1821-019 SOUTHAMPTON COUNTY CHANCERY PAPERS CRICHLOW VS. THOMAS' EXTORS

2/1821

other SURNames: Barratt, Newsum, Gurley, Blunt,

Buchler
vs
Perley et al } Bry.

June 1814
Bill filed

January 1821 Cont. ord. that unless this Cause be inserted by the next Court, the Same will stand dismissed

Wm. Cobb C.P.

To the Worshipful Court of Southampton in Chancery sitting.

Humbly complaining sheweth unto your worships your complainant John Brichlew. That a certain George Bailey and Henry Thomas executors of William Thomas impleaded your complainant in an action of Trespass on the case in the County Court of Southampton and recovered a judgment against your complainant at June Term 1806 for the sum of thirty dollars and interest thereon from the 25th of Dec 1805 till payment. Your complainant humbly craves to state the circumstances attending the aforesaid suit in which the said judgment has been rendered so far as the papers in the cause and his own recollection will enable him. Your complainant hired a negro fellow of a certain George Thomas in the year 1800 for what sum at present he does not recollect, but before the expiration of the year for which he was hired bargained in the month of September the said Thomas took the said negro out of the possession of your complainant, obliging himself to make a reasonable deduction in the hire. That by some means or other the claim of said Thomas for the hire of the said negro came into the possession of said George

Gurley and in the name of Gurley and Thomas
executors of Wm Thomas ~~as~~ the suit was instituted
against your complainant - Why the suit was
instituted in this manner your complainant is at a
loss to discover. At the time of the trial of the cause
your complainant was entitled to a credit for money
paid to the use of the said Gurley but was not
able at that time in consequence of the loss
of his evidence to prove the same to the Jury
that since the rendition of the judgment
aforesaid your complainant has found a
account signed by Benjamin Blunt who
was at that time treasurer for the County of Sotom-
for the sum of £11.18.9 and of your compl-
ainant in satisfaction of so much due from
~~the said~~ George Gurley collector of the County
Levies for the year 1791 & 1792 ~~which account~~
~~bears date~~ which said George Gurley afterwards
died and the said George who instituted suit
against your complainant justified as
his executor. Your complainant humbly conceives
that he is entitled to a credit for the amount
so paid to George Gurley collector as aforesaid
independent of the aforesaid equitable discount

your complainant avers that he paid to Geo G Thomas
the owner of the said negro the sum of twenty
dollars in the fall of the year 1800 in part for the hire
of the said negro and that he also paid to George
Gurley the further sum of $15 ~~on the~~ the receipt of
which your complainant has before the ready signed
by Ben Blunt bears date 21 Sept 1802 and is hereto
annexed and prayed to be taken as a part of this bill
From the circumstances herein disclosed it most
manifestly appears that so far from your compl-
ainant being indebted on account of the hire of the
negro aforesaid he is really entitled to a considerable
balance. Nevertheless he is threatened with an execution
against his property all which is contrary to equity
and good conscience. In tender consideration whereof
and in as much as your complainant is remediless
in the premises except in a court of Equity where
matters of this kind are properly cognizable he
prays that your worships would make the said
Geo Gurley and Henry Thomas defendants hereto
and that they be compelled to answer all and
singular the allegations herein contained fully
and answerably and he further prays that your
worships would injoin all further proceedings on
the judgment aforesaid obtained against him
until the matters and things herein stated
can be fully heard and examined and he
humbly prays that your worships would grant

General relief and that the Commonwealth's subpoena of injunction may issue &c and hence ever pray -

Southampton County Sct

John Crichlow this day personally appeared before me a Justice of the peace for the said County and made oath to the truth of the foregoing answer so far as the matters and things therein stated depend upon his own knowledge and so far as they depend upon the knowledge of others he believes them to be true given under my hand this 20th day of June 1814 —

Gurley, Ex.r of Thomas.

adm. } Appellee

Cuthbert.

July 1814 answers filed

To the worshipful Court of Southampton County in Chancery sitting - The separate answer of George Gurley, one of the Executors of William Thomas dec^d, to the bill of Injunction, exhibited, in this worshipful Court, against himself and Henry Thomas Executor of the said William Thomas dec^d, by John Cuthbert - This respondent, saving & reserving to himself, all and every benefit of Exception whatsoever to the said bill, for answer thereto saith - that true it is, a Judgment was obtained against the said John Cuthbert, by himself and the said Henry Thomas Executor of the said William Thomas dec^d, at (he believes) the June term of Southampton Court 1836, for the sum of thirty dollars, with interest from the 25th day of December 1833 till payment, and the costs - every part of which, this respondent avers, to be now justly due and owing by the said John Cuthbert - This respondent most positively denies, that the said John Cuthbert hired of George G. Thomas, the negro fellow, for whose hire, the said Judgment was obtained - The said negro fellow, named Jesse, was hired, by the said John Cuthbert, of this respondent and the said Henry Thomas, Executor of the said William Thomas dec^d for the year 1833, at the price of twelve pounds. At the Expiration of about nine months, after the said negro fellow Jesse was hired out as aforesaid, George G. Thomas came of age and wished to have possession of the said negro, for the purpose of selling him - His wishes upon this subject, were made known to the said John Cuthbert, who readily consented, upon having a proportionable deduction of the hire, to deliver up the said negro, and pay the hire for nine months; which amounted to the sum of thirty dollars, for which this respondent and the said Henry Thomas, Executor as aforesaid, afterwards instituted suit, and obtained the

aforesaid Judgment, against the said John Cuthbert. This respondent admits that the said John Cuthbert paid to George G. Thomas, the sum of twenty dollars - in fact, to the best of his knowledge and recollection, the sum paid by the said John Cuthbert to the said George G. Thomas, was twenty five dollars - not however in part of the hire of the said negro fellow, Jesse, for the year 1800, as the said John Cuthbert has alledged, but in part of his, the said John Cuthbert's, bond, for the hire of a negro man, named Cago, hired by him, of this respondent and the said Henry Thomas, executors as aforesaid, in the year 1797 - This respondent also admits, that the said John Cuthbert paid to him the sum of fifteen Dollars, not however in part of the hire of the said negro fellow, Jesse, for the year 1800, but in discharge of his said bond for the hire of the said negro man Cago in the year 1797, and also in part of the hires of the said negro man Cago, and the said negro man Jesse, hired by the said John Cuthbert, of this respondent and the said Henry Thomas Executors as aforesaid, in the year 1798 - In the year 1797, the said negro man Cago was hired, by the said John Cuthbert, of this respondent & the said Henry Thomas, Executors as aforesaid, at the price of £9.12.0, for which a bond was given by the said John Cuthbert, which, after the aforesaid payment made by him, was delivered up to him - In the year 1798, the said negro man Cago, and the said negro man Jesse, were hired, by the said John Cuthbert, of this respondent and the said Henry Thomas, Executors as aforesaid, the former, at the price of £14.2.0, the latter, at the price of £12.0.0, for which no bonds were given by the said John Cuthbert.

As to the receipt for the sum of Eleven pounds, eighteen shillings and seven pence, given to the said John Cuthbert by Benjamin Blunt, treasurer of Southampton county, in full of the balance, due by George Gurley, late Sheriff of Southampton, as collector of county levies for the years 1791 and 1792, this respondent most solemnly avers, that the said John Cuthbert has also had full credit therefor, in settling with this respondent, the hires of the said negro men Cago and Jesse for the year 1798 - and as this respondent hath before stated to your worships, every part of the said Judgment, obtained by this respondent & the said Henry Thomas, Executors of the said William Thomas dec.d, against the said John Cuthbert, as aforesaid, is now justly due and owing to them - This Respondent therefore humbly prays, that your worships will dispose the Information granted in this behalf, and allow him & the said Henry Thomas, Executors of the said William Thomas dec.d the full benefit of their said Judgment at Law, against the said John Cuthbert - and having answered &c.a and denying all fraud &c.a this respondent prays to be hence dismissed, with his Costs in this behalf, most unjustly expended.

(signed) Geo Gurley

Southampton county S.t George Gurley, Ex.r of William Thomas dec.d, this day personally appeared before me Henry Briggs a justice of the peace for the said county, and made oath, that the foregoing answer contains the truth, to the best of his knowledge and belief - Given under my hand this 21.st day of July 1814.

Henry Briggs J.P.

Thomas W. of Thomas.

ads. } Answer.

Cuthbert.

Surety 24th 1814 answer

filed

To the worshipful Court of Southampton County in Chancery sitting -
The separate answer of Henry Thomas, one of the Executors of William Thomas dec^d, to the bill of Injunction exhibited in this worshipful Court, against George Gurley & himself, Executors of the said William Thomas dec^d, by John Cockhow -

This respondent saving and reserving to himself every benefit of Exception whatever, to the said bill, for answer thereto saith - that the said Geo. Gurley and himself, Executors of the said William Thomas dec^d, did obtain the Judgment, in the said bill mentioned, against the said John Cockhow. This respondent, however, most positively denies, that the said John Cockhow hired of George G. Thomas, the negro fellow, for whose hire the said Judgment was obtained - The said negro fellow, named Pipe, was hired by the said John Cockhow, of the said Geo. Gurley and this respondent, Executors as aforesaid, for the year 1800, at the price of twelve pounds - This respondent, not having been the acting Executor, knows nothing more, of his own knowledge, of the allegations in the said bill contained, and therefore must require of the said John Cockhow, full, perfect and legal proof thereof - This respondent therefore prays that the Injunction granted in this behalf may be dissolved, and that the said Geo. Gurley & himself, Executors as aforesaid, may be allowed the full benefit of their Judgment at law against the said John Cockhow, and that any other and general relief may be granted in the premises, consistent with Equity & good Conscience - and having answered &c and Denying all fraud &c, this respondent prays to be hence dismissed with his costs in this behalf expended.

(Signed) Henry Thomas

South^n County S^t. Henry Thomas, Ex^r. of William Thomas dec^d, this day personally appeared before me Henry Briggs a Justice of the Peace for the said County & made oath, that the foregoing answer contains the truth, to the best of his knowledge & belief. Given under my hand this 21 - July 1824 -

Henry Briggs J.P.

Crichlow
vs } Com. ord.
Gurley et al

Feby. 6th 1821

Executed
Ezra Butts Capt
Geo. Kimes Shff

Southampton County January Court 1821

John Lichlow . . . . Complainant

vs.

George Gurley and Henry Thomas ecr. executors of William Thomas decd . . . Defendants

upon an Injunction

On the motion of the defendant Gurley by his Counsel, It is decreed and ordered that, unless this Cause be reversed on or before the the first day of February Court next, the same will stand dismissed, and that the Sheriff of this County make the Same known to the parties —

Teste

A. M. Coolidge D.C.

The affadavit of Jesse Barrett Sr taken this 21st day of Jany 1815 between the hours of 10 & 4 o'clock at Marvel-head & being sworn deposeth & saith that between the years 1797 and 1800 that he the sd deponant was at the Spring grove (Stony) & Geo Gurley & Jas Thomas did expose to hire several negroes belonging to the Estate of Wm Thomas decd & after commencing the hire the sd deponant well recolects that John Cichlow rode up in a great hurry & before he came in company hailed the crowd & observed that he the sd Cichlow intended to hire the negroes & not to cry them out for he meant them for the purpose of fishing - as to the number & price he gave, this deponant does not recollect one or two he is certain was hired by the sd Cichlow & further saith not

Jesse Barrett

Jesse Barratt of lawfull age personally appeared before me & made oath to the within affadavit

Clements Rochelle

21st Jany 1815

The affadavit of Isham Newsum taken at the same time & place — and being sworn deposeth & saith — that between the years 1799 & 1800 he was call'd on by Jesse Guiry & Henry Thomas to cry up a parcel of negroes for one Yarn hoy belonging to the est of Wm Thomas dec'd, at the Pine Grove Store, after commencing the hoe John Crichlow rode up & before alighting call'd to me not to cry out the negroes & observed he must have them, & as well as this deponant recollects the said Crichlow did hire them one fellow by the name of Cago for the sum of fourteen pounds or upwards — and also one fellow by the name of Jesse for the sum of Eleven or twelve pounds tho he believes the sum of twelve pounds to be correct & also the spring following saw the negroes fishing with said Crichlow & further saith not

his
Isham ✗ Newsum
mark

21st Jany 1815 personally appeared before me Isham Newsum of full age and made oath to the forgoing affadavit

Clements Rochelle

B. Blum
Rec.
for
G. Gurley

Sept.r 21. 1802 Rec.d by the hands of John Crichlow the sum
of eleven pounds 18/7. in full of the bal.ce due by George
Gurley late Shf of Southampton for as Collector of county
levies for the years 1791 & 1792 —

Benj. Blunt Treas.r
of Southampton