

1827-031

SOUTHAMPTON COUNTY
CHANCERY PAPERS

ROCHELLE VS. COBB

11/1827

other SURNAMES; Barret, West,
Jones, Whitney, Crumplee, Saunders

511.

Rockwell

m
Pete. am. d.
Cobb.

1827 November arrived as files
by Samuel. *cap.*

Mason

To the worshipful the County Court of Southampton
sitting in Chancery sitting Humbly complaining
shew to your worship, your Compt^y James Rochelle
that on the 21st aug: 1826. he paid to Burdell Bar-
= not adm^r of James West dec^d the sum of sixty seven
doll^s $\frac{8}{100}$ in full of a judgment obtained in this
worshipful Court, by the s^d West in his lifetime
against James Jones, which was revived by scire
facias, and to which payment your Orator
was subjected by reason of his having become
special Bail for the s^d Jones - That about
that time, a judgment was obtained by the
said Jones, ostensibly for the benefit of one
Thoroughly Whitney, against Dempsey M. Crumple
& Doct. John Saunders, on which judgment was
obtained, and Execution issued, which execution
went into the hands of Jeremiah Cobb esquire
High Sheriff of this County, and was by him
made, and is by him now retained, amounting, after
deducting all proper charges, to satisfy your Orator's
demand - all which facts will appear by a rec^t
given by the s^d West's adm^r & by copies of the Judgment
Ent^y & Sheriff's returns thereon herewith exhibited
as parts of this bill - That since the said recovery,
your Orator has rec^d from the s^d James Jones an
order on the Sheriff afores^d directing him to
pay to your Orator, the am^t of the Execution
afores^d or so much as m^d be sufficient to pay
the am^t of West's execution which had been p^d
by your Orator - That the said Sheriff refused

to pay to your Orator, the said order, because the
Judgm^t & Execution were ostensibly for the benefit
of ~~the~~ S. Whitney: Your Orator here exhibits the s^d
order, and states, that the name of the s^d Whitney
was merely used, and that he had no interest
whatever in the matter - That your Orator therefore
is compelled to apply to this court, to decree for
the justification of the s^d Shff, that he sh^d make
the payment afores^d. In tender consideration whereof
and for as much as your Compt^t is remedied at law
and only relievable in this Court, To the end that
the said Jeremiah Cobb esquire be made Defat
hereto, and compelled to answer the allegations hereof
your Orator prays the writ of Sh^d directed to. com-
manding & that your worship will direct the s^d
Shff to pay to your claim, the said sum of \$67.08
with Interest thereon from the 21st Aug: 1826, until
paid & the costs of this suit, & grant such other
and gent^l relief as may be consistent with Equity
& good conscience & as in duty bound they
will ever pray &c.

The answer of Jeremiah Cobb to the foregoing bill
of complaint - This Respondent admits, that he was
Sheriff of Southampton, and in that character
the amt^t of an execution in the name of Jones for
Whitney is Exemplar & Saunders, & is willing after
deducting his proper charge, to pay the money
to any person to whom your worship may direct.
but respectfully suggests, that if your worship direct

him to make payment to the Plff, whose claim he
believes to be just & proper, that your worship will
direct, that he execute to your Respondent bond to
indemnify him against the claims of the said
Jones & Whitney & as in duty bound he will
prayer. he exhibits as a part of this answer
a statement of the said Execution & of his tickets.

Rockelle Plff.)
")
Cobb - Defat) H. Chy.

This cause this day came on by consent, for
a final hearing, and was heard on the bill
answer, exhibits, the evidence by parol of
witnesses, & was argued by Counsel - On con-
sideration whereof, the Court being satisfied
of the truth of the allegations of the Plff's bill
do adjudge, order, and decree, that the Defat
out of the funds in his hands belonging to the
within named Jones, accruing from the Execution
of him the s^d Jones, for Whitney is Exemplar &
Saunders, pay to the plff the sum of sixty
seven doll^{rs} & with Int. from the 21st Aug:
1826, 'til paid & the costs of this suit -
and, that the Plff execute to the Defat a
bond in a penalty double the amt^t of the s^d
recovery, to indemnify him against the claim
or claims of the afores^d Jones or Whitney against
him the s^d Defat as Shff, in that behalf

Wesl m Jones ——— Debt ——— \$48: 87

Sent from 23rd Feby. 1823 to 23rd Feby. 1826 }
1826 — 3. 6^m ——— } 10: 25

Costs ——— 7: 96

August 21st 1826 Rec^d of James Rochelle \$67: 08
the sum of Sixty Seven Dollars and Eight cents 68: 00

in full of a Judgment in favor of Burrell Barnett Adm^r of
James West against James Rochelle Security for James Jones —

Burrell Barnett Adm^r

on the 29th day of November in the Year
hundred & twenty two. in order to secure
of two hundred and sixty two dollars and
and also the sum of seventy eight doll.

Order on Jeremiah
Cobb late Shff.
of Scampton bly va.

W. Rockelle.

W^m. Jeremiah Cobb Late Sheriff of Southampton County ~~on~~

Sir. you will please pay to James Rochelle the amount of
James Woots Judgment against me. Out of the Money in your
hands that ~~Belongs~~ belongs to me which Money was obtained from Remsey
M. Crumpler and Doc. John Samuels. and this I shall be your rec^d.
in part against me for the Same.

James Jones
Oct. 7th. 1826