1833-007 SOUTHAMPTON COUNTY. TURNER VS. TREZVANT 7/1833
CHANCERY PAPERS

other SURNames: KNOX, Revvill, Rivill, Vick, Rochelle

(10)

Summer

w 3 Papers

Inquest

1832 Nov. 3: bill filed
15 Cond. unable to appr. &c.
1833 Feby. Ans. filed. 9 R. &c.
June Set for hearing &c.
July Injoin: perpetuated &c.

Defendants Costs

Clerks	$ 5.45
Sheff. &c.	1.30
Comr.	5.50
Paid by Pltf.	17.41
	29.66
	$ 14.83

$ fa $

Turner
vs
Prezvant

Bill for an injunction

1832 Nov. 3d Bill filed
" " 15th bond executed &
Sps. issd

To the Honorable Robt. B Taylor Judge of the circuit Superior
of law and chancery for the County of Southampton
in chancery sitting.

Humbly complaining sheweth unto your Honor
your orator John C Turner, that whereas he was
appointed by appointed Curator of one Sally
Knox deceased by order of the County court of
Southampton, as will appear by a copy of
the said order, hereto with exhibited and prayed
to be taken as a part of this bill, That shortly
thereafter a suit was instituted in the circuit
superior court of law and chancery for the
County of Southampton on the law side of
the said court, by him as curator aforesaid,
by Lewis & Trezevant on a bond executed
by the said Sally Knox in her life time,
to him the said Lewis & Trezevant for
the sum of $ Judgment obtained
thereon, upon which execution is said to be
levied on the goods and chattels of the said
Sally Knox deceased in his hands to be
administered — That the Sheriff charged
with the same, came to his house
and was about to levy the execution afore-
said, upon your orator's own property
in pursuance which he executed a forth-
coming bond for the amount, with Nathan-
iel Rochelle as his security which being
forfeited a judgment was obtained thereupon
at the present term, all of which will more
at large, by a copies of the bond original
judgment, execution, forthcoming bond
and judgment thereon, hereunto exhibited
and prayed to be taken as a part of this bill

your orator charges that the said bond was actually without consideration, & ought to be considered void and of no effect by a court of equity - that it was obtained by the artful notice & advice of the said Lewis Freymont, as your orator is informed and believes, practising upon the feelings and ignorance of an old and ~~ignorant~~ uninformed woman -

your orator further charges that the said Sally Knox left no property out of which the said execution could have been made - that ~~under the title~~ all the property owned by her at her death, was devised and bequeathed by the will of her late husband Isaac M Knox & loaned to her for life only and charged with the maintenance & education of her daughter Nancy, and at the death of the said Sally Knox, the said Nancy being the sole heir and distributee of the said Isaac M Knox, the whole of the said estate descended to her and her husband your orator who had intermarried with her - a copy of the will of Isaac M Knox is hereunto exhibited and prayed to be taken as a part of this bill. To the end therefore that justice may be done in the premises, by the aid of this honorable court, your orator prays that the said Lewis & Freymont may be made respondent hereto & with apt and proper words to charge him and that he may answer the premises - that your honor would grant unto the said Lewis & Freymont his writ of subpoena to be directed to the Sheriff of this County commanding him to summon the said Lewis & Freymont & all others interested to appear before this court & then & there answer all & singular the premises & further to perform & abide such order decree & decision therein as to your honor may seem just & agreeable to equity & good conscience & your orator will ever pray -

Potter & G.

November 3d 1832. The foregoing Bill sworn to in Open Court by
John L Turner

L. R. Edwards D.C.

An injunction is awarded on the usual terms of bond & security and the complainants upon entering into & filing with the Clerk of the Circuit Superior Court of Law & Chancery of the County of Southampton bond, & with surety as the law directs in the sum of Five Hundred Dollars conditioned according to law

Robt. H. Hughes
Nov 3d 1832

To the Clerk of the Circuit Superior Court of Law & Chancery for Southampton County

Turner curator of Knox

vs. Answer.

Lewis C. Bryant.

Baker.

January 22d. 1833.

Hampden Sup. Co

The answer of Denis C. Trezvant to the bill of complaint exhibited against him in this court by John C. Turner complainant: This respondent saving and reserving to himself any benefit and advantage of exception to the many errors & false allegations in the said bill contained for answer thereto saith, that some time in the year Isaac N. Knox in the bill mentioned was drowned and killed, and this respondent, influenced by feelings of benevolence, assisted in saving & taking care of the body of the deceased: afterwards this respondent met with Sally Knox the complainant, intestate, formerly the wife of the said deceased, on the court house ground in the county of Southampton, and without any previous intimation to this respondent of her design or intention, & without any knowledge on the part of this respondent that such was her object or will, delivered to this respondent the bond or obligation in the said bill referred to: This respondent unwarily & unequivocally denies that the said bond was obtained by any "artful solicitations" or by any other undue means whatsoever, and he also most positively denies that he practised or attempted to practise upon the "feelings & ignorance" of the said Sally Knox as charged by the complainant: and this respondent further answering says that in the estimation of every honest man with whom he is acquainted he hopes & trusts it is believed he is incapable of committing the vile fraud & deception charged and insinuated against him by the complainant, indeed this respondent ~~this~~ ~~respondent~~ thinks & therefore states that the said Sally Knox was sufficiently competent at all times to guard herself against fraud & imposition, for notwithstanding the charge of ignorance & infirmity imputed to her by the complainant, this respondent avers that the said Sally Knox was not only a woman of much benevolence & good feelings, but much good sense & intelligence — and this respondent further answering

saith he is advised that if the bond in the bill referred to were executed voluntarily & without consideration it ought, to be, & in law is, obligatory even in a court of equity between the parties: and this respondent further states even if it be true that Sally Knox left no property out of which the said debt should be paid, which however is not admitted, that it is now too late under the circumstances of this case to rely upon that fact to prevent the recovery of the said demand. Without that &c. And this respondent having answered &c denies all fraud &c charged against him & prays to be hence dismissed with his cost &c.

J. C. Bryant

Richd. H. Baker p. d.

Southampton county, to wit: This day Denis C. Bryant appeared before the subscriber a justice of the peace for the county aforesaid, & made oath that the statements contained in the annexed answer so far as they depend upon his own knowledge are true, & so far as they depend upon the information of others he believes them to be true

Given under my hand this 22nd day of January A. D. 1853.

J. D. Mapsburg J.P.

deceased

Turner v Sergeant: This Cause came on this day to be heard on the bill, answer replication Proofs and depositions of witnesses filed and was argued by Counsel. And the defendant waiving all right and benefit to the taking of the account directed by the decree in this cause and the Court doth adjudge order and decree that the Injunction awarded the plaintiff on the third day of November 1832 be perpetuated, and the same is hereby made perpetual: and the plff consenting to waive all right to face costs and being willing to accept one half of the legal costs, and the defts consenting thereto, the Court doth further adjudge order and decree that the said defendant pay unto the Complt one half of the costs of this suit.

To injoin the defendant his agents attorneys, and all others concerned from further proceedings on a judgment at Common Law of the Circuit Superior Court of Law and Chancery for the County of Southampton recovered on the 30th day of October 1832 by the defendant against the plaintiff and Nathaniel Rochelle until the further order of the Court: the said plaintiff having given bond and security and filed a release of all errors at Law in the said judgment, as the Law directs.

Teste James Rochelle cc

Attorneys
& 3 Dols & Sugn

Injunction
to January Rules 1833
Issued

Executed
Nathan Rochelle
Lewis Bowers Sh'ff

C. C. C.

THE COMMONWEALTH OF VIRGINIA:

To the Sheriff of Southampton County--Greeting:

We command you that you summon *Lewis & Sheppard*

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 said Court, on the first Monday in *January next*. to answer a bill in Chancery, exhibited against *him* in the said Court, by *John & James*

And unless the said Defendant 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 *he* shall in no wise omit under the penalty of 100l.

And have then there this writ: Witness, JAMES ROCHELLE, Clerk of our said Court, at the Courthouse, this *15th* day *of November* 1832, and in the *57th* year of the Commonwealth.

James Rochelle Clk

James

to Eldridge

Sheppard

Came to hand sealed February 9th

1833

fifty dollars & She Thinks understood for One
hundred & fifty dollars She stock was also comin
ish in value & she sold Samuel Vick a piece of
land The use of Thirty acres for One hundred
& fifty dollars also a few acres to Mr Jacob Bow
es how much or at what price I know not
Question by plaintiffs counsel do you. know if
Polly Knox had any estate of his own at his
death
answer. I do not think she had One hundred
dollars worth in expectant of the property
that was his husbands
Question by defendant do you know of Polly
Knox having purchased land after the death of
her husband Isaac Knox —
answer. I do not.
and further This deponent
saith not sworn to & subscribed this day
& date above —

his
matthew X vick
mark

The deposition of Jesse Drury taken pursuant
to the annexed notice and the foregoing caption The depo
nent being sworn according to law deposeth as

follows. Sct.

Question by plaintiffs counsell. Sir you the deputy Sheriff That went to John C. Sumner the curator of the estate of Sally Knox. to levy an execution on the estate of the said Sally Knox. in the hands of the said curator which said execution was sued out on a Judgment obtained by Lewis C. Swigeart v the said Sumner curator as you answer. I was. and went to the house of said Sumner for the purpose of levying the said execution and was told by the said Sumner That he had no property in his possession That belonged to The estate of Sally Knox deced & That he intended to injoyn the said judgment & execution on which I told him no sufficient of any creditors had been advised to meet & I should proceed to levy the execution on the estate That the said Sally Knox had in her possession at the time of her death on which the said Sumner could injoyn me if he could injoyn it as well after giving an forth coming Bond as he could before & on my answering him That he could he gave a forth coming bond for the safety of the said property on which the execution was levyed and That the said Sally Knox had a right to buy & sell and use The estate of her deceased husband as she chose—

answer she did buy & sell & use the said estate but by what authority I did not know

Question by same did you consider Mrs Knox to be an intelligent woman & fully capable of transacting the business of the said Isaac Knox deced & her own—

answer I did

Question by Same. do you think That the value of Isaac Knox estate was lessened in the hands of his widow—

answer I do. at least one Thousand dollars

Question by plaintiff, did you a short time before the death of Sally Knox hear her say any thing relative to a bond given by her to a certain Lewis C. Swigeart—

answer. I did hear her mention it and she said she had paid him twenty dollars & had made him a present in consideration of his coming the day of her deceased husband Isaac Knox from the River where he was drowned and The said Swigeart v proposed himself satisfy

with the twenty dollars & told her that he would destroy the bond which she had given him
& Question by Defendant Had you an interest
That that sally Knox had made a will & left
me a legacy pursuant to the will she left at
her death—
answer. I had not—
and further This deponent
sayeth not. sworn to & subscribed this day
& date above—

his
Holladay H Burrill
mark

The deposition of Matthew Rick taken pursuant to the annexed notice and agreeable to the above
exception. The deponent being sworn according to
Law deposeth as follows. That he thinks the
estate of Isaac Knox was diminished in value
in the hands of Sally Knox at least one
thousand or twelve hundred dollars and
the reason is that she gave away after the
death of her husband two likely young negroes
as the girl about nine or ten years old & the
boy about eight or nine & sold two one of the
name of Jim for the price of three hundred &

Matthew Rick Joel Rick & Jesse Drury

The Deposition of Holladay Burrill taken pursuant
to the annexed notice before J. R. Gray commissioner in the Circuit
Superior court of Law & Chancery for the county of
Southampton for taking depositions at his office
in the Town of Jerusalem this 9th day of July
1833. between the hours of 9 a.m. & sunset of the same day.
The said depositions to be read as evidence
in a suit now pending in the court aforesaid
in which John C Turner is plaintiff & Lewis
L. Sergeant is defendant. The deponent
H Holladay Burrill being sworn according to
law deposeth as following— That the estate
of a certain Isaac M. Knox & sold which he
understood was left to his widow Sally Knox during
her natural life was to his opinion & belief worth
at least one thousand dollars less at the death
of the said widow than it was when it
came to her possession after the death of her
husband
Question by the plaintiff. How was the estate
of said Knox reduced in value by the
Tenant for life
answer she gave two young negroes a girl & a boy
to her son I cannot value them but they were about

ten or twelve years of age

Question by Same do you Know of the said Sally Knox selling two negro fellows belonging to the estate of the said Isaac Knox

answer I do, one of the name of Jim & one named Bob as to the rather I cant say but think Bob got three hundred & fifty for one the other was up valuable

Question by Same as you know of the said Tenant for life selling any of the land of the said Knox estate

answer I do she sold thirty oda acres to a certain Samuel Nicks but for what price I cannot say also some to Jacob Barnes but how much or for what price I cannot say

Question by pl. counsel was the land sold as aforesaid the equivalent by marriage with the said Sally Knox or not

answer. I was not acquainted by marriage with the said Sally Knox

Question by Defendant. do you know whether or not the said Sally Knox purchased any land after the death of her Husband Isaac Knox

answer. I do not

Question by Same are you aware the suspicion

further this deponent saith not

Sworn to & subscribed before me this day & date above written

Isa Drury

The Depositions of Jacob Nick as it would go to prove only what has been stated by Samuel & Matthew Nicks was dispensed with by the party & are not taken

J. H. Gray. C.C.C.

Commissioners fee five hours & a half - 15.50

J.H.Gray C.C.

Mr Lewis L Gregory

Take notice that on ninth day
of Feby. 1833 at the office of Thomas R. Gray in the
town of Jerusalem between the hours of nine & eleven
morning & three & five of the same day I shall proceed to
take the depositions of Peyton Dewey Abel Lockwood
Dick and Hezekiah Prince Sr to be read as evidence
in a suit now depending in the Circuit Superior
Court of Law and Chancery for the County of South
ampton wherein I am Plaintiff & you are
Defendants. at which time & place you may
attend if you think proper —

Yrs &c
Thos R Gray
Feby 18 1833

I acknowledge service of the within notice this 4 day of Feby. 1833.

Lewis C. Sargent

This day J. T. Griffin personally appeared before me Jas. L. Hearn a Justice of the peace for the county of Northampton and made oath that Lewis C. Sargent acknowledged service of the within notice on the 4th day of Feby 1833.

Jas. L. Hearn

Isaac N Knox's

Will

Turner

vs Ex. with Bill

Trezvant

In the name of God Amen - I Isaac M Knox of Southampton County Virginia being sick and weak of body but thanks be to God of sound and disposing memory do make and ordain this my last Will & Testament in manner and form following Viz. After my just debts being paid and my daughter Nancy Knox educated & schooled. I lend unto my beloved wife Sally Knox my whole estate during her natural life and she is hereby empowered to Sell or buy any property real or personal the same as though I myself were present to agree the same for the benefit of the Estate. And lastly I nominate, constitute and appoint my beloved wife Sally Knox my whole & Sole Executrix of this my last Will & Testament utterly revoking and disannulling all others heretofore by me made. In Testimony whereof I hereunto set my hand and Seal this 19th day of March in the year of our Lord one thousand eight hundred & fifteen -

Isaac M Knox Seal

Signed Sealed & delivered }
in presence of }
Arthur Whitehead }
Eliza A Robertson }

At a Court held for the County of Southampton on the 18th June 1819. This Will was presented in Court by Sally Knox the Executrix therein named proved by the oath of Arthur Whitehead one of the witnesses thereto and continued. and on the 19th March 1821 C. H. Lamb deposed to the hand write of Eliza A Robertson another witness thereto and ordered to be recorded. And at a Court held for the County of Southampton on the day of June 1819 Sally Knox Executrix therein named made oath according to law Certificate is granted her for obtaining a probat thereof in due form &c &c.

Teste James Rochelle Clk

A Copy Teste James Rochelle Clk

Knox
To Exhibit Statu
Forgeant.

I Sally Knox of the County of Southampton promise to pay to Lewis C Frezant the Sum of Two hundred dollars for Value received without interest On or before the day of my death. Witness my hand and Seal this 25th of March 1821.

Sally Knox Seal

Test
Richard H Turner
Alex. Myrick

A Copy Test
James Rochelle C.C.

Copy

Order appointing John
C Turner Curator of the Estate
Sally Knox dec.d

Southampton December Court 1830.

John C Turner is by this Court appointed Curator of the Estate of Sally Knox dec'd during the contest about her Will or until the further order of the Court and thereupon the said John C Turner with John L Barrow and Benjamin Turner his Securities entered into and acknowledged a bond in the penalty of five thousand dollars conditioned according to Law —

Memo Teste

James Rochelle Clk

Frezvant

vs } Copy Record.

Knox's Curator

(1102)

Plead at the Courthouse of Southampton Comty before the Circuit Superior Court of Law and Chancery for said County on the third day of April in the year One thousand Eight Hundred and thirty two—

Be it remembered that heretofore to wit: At Rules held in the Clerks Office of the aforesaid Circuit Superior Court of Law for the County aforesaid On Monday the day of March 1831. Came Lewis L Frezant by his Attorney and filed his Declaration against John C Turner Curator of the Estate of Sally Knox deceased in a plea of Debt. Which Declaration is in these words to wit. Southampton County to wit. In the Superior Court of Law. Lewis L Frezant Plaintiff Complains of John C Turner Curator of the estate of Sally Knox dec'd in a plea that he render to him the Sum of $ 200.00 which he unjustly detains from him: For that Whereas the said Sally Knox in her life time heretofore to wit On the 25th day of March 1831. at the County aforesaid and within the jurisdiction of this Court by Her Certain writing Obligatory, Commonly Called a Single Bill, Sealed with her Seal and to the Court now Here shown the date whereof is the same aforesaid promised to pay to the Plaintiff the above Sum of $ 200.00 On or before the day of her death. Yet the said Sally Knox in her lifetime did not pay the said Sum of $ 200.00 to the Plaintiff or any part thereof and the said Defendant Curator as aforesaid altho' thereto often requested Hath not paid the Same Since the death of the said Sally. But so to do hath hitherto wholly refused and Still doth refuse. To the Plaintiffs Damage of $ 200. Therefore he brings Suit Boyle Wyatt atto"

Whereupon the Defendant being arrested and not appearing On the motion of the Plaintiff by his Attorney, it was Ordered that judgment be entered for the Plaintiff against the Defendant for the Debt in the Declaration mentioned to be levied of the goods and Chattels of the decedent in the hands of the said Defendant to be administered unless the said Defendant shall appear at the next Rules and plead to issue—

At which day to wit. At Rules held in the Clerks Office of the Superior Court aforesaid On Monday the day of April 1831. The Defendant still failing to appear. On the motion of the Plaintiff by his Attorney it was ordered that the last Order made against him in this Cause be Confirmed—

At another day to wit at a Superior Court of Law continued and held for the County of Southampton on the 31st day of May 1831. On the motion of the Defendant by his Attorney who pleaded payment to which the Plaintiff by his Attorney replied generally the judgment obtained against him in the Office is set aside and the Cause is Continued until the next Term—

At another day to wit at Circuit Superior Court of Law and Chancery held for the County aforesaid the 3rd day of April 1832 (To which Court all Causes matters and things pending and undetermined in the aforesaid Superior Court of Law were transfered by virtue of an Act of the General Assembly) Came the parties by their Attornies and thereupon Came a jury to wit James W Murfee, Robert Ricks, Bayd Sumner, Bulling Ricks, Jno W Tiller, Ichabod Johnson, Kinchen Jackson, John Mundaugh, David W Simmons and Thomas N Story. who being elected tried and sworn and Alfred Ricks who being Elected tried and charged, the Truth to Speak upon the issue joined upon their oath and on Solemn form, returned a Verdict in the following words to wit "We of the Jury find for the Plaintiff the Sum of Two hundred dollars with interest thereon

from the 15th day of Febmary 1831 till paid and a per cent his damage & one Cent Therefor it is considered by the Court that the plaintiff recover against the Defendant the Sum of two hundred dollars the debt in the declaration mentioned with interest thereon to be computed after the rate of six per centum per annum from the 15th day of February 1831 till paid together with the damages assessed as aforesaid and his by him about his suit in this behalf expended to be levied of the goods and Chattels of the said deceased in the hands of the said Defendant to be administered And the said Defendant in Mercy &c

Execution issues on the foregoing judgment in the following words to wit "The Commonwealth of Virginia to the Sheriff of Southampton County Greeting: We Command you that of the goods and Chattels which were of Sally Knox dec'd at the time of her death in the hands of John C Turner to be administered late in your Bailiwick you cause to be made the Sum of Two hundred dollars with legal interest from the 15th day of February 1831 till paid which Lewis C. Frezant lately in our Circuit Superior Court of Law and Chancery of Southampton County hath recovered against the said John C Turner Curator &c of Sally Knox dec'd for debt - also seven dollars and 55 Cents for his Costs in that behalf expended whereof he is convicted as appears to us of Record; and have you shall have executed this Writ; make known at the Clerks Office of our said Circuit Superior Court of Law and Chancery at Rulers to be holden for said Court on the first Monday in July next and to have then there this Writ. Witness James Rochelle Clerk of our said Court, at the Courthouse, this 12th Day of April 1832 in the 56th Year of the Commonwealth - James Rochelle CC"

Sheriffs Endorsement and return. "Came to hand April 16/1832." Levied on One Negro man Cooper forth coming Bond taken forfeited and him with returned Jesse Drewry Deputy of Carr Bowers Shff."

The following is a copy of the Bond refered to in the above return "Know all men by these presents That we John C Turner and Nathaniel Rochelle are held and firmly bound unto Lewis C Frezant in the just and full Sum of Four hundred and Sixty Seven dollars Twenty Cents to be paid to the said Lewis C Frezant 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 26th day of April One thousand Eight hundred and thirty Two. The Condition of the above Obligation is such, that whereas Lewis C Frezant hath sued out of the Circuit Superior Court of Law and Chancery of Southampton County a writ of fieri facias against the estate of Sally Knox dec'd at the time of her death in the hands of the above bound John C Turner to be administered for the Sum of Two hundred and thirty three dollars Sixty Cents including interest Cost and Commissions, which writ hath been duly executed by Jesse Drewry deputy of Carr Bowers Sheriff of the County of Southampton on the following property towit One negro man Cooper and the said John C Turner being desirous of keeping the aforesaid property in his possession until the day of the Sale of the same hath tendered the above bound Nathaniel Rochelle as Security for his forthcoming and delivery of the said property at the place and on the day of Sale agreeable to Law or either of them do NOW if the said John C Turner and Nathaniel Rochelle shall deliver the aforesaid property to me the said Jesse Drewry deputy Sheriff as aforesaid at Jerusalem Southampton Courthouse in the said County of Southampton on the third Monday in June next, then and there to be disposed of according to Law for the discharge of the said writ of fieri facias: then and in that case the above obligation to be void or else to remain in force & virtue"

Signed Sealed and delivered in the presence of } John C Turner (Seal)
Nath. Rochelle (Seal)

At another day, to wit At a Circuit Superior Court of Law and Chancery held for the County aforesaid the 31st day of October 1832. On the motion of Lewis C Frezant against John C Turner and Nathaniel Rochelle for an award of Execution on a Bond taken for the forthcoming at the day of Sale. This day Came the Plaintiff by his Attorney and it appearing to the Court that the Defendants have had legal notice of this motion they were Solemnly Called but Came not Therefore it is considered by the Court that the Plaintiff may have Execution against the said Defendants for four hundred and Sixty Seven dollars and 20 cts. the penalty of the said Bond and his by him about his motion in this behalf expended and the said Defendants in Mercy &c But this judgment may be discharged by the payment of two hundred and thirty three dollars and Sixty Cents with interest thereon to be computed after the rate of six per centum per annum from the 26th day of April 32 till paid And the Cst &c.

A Copy Test James Rochelle CC

Resolved

That Capt. of Petty Officers, should be taken with the natural people

To prosecute the Enemy of the Union with no effect

To decree a Suit of Degradation from any Commander to be effected - note Desire to Encounter of Petty Officers

Thomas
to
Augusta

Result

1st Rec. of Tobby Thorp, relative to his letters with the enclosed receipts

To perfect the title the Exrs. of the town sent no deeds

To decree a sale of Negroes for any sum found to be due - note liable to [illegible] of Tobby Thorp

Thomas
vs
Thomas

Turner vs Trezevant. In Eq.

1824-25th March. Sally Thrasy, note to Trezevant $200 sealed
1830. Dec. Turner appointed Executor of Sally Turner.
1832. Apr. Judgt by Trezevant v Turner begun in place of
Thrasy
Thrasy dd bond Thrasy in his hand
Writ issued by Turner for Shaw Cooper
Writ by Turner then amended.

The bill impeaches the Judgment claim of Trezevant
1 want of Consideration. / no Thrasy, except as to make
Judgt
2 Obtained by fraud & collusion practised on
feelings & ignorance of an old & unlearned woman
1 Devised by Will
2 No proof of Pet. Burke's attendt of Less execution,
not having issued
3 Not probable from character of Mrs Thrasy.

3. "That Sally Thrasy left no property out of which
" the said Judgments have been made. "All
" the property she held at her death bequeathed
" to her only for life by her husband, & all her estate
devised to keep & be kept & apply child of Thrasy
If then be the fact, to hold Defts bills as to make
him pay the debts of Sally Thrasy, out of his own
pocket.

Does not very distinctly provide, & we may to
presume that the Slave Cooper, was embraced in Saml
Thrasys will. In the bill he charges it, & answer
does not specly controvert it - but Clerk's execution
leaves it doubtful - of the hand rec'd $100 worth
in proper cent of the property that was subjected
* An Exit may be taken before Comm. to ascertain this
if required.

Obj. Too late after many Testimony had.
1 Res Estoppel should arise in Equity
2 Dumb, keep on the accounts for it
3. Admiralty Jurisdn

Turner

L. & Dufferlow

Trezvant

Know all men by these presents that we John C Turner & William A Spark ——— are held and firmly bound unto Lewis C. Ivey-vant in the just and full sum of four hundred and ninety dollars & fifty six cents to the payment whereof well and truly to be made to the said Lewis C. Ivey-vant his ext and Attorney his Executors, administrators or assigns we bind ourselves our heirs Executors and Administrators jointly and severally firmly by these presents Sealed with our Seals & dated this the 15th day of November 1832.

The Condition of the above obligation is such that whereas the above bound John C Turner hath obtained from the Judge of the Circuit Superior Court of Law and Chancery for the County of Southampton, an Injunction to stay, until the further order of the said Court all further proceedings on a Judgment obtained at Law obtained in the said Circuit Superior Court against the said John C Turner and Nathaniel Rochell, for the sum of four hundred and sixty seven dollars and twenty cents and costs. But to be discharged by the payment of two hundred and thirty three dollars and sixty cents with legal interest thereon from the 26th day of April 1832 till paid and the costs. Now if the said John C Turner shall well and truly pay and satisfy the Judgment aforesaid, and also all such costs as shall be awarded against him and all such damages as shall be incurred by him in case the Injunction aforesaid shall be dissolved then the above obligation to be void or else to remain in full force and virtue

Witness

Jno C Turner (Seal)

Wm A Spark (Seal)

(Seal)

I John C Turner in consideration of the terms upon which an Injunction has been granted me by the Judge of the Circuit Superior Court of Law & Chancery for Southampton to a Judgment recovered against me in the Common Law Side of the said Court in favour of Lewis C Ivey-vant on a forthcoming bond, do hereby release all and every error & errors at Law in the said Judgment & proceedings. Given under my hand and seal this 15th day of November 1832

Jno C Turner (Seal)