

THE COLONIAL RECORDS OF NORTH CAROLINA [Second Series]

Volume V

NORTH CAROLINA HIGHER-COURT MINUTES 1709-1723

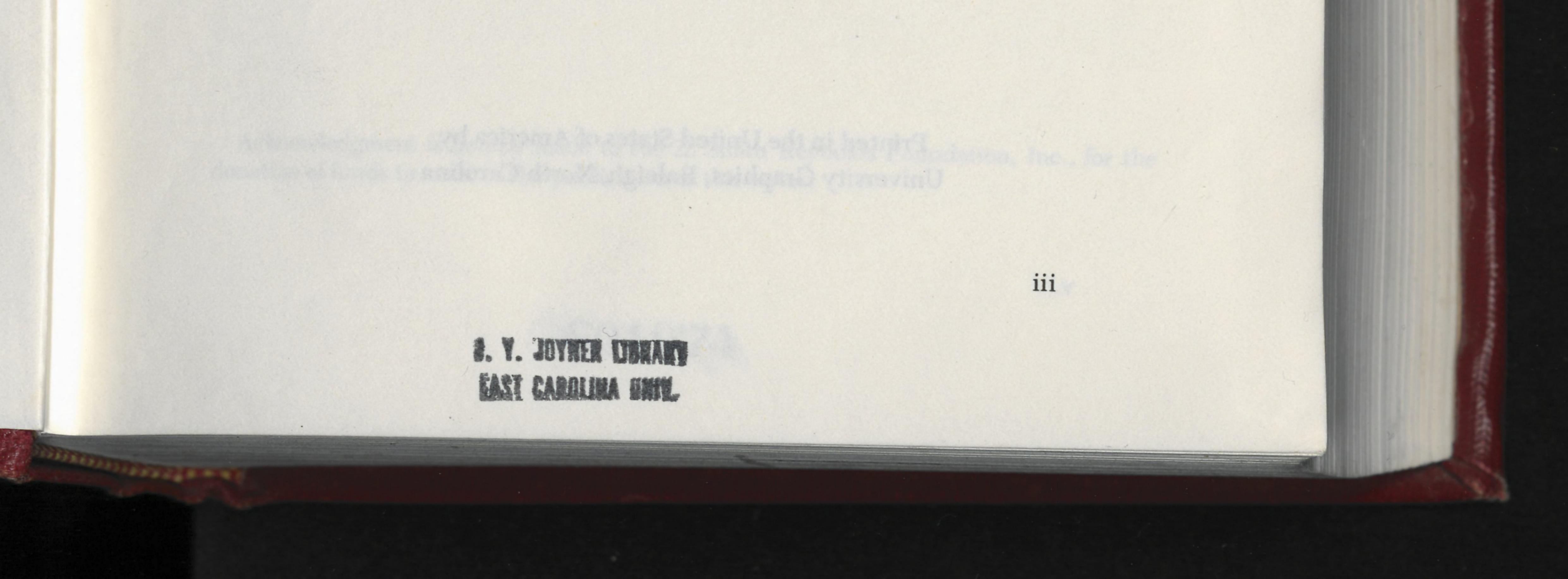
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WILLIAM S. PRICE, JR., Editor

Assisted by Ruth Clow Langston and Donna Holmes Goswick

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



HIGHER-COURT MINUTES

Delivered to him by the Late Governor Hyde in part of payment of a Debt Contracted by him and Due to the said Smyth which Said Bills together with the Leters of Advice were lost among Severall other goods in a Storme the 5th of Apll. last upon Aligator Shore therefore prays that the abovesaid Dr. Urmston and Nath. Chevin <6> May Deliver to him New bills for the aforesaid Summes etc. And upon a due Consideration of the matter And neither Madam Hyde nor Mr. Urmston being present this Court Admited the Said Smyth to make Oath to the veryty of his said pettition. Caleb Bundy as trustee to Eliza. Evans Junior Came here in to Court and acknowledged himselfe to be Indebted unto James Tooke Executor of the last Will and Testament of Capt. Ino. Hunt deceased in the full and Just Summe of One hundred pounds to be Levyed upon his goods and Chatles by way of Recognizance upon Condition that he the Said Caleb Bundy shall well and truely stand to and abide the order and Determination of this Court to be made Concerneing a Controversy by both the said partys mutually referrd to this Court Concerneing a Malata Woman and Child now in possession of the Said Tooke as part of the Said Capt. Hunts Estate.

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And likewise the aforesaid James Tooke Executor as aforesaid also at the Same tyme Came and acknowledged himselfe Indebted to the Said Caleb Bundy in the like Summe of One hundred pounds to be Levyed as aforesaid upon Condition as aforesaid And upon heareing of the whole mater it is the oppinion of this Court that the Deed of Guift produced by the Said Bundy is not good And thereupon It is ordered and Decreed that the Mallatta Woman and Child be and remaine to the Said James Tooke as Executor to the Said Capt. John Hunt to be disposed of as Per the Said Hunts Will Shee is given and Disposed. Capt. Richard Sanderson Junior Came into Court and Acknowledged himselfe to be Indebted unto Tobias Knight Esqr. in the full Sume of fifty pounds Current Money of this Province to be Levyed upon his goods and Chatles by way of Recognizance upon Condition that he Shall Stand to and abide the Determination of this Court to be made upon a Controversy mutually <7 > Referrd to this Court between the Said Sanderson and Knight Concerneing a Certaine Horse lately pretended to be Sold to the Said Sanderson by Mrs. Eliz. Hunt.

And likewise the Said Tobias Knight acknowledges himselfe Indebted to the Said Capt. Richard Sanderson in the like Sum of fifty pounds to be Levyed as aforesaid on Condition as aforesaid.

And upon heareing the whole mater it is the oppinion of this board that the Said horse be and remaine to the Said Capt. Sanderson as being publickly bought and paid for by the Said Sanderson of the aforesaid Eliza. Hunt. Mathew Midget allow 2 days Comeing and 2 days goeing and 3 day's Atten-

dance as Evidence for Jno. Smyth.
[Signed:]
Tho. Pollock, C. Gale, Tho. Boyd, N. Chevin.

[April 1713]

<11>¹ Att a Court of Chancery holden at the house of the Honorable Collonel Thos. Pollock Esqr. in Chowan on the 15th Day of April Anno Domini 1713

¹ Pages < 8 > through < 10 > of the manuscript are blank.

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COURT OF CHANCERY, APRIL 1713

Present the Honorable Thos. Pollock Esqr. President etc., The Honorable Thos. Boyd, Na. Chevin, T. Knight Esqrs. Lds. Proprietors Deputys.

Major Christo. Gale Esqr. comes to prosecute his bill of Complaint against Jos.

Dereham herein Setting forth that one Richd. Dereham of Bath County was Lawfully Seized of his Demean as of Fee, of and in a certain tract or parcell of Land containing 640 Acres Lying on the North Side of Nuse River and adjoyning to a tract of land or plantation belonging to Capt. Ja. Beard as by a Pattent bearing Date the 10th Day of June 1706 will more fully and large appear: And that the Said Richd. Dereham for a valuable consideration in hand paid by Ino. Lawson of Bath County Gentleman did Sell Aliene and convey the aforesaid tract of Land to the Said Ino. Lawson and for confirming thereof did Nominate and appoint his mother Eliza. Dereham of Bath County to be his Lawfull Attorney to convey the Same to the said Ino. Lawson as in and by a certain instrument in writing bearing date the 12th day of April 1709 doth and may appear: And that the Said Ino. Lawson for and in consideration of the Sume of nineteen pounds Eleven Shillings and three pence Sterling money of great Brittain, did make over all his right Title and interest of the aforesaid tract or parcell of Land unto him the Said Christo. Gale as in and by a certain instrument of writing or Escript ready to be produced doth and may appear but Soe it was that the Said Ino. Lawson was Massacred by the Indians of the Tuscoruroe Nation before the Title of the Said Land was compleated to him by the aforesaid Eliza. Dereham pursuant to the aforesaid Powers granted to her for that purpose by the Said Richard, by which it also came to pass that the Said Ino. Lawson did not compleat and finish the title of the aforesaid Land or Plantation unto him the said Christo. Gale in soe compleat and ample manner as the Strict rules of the Law requires: And further that notwithstanding he the said Christo. Gale hath well and Truly paid the purchase money aforesaid yet by reason of the Death of the Said Ino. Lawson and the Death or Absence of the said Richd. Dereham he is Left remediless in the Law, unless a Secure title to the Said Land may be made to him by the Equity of this Honorable Court Therefore and to prevent all disputes that may arise hereafter concerning the Same, did pray that the aforesaid Jos. Dereham who is Eldest brother <12> and heyr to the Said Richard Dereham in Case he be dead might be Summons'd to appear before this Honorable Court and Shew cause if any he had why he the Said Christo. Gale Should not have his Title to the premises confirmed by a decree of this Honorable Court etc. and the Said Jos. Dereham appeared and put in his answer thereto thereby confessing and allowing all the maners and allegations in the Said bill contained to be true and further that he the Said Defendant is willing that the Said Title and all matters contained in the

Said bill may be confirmed and made good to the Said Complainant and his heyrs by a Decree in this Honorable Court.

Whereupon and upon the reading of the Said Bill and answer and all other the Minutes and writings mentioned in the Said bill passed from Rd. Dereham to Jno. Lawson and from him to the Complainant this Day Wee doe declare adjudge, order and Decree that the Said Christo. Gale hath as full absolute and Just right title and interest unto the Said Lands in the aforesaid bill of Complaint mentioned and to every part and parcell thereof as ever the Said Richd. Dereham or any claiming under him had or can have and that the Same doe remaine and continue

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HIGHER-COURT MINUTES

London April the 12th 1709.

unto the Said Christo. Gale and to his heyrs forever without the Least Mollestation or disturbance of or from the Said Richd. Dereham and the Defendant or any claiming from by or under them or any or either of them or their or any or either

of their heyrs Executors Administrators or Assignes. Ordered Decreed and entred by us and our order the abovesaid 15th Day of Aprill 1713. [Signed:] Tho. Pollock, T. Knight, Tho. Boyd, N. Chevin.

Dear and Honored Mother

Mr. Lawson has paid for me Eleven pounds twelve shillings Sterling money which if my Uncle nor any for him does pay it I hereby impower you to make over and convey to him my Land on the No. Side of Nuse River containing Six hundred and forty Acres which is in discharge of the Said Sume I am indebted to him and this Shall fully impower you As Witness my hand the day and year above written.

Witnesses Lyonll. Reding Lewis Mitchell

Richd. Dereham TRADITION OF STRATE DESTROY

I hereby impower my mother Eliza. Dereham of Bath County in No. Carolina my Lawfull Atturney to convey the land aforesaid to Ino. Lawson and his Heyrs

forever Witness my hand

Richd. Dereham

Collonel Lewis Mitchell hath the 21 Janry. Sworne in open Court that he Saw R. Dereham Sign the above premisses before Ino. Nelson Wm. Brice Geo. Bell [torn] Miller and record in folio 7 per T. H. Clericus Curiae

Portsmouth Novr. the 8th 1709

<13 > I hereby make over all my right title and interest of Six hundred and forty Acres of Land Lyeing on the No. Side of Nuse River in No. Carolina and Joynes of James Beards Land, Called by the Name of Richd. Dereham Land. Witness my hand.

Ino. Lawson

To Christo. Gale Esqr.

Testis Ino. Plumtrett Rebecca Kirk

Received of Christo. Gale Esqr. the Sume of nineteen pounds Eleven Shillings and three pence Sterling in consideration of my right and Title to the Said Land above mentioned. Witness my hand the day above written.

Recorded per order of the Court of Chancery this 6 day of May Anno Domini 1713.

Per T. Knight Secretary

[May 1713]

No. Carolina Ss. Att a Court of Chancery holden at the house of Captain Tho. Lee in Chowan on Munday May the 11 Anno Domini 1713 Present The Honor-474