

DEPARTMENT OF CULTURAL RESOURCES

THE COLONIAL RECORDS OF NORTH CAROLINA  
[Second Series]

VOLUME IV

NORTH CAROLINA  
HIGHER-COURT RECORDS  
1702-1708

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DEPARTMENT OF CULTURAL RESOURCES  
DIVISION OF ARCHIVES AND HISTORY  
RALEIGH, NORTH CAROLINA  
1974

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HIGHER-COURT RECORDS

Sealed and Delivered  
In the presence of  
T. Knight Secretary

Aron Oliver  
Jno. Falconar

[CCR 139]

No. Carolina Ss. Att A Court of Chancery Holden at the house of Captain Jno. Hecklefield in Litle river on Thursday the 31st day of October Anno Domini 1706 and adjourned till to Morow Morne 9 of Clock.

Fryday Morne 9 of Clock this Court Met Present The Honorable Wm. Glover Esqr. President, The Honorable Richard Sanderson, Thomas Pollock, Samll. Swann, Jno. Arderne, Franc. Foster Esqrs. Lords Deputys.

Richard Smyth Comes to prosecute his Bill of Complaint against Thos. Peterson Attorney etc. and Sets forth as per Bill And the Defendant Comes and for want of a Copy of the Bill not being delivered to him Craves a Reference to the next Court which is Granted.

The Honorable Landgrave Robt. Daniell Esqr. Comes to prosecute his Bill of Complaint against Jno. Lawson gentleman and Sets forth as per Bill and the Defendant Comes by Christo. Gale Esqr. his Attorney and Confesses that he hath made 39 Surveys by [*illegible*] of the said Colonel Daniells Comission and is ready to render an Account of the pay the one halfe to the said Colonel Daniell as this Honorable Court shall award.

It is therefore ordered and desired that the Said Lawson pay unto the Said Colonel Daniell the said one halfe of the Fees of the aforesaid Survey with Costs alias Execution.

Upon Motion of Thos. Peterson to this Honorable Court praying their oppinion Concerning a Fee as five pounds demanded upon pretense of a Called Court in the County of Bath whereby the Estate of Wm. Tomson in the hands of Captain Wm. Barrow was Exhausted soe that his Just debts Cannot be paid.

It is the oppinion of this Court that the Said Fee is Arbitary and ought not to be paid.

Robert Keele by Edwd. Bonwick Comes to prosecute his Bill of Complaint against Austin Scarbrough and Complaines as per Bill and the Defendant Comes by Tho. Snoden his Attorney and Demurrs in Law as per Demmurer which is over ruled and then the Defendant prayes reference to the next Court which is Granted.

Thos. Stanton Comes to prosecute his Bill of Complaint against Caleb Bundy defendant and Complaines as per Bill and the Defendant Comes and for plea and Answare Sayth as per Answer and this Court haveing heard and Considered the whole matter

COURT OF CHANCERY, OCTOBER-NOVEMBER 1706

It is Ordered and Decreed that the Suite be Dismissed and the plaintiff pay Costs alias Execution.

Upon petition of Geo. Harris Ordered that he be allowed for one days Attendance being Sumoned as an Evidence for Caleb Bundy at the Suite of Tho. Stanton.

Then this Court adjourned till tomorrow Morne: 9 of Clock.

Saturday Morne 9 of Clock this Court met present ut Supra Except The Honorable Samuell Swann.

Geo. Ellis Comes by Thos. Snoden his Attorney to prosecute his Suite against Samull. Pike and Complaines as per Bill and the Said Defendant Comes by Edwd. Bonwick his Attorney And Answers [*illegible*] and this Court haveing heard the whole matter

It is ordered and Decreed that the Suite be dismissed and the plaintiff pay Costs alias Execution.

Upon petition of the honorable Colonel Thomas Pollock Esqr. shewing that one Neale Mackinney late of this County deceased was Indebted to your Orator in a Considerable Sume and all his Estate being but about three pounds due to him by Bill which will not beare the Charge of administration and prays that this Honorable Court will Impower him to receive the Said Bills and what other debts he Can find due to him in this Government.

Orderd that the Said Thos. Pollock has power to receive all Such debts as he Can find due to the Said Meck [*torn*] in this Government and that he render an Account whea [*torn*] [*illegible*] shall be There Legally required.

Upon Petition of the honorable Colonel Thomas Pollock Administrator of Geo. Chambers Shewing that Whereas [*illegible*] Geo. Chambers etc. per petition and prays that this Honorable Court will make Such order in this Matter as to Equity belongs Soe that the Estate may be had to Satisfy the Debts.

And whereas it dos appeare to this Court that the Said woman is non Compos Mentis

It is therefore ordered that all persons that have had any of the Estate of the Said Geo. Chambers of her by [*illegible*] pretended Sales doe deliver up the Same to the Said Colonel Pollock he paying what Moneys they have disbursed for the Same whoe is Likewise to give an account thereof when he shall be thereto Lawfully required.

[*Signed:*]

W. Glover, Rich. Sanderson, Thomas Pollock, John Arderne, Francis Foster.

[*Endorsed:*]

October Court Chancery 1707 [*sic*]

HIGHER-COURT RECORDS

FILE PAPERS

[*Daniell v. Lawson*]

[CR 2.002]

No. Carolina Ss. To the Honorable the Court of Chancery

The Bill of Complaint of the honorable Landgrave Robert Daniell Esqr. late Deputy Governor of this province Complainant against John Lawson of the County of Bath gentleman defendant In humble wise Complaineing Sheweth unto your Honors that your Orator did Sometime in the yeare Seaventee hundred and four which was dureing the tyme your Orator was deputy Governor as aforesaid Comissionate the said Defendant to be Surveyor of the Said County of Bath In Consideration whereof the Said Defendant did faithfully promise and Assume to Account with and pay unto your Orator the one halfe part of all Such Fees as Sho'd become due unto him by virtue of the Said Comission as Surveyor as aforesaid whenever he Sho'd be thereunto requested And your orator farther Sheweth that in pursuance of and by virtue of the Said Comission the said Defendant did Survey divers tracts of Land whereby a Considerable Sume of Money is and ought to become due unto your Orator Nevertheless Soe it is may it please your Honors that the said Defendant not at all minding or regarding Such his Agreement and Assumption as aforesaid all the Fees that is become due unto him by virtue of the aforesaid Comission hath received and taken to his owne use and does refuse to Account with or pay unto your Orator any part thereof Contrary to all equity and Good Conciencie And your Orator being uncertaine how much there is due to him as aforesaid is thereby likely to be left remediless unless releived by your Honors Justice Equity and Good Conscience Doe therefore In all humble maner pray that a writt of Subpoena may be directed to the said John Lawson him Comanding to make his personall appeareance before your honors on the third day of the next Generall Court then and there to make Answer to all and Singuler the premisses And that he may Give an Account upon Oath how much he has received and is due to him by virtue of the aforesaid Comission and pay unto your Orator Such part thereof as is due unto your Orator as aforesaid And your Orator as in Duty bound shall pray etc.

T. Knight Secretary

[*Endorsed:*]

Bill in Cancellaria

Daniell Esqr. versus Lawson

Filed Septembr. 20th: 1706

[CR 2.001]

Mr. Norton has Mr. Hains Survey and grant with the 20 Surveys I Sent in

Messeurs. Mens Names.

1 Thos. Pierce

COURT OF CHANCERY, OCTOBER-NOVEMBER 1706

- 2 Jno. [illegible] Sen.
- 3 Captain Wm. Barrow
- 4 Tho. [torn]
- 5 Jno. Adams
- 6 Arch. Holms
- 7 Hen. Warren
- 8 Jeremia Goodridg
- 9 Jno. Barras
- 10 Jno. Sullivan
- 11 Jno. Bunting
- 12 Arch. Holms
- 13 Hen. Warren
- 14 Jam. Hains
- 15 Robt. Shrieve
16. Robt. Mellyne
- 17 Wm. Price
- 18 Nicholas Daw
- 19 Jam. Walch
- 20 Wm. Wynly
- 21 Lod. Martin
- 22 Maurice Lluellyn
- 23 Jno. Bright
- 24 Wm. Wynn
- 25 Jam. Walch
- 26 Robt. Shrieve
- 27 Robt. Mellyne
- 28 Ch. Smith
- 29 [Illegible]
- 30 Ben. Saunderson
- 31 Wm. Bell
- 32 Geo. Bell
- 33 Rich. Talpar
- 34 Fran. Lynfield
- 35 Sy. Fesgue
- 36 Jno. Bright
- 37 Hen. Slade
- 38 David Perkins
- 39 Captain Barrow

These may Certifie the Honorable the Deputy Governor and Councill that I Survey'd these 39 Surveys by a Commission from the Honorable Landgrave Robt. Daniell Esqr.

Your Honors most Obedient Humble Servant  
John Lawson

[Endorsed:]

Oct. 1st. 1706

Came before me John Lawson and made oath to the within Acct. off

HIGHER-COURT RECORDS

Surveys as per Certificate underwritten. C. Gale

I doe hereby Impowre you Chr. Gale Esqr. to Appear Answer and Confess to bill in Chancery Exhibited against me by the Honorable Landgrave Robt. Daniell Esqr. and this shall be the Sufficient Warrant.

Your Servant  
John Lawson

[*Ellis v. Pike*]

[CCR 181]

No. Carolina Ss. To the honorable Court of Chancery etc.

The Bill of Complaint of George Ellis Sonne and Heyre at Law apparent to James Ellis late the precinct of Pascotanke deceased Complainant against Samll. Pike of the said Precinct planter defendant In humblewise Complaineing Sheweth unto your honors:

That your Orators Said Father James Ellis did in his life tyme purchase a Certaine plantation and Tract of Land Scituate lyeing and being in the said precinct of Pascotanke being that whereon the Defendant now lives and from one Jno. Nixon the said Defendants Father in Law and was possessed of the Same and dyed Soe possesst thereof as aforesaid whereby the Same ought to decend and doth of right belong to your Orator Nevertheless Soe it is may it please your Honors That the Said Defendant hath entered into and upon the Said plantation and tract of Land the proper Inheritance of your Orator and the Same from your Orator doth wrongfully withhold and Deteyne Contrary to Equity and Good Conciencie And your Orator Farther Sheweth that the said Defendant [*illegible*] said Nixon the said Defendants father in Law did in Your Orators Infancy by Some Cunning Crafty and Fraudulent Meanes gett into his or their Custody all Such Deeds of Sale Conveyances writeing Escriptes and papers that did any wise belong to your Orator and that did Entitle your Orator to the premisses aforesaid and the Same the Defendant doe Still wrongfully withhold and Deteyne from your Orator Contrary to all Equity and Good Conciencie by reason whereof your Orator in the Strict rules of Comon Law is become wholly remediless Doe therefore and in all humble maner pray that a writt of Subpoena may be directed to the said Samll. Pike him Comanding to make his personall appeareance before your honors on the third day of the next Generall Court then and there to make Answer to all and Singuler the premisses upon Oath and that he may likewise make knowne and produce upon Oath all Such Deed or Deeds of Sale Conveyances writeings Escriptes or papers whatsoever which he hath in his Custody or doe any wayes know of or did ever See that doe any wayes touch or Conserve your Orators title to the premisses aforesaid and that your Honors will then take the Same into your Serious Consideration Soe that your Orator may be releived therein and your Orator as in Duty bound shall pray etc.

T. Knight Secretary