blow may be made Defts hereto & answer on oath the statement and allegations of this bill in as ample a manner as if the same were again repeated, and they particularly interrogated thereto — 1st Did not the Deft Richard undertake to have the sawing done for the Testator? was there any contract or bargain with Thomas Blow respecting the acct for sawing &c? was he known in the transaction 2d had not the Deft Richard the use & direction of Moses as well as his own Sawyer [redacted] &c. or was he the Defts in Partnership? ——— was not Deft Richard indebted to the Complt testator? ——— and is not That this Court will enjoin the said Thomas Blow & all others from proceeding in virtue of the aforesd Judgt until the Cause is heard in Equity and then make the Injunction perpetual, or grant such Decree herein as shall be consistent with the Principles of Justice & Equity, may it please the Court the Comwlths Bowles to grant unto the Complt a writ of Subpoena directed to the Defts commanding them

By Will &c.
for the Complt

Boston Co. Ss.

The Compltt. John Crichlow esqr of Wm Crichlow dece appeared before me a Justice of the Peace for the Co aforsd and made Oath, that the Substance and matter of fact in the foregoing bill so far as they relate to his own Knowledge are true; and so far as the same are derived from the information of others he believes them to be true - Given under my hand this 7th of augt 1804 -

Sam Talbot J.P.

Norfolk Borough Sct.

Thomas Blow appeared before me, an Alderman of the Borough aforesaid & made oath, to the truth of the within answer ——— Given under my hand this 11 May 1805

Thos. Armistead

Cricklow
vs
Blow & another.

The seperate answer of Thomas Blow to the bill of injunction exhibited against his brother James Blow and himself in Southampton court by John Crichlow executor of William Crichlow.

This Respondent saving to himself all right of excepting to the various errors &c contained in the said bill for answer thereto, or to so much thereof as he is advised is material for him to answer, says that it is true that he did obtain such a judgment against the complt. as is stated in his said bill; that he knows nothing of the claim to discount set up by the complt., nor can he believe that any account of the complt. either in his own right or as exor of his said father against the said James Blow (however just it may be) will be allowed by the court to operate as a set off to his said judgment. He admits, that his negro man Moses did save with a negro man of ~~his brother~~ Richard Blow, for the said Crichlow and others, but he is fully convinced that the said William Crichlow well knew that Moses belonged to him and not to ~~his brother~~ Richd Blow. He adds that after the said negroes had been ~~saving~~ severing together for some time, he and ~~his brother~~ Richard Blow decided the different accounts, when the one on which the aforesaid judgment was rendered fell to him; And he expressly charges that John Crichlow the complt did promise to pay him the amount of his said account as soon as he could collect enough money as would be sufficient. This Respondent lastly prays that the said injunction may be dissolved, and that he may be hence dismissed with his costs in this behalf most wrongfully sustained.

Thos Blow

Sworn to in open court
Rochelle

P. Blows Exc -
Thos Blows and
answer to
Exclaws Cross
Bill.

The answer of Peter Blow Exor of Thomas Blow dec'd
to the Bill of complaint filed in Court of Chancery
against his Testator in his life time and Richard
Blow by John Cocke his Exor of the said Richard deceased
This Respondent after saving to himself all
just benefit of exception to the Complainants bill
by way of answer to the answer of his Testator
hereto fore filed in the said Cause can only say
so far as he is advised the said answer was
contained sufficient by his Testator at the time
hearing of the cause but to come by at this answer
setting forth in its entirety that it was
the answer of this Blow in the said injunction
aforesaid but afterwards by mistake through
Name of James Blow who should have used another
of Richard should have been used and which
can only be accounted as a mistake of the
Counsel who wrote the said answer as this
respondent relies will sufficiently appear
by a perusal to the answer taken
altogether from which it will be that one
does that the name of Richard is in the
body of the said answer throughout
accidentally became the answer
Thos Blow his Testator himself as will at once
be discovered by a perusal to it and
Thirdly because it was known to by his Testator
Thos Blow. and from all which reasons
no doubt he thinks can remain but that
the name of
James Blow is accidentally used by a
mistake of the Counsel in stead of the
name of Richard Blow. nothing
varying in substance or in
to the facts charged in the bill about which
your respondent unwarrantably knows nothing
but prays your worships will dismiss

of the answer filed by his testator in this cause
as may be pertinent as a part of his answer
he prays upon the hearing the benefit of
to dispose the said Bill which has delayed
his testator in his said Judgment along
time from about June 1805 - many a deponent
which he well believes has nothing of certain
if it could be used as more
certainty an equitable defence
Having now fully answered as far as
he is advised it is material he
should be required hereunto his
said answer to this bill of most
wrongfully and maliciously exhibited
against him as in duty bound
will pray &c. &c. &c.

Sworn to in open court
Rochelle

J. Blow Exr -
This Defendant
answers to
Exclaus Cross
Bill.

Wicklow
vs
Blount
} annula

The answer of Richard Blow to the bill of complaint exhibited against Thomas Blow and himself in the court of Southampton county by John Nicholson exor of William Nicholson.

This Respondent saving to himself all right of excepting to all the errors in the said bill, says. That it true that Tho: Blow and himself were partners in sawing when the sawing mentioned in the bill was commenced. That after carrying on the said work for some time, they divided the accounts, and the one on which the judgment was rendered against the complt was allotted to Thomas Blow. He alledges that Wm Nicholson knew that one of the negroes belonged to Tho: Blow. This Respondent admits that Wm Nicholson had an account against him individually, but he annexes hereto as a part of this answer a just account of his own against the said Nicholson to a greater amount (as he believes) than Nicholson's against him. He is confident that Wm Nicholson did know Thomas Blow as well as himself in the said transaction. He considers it wholly unnecessary to make a further answer to the said bill and prays to be hence dismissed with his costs in this behalf most wrongfully expended.

Sworn to before me a Magistrate for the County of Southampton by Richard Blow this 20th day of March 1805.

J. Vick

15. July 1804

1818 — 3 — 17
1804 — 8 — 15
13 — 7 — 2

27.5-3/10 = 2.72.16.6

27-5/40 = 6/545

90-84/4 = 90.88/10 = 9.08.80

6 — 1/9.08
13
27 24
9 08
118.04
4.54
75
123.33

100/1500
83
16
99

Blow
to
Richlow 24th

Copy of Diagram

At a Court [illegible] begun, continued and held for the County of Southampton on the 22nd day of March 1804

Thomas Bloxham ..... Pltf

In Case

ag[t]

John Cuchlow Executor of William Cuchlow deceased ..... Deft

The defendant by his attorney comes and defends the force and injury when &c and that he did not assume upon himself in manner and form as against him the Plaintiff hath complained, and this he prays may be enquired of by the Country, and the Plaintiff doth so likewise And thereupon came also a Jury to wit, Nathaniel Fitz, Henry Parker, Jacob Darling, Simmons Butts, Henry Brantly, David Newsum, Charmon Nicholson, Collins Ritchey, John Denegre, Henry Archibald, James Douglas and Thomas Stanley, who being elected tried and Sworn the truth to speak upon the issue joined, upon their oaths, do say that the defendant Testator did assume upon himself in manner and form as against him the Plaintiff hath complained, and they do assess the Plaintiff damages by occasion thereof to Twenty Seven pounds five Shillings and three pence to be levied of the goods and chattels of the said William Cuchlow at the time of his death in the hands of John Cuchlow to be administered if so much thereof he hath, if not then the Costs to be levied of the proper goods and Chattels of the said John Cuchlow. Therefore it is Considered by the Court that the Plaintiff recover against the said defendant his damages aforesaid in form aforesaid assessed and his costs by him about his Suit in this behalf expended and the said defendant in Mercy &c

Costs — $6.14

A Copy Teste James Rochelle CC

Blow
n
brickhouses

Inft.
Sha

July. 1804

Lieut.

The Commonwealth of Virginia to the Sheriff of Southampton County and to Thomas Blair ——— his Counsellor at Law, Solicitor and Agent and every of them greeting; Whereas it hath been represented into the Court of the County of Southampton in Chancery on the part of Jno Cuthbert or Wm ——— who hath prayed that he may have our Writ of writs Injunction Subpoena for stay of all further proceedings at Common Law until the hearing of the Cause, now therefore in Consideration of the premises aforesaid, do strictly enjoin and Command you the said Sheriff

and all and every the persons before mentioned that you and every of you do absolutely desist from all further Proceedings against the said Jno Cuthbert or Wm ——— on the judgment and execution obtained in our said County Court of Southampton against him by the said Jno ——— until the hearing of the said Cause in Chancery, under the Penalty of 100 Pounds of

Witness Stith Clerk of our said Court at the Office the 23rd day July 1804 in the 29th Year of the Commonwealth

Stith

The Commonwealth of Virginia to the Sheriff of Southampton county greeting Whereas at a court held for the county of Southampton on the 18[illegible] day of [illegible] 181[illegible] John Creichlow Executor of William Creichlow dec'd. [illegible] moved the court for an Injunction to stay the proceedings of a Judgment obtained against him at common law by Thomas Blow [illegible] until the matter could be heard upon a bill for that purpose filed, & prayed the court to grant him the [illegible] writ of Injunction Subpona which was accordingly done. and Such have been the proceedings in our Said court Since the granting the Said Injunction, and before the hearing thereof the Said Thomas Blow & Richard Blow departed this life having first made and speculed his last will and testament in writing therein appointing a certain Peter Blow his speculor thereto who took upon himself the burthen of the speculion thereof and a certain Richard Blow who is prayed to be made a party defendant in this injunction also having departed this life, first making and speeching his last will and testament in writing therein appointed a certain John Thomas and James Rochelle his Executors thereto who took upon themselves the burthen of the speculion thereof as we have been given to understand and be informed, whereupon the Said Peter Blow Executor of Thomas Blow dec'd. and the Said John Thomas and James Rochelle Executor of Richd. Blow dec'd. Supplicated us to grant them their proper remedy in this behalf and we being willing and desirous that Speedy Justice be done the parties command you that you make known to the Said John Creichlow Executor of Wm. Creichlow dec'd. that he be before the Justices of our county court of Southampton at the courthouse on the third monday in June next to Shew good & sufficient

cause why the Said Injunction and the proceedings thereupon heretofore had Should not be revived in the name of Said Peter Blow John Thomas & James Rochelle Executors aforesaid and further to do and receive what our Said court in that part Shall consider. And this he Shall not omit - under the penalty of £100 And have then there this writ. Witness James Rochelle clerk of our Said county court of Southampton at his office the 22nd day of May 1817 and 41st Year of the Commonwealth

James Rochelle C.

Blows Exrs &c. Fac.
vs
Nicholas Exrs &c.

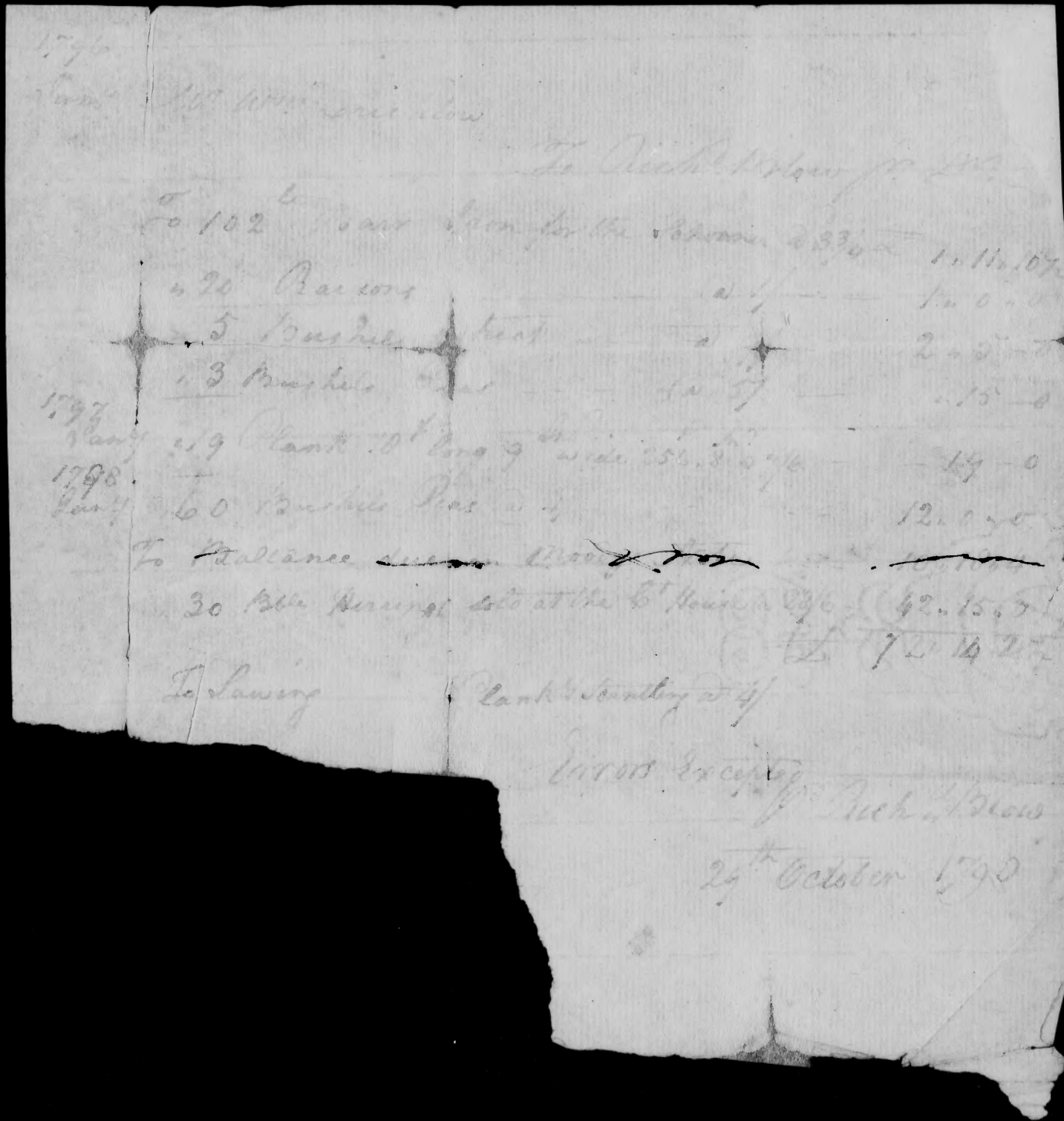
Fo Inj. Court 1817

1188

executed
Henry Briggs Sh

Jno S. Sutton

6 l. 5 s. 10 p.
12.
49 l. 5 s. 10 p.



Mr Denson - The negro
Slaidg mouths - with
Dunsons father - came
over of his own ac -
- cord

1796 Jany } Mr. Wm. Crichlow

Dr. to Richd Blow

To 102 Bar Iron for the Schooner Sukey & Polly	@ 3¾	1 " 11 " 10½	
" 20 lbs Raisons	@ 1/	1 " 0 - 0	
" 5 Bushels Wheat	9/	2 " 5 - 0	
" 3 Bushels Peas	@ 5/	15. 0	
1797 " 19 plank 18 Ft. long 9 In. wide	256. 8 @ 7/6	19. 0	
" Sawing 453 Ft. of Plank to build wharf	@ 3/9	17. 0	
" Sawing 140 do.	do. @ 4/6	6 " 3	
" 30 Barrels herrings being the Ballance of my part made at Mr. Jno. Crichlows fishing	@ 28/6	42 " 15. 0	
		£ 50 " 9 " 12	

Cr

By your Acct against me

Errors Excepted

Richd Blow

Southampton Jc

The Justness of the above account was proved before me

March 15th 1865

Henry Briggs

24
9
216
14
864
216.
1430 24
252.8

18
9
162
24
13
72
24.
143 12
26

4.6
1.½
6¾
17
6.3 3/4

3.9
4
15.0
2.0
17 - 2

Timber sawed for W. Corliss

72
47.
288
36
20 | 324
16.4

for making his Wharf

An Acct of Plank Sawd for Mr Cruickshanks

14 Plank	24 f. long	9 Inf. wide	—	252
18 ditto	12 ft. long	9 do	—	162
1 ditto	24 do	13 Inf.	—	26
1 Do	12 do	13 Inf.	—	13
				453 @ 3/9 £-17
12 pieces	14 long	4 by 6	-140 @ 4/6	6.5
				£1.3.3