1822-023 SOUTHAMPTON COUNTY CHANCERY PAPERS THOMAS VS. COOK et al 2/1822

other surnames: Blow, Claiborn, Jeffries, Claiborne, Claibern

Thomas

Bill

Cooketal

July 17th 1820 Bill filed
Oct. 7th 1820 order of pub-
lication to Oct. Court 1820

Janry 16th 1821 Def. Jeffries
& Claiborne ans. filed

Janry 16th 1821 Decree for
the Pltf. &c
May 1821 Decree in R. Blount
Costs $13.14

fifa issd

Febry 1822 Decree reversed fifa & Ca. Cls
quashed and appeal is granted

To the worshipful Court of Sampson County in Chancery sitting. Humbly complaining sheweth to your worships your orator John Thomas that a certain Miles Cook and Peter Blow by their writing obligatory under the hands and seals of each bearing date the first day of July 1813 promised to pay to your orator as administrator of Henry Thomas dec'd the sum of one hundred dollars and twenty five cents on the first day of January 1814. That some time after the execution of the said writing the said Cook and Blow removed to the western Country and your orator believes now resides in the State of Alabama. Your orator having no legal remedy against the said Blow and Cook and tenderstanding that a certain Augustin Claiborne and Jno. de Jeffries act in this state respectively as their agents. and believing that they have money or effects in their hands belonging to the said Blow and Cook may that they or either as the said Cook and Blow may be made defendants hereto and be compelled to answer the foregoing allegations. and more especially that the said Jno. de Jeffries set forth and state particularly and distinctly what amount of money or what effects he has in hands belonging to the said Miles Cook. and that the said Augustin Claiborne also in the same manner shew to this Court what amount of money or effects he has in his hands belonging to the said Peter Blow. your orator further prays that his debt aforesaid may be decreed to be paid out of any monies or effects in the hands of the said defts Jeffries and Claiborne or either of them. your orator further prays that your worships would grant any other

or further relief in the premises which may be right and proper and as in duty bound she will ever pray &c.

Jefferis

Thomas

The separate answer of John M. Lyons to the bill of Complaint against him & Augustus Chichester in the County Court of Southampton in Chancery, by John Thomas admr. &c with the Will annexed of Henry Thomas dec.d. —

This defendant having & reserving to himself now & at any benefit of exception to any errors or misstatements in the bill contained, or to so much as he is advised is material to answer, answers:

That it is true as stated in the Complainants bill that he was appointed by Miles Cook, as his Agent, under & by virtue of a written Power of Attorney to that effect. Your Respondent further states that he has no monies in his hands belonging to the said Cook, but that he is particularly & special directed by the Power of Attorney aforesaid to sell the said Miles Cook's interest in the Slaves Estate of his mother Elizabeth Cook — which at the time of the sale was in the hands of your Respondent, at this time ascertained — Your Respondent further states that he is inclined to believe from the information derived from the said Cook, that he is intitled to some money

1

upon a correct settlement of his Fathers Estate, as
well as a settlement ~~the said Isaac Cook's settlement~~
of the Private accounts existing between him and
Lawrence Cook — But of the certainty of these facts
Your Respondent cannot be positive — Your Respon-
dent is of the Opinion, that the interest of the
said Cook in the Lower Estate of his Mother
will be sufficient to satisfy & pay off the claim
of the Complainant — Your Respondent having Answered
prays hence to be dismissed & as in duty bound will ever
pray &c.

Lt. M. Lyons

Blackbeard aan James Thomas

The answer of Augustine Claiborne to the bill of
filed in Jefferson by Court against him
as agent of Peter Bloo and Jno H Jeffries as
the agent of Miles Cook.

This respondent saving to
himself all just benefit of exception to the said
bill & the facts therein charged for answer thereto
or to so much thereof as he deems the material
to make answer unto says that it is true as
stated in the bill that he was left by Peter Bloo
agent for him when he the said Bloo removed
to the west & he believes & believes true that
Jno H. Jeffries was appointed the agent of
the said Miles Cook & he has understood from the
said Jeffries that he has by his own proper act as agent
the means in his by a sale of property to pay the
amount due the complainant and as it is
most consistent with equity that the debt should
be paid by the principal & not by his efforts he
trusts that the said Jeffries agent of the said
Cook who your respondent believes was principal in
the bond & note will be decreed first to pay the
amount of the so much as is in his hands

in Money or if he should be possessed of property
of the said Cooks that he sell the same & discharge
the said debt & should there not be sufficient
after paying over whatever may be in the hands
of the said Jeffries it will be then and not
sooner time enough consistent with justice
to excuse the payment by the agent of the
drawer & your respondent admits that
there are sufficient amount of debts in his
hands for the payment of the Commissioners
demand should it be unfortunately necessary
to resort to the security which he holds &
believes will not be necessary & he confidently trusts
that he will not be deemed to pay the amounts
under the same in the hands of the agent should
your respondent having now fully answered
the charges with the costs most wrongfully
sustained to be dismissed as in duty
he will ever &c. Abelaibone

Thomas
vs
Cooke &c
Spec vs
Ebtf

Fo March Court 1820.

Execution on Augustine
Claiborne & John Scott
Miles Cooke & Peter
Blow — no inhabitants

S.C. Tazewell clk
Geo Hume dpty

The Comm^th. of Virginia to the Sheriff of Southampton
county Greeting: You are hereby commanded to Summon
Nicks Cook, Peter Blow, Augustine Claiborne and John
M Jeffries to appear before the Justices of our county
Court of Southampton at the courthouse on the third
Monday in March next to answer a bill in Chancery
exhibited against them by John Thomas - and this
they shall in no wise omit under the penalty of
£100 each - and have then there this writ -
Witness James Rochelle Clerk of our said county court of
Southampton at his office the 21st day of December
1819 and 44th Year of the Comm^th.

James Rochelle D.

Yancys Receipt

Rec'd of Mr. Jno. Thomas admr of Henry Thomas, five dollars for inserting Chancery notice two months in the Intelligencer

Petersburg 13th Septr 1820

H. G. Yancey by
Peter B Stone

Town of Petersburg to wit.
This day personally appeared before me, an Alderman of said Town, Dennis J. Yancey, Editor of the Intelligencer Newspaper, who made oath that the annexed order of Southampton Court hath been regularly inserted in said paper for two months successively. Given under my hand this 14th day of December 1820.

Jno. Williams ald.

Virginia:

At Rules, holden in the Clerk's Office of the County Court of Southampton, the 7th day of August, 1820.

John Thomas, administrator with the will annexed, of Henry Thomas, dec. Compl.

Against

Miles Cook, Peter Blow, Augustine Claiborne and John M. Jeffries. Defts.

IN CHANCERY.

THE defendants, Miles Cook and Peter Blow, 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 Commonwealth: IT IS THEREFORE ORDERED, That the said defendants do appear here on the third Monday in November next, and answer the bill of the Complainant, and that a copy of this order be forthwith inserted in some newspaper edited in the town of Petersburg, for eight weeks successively, and posted at the front door of the Courthouse of this county on two several court days.

A copy—Teste,

A. MIDDLETON, D. C.

Sept. 15 2m*

Aff. of publication	62
	96 — space in Ch'd 8
	1.60 — record 4 folios & the Cert of publ'n with draw
Clk	3.18
Sheriff	30
Fee	5.00
Certs of Aff. of Pub.	5.00
	$13.48

Certs

18
26
18
62

Mch, Cook &
P. Bloom
note $100 25/100
Spec in Ch'd

On demand the 1st day of January 1819 We Miles Cook & Peter Blow —— or either of us do promise to pay or cause to be paid unto John Thomas admr. with the will annexd of Henry Thomas dec. or to his assigns the Just and full Sum of one Hundred —— Dollars & Twenty five cents. For value recvd. as witness our hands and Seals this 1st day July 1818 —

attest

James Bishop

Miles Cook Seal

Peter Blow Seal

Know all men by these presents we John Thomas and James Rochelle are held and firmly bound unto ~~Robt Miles~~ Cook and Peter Blow in the sum of five hundred dollars to which payment well and truly to be made we bind ourselves and each of us our and each of our heirs executors and administrators jointly and severally firmly by these presents sealed with our seals and dated this 16th day of Jany ~~1821~~ in the year 1821—

The Condition of the above Obligation is such that whereas the above bound John Thomas hath this day recovered a decree against the said Miles Cook and Peter Blow for the sum of $100: 25 cents with interest thereon from the 1st day of Jany 1819 until payment & Costs. And ordered John M Phillips and Augustin Claiborne ~~too~~ ——— to pay the same. Now therefore if the said John Thomas shall abide such future order as shall be made for restoring to the said Miles Cook and Peter Blow the amount of said decree upon their prosecuting and filing their answers to the bill filed against them by the said John Thomas according to the provisions of the acts of assembly in such cases made and provided in the case of absent defendants then the above Obligation to be void otherwise

to remain in full force and virtue

Teste -

A. Middleton

John Thomas (Seal)

[redacted]

James Rochelle (Seal)