

18 41-022 SOUTHAMPTON COUNTY
CHANCERY PAPERS

HARRIS et al VS. HARRIS' COMMITTEE
et al 2/1841

other SURNAMES: Brantley,
Tainer, Tanner

15. 16. 17. 18. 19. 20.

Harris

as } Partners

Bowers Court &

1835 Oct Will filed

" Dec. Ans of Bowers B.R. & C.F. as
the other defendants &

1836 Apr. Set for hearing as to Deft
Bowers &

" Oct. Lucy Harris dead - cause
revived in the name of Joel Pres-
son her adm. Cont

1837 Apr. Cont

" Oct. Will of Sally Harris dead -

1838 Apr. Revived in name Joel Prespon
adm. Sally Harris do.

" Oct. Cont.

1839 Apr. Cont

1840 Nov Will Deft

Setts Costs	\$5.17
Law fee	16.66
	\$21.83

To. pa. sp.

Lucy Harris Cal.

vs { Bill Chy.⁴

Edward Bath &c

Gray & Hodges

September 25/1835

(4290 words)

20. Amplem Inf. Co. Chy.

To the Honorable Richard W. Baker, Judge
of the Circuit Superior Court of Law and Chan-
cery for the County of Southampton, in Chan-
cery sitting.

Humbly Complaining, shews unto your Honor
your Orators, Sally Harris and Lucy Harris,
that sometime in the year 1813 they were ^{jointly} seized
of a considerable Real estate consisting of about
six hundred acres, in addition to sufficient
other Real estate as well as personal to support
them comfortably: that in the said year a Cer-
tain John Harris of the said County intermar-
ried with their niece Eliza Brantley, and im-
mediately thereupon, in virtue of an agreement
between himself and your Orators, removed
to the house of the latter and united his own
property with ~~them~~ ^{her}, consisting of a small tract
of land, and little if any personal estate, with
them: that according to the said agreement
the said John Harris was to act in the charac-
ter of Master, and to exercise, during the time
he might continue in the family in the afore-
said capacity, all authority over the joint estate;
and was to receive all the profits from the
said estate and appropriate such parts there-
of as your Orators were entitled to in the man-
ner ^{he} ~~they~~ should be required: that he continued
in the exclusive possession of the rents and prof-
its of the said estate from the year aforesaid,
when the agreement was first entered into, until
the latter part of the year 1831, when he departed
this life intestate, without ever having accounts
for any portion of the said rents and profits,
amounting as they did or ought to have done
by proper and reasonable attention to the
large annual sum of \$500, but having
on the contrary devoted every dollar of the
same to his individual use: and that since

his death administration on his estate has
been conferred upon ^{can Brown later Sheriff of Southampton} ~~Edward~~ ^{Butler}, as appears
by a certificate of admⁿ herewith filed and
prayed to be considered as a part of this bill.
And your Petitioners further shew that they
made frequent applications to the said John
Harris in his life time, and have repeated the
same to the said ^{can Brown Sheriff &c} ~~Edward~~ ^{Butler}, since the
death of his intestate, and urged them to con-
sult to an amicable adjustment of the
long standing accounts subsisting between your
petitioners and the said John Harris, in the
character of trustee as aforesaid; but now so
it is, may it please your Honor, the said
Harris in his lifetime, and the said ^{can Brown} ~~Edward~~ ^{Butler}, since his death, under color of a variety
of frivolous pretenses, have hitherto absolutely
refused to accede to your petitioners' reasonable
requests, contrary to Equity & Justice. In tender
consideration whereof, and for as much as
your petitioners are without remedy in the premi-
ses except by the assistance of a Court of Equity
where matters of Trust and Confidence are ex-
clusively cognizable; To the end therefore that
the ^{said can Brown} ~~Edward~~, adm^r &c as aforesaid, may before
their due Corporate oath and perfect answer
make to all the allegations herein contained, &
that as fully as if the same were here again
repeated & they should be interrogated, your petitioners
that they may be made a hearty & true
^{the said can Brown} ~~Edward~~ render a true and accurate account
of the transactions of his intestate in relation
to the before mentioned Trust; that he be bound
to lay over to your petitioners what upon due
account may be found to be due to them, un-
derlying at the same time an account an
account of his transactions on the estate of the
said John Harris; and that your Honor

will decree to your Petitioners such further
other, and general relief in the premises as
may be right and proper under the circum-
stances of the case.

May it please, &c

Gray & ³ ₁₉
Hodges

* and Randolph Harris James J. Harris, William
& Harris Mary Harris John James & Nancy his
wife Mary Harris Elizabeth Harris & Leason
Harris be made defendants, unto as heretofore
& distributives of John Harris and that they

Harris's Comtee

at } answer.
Harris } ~~Wise~~ &

Harris & Co

Dec. 7 - 1835.

(637 w. 1835)

To the Hon^d. Richard H. Baker Judge of the Circuit
Superior Court of Law and Chancery for the County of South
-ampton.

The separate answer of Carr Bowers late Sheriff
of Southampton to whom hands the estate of John Harris dec^d
was committed for administration, to a Bill of complaint exhibi-
-ted to your Honor by Sally Harris, and Lucy Harris, against
your Respondent and others.

This Respondent saving to himself
all benefit of exception to the errors and want of equity
apparent on the face of the said Bill, for answer to its
material allegations, answering says, that he admits that
the estate of the said John Harris dec^d was committed to his
hands for admⁿ as is stated in the Bill. He knows nothing
of the existence of any such Trust or partnership as is
alleged to have existed between the pl^{ffs} and his intestate,
and requires proof of its existence, and submits to the
Court, whether a Court of Equity will entertain the demand
for use and occupation of land and the services of slaves
in the absence of proof of a legal and binding Trust -
He states, that since he has had charge of the admⁿ of his
intestates estate he has paid to Sally & Lucy Harris the pl^{ffs}
a bond executed by his intestate, and exhibits the voucher
as a part of this Bill Answer -

He also states, and prays that it may be rec^d by y^r. Honor

as if he had formally pleaded it a Bar, that each of the
plaintiffs respectively instituted in this Court an action
at Law for the very same cause of action which they now
jointly present in their said Bill, that those suits were
transferred to the Circuit Supr. Court of Law and Chancery
for Sussex County, where on the trial and examinations of
witnesses, a general verdict was found ^{for} your Respondent
Sheriff and admr. as afores. of the said John Harris dec. the
Defendant to the said suits, and Judgment entered for
him, all which will appear by reference to copies of
the record of said suits at Law herewith exhibited as
parts of this answer - which proceeding he is advised
is a bar to any other proceeding for the same cause
of action -

Your Respondent is ready to render an account of his
transactions as Sheriff and Commr. of the estate of his Intestate
and to apply the assets remaining in his hands in any
manner which the Honorable Court may direct - He
states that the distributees of said Intestate live in distant
states, and your Respondent asks the protection of the
Court in the premises - He denies all fraud &c. and
having answered, he prays to be ~~dismissed~~ dismissed
with his costs &c -

Prayer to Mar. for Defat.

Southampton County Is mt.

This day Carr Bowers Sheriff & Comr. of the estate of John
Harris dec. personally appeared before me
Thomas Prutton a Justice of the peace for the
County aforesaid, at my said County, and made oath
to the foregoing answer in Chancery in due form of Law.
Given under my hand and seal at my County afores.
the 3rd day of December 1835.

Thos Prutton *J.P.*

Virginia: At Rules holden in the clerks Office of the Circuit Superior Court of Law and
Chancery for Southampton County on the first Monday in December 1835-

Sally Harris and Lucy Harris.
against

Stiffs: In Chancery

Caro Bowers late Sheriff of Southampton County and Committee of the estate
of John Harris dec'd, Randolph Harris, James T Harris, William C.
Harris, Mary Harris, Elizabeth Harris, and Gideon Harris. Defendants

The defendants Randolph Harris, James T Harris, William C Harris, Mary Harris, John
Tanner and Nancy his wife, Mary Harris, Elizabeth Harris, and Gideon Harris not having
entered their appearance and given security according to the act of Assembly and the rules of
this Court and it appearing by satisfactory evidence that they are not inhabitants of this County
it is ordered that they ~~and defendants~~ do appear here on the first day of the next Term
and answer the bill of the plaintiff: and that a copy of this order be forthwith inserted in
some newspaper published in the Town of Petersburg for two months successively and posted at
the front door of the Courthouse of this County.

Attest Teste L R Edwards C.C.

Kamip to

7
Bour. cor:

J. P. Kamip

net for the cl.
by a p. B. course

Bill dis. m. p. with
costs.

R. H. B.

Haniff & Co. Boston, and of Haniff & Co.
The suit is brought by Sally and Mary Haniff
who allege that in 1813, they and ~~they~~
~~several others~~ ~~with John Haniff~~, were
jointly seized of a large real estate - that
John Haniff who married a niece
of the plaintiffs; and thereafter, he and they
entered into a partnership to crop
together - that he continued to manage
the estate until 1831 when he died
without ever accounting for any thing -
and they ask an account of him.

The defendants deny the
existence of any partnership & call
for proof - no proof has been taken.
A decree was entered in the case
in Sup. Ct. of Supers, for the same
cause - alleged in the plaintiffs' bill to
a verdict rendered for the defendants.
The defendants say that the Court will
dismiss the bill, because to the
plaintiffs' costs expended ~~by~~ ^{plaintiffs}.

A. A. Allen
for the defendants.

Octo. 30. 1840

c
C.S.B

Harris

" 3 Sp^l in Chy

Harris &

To August Rules 1835

Executed on Carr Powers
Sale & Comm^{ts} of the
Estate of John Harris dec^d
July 28/1835 by delivering
to him a true Copy

Randolph L Harris James
J Harris William L
Harris Mary Harris
John Turner & Nancy his
wife Mary Harris
Elizabeth Harris and
Indecor Harris no
Inhabitants

M. J. Delore Deputy of
Bay. & Swaney &

The Commonwealth of Virginia :

To the SHERIFF of

Southampton

County.—GREETING:

You are hereby commanded to summon *Carroll Boners late Sheriff and*
Committee of the Estate of John Harris. dec: Randolph Harris
dec: James T Harris. William C Harris. Mary Harris. John Tanner
and Nancy his wife Mary Harris. Elizabeth Harris. Gideon Harris

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the
County of Southampton, on the first Monday of *August* next, that being rule
day, to answer a

Bill exhibited against *them*

in the said Court by *Sally Harris & Lucy Harris*

And unless the said defendants shall answer the said bill, within four months thereafter, the
Court will take the same for confessed, and decree the matter thereof accordingly.

And this *they* shall in no wise omit, under the penalty of 100%.
then there this writ.

And have

Witness—JAMES ROCHELLE, Clerk of our said Court at the Court House, the *21st*
day of *July* 183*5*, and in the *60th* year of the Commonwealth.

James Rochelle

[One copy to be delivered to each defendant.]

Debt. - - - - - 21.83
 Sheriff Commr. - - - - - 1.09
 J. L. Bond - - - - - 63
 \$23.55

V C316 636

Harris acc^y

- - - } J. L. Bond

Harris acc^y

1841 February Rules.

At

Came to hand Dec^r 4/1840

Served on One bay

Horse, f. C. bond taken

Infants, & know with

return to

Like Drury duty of
Thomas Pullen sh^{ff}

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of Southampton County—Greeting :

WE COMMAND YOU, That of the goods and chattels of *Sally Harris deceased in the hands of Joel Prepon to be administered, and of Lucy Harris deceased in the hands of the said Joel Prepon to be administered*

late in your bailiwick, you cause to be made the sum of *Twenty one dollars and eighty three cents which*
Caro Dennis Sheriff and Administrator of John Harris deceased

lately in our Circuit Superior Court of Law and Chancery for Southampton County, has recovered against the said *Joel Prepon*
admon. of Sally & Lucy Harris by a decree for her costs about her defence & expenses in a certain suit in
Chancery lately pending against the said Dennis Sheriff & adm. as aforesaid & others in favour of the said
dollars and cents, which to the said
Prepon admon. as aforesaid
in the same Court were adjudged for — costs by — about — suit in that behalf expended : whereof

the said *Prepon admon. as aforesaid* is convict as appears to us of record. And how
you shall have executed this Writ, make known at the Clerk's Office of our said Circuit Superior Court of Law and
Chancery, at the Rules to be holden for the said Court, on the first Monday in *February* next.
And have then there this Writ.

WITNESS, LITTLETON R. EDWARDS, Clerk of our said Court, at the Courthouse, this *1st*
day of *December* 18 *46*, in the *65th* year of the Commonwealth.

L R Edwards Clk

Hanni

23 Eff

Hamp 18

1836 Dec. 8th

Southampton (county) Court. This day James H Seluce appeared before
me a Justice of the Peace for the County aforesaid and made oath that he has been
informed and has good reason to believe that Randolph Harris, James I Harris, Wm
C Harris, Mary Harris, John Tainter & Nancy his wife, Mary Harris, Elizabeth
Harris & Gideon Harris are not residents of the State of Virginia. Given under
my hand this 9th day of December 1835.

J. H. Seluce J.P.

We acknowledge service of the within
notice March 13/1841

Loel P. Puffer
R. W. Bailey

376

Loel Puffer
R. W. Bailey

MESSRS.

Loel Prepon and Phineas M Bailey

TAKE NOTICE,

That

I

shall by

My

Attorney, move the

Judge

of the

Sevent Superior

Court of

Law and Chancery

for

Southampton County

on the

1st

day of

April

next

for a judgment and award of execution on your forfeited forthcoming or

delivery bond, executed by you to

me

on the

15

day of

January

1841

, in the penalty of

Forty seven

Dollars and ten cents

conditioned as the law directs, with which condition you, and each of you, have failed to comply.

Yours, &c.

*Carraway's sheriff and admo. of
John Harris dec. 3 February 19/1841*

Harris &c
" } Exhibit
Harris &c

Southampton March County ^{Court} 1833

On the motion of Joel Tupper Ordered that the Estate
of John Davis ^{decd} be committed to the hands of Ben Borus Sheriff of this County
for administration according to Law.

A Copy Teste S R Edwards Clk

Marris

vs. } Copy Record.

Marris adm.

Exhibits with ans. of Jft. Bowers.

Pleas at Super Court House before
the Circuit Superior Court of Law and
Chancery for Super County, on Monday
the 11th day of May 1835.

Be it remembered that heretofore, to wit: on the 21st day
of May 1833 came Lucy Harris by her attorney and sued out
of the Office of the Circuit Superior Court of Law and Chancery
for Southampton County a summon against Carr Bowers Sheriff
of the said County and committee of the estate of John Harris dec.
which Writ, with the return thereon made is in the words (and)
figures following.

"The Commonwealth of Virginia. To the Sheriff of Southampton
County: Greeting. We command you that you summon Carr Bowers
Sheriff of the said County & committee of the estate of John Harris dec.
to appear at the Clerks Office of our said Circuit Superior Court
of Law and Chancery for our said County, at Rules to be holden
for the said Court on the first Monday in July next to answer
Lucy Harris of a plea of trespass on the case for money due on
account, damage five thousand dollars - And have then there
this Writ. Witness James Rochelle Clerk of our said Court
at the Court House this 21. day of May 1833 in the 57 year
of the Commonwealth

James Rochelle Clk."

Return. - "I acknowledge due and legal service of this Writ.

Edw. S. Bells deputy of Carr Bowers Sheriff"
And at another day to wit. At Rules held in the Clerks Office
of the said Circuit Superior Court of Law and Chancery on the first
Monday in July 1833 came the plaintiff by her attorney and filed

her declaration against the defendant, which declaration is in these words.
"Southampton County Set. Lucy Harris complains of Carr
Worrell Sheriff of Southampton and committee of the estate of John
Harris dec^d. in custody &c. of a plea of trespass on the case for
that whereas the said John Harris heretofore in his lifetime Set.
on the day of in the year of at the County aforesaid
was indebted to the plaintiff in the sum of five thousand seven hundred
and seventy seven dollars & $\frac{44}{100}$ lawfull money as well for meat, drink
and lodging for said Harris & his wife and children as for meat
drink & lodging furnished for sundry slaves of said Harris at his
special instance and request before that time done performed, bestowed
and provided as well for sundry goods wares and merchandize sold
and delivered to the said Harris before that time at his like special
instance and request, as well as for divers sums of money due and
owing to the plaintiff from the said Harris for hire of negroes and
rent of land, which were hired and rented to the said Harris
before that time by the said plaintiff at his special instance and
request; & the said John Harris being so indebted in consideration
thereof afterwards Set. on the day of in the County
aforesaid undertook & then and there promised the said plaintiff
to pay her the said sum of \$5777. 44 when he should be thereto
afterwards required. And whereas the said John Harris in his
lifetime Set. on the day of in the year of at the
County aforesaid in consideration that the plaintiff had before that
time furnished board & lodging to said Harris, his wife & children
as also sundry slaves of said Harris, and had sold & delivered
to said Harris sundry goods, wares and merchandize & had rented
land & hired negroes to the said Harris all at his special

instance and request for and in consideration of the services aforesaid
the said Harris undertook and then and there promised the plaintiff
that he the said Harris would pay to the plaintiff as much money
as the said board, goods, rent and hires were reasonably worth when
thereto he should be afterwards required. & the pl^t. avers that
the said board, goods, rents & hires were reasonably worth \$5777. 44
of which the said Harris on the day and year last mentioned had
notice. And whereas also the said John Harris afterwards Set.
on the of in the year at the County aforesaid
accounted with the plaintiff concerning divers sums of money from
the said John Harris to the plaintiff before that time owing & then
unpaid, & upon such accounting the said Harris was then and there
found in arrears and indebted to the said plaintiff in the further
sum of \$5777. 44 lawful money as aforesaid in consideration whereof
he the said John Harris afterwards Set. on the said day of at the County aforesaid undertook, & then & there faithfully promised
the said pl^t. to pay her the said sum of \$5777. 44 when he should
be thereto afterwards required. Nevertheless the said John Harris not
regarding his said several promises & undertakings hath not although
often requested as yet paid the said pl^t. the said several sums
of money or either of them or any part thereof, but so to do during
his lifetime he the said Harris wholly neglected and failed to do &
the said debt since his death hath wholly neglected and refused to
pay the same or either of them, & still doth refuse to the damage
of the plaintiff \$5000. & therefore she brings suit &c.

Baker & Gray p^r.
Whereupon the defendant being ^{duly} summoned and not appearing in the
motion of the plaintiff by her attorney it was ordered that judgement

be entered for the plaintiff against the defendant for what damages the plaintiff had sustained by occasion of the intestate's non performance of the assumption in the declaration mentioned to be levied of the goods and chattels of the said intestate in the hands of the defendant to be administered, unless the said defendant should appear and plead to issue at the then next rules.

At which day to wit. At Rules held as aforesaid on the first Monday in August 1833. The defendant still failing to appear on motion of the plaintiff by her attorney it was ordered that the last order made against him in this cause be confirmed, and that the plaintiff's damages be ascertained by a jury at the then next term. And at another day to wit. At a Special Session of the Circuit Superior Court of Law and Chancery held for the County of Southampton on the 9th day of July 1834. The defendant by his attorney saith his intestate did not assume upon himself in manner and form as the plaintiff against him hath complained, and that he did not so assume within five years next before the institution of this suit, and of this he puts himself upon the country; and the plaintiff have time to reply. And the Judge of this Court being so situated as to render it improper in his judgement for him to preside at the trial of this cause it is ordered that it be removed to the Circuit Superior Court of Law and Chancery for the County of Sussex.

At a Circuit Superior Court of Law and Chancery held for Sussex County at the Court House the 10th day of October 1834
Lucy Harris
against
Curr Morris Shiff of Southampton & Committee of the est. of John Harris dec^d def^t

It is ordered that this cause, which was removed from the Circuit Superior Court of Law and Chancery for Southampton County to this Court by order of said Court, be docketed; and for reasons appearing to the Court it is ordered that this cause be continued until the next Term.

And now at this day, to wit. At a Circuit Superior Court of Law and Chancery held for the said County of Sussex at the Court house on the same day and year first herein mentioned, to wit. on Monday the 11th day of May 1835 came the parties by their attorneys and thereupon came a jury to wit. William W. Branch, William G. Bobbitt, Richard Wainfield, John M. Watts, Robertson Wain, Levi Waller, Jesse Gugg, John Mangrum, Robert Waight, William Jones James Lewis and Littleton Wyman who being elected tried and sworn the truth to speak upon the issue joined upon their oath do say that the defendant's intestate did not assume upon himself as in pleading he hath alleged. Therefore it is considered by the Court that the plaintiff take nothing by her bill, but for her false clamour be in mercy &c. And that the said defendant go thereof without day and recover against the plaintiff his costs by him about his defence in this behalf expended.

Costs . . . \$3. 1/4

Ref^d & Rec^d . . . 58

The following is a copy of the Account filed in this cause and upon which this action was founded.

John Harris	To Lucy Harris	Dr.
Jan'y 1828.	To Board for self, wife and two daughters	\$320. 00
ditto	To board for eleven negro children	220. 00
	Carried forward	\$540. 00

	Brought forward	540.00
Aug. 1829.	To Board for self, wife & two daughters	320.00
ditto	To Board for eleven negro children	220.00
Aug. 1830.	To Board for self & two daughters	240.00
ditto	To Board for ten negro children	200.00
Aug 1831 To Board for self and two daughters		240.00
ditto	To Board for ten negro children	200.00
Aug 1832. To Board for self		80.00
ditto	To board eleven negro children	220.00
Aug 1833. To board self for 3 m th &c		20.00
ditto	To board for 11 negro children up to 15 day of April	55.00
		<u>\$2335.00</u>

John Harris	To Lucy Harris	Dr.
1827.	To 11000 ^{lb} of Seed Cotton sold to Jno. Ughhart @ 2 1/2 cts.	\$275.00
1828	To Eighty Barrell of Apple brandy @ \$10.	800.00
1829	To Forty five ditto at \$12	545.00
Dec 1830.	Sold in Richm ^d by Sa ^t Winston worth of Cotton	176.66
Dec 1831. Deliv ^d to Jno. Ughhart at the - 7317 ^{lb} @ 2 1/8 cts.		155.78
		<u>\$1802.44</u>

1831.	To hire of Dick from 1827 to 1831. both years inclusive	} 250.00
	at \$50. p ^r year	
1831.	To hire of Stepany from 1827 to 1831. both years inclusive	} 250.00
	at \$50. p ^r year	
1831.	To do for hire of Parson & Cherry for three years at \$30. p ^r year	90.00
1831	To hire of Mary, Charlot, & Tempy from 1827 to 1831. both years inclusive	} 300.00
	at \$20. p ^r ann. each	
	Carried forward	<u>\$5027.44</u>

	Brought forward	5027.44
1831.	To Rent of Land from 1827 to 1831 both years inclusive at \$150. p ^r annum	} 750.00
		<u>\$5777.44</u>

Copy Record
 Teste J. J. Mason & C.

Plens at Super Court House before the
Circuit Superior Court of Law and Chancery
for Super County on monday the 11th day
of May 1835

Be it remembered that heretofore to wit. on the 29th day of
July 1833 came Sally Harris by her attorney and sued out of
the Office of the Circuit Superior Court of Law and Chancery for
Southampton County a summon against Carr Borrers Sheriff
and committee of the estate of John Harris dec^d, which Writ
with the endorsement and return thereon made is in the words
and figures following.

"The Commonwealth of Virginia. To the Coroner of Southampton
County - Greeting. We command you that you summon Carr
Borrers Sheriff & com^{rs} of the estate of John Harris dec^d to appear
at the Clerks Office of our Circuit Superior Court of Law & Chancery
for our said County at Rules to be holden for the said Court on
the first monday in August next to answer Sally Harris of a
plea of trespass on the case for money due by open account. Damages
One thousand dollars. - And have then these things Writ. Witness
James Rochelle Clerk of our said Court at the Court House this
29th day of July 1833 in the 58th year of the Commonwealth
James Rochelle Ck

Return - " I acknowledge the service of this Writ

Edwds. Butts deputy of Carr Borrers Sheriff

And at another day to wit. At Rules held in the Clerks Office
of the said Circuit Superior Court of Law and Chancery on the
first monday in August 1833 came the plaintiff by her attorney
and filed his declaration against the defendant, which declaration
is in these words.

Southampton County Ct. Sally Harris complains of Carr
Borrers Sheriff of Southampton County and committee of the estate of
John Harris dec^d debt in custody &c. of a plea of trespass on the
case for that whereas the said John Harris heretofore in his lifetime
set. on the day of in the year of at the
County aforesaid was indebted to the plaintiff in the sum of One
thousand three hundred and seventy five dollars lawful money of
Virginia for hire of negroes and rent of land the property of said
plaintiff which were hired and rented to the said Harris before
that time at his special instance and request by the plaintiff, &

the said John Harris being so indebted in consideration thereof afterwards, &c. on the day of in the year aforesaid at the County aforesaid undertook, & then & there promised the said plaintiff to pay her the said sum of \$1375. when he should be thereto afterwards requested. & whereas the said John Harris in his lifetime &c. on the day of in the year aforesaid at the County aforesaid in consideration that the p^l had before that time hired to the said Harris sundry slave and rented him land at his special instance & request for and in consideration of the said hires and rents the said Harris undertook, and then & there promised the plaintiff that he would pay the plaintiff as much money as the said rents and hires were worth when he should be thereto afterwards requested. & the plaintiff avers that the said rents and hires were reasonably worth \$1375.00 of which the said Harris on the day and year aforesaid then and there had notice. And whereas also the said John Harris afterwards &c. on the day of in the year 1832 at the County aforesaid accounted with the p^l concerning divers sums of money from the said John Harris to the plaintiff before that time owing (and then unpaid), and upon such accounting the said Harris was then and there found in arrears & indebted to the said plaintiff in the further sum of \$1375. lawfull money as aforesaid, in consideration whereof he the said John Harris afterwards &c. on the day and year aforesaid at the County aforesaid undertook & then & there faithfully promised the p^l to pay her the aforesaid \$1375. when he should be thereto afterwards requested. Nevertheless the said John Harris not regarding his said several promises & undertakings, hath not although often requested as yet paid the said p^l the said several sums of money nor either of them nor any part thereof, but so to do during his lifetime he the said Harris wholly neglected and failed to do. & the said defendant since his death hath wholly neglected and refused to pay the same or either of them or any part thereof although often required so to do, & still doth neglect & refuse to pay to the damage of the plaintiff (and therefore she brings suit &c.

Baker & Gray p. p.
Whereupon the defendant being ^{duly} summoned and not appearing on the motion of the plaintiff by her attorney it was ordered that

judgment be entered for the plaintiff against the defendant for what damages the plaintiff had sustained by occasion of the intestate's non performance of the assumption in the declaration mentioned to be levied of the goods and chattels of the said intestate in the hands of the defendant to be administered unless the said defendant should appear and plead to issue at the then next rules. At which day to wit. At Rules held as aforesaid on the first Monday in September 1833 the defendant still failing to appear on the motion of the plaintiff by her attorney it was ordered that the last order made against him in this cause be confirmed and that the plaintiff's damages be ascertained by a jury at the then next term.

And at another day to wit. At a special Session of the Circuit Superior Court of Law & Chancery held for the County of Southampton on the 9th day of July 1834 The defendant by his attorney saith that his intestate did not assume upon himself in manner and form as the plaintiff against him hath complained, and that he did not so assume within five years next before the institution of this suit, and of this he putteth himself upon the Country; and the plaintiff had time to reply. And the Judge of this Court being so situated as to render it improper in his judgement for him to preside at the trial of this cause it is ordered that it be removed to the Circuit Superior Court of Law and Chancery for the County of Sussex.

At a Circuit Superior Court of Law and Chancery held for Sussex County at the Court House the 10th day of October 1834
Cally Harris

against
Carri Borrowers Sheriff of Southampton and committee of
the estate of John Harris
Pl^{ff} } In l^{ite}.
Def^t }

It is ordered that this cause which was removed from the Circuit Superior Court of Law and Chancery for Southampton County to this Court by order of said Court be docketed; and for reasons appearing to the Court it is ordered that this cause be continued until the next term.

And now at this day to wit. At a Circuit Superior Court of Law and Chancery held for the said County of Sussex at the Court House on the same day and year last herein mentioned to wit

on monday the 11th day of May 1835. came the parties by their
attornies and thereupon came a jury to wit. Hillary U. Branch,
William G. Robbitt, Richard Winfield, John H. Watte, Robertson
Bain, Levi Waller, Jesse Grogg, John Mangram, Robert Wright
William Jones, James Lewis and Littleton Wynn who being elected
tried and sworn the truth to speak upon the issue joined upon their
oaths do say that the defendants intrustate did not appear upon him-
-self as in pleading he hath alleged - Therefore it is considered
by the Court that the plaintiff take nothing by her bill, but
for her false clamour be in mercy &c. and that the said defend-
-ant go thereof without day and recover against the plaintiff
his cost, by him about his defence in this behalf expended. -

Costs D. \$6.07

John G. Gresham 58

The following is a copy of the account on which this action
was founded.

" The Estate of John Harris To Sally Harris Dr.

" Jan'y 1. 1832. To hire of negro man Tom from 1828 to 1832
both years included at \$50. p. ann. \$250.
do for hire of negro boy Acro for do 250.
do. for hire of negro man Peter for do 250.
do for hire of woman Ankey for do at \$25. p. ann 125.
To Rent of land for the years 1828-29-30-31-32 = 500.
\$1375.

Copy Record. -

Teste

J. J. Mason D.C.

John Harris
To { more

July & Lucy Harris
\$358

Harris

~ { Ex: with one of
Borris-

Harris 46

Note due Nov 29/1816. 358.00
Int. till May 16/1834. // 375.00
\$733.00

Recd May 16/1834 of E. Butts
deputy of Cam Newen take shff
and committee of John Harris
and the sum of seven hundred
and thirty three dollars in
full of the within noted
Interest. Joll. Prepper for
Sally Lucy Harris

\$358 on demand I promise to pay
or cause to be paid to Sally and
Lucy Harris heirs heirs of the ^{last} ~~year~~
sum of three hundred and fifty
Eight Dollars for value received
witness my hand & seal this

29th of November 1816

Test
Robert Harris

John Harris

23.55
47.10

KNOW ALL MEN BY THESE PRESENTS, THAT WE, *Joe Ripon and Thomas all Bailey*

are held and firmly bound, unto *Carr Bowers Sheriff and administrator of John Harris decd.* in the just sum of *forty seven Dollars and ten Cents* to be paid to the said *Carr Bowers Sheriff and administrator* as aforesaid, his certain attorney, his heirs, executors, administrators, or assigns; to which payment well and truly to be made, we bind ourselves jointly and severally, and each of our joint and several heirs, executors and administrators, firmly by these presents. Sealed with our seals and dated this *15th* day of *January* one thousand eight hundred and forty *One*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, THAT WHEREAS *Carr Bowers Sheriff and administrator of John Harris decd.*

has sued out of the *Southern Superior Court of Law and Chancery for* a writ of FIERI FACIAS against the goods and chattels of the above bound *John Harris and decd. Harris* in the hands of the above bound *Joe Ripon to be administered* for the sum of *twenty three Dollars and fifty five cents* including interest, cost and commissions, which writ hath been duly executed by *Alpe Drury* deputy of *Thomas Hutton Sheriff* of the County of *Southern* on the following property, to wit: *1 Bay Horse*

as the property of the said *Joe Ripon* and the said *Joe Ripon* being desirous of keeping the aforesaid property in possession, until the day of sale of the same, hath tendered the above bound *Thomas all Bailey* as security for the forthcoming and delivery of the said property, at the place and on the day of sale, agreeable to law. Now, if the said *Joe Ripon* and *Thomas all Bailey* or either of them, do and shall deliver the aforesaid property to the said *Thomas Hutton Sheriff* as aforesaid, at *Amsterdam* in the said County of *Southern* on the *third* *Monday in February* next, that being Court day, then and there to be disposed of according to law, for the discharge of the writ of FIERI FACIAS, then, and in that case, the above obligation to be void, or else to remain in full force and virtue.

Signed, Sealed, and delivered, }
in the presence of

Alpe Drury

Joe Ripon [SEAL.]

Thomas all Bailey [SEAL.]