

1828-045

SOUTHAMPTON COUNTY
CHANCERY PAPERS

WHITE & WHITE VS. BRITT'S EXECUTORS

6/1828

Other SURNAMES: TURNER
STEPHENSON, JOHNSON, FULGHAM,
SHIELD

70966 1891
Turner & White

With Enrs

Bill of Injunction

June Court 1891

Oct 4 896 Conditional Disposition

Apr 1826 Sp of Review issued

July 30th 1827 Genl Con: Geo. Walker
reported -

1828. Term. by an additional bill
transferred with costs &c.

Colts. costs \$1.80
Law: 5.00

\$6.80

Wm. H. Sp.

To the worshipful Court of Southampton
County sitting in Chancery humbly
complainant sheweth unto your
wishes your Oration Bond of White
Zachary Turner
That on the 27th Day of March
1807 your Oration executed a bond to
attach Debt who is since
for the hire of a Negro Man (said)
which said Negro was to employ his
time in his own way, in Sundry
Ditching &c. and to account to
his Master (Matthew Beale) for
payment being the amount of the
said Bond. - That the said ~~slave~~
did labour for several purposes during
the said year 1807 for which he
was given & earned more money
than the amount of the said
his master, which money was paid
to him the said attaching Debt to a
greater amount than was due

the said. Yet notwithstanding
that the whole bond was discharged &
more money paid, as your Oration
was able to prove they did right
to take in the said bond & that it
remained in the hands of the said
Matthew Beile at his death & then
fell into the hands of his son
Joseph & Britain Beile who have
sustained a suit & obtained
Judgment & execution against
your Oration for the fifteen pounds
of interest thereon from the date
with costs &c. &c.
In this consideration which
is as much as your Oration
claimed in a Court of Law
they pray the interference of
Court. To the end therefore they
pray the Court will discharge the
said Jo & Britain Beile Executors
of Matthew Beile from further

proceedings in this matter till it
can be heard in equity that they
will grant the count's writ
of Habeas Corpus commanding them
to go, & other & general relief
For for
comfits

Sampton Lch

This day appeared before me
Jacob Darden a Justice of the
Peace for the aforesaid County
Southampton Benjamin White and
made oaths to the truth of the
allegations set forth in the foregoing
Bill. Given under my hand
17 Day of June 1811.

Jacob Darden

Sworn to also as above by Amos Turner
before me —
W. Bailey

Conf. Delay

Two hours -

Cooper

Transcript

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Turner White

W. S. Aaron
of Britt.

Joseph Britt.

April 16th 1827 am. J. S.

The answer of Joseph Brille to the bill of complaint
submitted in the county court of Southampton by Benjamin
White & Amos Turner complainants: This respondent saving
and reserving to himself every benefit and advantage of
exception to the many errors & false allegations in the
said bill contained for answer thereto saith, that he
is now the surviving heir of ~~Matthew~~ Brille: that it is
true the suit was brought upon a bond recited by the
said Benjamin White & Amos Turner by the reciters of
the said Matthew Brille, & judgment thereon obtained
in the county court of Southampton as charged by
the complainants: This respondent is advised, therefore
charges, that upon the facts stated in the said bill
the complainants are not entitled to relief, because
the defence now set up & relied upon by the compl^t
ought to have been made in the court of law, which
has now been not done & for which failure or neglect
no legal or proper ^{excuse} is now offered or was pretended: This
respondent repeats that if the bond in the bill referred to
now in any manner discharged or paid, such payment
or discharge ought to have been shown by legal & com-
petent testimony in the trial at law: but this
respondent utterly & positively denies that the said
bond has ever been satisfied or paid, & calls for proof
of the complainants allegation touching that matter.

Without that &c. And this respondent denies all fraud
&c charged against him & prays the court to dissolve
the injunction heretofore awarded in this case, with his
costs in this behalf sustained &c.

Southampton County, &c. This day Joseph Brill
appeared before the undersigned a justice of the peace
for the county aforesaid and made oath that the
statements contained in the annexed answer are
true to the best of his knowledge & belief -
Given under my the 16.th day of April
A. D. 1827.

Joseph Brill

Turner W. -

m

Pratt W. -

Copy Blue of
Deposition

To be served on John Shields -

To Nov - County Court 1876 -

Executed

Stephen Clurdaugh Dy
of James Clayton Sheriff.

I acknowledge service of the within notice
Nov 15/1826

John Sheild

Southampton October Court 1826-

Amos Turner & Benj. White Plaintiffs
against

Matthew Britt, Sol. Britt & Bantam Britt Defts.

Upon an Injunction

On the motion of the defendants Joseph Britt, It is ordered that unless John Shields ^{att} adm^r of Benjamin White proceed on or before the first day of the next Court to revive this writ; the Injunction heretofore granted herein shall stand dissolved on an act of this day upon it being shown that said Shields has been duly served with a copy of this order -

Attest J^{es} James Rochelle C.
(4)

James H.

N

Butt & Co.

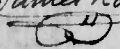
Spa of Revisions

To February count 1827—

Executed on Joseph Butt
who is the Executor of the within
named Jos Butt, (Benj Butt
& Bulson Butt, have both
departed this life. Long

Stephen Munsault Deputy
James Clayton Sheriff

The Commonwealth of Virginia to the Sheriff of Southampton County
Greeting you are hereby commanded to Summon Matthew Britte, Son
Britte and Britton Britte to appear before the Justices of our county court
of Southampton at the courthouse on the third monday in February
next to shew cause if any they can why a certain writ of Injunction
and proceedings thereon has originally & hitiles by Amos Turner and
Benjamin White against the said Matthew, Joseph & Britton Britte
should not now stand revived in the name of John Shields adm^r of
Benj^m White against them the said Matthew Joseph & Britton Britte
and further to do and receive what our said court in that part may
consider - And have them there this writ - Witness James Rochelle clerk
of our said county court of Southampton at his office the 14th day of
December 1826 and 57th Year of the Commonwealth

James Rochelle C.


Shiels ad. White

10

Bntt Ec on

Comd to Take
Depositions

The Commonwealth of Virginia to Silas Sumner and
Benjamin Drew Gentlemen Justices of the County
of Southampton — Greeting: Know ye that we trusting in your
fidelity and provident circumspection in diligently examining John
Mykulant, Hezekiah Fulgham, Arthur Holleman, & George Branch Senr.

witness as well for John Shields adm^r of Benjⁿ White ad^r Complainant ~~vs~~ Matthew
Britt, Joseph Britt and Button Britt Defendants

in a suit now depending in the County Court of Southampton
County, Command you or any two or more of you that on such
certain days and at such certain places as you shall appoint you
assemble yourselves, and the witnesses aforesaid before you, you call
and cause to come, and diligently examine on the holy Evangel
ist of almighty God, and their examination into our said County
Court distinctly and plainly without delay you send & certify
enclord, returning also to us this writ. Witness James Rockwell
Clerk of our said Court at the Courthouse on the 30th day of
July — 1827 In the 55th year of the Commonwealth.

James Rockwell Ck.

Mr. Joseph Butts Cor. of Matthew Butts dec.

Take notice that I shall on Saturday the 22nd day of this present month (September) between the hours of nine o'clock in the morning and six o'clock in the evening of the same day, at the Store of Thomas Ponds in the County of Southampton, proceed to take the depositions of Hezekiah Fuleham, Lewis Johnson and others, to be read in evidence, in a suit in Chancery now depending, and undetermined in the County Court of Southampton, wherein you as Cor. of Matthew Butts are ~~plff~~ and myself as Adm^r of Benjamin White dec^d are Defendants at which time and place you can attend if you think proper.

10th Sept^r 1827

John Thait Adm^r
of the Estate of
Benj^a White dec^d

I acknowledge to have received the within notice
in due time given under my hand

his
Joseph Britton
mark

To the Clerk of the County Court
of Southampton

Sett 18th 1827 came to
from within in 2u dead
at Poole

3/4

Loushampton County to wit
agreedably to the annexed Commission & Return
We Silas Sumner and Benjamin L. Crews
Justices of the Peace, for the County aforesaid
Have caused Sally Stephenson, Hezekiah Fuley
=ham and Lewis Johnson, to appear before us
at the Store of Thomas Pond, in the said County.
On the 22nd day of September 1827. between the
Hours of nine O'clock in the morning. Six
O'clock in the evening of the same day. to
give testimony to be read as evidence in
a suit, in chancery now depending and un-
=determined, in the County Court of Lousham-
=ton wherein Joseph Brew, Exor of Nathaniel
Brew died, is plaintiff and John Shuld ader
of Benjamin White died, is defendant. all
of whom being of lawful age, and first
sworn on the Holy evangelists of Almighty
God; depose and say as Followeth
Sally Stephenson deposes and saith, that she
always wrote her own name when called on
as a witness or in any other way - and she does
not recollect ever to have signed the note
as ^{as} witness, which the within is said to be a
Copy of - and she does not recollect, ever
to have seen Amos Turner, as long ago as
the date of the said note, and further
this deponent saith not -

Lewis Johnson deposes and saith that James Johnson his father sent him with a quaging rod, to Matthew Fulgham, to quage a Barrel of Brandy, to pay for ditching done by said Britts negro man Harry. the Brandy was quaged and Mr. Fulgham and his son went off with it - the year I do not recollect - Question was Harry in the habit of ditching about and receiving pay for it, ~~himself~~ answer he was - and further this deponent saith not -

Lewis Johnson
J

H Ezekiah Fulgham deposes and saith that he once went with his father Matthew Fulgham, to carry a Barrel of Brandy to pay ~~Matthew Britts~~ Britts for ditching which was done by his negro man Harry, who was ditching about in the neighbourhood (and the Brandy was delivered to said Britts, the date I do not recollect - and further this deponent saith not -

The above depositions were signed and sworn to by Lewis Johnson and Ezekiah Fulgham. On the above date before us after Mrs. Stephenson had given her, she refused to swear to it, saying she had never been sworn nor never would be sworn under our hands the day and date as above
Giles Sumner
Benjamin L. Drew

of Stephen
The above referred to

Baker p. 2

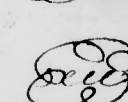
Jugins Bond
(11)

Know all men by these presents that we Benjamin White and
Robert Horn are hold and firmly bound unto Joseph
Britt Britain Britt ex^r Mathew Britt the Sum of One hundred ^{dollars} seventy to which
payment well and truly to be made unto the said Joseph & ~~Britt~~ ^{Britt}
his heirs exors & admors we bind ourselves our heirs executors & admors jointly and severally
fully by these presents Sealed with our seals and dated this 13 day of July 1811

The condition of this obligation is Such that whereas the said Joseph
and Britain Britt — have obtained a judgement at common law against
the said Benj White & Mathew for the Sum of £43.18.27 to be discharged
by £21.19.1/4 ~~with~~ ^{on a D.C.B.}
with interest at 6 per centum from 11. April 1811 till p

till payment and costs and whereas the above bound Benj White
hath obtained an Injunction to stay the proceedings on the said judgement
& costs untill the matter thereof in equity on a bill filed for that purpose
can be heard now if the said Benjamin White Shall well and
truly pay or cause to be paid unto the said Joseph & Britain Britt ex^r
as aforesaid the aforesaid judgement and costs and all damages and costs that
can or may arise in case the said judgement shall be dissolved then this
obligation to be void or else to remain in full force & Virtue

Signed Sealed and attested
in the presence of
Sam Kello

Benj. White 
Robert & Horn 

Copy of the Lyon bond executed in the
case of White & Turner vs. Britton decided
this day -

Baker.