

Court of Equity

JAMES GARRISON

VS

SAMUEL D. ALEXANDER, et al

Bill for Discovery AND Relief

Filed 1825

No. 31

File 1

Samuel
left last November
leaving wife + children
for parts unknown.
behind

The State of South Carolina, Sh. the Court of Common Pleas

vs. The Executors of the Estate of

John B. ... the Judge of the Court of Equity of the said State

vs. The Executors of the Estate of the said ...

... late of the County

of Charleston in the State of South Carolina, lately deceased

... on certain points

of the ... and equity

... in the ...

... that the

... testament

... shall you

... at law

... and after

...

of our present system. In my judgment every man who is engaged in
 such a course will be successful in the State of North Carolina
 success in settling will be the land will and testament
 Whom from the State of Virginia were granted by the County
 Court of the State of Virginia to your orator and the said Edward
 & Alexander who took upon themselves the said Administration
 and will in order of the said Court with the estate of the said
 deceased; your orator prays that the said Alexander & Alexander,
 being nearer of kin than your orator to the deceased, through only
 entitled to an equal share and being a man of better education,
 should to himself the principal management of the said
 Administration, and thereby profit himself of nearly the whole
 of the said estate, and his always refused to make any return
 or return of his proceeds to them to the said Court, or even to
 account to and settle with your orator as a Co-Administrator

that of the gross amount of the said estate your executor
 only received the sum of One thousand eight hundred and twenty five
 Cents, but that he has paid and laid out in the payment of
 debts and necessary expenses six hundred and forty three
 dollars ninety one and 1/2 Cents, leaving in his hands or ac-
 counted for due and thirty Cents only. That out of the sum
 he has paid to Joseph D. Chapman one of the legs of said
 hundred dollars; to Robert B. Walker another leg of said
 sum nine dollars and twenty five Cents; to George B. Alexander
 another leg of said sum forty five dollars. He also in payment
 of taxes has at least two hundred and fourteen dollars and twenty five
 Cents, which when deducted only leaves in the hands of your exor
 one hundred and ninety two dollars and five Cents; all he has
 in part of his own distribution share, all the residue of the said
 estate being in the hands of the same Alexander.
 Your executor further shows that the said amount of one thousand

state being in the hands of the same & Alexander.

Your orator further shows that the said James & Alexander has
tally, have about the month of November last, absconded from
this district and has gone to parts unknown to your orator, being
his family behind, but leaving no visible estate in the state
which is subject to execution and sale. Your orator further
sheweth that George B. Alexander, Robert B. Walker and Beulah
his wife, John G. Washington, and Margaret his wife, George
Hugh Perry and Judith his wife, being at law of the said
James & Alexander, have filed their Bill of Complaint before
your honors in the Honorable Court, requiring an account and
discovery, and settlement of the administration of the said estate,
Michael Rice your orator hath filed his answer, but the
said James & Alexander hath not answered nor showed
any of his business, of which your orator is entirely ignorant,
except what little information he has obtained from other papers

last year in the paper from the book of the said volume &

since his departure; amongst which there are found receipts

in full from George B. Spencer's and William Bandy and

Wife, but what payments he may have made of debts

due by the estate or what payments to any other of the said

your brother has in possession - You are also furnished with

and certify that he has been informed by John Blair

of the will that he has in his possession as to the money

of the said estate, payable to the said volume & said

your brother as administrator, giving for his property both as

the title of the said estate, on which there is a certain deed

of one hundred and forty acres and upwards with interest,

which has been deposited with the said John Blair, by the said

Thomas & per Collection, which with your brother has administered

but when it stands John Meacham has agreed to deliver up to your order

Your order further than with regard to money that the said Samuel D.

was seized and possession of a valuable tract of land in the County of York, which

was executed and sold in the month of May of 1764 in the year of our Lord

and the said ought to be void and thereby they say the Sheriff of York County

to John Meacham in the form of one hundred dollars to satisfy an execution

in favor of the said John Meacham against the said Samuel D. What

execution and that some amount in debt, interest and costs to be

the favor of three hundred and ten dollars, and tells that there are

executed by the said Sheriff to the said John Meacham, that your order

has been enforced by the said John Meacham and he says that it has

agreed upon by and between the said John Meacham and the said Samuel

D. however to the said face, that the said John Meacham should

be off the said tract of land at all events, that as it was worth

a great deal more money than the amount of the execution he

should afterwards sell the land to the best advantage, and after

deducting the said execution, return the surplus to the said Samuel D.

And that the said John Mear⁴ has lately purchased the said lands
 tract of lands for the term of one thousand years, whereby there
 will be an overplus the value of nearly seven hundred
 dollars, which is all within the knowledge of your orator's lawyer
 to the said Samuel S. in which your orator can depend for the
 payment of his debt to the said estate, or to satisfy
 the amount which may be paid due to the other heirs at
 law as their distribution shall; But now it is my opinion
 your orator that the said Samuel S. Alexander and the said complainant
 having conspired and confederated with divers other persons unknown
 to your orator, but whose names when discovered they may
 be known inserted and they make parties hereto; how to injure and
 oppress and oppress your orator in this behalf, and to make
 him liable for the whole of their claims without regard to the
 payments made; and by this secret transactions and concealment
 of the said Samuel S. your orator has been and is made

payments made; and by the secret transactions and concealment
 of the said sum of £. your Grator has been and is made &
 ascertain the real amount of the said estate, but by the
 discovery in both of the said sum of £. and by the aid and influence
 of the Honorable Court without which he is altogether unable
 also as regards those rights in the said estate of the said
 these Consideration & except your Grator prays your honors
 to grant him the writ of Habeas Corpus of the Honorable Court
 the said to the said sum of £. & the said John the
 commanding and requiring them at a certain day or
 under certain penalties, personally to be and appear before
 the Honorable Court and full true and perfect answer
 make to all and singular the matters and things aforesaid and
 set forth herein as fully and particularly as of the said sum
 here given exhibit and they interregals specially themselves
 and that the said John the said to answer what amount

is due by him to the said Thomas & at the same offering
the full amount of the said note or promissory note
and also that he should be thereunto.

And that your Honors will condemn the same in his
hand and decree him to pay the same to your brother
as a debt for the satisfaction of the said loan or loan
agreed with the heirs of your brother and that your
Honors will grant writs of your brother's debt and
further relief in the premises as to your Honors shall
seem meet as on this be according to Equity and

Good Conscience

And your brother ever ready and obedient

Richard Empson

Attest before me this 1st day of July 1535

Richard Empson