

1841-041

SOUTHAMPTON CO.
CHANCERY PAPERS

HARRISON

VS. MOORE. and GATLIN

10/1841

[Found in box of
mixed records]

other surnames: Moore

Harrison

3 Papers

Gallin &c

1840

Dec. Sp^a Ex^o on Moore. Gallin no
inhabitant. Bill filed.

1841

Jan. C.P. n Gallin.

Feb. Set for hearing as to Moore.

ap^l. Deane for Jeff & Co. fr. sales

Oct. Report Confm^d

Jeffs costs

leek \$4.30

Shff 7¹

C.P. 5.50

I fe 16.66

MS 75

\$ 27.42

Set Moore's costs tomt

leek 1.9

I fe 16.66

\$ 17.15

Edwin Hanson
vs }

Moore & Gattlin

There is no answer
file for the home dept.
and no evidence of
the alt. case not
ready - B. H. B.

To the Hon. Rich^d H. Barker Judge of the
Circuit Sup. Court of Law & Chancery in
& for the County of Southampton in Chancery
sitting, humbly complaining your orator
Edwin Harrison sheweth unto your Honor
that one Simon Gathin who resides out of
this State, and whom due process of Law
cannot reach, is justly indebted to him in
the sum of \$45- with interest from
on which said Bond a judgement was
obtained before a justice in North Carolina
which sd. Judgement is herewith filed
and prayed to be taken as a part of this
Bill - That the said Simon Gathin although
a non resident, has property at this time
in this county in the hands of Harrison
J. Moore, ^{for one horse, saddle & cart, one ferry wagon} sufficient as your orator believes
to satisfy his claim against the said
Simon Gathin. In tender consideration
whereof & for as much as your orator is without
remedy save through the intervention of a court
of equity. He humbly prays that the said Simon
Gathin & Harrison J. Moore may be made
defts hereto, & full & perfect answers made to
all the allegations herein contained & that
the said Harrison J. Moore & Simon Gathin
be restrained each from selling or convey-
ing away the property aforesaid, chargeable
with the debt of the sd. Edwin Harrison, & that
your Honor would decree a sale of said property
with a price to the discharge of the debt due the
sd. Edwin Harrison & that you would
grant such further & gent relief as
the case may require, And for &c. *French*

Harrison

to { Am? of Dept
Gallien & More

1841 April 7th

To the Honorable Richard H Baker Judge
of the Circuit Sup: Ct of Law & Chancery for
Southampton County - The Answer of
Harrison D. Moore to a bill of complaint
exhibited in this honorable Court by Edwin
Harrison, against ~~Samlr~~ Gattin & himself.
This respondent saying &c for answer &c
saith that it is true as alledged in the
bill that he has in his possession a horse
and cart & Jersey waggon which were left
with him by said ~~Samlr~~ Gattin, and to which
this respondent asserts no claim - And that
he is willing & prepared to dispose of the
said property in such manner as this
honorable Court shall direct - And
having thus fully answered, he prays &c.
Harrison D. Moore

Southampton County to wit:

This day personally appeared before
me a justice of the peace for the County aforesaid
said Harrison D. Moore, who made oath
that the facts set forth in the above answer
are true to the best of his knowledge & he
believe - Given under my hand this 8th day of
April 1841

M. M. Selcey J.

Hanson

n } On Pub.

Gatlin & Co

A life preserver posted up at the B. House
Nov. 7th 1861 E.R.C.

At Rules holden in the clerks Office of the County Superior Court of Law
and Chancery for the County of Southampton on the first Monday in January 1841

Edwin Harrison

against

Simon Galtin and Harrison D Moore

Plff

Dfts:

} In Chancery

The defendant Galtin not having entered his appearance and given security according to the act of Assembly and the Rules of this Court and it appearing by satisfactory evidence that he is not an inhabitant of this country it is ordered that the said Defendant 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.

Harrison

v. 3 note for Deane

Gatlin

Apr. 1841.

Harrison

v. 3 note for decreed.

Gathin. The defendant Simon Gathin who is out of this Country, & against whom the plaintiff appears to have proceeded in the mode prescribed by law against absent defendants, still failing to appear & answer, on motion of the plaintiff by counsel, the Court doth take his bill for confessed, as to him. And the Cause coming on to be heard as to the other defendant, on the bill, his answer, & the exhibit filed in the Cause, was argued by counsel. On consideration whereof, the Court doth adjudge order & decree that the defendant Simon Gathin pay to the plaintiff the sum of forty five dollars with interest from the 25th of Decr 1839 till paid, together with his costs; and that the defendant Harrison. D. Moore render up to E. Butts who is hereby appointed a commissioner for that purpose, the property in his answer admitted to be in his hands of the defendant Simon Gathin. and the said Commissioner is hereby directed, after having given ten days notice of the time & place of sale, to sell the same for cash, and

pay out of the proceeds of such sale the costs by the said defendant Harrison D. Moore expended in defending this suit, and pay to the plaintiff in satisfaction of his debt the amount above decreed to be due him & costs - and the said Commr. is further directed to report his proceedings to this Court. But the plaintiff is not to have the benefit of this decree, until he shall have entered into bond with sufficient security in the Clerk's office of this Court, in a penalty equal to the sum of \$100, with such condition as the Law requires in case of absent defendants.

Turn out to the within decree to me directed, did on the 13th day of May 1841. after advertising the time and place of sale at least ten days, sell at public auction the following property to wit.

1 Iron Wagon	to Alfred Croft	\$9.75
1 Brilly	to Abraham Reddick	26.75
Cart wheels	to ditto ditto	7.12 $\frac{1}{2}$
		<u>\$43.62$\frac{1}{2}$</u>
Commissions off		2.18
		<u>\$41.44$\frac{1}{2}$</u>

and have paid to the plaintiff Edwin Harrison the sum of forty one dollar and forty four cents including his costs, and the defendants. Lawyer released his fee as well more fully appear the receipt and release below - all which is respectfully submitted to the Court.

Edw. D. Butts Comr.

Edw. D. Butts
George L. Loring {
George L. Loring {

Report & A. Dec. 30/41

Edw. D. Butts

Rec^d Sum 21/1841 of Edw. D. Butts Commissioner the sum of twenty seven dollars and ninety two cents also the further sum of thirteen dollars and fifty two cents in full of the costs and the amount of said in part of my debt in the decree mentioned

E. Harrison

I release defendant's Lawyer fees
Sum 21. 1841 J. S. French

At a Circuit Superior Court of Law and Chancery held for the County of Southampton
on Wednesday the 7th day of April 1841

Edwin Harrison

against

Simon Guttin and Harrison Deltore

Pff }
Dff }

The defendant Simon Guttin who is out of this County and against whom the plaintiff appears to have proceeded in the mode prescribed by Law against absent defendants still failing to appear and answer on motion of the plaintiff by Counsel the Court doth take his bill for confessed as to him - And the Cause coming on to be heard as to the other defendant on the bill his answer and the exhibit filed in the Cause was argued by Counsel on consideration whereof the Court doth adjudge order and decree that the defendant Simon Guttin pay to the plaintiff the sum of forty five dollars with interest from the 25th of December 1839 till paid together with his costs - And that the defendant Harrison Deltore render up to E Butler who is hereby appointed a Commissioner for that purpose the property in his answer admitted to be in his hands of the defendant Simon Guttin and the said Commissioner is hereby directed after having given ten days notice of the time and place of sale to sell the same for cash and pay out of the proceeds of such sale the costs by the said Defendant Harrison Deltore expended in defending this suit and pay to the plaintiff in satisfaction of his debt the amount above decreed to be due him and costs and the said Commissioner is further directed to report his proceedings to this Court - But the plaintiff is not to have the benefit of this decree until he shall have entered into bond with sufficient security in the Clerk's Office of this Court in a penalty equal to the sum of One hundred dollars with such conditions as the Law requires in case of absent defendants -

Copy

Teste

L R Edwards Ck

Pff Costs to wit:

Calks \$ 4.30

Shff .71

Or. Pfd. 5.50

Law fee 16.66

Writ Fee 75 \$ 27.92 cents

Dft. Morris Costs. to wit:

Calks \$ 0.49

L. fee 16.66 \$ 17.15

The Pff: has complied with the condition of the above decree by entering into bond with good security.

Teste L R Edwards Ck

5.50

.75

16.66

\$ 22.91

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Simon Gathlin & Harrison D. Moore*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *December* next, to answer a Bill in Chancery exhibited against *them* in the said Court by

Edwin Harrison

And unless *they* shall answer the said Bill within ^{*two*} ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *19th* day of *November* 18*40*, in the *65th* year of the Commonwealth.

L.R. Edwards Clk

[One Copy to be delivered each Defendant.]

Chamney notice Harrison

r 3

Gather ye

VIRGINIA:

At Rules holden in the clerk's office of the Circuit Superior Court of Law and Chancery for the county of Southampton on the first Monday in January, 1841,

Edwin Harrison, Plaintiff,

against

Simon Gatlin and Harrison D. Moore, Def'ts

IN CHANCERY.

The defendant, Gatlin, not having entered his appearance and given security according to the act of Assembly and the rules of this court, and it appearing by satisfactory evidence that he is not an inhabitant of this country—It is ordered: That the said defendant 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 court house of this county.

A copy—Teste,

Jan 12--2m L. R. EDWARDS, Clerk.

Town of Petersburg. town:

This day Benjamin F. Taylor personally appeared before me, an alderman of the said Town, and made oath, that the above Chancery notice, was inserted in the Statesman newspaper, published in the said Town, for two months successively, ending this day.

Given under my hand this 12th day of March 1841.

Wm. Taylor

Mr Edwin Harrison

1841

To Statesman

Sr

March 12. To publishing the above Chancery notice two months according to law ending this day.

J. B. 1841

Edwin Hansen

vs

Samuel Gattling &
Jethro Barnes

Defendant

Presented
on Samuel Gattling
Jethro Barnes

Not to be found
By J. Moore clerk

Hansen

vs { Exh't with Bill

Gattling &

State of NORTH CAROLINA, }
HERTFORD COUNTY.

To any Lawful Officer to execute and return within the time pre-
scribed by Law.

YOU ARE HEREBY COMMANDED to take the body of

Saml. Gatling of
John Barnes

if to be found in your County, and cause *them* to appear before me, or some other Justice of the Peace for said County, on
the *14th* day of *July* at *William + Moody* then and there to answer
the complaint of *Colwin Garrison* in a plea of debt due by *Note*
to the amount of *Twenty five Dollars damages* Herein fail not, and have you then and there
this precept.

Given under my hand and seal this

Summon for Plaintiff

A. R. Watterbury

4th day of *July* 18*46*

R. R. Parker *J.P.* *****

JUDGEMENT granted the Plaintiff
vs. the Defendant

for the sum of

day of

Given under my hand this

1839

and

14th day of

with Interest from the

Cost.

1846

J. P.

James Barnes

STATE OF NORTH CAROLINA, }
HERTFORD COUNTY.

To the Sheriff or any other Lawful Officer.

YOU ARE HEREBY COMMANDED, That of the Goods and Chattles of

if to be found in your County, you cause to be made the sum of

with Interest from the

day of

18

till paid, and

Cost. Given under my hand and seal, this

day of

18

Harrison

~ } Bond

Baldwin &

Know all men by these presents that we Edwin Harrison and William B
Harrison & Merit I Davis are held and firmly bound unto Simon Galtin in the sum
of One hundred dollars, to be paid unto the said Simon Galtin his certain attorney his Executors
administrators or assigns: to the payment whereof well and truly to be made we bind ourselves, our
heirs, executors and administrators jointly and severally firmly by these presents. Sealed with
our seals and dated this 2^d day of May 1841.

The condition of the above obligation is such that whereas in a suit lately depending in
the Circuit Superior Court of Law and Chancery for the County of Southampton between Edwin
Harrison plaintiff and Simon Galtin & Harrison & Moore Defendants it was on the 7th
day of April 1841 decreed and ordered that the said Simon Galtin should pay to
the plaintiff the sum of forty five dollars with interest from the 25th of December 1839 till
paid together with his costs. And that the defendant Harrison & Moore render up to
E. B. Bells who was thereby appointed a Commissioner for that purpose the property in his answer
admitted to be in his hands of the defendant Simon Galtin - and the Commissioner was
directed after giving ten days notice of the time and place of sale to sell the same for
cash and pay out of the proceeds of such sale the costs by the said Defendant Harrison
& Moore expended in defending this suit and pay to the plaintiff in satisfaction of
his debt the amount above decreed to be due him and costs: and the said Commissioner was
further directed to report his proceedings to the Court - Now if the said Edwin Harrison
shall abide such future ^{order} as may be made, for restoring to the said Simon Galtin whatever
money he may receive under the said decree, with interest thereon, upon his the said
Simon Galtin's appearing within the time prescribed by law and answering the bill in
the said suit then this obligation to be void or else to remain in full force

Witness

E. Harrison (Seal)
W. B. Harrison (Seal)
Merit I. Davis (Seal)