1814-101 SOUTHAMPTON COUNTY CHANCERY PAPERS

PIERCE'S ADMR VS. CALVERT

6/1814

other SURNames. Scott, Vick

To the worshipful Court of Southampton County in Chancery sitting

Complaining shew unto your worships your orator Nathaniel Pierce [illegible] Pierce administrator of Rice B. Pierce dec'd, that on the 24th day of April 1800, your orator Spencer Pierce administrator of the said Rice B. Pierce dec'd, had three different writs of fieri facias, issued from the Clerks office of this County, against the goods & chattels of a certain Thomas Scott, surviving obligor of himself and a certain Claiborne Scott - the first, including fi. fa., Interest & costs, amounting to the sum of £10. 2. 9 ÷ - the second [illegible] of £23. 1. 11 ÷, and the third to the sum of £11. 1. 3¾, making in the aggregate the sum of £44. 6. 0¾, as will appear by a particular of the said writs of fieri facias hereto annexed and to which your worships are referred as a part of this bill - that your orator Nathaniel Pierce, being at that time indebted to the said Thomas Scott in a sum [illegible] to, or more than the amount of the said writs of fieri facias, it was agreed that your orator Nathaniel should settle the said amount, and that your orator Spencer adm'r of the said Rice B. Pierce dec'd should give the said Thomas Scott a discharge for the same - In pursuance of the said agreement, your orator Nathaniel Pierce, on the said 24th day of April above mentioned, paid to a certain Samuel Calvert, acting on the behalf of a certain Matthew Calvert, who is hereby to be made a defendant to this bill, the sum of twenty three Dollars & four cents in Cash, and executed his bond with a certain Joseph Dick, his Security, to the said Matthew Calvert for the sum of one hundred and twenty four Dollars, 64 Cents, in full of the amount due on the said writs of fieri facias, as will fully appear by the receipt of the said Samuel Calvert, acting on the behalf of the said Matthew Calvert, on the back of the said statement, hereto also annexed and to which your worships are likewise referred as a part of this bill - whereupon your orator Spencer Pierce adm'r of the said Rice B. Pierce dec'd, executed to the said Thomas Scott, a receipt in full for the amount of the said writs of fieri facias - Now your orator will detail to your worships, the cause of the

said money having been paid, and the said bond having been Executed, to the said Matthew Calvert, in satisfaction of the said writs of fieri facias, and the circumstances of confidence and trust, under which the said arrangement was resorted to. Your orator Spencer Pierce had before that time qualified as administrator of his deceased father Rice B. Pierce, and the said Matthew Calvert became one of his Securities for the due & faithful administration of the Estate. The affairs of your orator Spencer, in a pecuniary view, became embarrassed, and the said Matthew Calvert appearing uneasy at the prospect, as he supposed, of suffering by having become one of his Securities as aforesaid, your orator Spencer determined to quiet his fears on that score - Accordingly on the

day of ..... your orator Spencer executed a power of Attorney to the said Matthew Calvert, authorizing him to conduct the business of the said estate, and placed the bonds and papers, belonging to the said Estate, in his hands for his indemnification - And when your orator Spencer was making the aforesaid arrangement relative to the settlement of the said writs of fieri facias against the said Thomas Scott, then the said Nathaniel Pierce, it was agreed that the said sum of $23.04 should be paid, and the said bond for the sum of $124.64 should be executed, to the said Matthew Calvert, in trust and confidence that he would hold the same, as of the right and credit of the said Rice B. Pierce dec^d - and it was expressly stipulated by the said Matthew Calvert that he would not only hold the said money & bond upon the trust & confidence above mentioned, but that the said money and bond should be at all times subject to be called for & demanded by your orator Spencer, whenever he, the said Matthew Calvert, should be indemnified as one of his Securities as aforesaid - And your orator Spencer in fact charges, that the said Matthew Calvert hath been, and still remains, fully indemnified against all danger of suffering, by having become one of his Securities as aforesaid - Your orator Spencer hath not only paid the debts of the said Rice B. Pierce dec^d, as will appear by an attested copy of the account current of his administration, which hath been duly admitted to record by the County Court of Southampton, but to appear as a part of this bill, but he hath given good & sufficient counter Security, and in fact hath had a final settlement with the Distributees, entitled to the Estate of the said Rice B. Pierce dec^d and obtained from them a receipt in full, which he will be able to prove to the satisfaction of this Court by the subscribing witness to the said receipt or by the Distributees themselves, if their testimony should be required - After having afforded such perfect indemnity to the said Matthew Calvert, 1st by the payment of the debts of the said Rice B. Pierce dec^d, 2nd by counter Security, 3rd by a final settlement with the Distributees, your orator Spencer hoped and believed, that the said Matthew Calvert would, as he had promised to do, pay over to him the said sum of $23.04 and deliver up to him, the said bond executed by the said Nathaniel Pierce under the circumstances before mentioned - And according to the time of the said settlement with the Distributees of the said Rice B. Pierce dec^d, the amount of the said bond, to which your orator Spencer was in Equity Entitled, was considered as fully settled; and it was agreed that the same should be delivered up to your orator Nathaniel Pierce - But so it is, may it please the Court, that the said Matthew Calvert hath altogether refused to comply with his agreement in this behalf, and although your orator Nathaniel hath settled the amount of the said bond with the said Spencer Pierce acting for the said Rice B. Pierce dec^d to whom the same in Equity belonged, yet the said Matthew Calvert, pretending falsely & claiming the said bond as his own, hath instituted suit thereon against him in the Common Law side of this Court, obtained a Judgment and issued a writ of fieri facias against the goods & chattels of your orator Nathaniel, the said Joseph Vick & Rice B. Pierce dec^d which hath been levied upon a negro man slave named Abram the property of your orator Nathaniel - and your said orator Nathaniel, having executed a forthcoming bond with the said Spencer Pierce — his security for the delivery of the said negro man Abram at the time and place of sale and forfeiture thereof, hath, together with his said security, received a notice, that a motion will this day be made for an award of Execution thereupon - which is contrary to Equity and good Conscience and tends to the manifest injury of your orator - In tender consideration whereof and because your orator can alone relievable

in a Court of Equity, where matters of Trust & paid are properly cognizable,
To the End therefore, that the said Matthew Calvert may, on his personal oath, be compelled to answer all & singular the allegations of this bill, & that as fully & perfectly as if the same were herein again repeated and he thereto particularly interrogated,
that your worships will enjoin the said Matthew Calvert, his agents and all
others from further proceeding against your orator Nathaniel and the said securities
on the said forthcoming bond, until the matters of this bill are fully heard
& determined in Equity, that your worships will thereupon perpetuate the said
injunction & grant such other relief in the premises as may be consistent with Equity
& good Conscience, that your worships will also decree that the said Matthew Calvert pay to your orator Spencer admr of the said Rice B. Pierce deceased
the said sum of $23.04 with interest, and grant
any other General relief which may be meet & agreeable, May it please
the Court to grant the Commonwealths writ of Subpoena & Injunction
commanding &c and as in duty bound your orators will ever pray &c

Nath. Pierce
Spencer Pierce

Sworn to in open court this 16th
May 1814 J Rochelle D.C

Dist. &c
vs
Matthew Calvert

May 1814 Injunction granted
bond given filed
Rule to answer
Copy 5/14 Rule &
Answer

Inj.e B.

Know all men by these presents that we Nathe Pierce
are held and firmly bound unto Matthew
Calvert ——— in the sum of dollars, to which
payment well and truly to be made unto the said we bind ourselves
our heirs executors and administrators jointly and severally by these presents, sealed with
our seals and dated this 16 day of May one thousand eight hundred and
fourteen The condition of this obligation is such that whereas the
said Matthew Calvert instituted a suit at common law against
the said Nathe Pierce for the sum of dollars, and whereas the
above bound Nathe Pierce — obtained an injunction to stay the pro-
-ceedings on the said suit until the matter thereof in equity on a bill filed
for that purpose can be heard — Now if the said Nathe Pierce
shall well and truly pay or cause to be paid unto the said
all damages and costs that can or may arise in
case the said injunction shall be dissolved, and also the amount and costs on
which the said suit is instituted after Judgement then this obligation
to be void else to remain in full force. —

Signed, sealed and acknowledged
in the presence of
James Rochelle

Nathe Pierce Seal
Seal
Rice B. Pierce

Price B Pierce account
current and Copy

1793 Dr. Estate Price B. Pierce dec.d In account current with Spencer Pierce administrator — Cr.

	To cash p.d William Bradshaw his acct.	"	19	4	By cash rec.d of Simons Debts which came to my hands agreeably to a.d current additions & rendered to court by the executor of Michael Cobb dec.d who was admr. of the estate (towit)			
	" Thomas Bradshaw his do	"	12	6				
1794 March	" Samuel Calvert	22	0	7	Henry Branch, Bond	6	17	10¼
96	Joshua Bailey	"	7	4	Ditto Interest	1	7	0¾
May	" Epm Cobb	18	15	2	Jesse Bracy by Daniel Simmons bond	6	17	2
July	" William Wellons appraisem.t	"	5	5	Ditto Interest	1	5	1
Octo.	" Robert Holland	"	18	"	Daniel Simmons his bond	16	12	9
97 Feby	" James Bell	8	15	"	Samuel Calvert Ditto	28	15	2
Octo.	" William Edmunds bond & Int.t	8	5	"	" my a.d for Sundries p.d Sale book	39	14	1
98 Sept.r	" Cooper Williams his acct.	"	4	6	" By John Adams admr. p.d a.d	7	6	4½
99 Oct.r	" Anualem Bailey	4	7	4		108	15	6½
"	" Mary Wall	"	12	"	" John Parkers his bond	23	4	10½
"	" Joseph Vick	1	19	"	" Silas Lowe his do	3	11	2
	" clerks tickets Southampton	"	17	0½	" Open a.d ag.t Elizabeth Pierce Int.t	160	16	1
	" Robert Hines atto his acct.	3	9	—	" Do. ag.t Elizabeth Pierce D.r	2	1	"
		72	7	2½	" Do. ag.t Matt.w Pierce	"	10	"
	" John Parkers bond insolvent	23	4	10½		£ 298	18	8
	" Silas Lowes Do. Do.	3	11	2				
	" Eliz.th Pierce Int.t R Goodwyns dec.d	160	16	1				
	" Elizabeth Pierce Int.t (Heir)	2	1	0				
	" Matt.w Pierce dec.d Do.	"	10	0				
	Commissions on £ 298 . 18 . 8 2 5 p.r cent for settling the estate —							

In Obedience to an order of the worshipfull Court of Southampton County, to us directed we have examined Stated and Settled the account current of Spencer Pierce, administration of Rice B Pierce dec'd. as above agreeably to Vouchers produced to us — Given under our hand this 9th day of January 1801

Noel Wasdell

Thomas W. Clements

At a Court held for the County of Southampton the 19th day of January 1801 This account current of the estate of Rice B. Pierce Dec'd. was this day reported and ordered to be recorded

Sam Hall C

A Copy Teste James Rochelle D.C

A Statement of Sundry
Sums, Alice B. Lee
Adm.rx vs Thos. Scott.

As to the Interest [illegible] 85
entered in the Acc.t Curr.t
in 1800. say ~~at the~~ ~~Interest~~ credited to the
estate

[illegible]

April 24. 1800. Rec.d of Nathaniel Pierce, in Cash, the sum of twenty three Dollars. 4 Cents, & his Bond. for one hundred & twenty four Dollars. 64 Cents, which is in full of the within Judgments & Costs—

Jam.s Calvert Exor

Matt.w Calvert,

A Statement of Sundry Debts due the Estate of Benj.a Oden. dec.d as the same appears on the Books of Accot. exhibited to the Orphans Court

	24 12/90
	44. 6. 0 3/4
	6. 18. 3
	37. 7. 9 3/4
	12 1/2
	1. 4. 7
	2. 2. 0
	2 —
	1. 4 — 4
	8. 0. 8 1/2
	7 — 8
	1. 4 — 4
	8. 1.
	7. 6
	23. 0 4
	124. 8. 4
	50 — 3 — 5 3/4
	14 —
	124. 6 4 1/2
	242. 2 8

2 " 6 " 1 1/2
1 " 16 " 8
2 " 6 " 1 1/2
6 " 8 " 11 —

Spencer Pierce Adm.r of Rice B Pierce dec.d

Thos. Scott agt. Surv.r Obligor of himself & Claborne Scott } Fifa

Principal	£ 6.0.0
With Interest from 11th March 1794 tile Apl. 21st 1800	1.16.8
7 $ 68 Cts Costs	2.6.1½
	£ 10.2.9½

The same vs The same } Fifa

Principal	£ 15.0.0
With Interest from 1st Aug.t 1792 tile 21st Apl. 1800	5.15.10
7 $ 68 Cts Costs	2.6.1½
	£ 23.1.11½

The same vs The same } Fifa

Principal	6.14.1
With Int.t from the 7th March 1794 tile the 21st Apl. 1800	2.1.1¼
7 $ 68 Cents Costs	2.6.1½
	11.1.3 3/4
	£ 44.6.0 3/4