

South Carolina

Surgeon to Elliott?

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The Hon^{ble} Peter Sleigh
Esq^r Chief Justice of the Province of
South Carolina

To All to whom these Presents shall come
be seen or made known greeting

KNOW YE that on the sixteenth Day of September
in the Year of Our Lord One Thousand seven
Hundred and fifty four and in the Twenty eighth
Year of the Reign of Our Sovereign Lord George
the Second by the name of you of Great Brittain
and Ireland King Defender of the Faith and so forth
before me Personally appeared Mary the Wife of
David Quomp of Amelia Township in the Province
aforesaid Plaintiff (who being) by me privately and
Separately Examined did acknowledge and Declare
that she did freely and Voluntarily without any
manner of Compulsion deed or fear of her said
Husband or any Other Person or Persons whom
consort to and join in the Conveying and Granting
unto Thomas Elliott of the Parish of St. Paul
in Colleton County in the Province aforesaid
Plaintiff by certain Indentures of Lease and Release
bearing Date respectively the sixteenth and
seventeenth Days of September in this Present

Year of Our Lord One Thousand seven hundred and fifty
four and Made between James Pendarvis Brian Pendarvis
William Pendarvis John Pendarvis Thomas Pendarvis
now or late of the said Parish of St. Paul Parishes
and the said David Rumpff and Mary his Wife
(Which James Pendarvis Brian Pendarvis William
Pendarvis John Pendarvis Thomas Pendarvis and
Mary the Wife of the said David Rumpff are Children
of a Negro Woman named Parthena who lived with
Joseph Pendarvis late of the Parish of Saint Philip
in Beahly County in the Province aforesaid Deceased
of the One Part and the said Thomas Elliott
of the Other Part) And to the said and Assigns of
the said Thomas Elliott for ever All that piece or
Parcel of Land containing three hundred and fifty
more or less being part of a Plantation or Tract of
Land thousand and nine Acres of Land situate lying
and being in Colleton County aforesaid devised to the
said James Pendarvis Brian Pendarvis William
Pendarvis John Pendarvis Thomas Pendarvis and
Mary the Wife of the said David Rumpff in and
by the last Will and Testaments of the said Joseph
Pendarvis deceased and is Butting and Bounding
as mentioned in the said Indentures of Lease and
Release All that the said Mary now before me
being Privately and Separately Examined as aforesaid
freely and Voluntarily without any Manner of Compulsion
deed or fear of her said Husband or any other Person

or Persons whatsoever with for himself and his heirs
fully (heavily) and absolutely promised release
and for ever quit (claim) unto the said Thomas Elliott
his Heirs unto the said Thomas Elliott his Heirs
and Assigns all and all Manner Estate Right Title
Interest Property Profit Receipt claim and Demand
whosoever either in Law or Equity which the said
Mary Wife of the said David Elliott now hath
& which she or her Heirs Heirs hereafter may have
or claim of into or Out of the said Piece or Parcel
of Land (containing) three Hundred and fifty
Nine Acres or of Cotes or out of any part or
Parcel thereof And Also all Manner of Suits and
Real Actions and Other Writs and Actions what-
soever so that Neither she the said Mary the Wife
of the said David Elliott nor her Heirs or
any Other Person or Persons whatsoever for her
or them or in her or their Name or Names
any Manner of Writs or Real Actions or any
Other Writ or Action whatsoever or any Other
Right title or claim of into for or Concerning
the said Piece or parcel of Land (containing) three
Hundred and fifty Nine Acres or any part thereof
at any time hereafter shall or may prosecute
against the said Thomas Elliott His Heirs or Assigns
Out of and from the same shall be utterly Excluded
& for ever Excluded

In Testimony Whereof I
the said Chief Justice have hereunto set my hand and
seal of Office the Day and Year first above Written

The honorable Peter Leigh, Esq. Chief Justice of the Province of South Carolina

To all to whom these presents shall come, be seen or made known greeting: Know ye that on the sixteenth day of September in the year of Our Lord one thousand Seven hundred and fifty four and in the twenty-eighth year of the reign of our sovereign Lord George the second by the Grace of God of Great Britain, France and Ireland, King Defender of the Faith and so forth: Before me personally appeared Mary, the wife of David Rumph of Amelia Township in the Province aforesaid, Planter, who being by me privately and separately examined did acknowledge and declare that she did freely and voluntarily without any manner of compulsion dread or fear of her said husband or any other person or persons whomsoever consent to and join in the conveying and assuring unto Thomas Elliott of the Parish of St. Paul in Colleton County in the Province aforesaid; Planter, by certain indentures of lease and release bearing date respectively the sixteenth and seventeenth day of September in this present year of Our Lord, one thousand seven hundred and fifty four and made between James Pendarvis Brands Pendarvis, William Pendarvis, John Pendarvis, Thomas Pendarvis, now or late of the said Parish of St. Paul, Planters, and the said David Rumph and Mary his wife (which James Pendarvis, Brand Pendarvis, William Pendarvis, John Pendarvis, Thomas Pendarvis and Mary the wife of the said David Rumph, are children of a negro woman named Parthena who lived with Joseph Pendarvis late of the Parish of Saint Philip in Berkly County in the Province aforesaid, Planter, deceased) of the one part and the said Thomas Elliott of the other part, and to the said and assigns of the said Thomas Elliott forever, all that piece or parcel of land containing three hundred and fifty-nine acres being part of a plantation or tract of land (one) thousand and nine acres of land, situate and lying and being in Colleton County aforesaid devised to the said James Pendarvis, Brand Pendarvis, William Pendarvis, John Pendarvis, and Thomas Pendarvis and Mary, the wife of the said David Rumph, in and by the last will and testatment of the said Joseph Pendarvis, deceased, and is butting and bounding as mentioned in the said indentures of lease and release. And the said Mary now before me being privately and separately examined as aforesaid; freely and voluntarily without any manner of compulsion; dread or fear of her said husband or any other person or persons whosoever, doth for herself, and her heirs fully, clearly and absolutely renounce, release and forever quit claim unto the said Thomas Elliott, his heirs and assigns, all and all manner estate, right, title, interest, property, profit, benefit, claim and demand whatsoever, either in law or equity which the said Mary, wife of the said David Rumph now hath, or which she or her heirs hereafter may have or claim, of, into or out of the land, piece or parcel of land containing three hundred and fifty-nine acres or, of into or out of any part or parcel thereof and also all manner of writs and real actions and other writs and actions whatsoever, so that neither she, the said Mary, the wife of the said David Rumph, nor her heirs or any other person or persons whosoever for her or them, or in her or their name or names, any manner of writs or real actions or any other writ or action whatsoever or any other right, title or claim of, in to, for or concerning the said piece or parcel of land containing three hundred fifty-nine acres or any part thereof at any time hereafter, shall or may prosecute against the said Thomas Elliott his heirs or assigns out, of and from the same, shall be utterly (declared) forever excluded.

In testimony whereof I the said Chief Justice have hereunto set my hand and seal of Office, the day and year first above written.

Carolina
District of Columbia

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To the Honorable William D. James Maddy Thompson Theodore Gaither and Henry William Desautels Judges of the Court of Equity of the State aforesaid

Humbly complaining sheweth unto your Honors your Oretor Gideon Jennings, Jr. Vineyard, Pender & Co., William Pendarvis, Jacob Ziegler and Conrad Ziegler of Chancelery and Barnwell Districts and State aforesaid. That Brand Pendarvis was proprietor of a considerable amount of Estate, and on the eighteenth day of May, in the year of our Lord one thousand seven hundred and eighty eight made his last Will and Testament, and therein amongst other things he gave and bequeathed unto his wife Mary Pendarvis the full enjoyment of her natural life or widowhood, and after her decease to return to the Children of Joseph Pendarvis a body of which is humbly ^{filed and} ~~judicially~~ marked Exhibit A will more fully and at large appear and to which as well as all other Exhibits thereto ^{being} ~~being~~ referred as often as may be necessary as a part of this plea of Complaint that the said Benjamin Pendarvis had three and left Susannah Pendarvis, nee Susannah Ham, nee Elizabeth Ham; and Mary Pendarvis nee Mary Betterton wife of Joseph Betterton his Daughters; and Joseph Pendarvis had three and left James Pendarvis Ursula Pendarvis nee Ursula Jennings wife of Philip Jennings William Pendarvis, and Elizabeth and Margery Ziegler his Sons and Daughters amongst whom the said property is to divide and be distributed according to the provisions of the said will after the death of the said Mary nee one seventh share and proportion thereof to each of them

And your Oretor further sheweth that the said Mary after the death of the said Brand Pendarvis took and kept the ^{possession} of the said Negroes as well as the other property contained in the said legacy, and afterwards in company with one Charles Jones in the year of our Lord 1788 or 1789 and that the said Jones did sell and dispose of one of the Negroes named Sylvia contained in the said Will; which as your Oretor has been informed has a number of children and she and her children have been taken out of the limits of the State and that since that period the said Charles Jones has departed this life and the said Mary has since intermarried with one George Boatwright and that the said Negroes which remained in the limits of this State are in the possession and under the control of the said George Boatwright as your Oretor has been informed and truly believe by virtue of his married Rights; and the names of which Negroes which still remain in this State your Oretor believe are as follows, viz. Tom, Bate, Bate, Blessing, and Sam

Your Oretor further sheweth that since the death of the said Brand Pendarvis, to wit on the seventeenth day of November in the year of our Lord one thousand eight hundred and three Susannah Ham and William Ham and Mary Betterton nee Joseph Betterton did bargain and sell unto the said Gideon Jennings, their whole share and proportion of the said

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Agrees the same being two undivided seventh parts thereof as well as by Exhibit marked B. And James Ponderals and Philip Jennings and Maria Jennings did on the sixteenth day of July in the year of our Lord one thousand eight hundred and eleven deliver unto John Maynard and Sons of New York their and predecessors of the said Agrees the same being two undivided seventh parts thereof, and of the increase thereof as well more fully appear by Exhibit marked C. By which means the said Gideon Jennings is entitled to two sevenths of the said property and its increase in number, and the said John Maynard and Sons are bound to two other seventh parts of the said property and its increase in number, and the said William Ponderals to one seventh, and the said Jacob Ponderals to one seventh part, and the said Leonard Ponderals to one seventh part, and of the increase in number.

Your orators further state that from one of the negroes having been carried out of the state together with in course, your orators think they may entertain a well founded apprehension on that score of the said property will be disposed of in the same way. And this feeling this year down of your orators did apply to the said George B. Austin, let me state to him the rights which your orators have to the said property and desire that some accommodations should take place to quiet the fears of your orators and to secure your orators rights to the said property, and your orators further state that they have heard and so they apprehend to be, that the said George B. Austin and Mary his wife are making arrangements and are about to remove together with the said property out of the jurisdiction of this court and without the knowledge of this court.

And if done will amount to a total destruction of your orators rights to the said property, and to both parties and expense to pursue and establish your orators rights to the same. But the said George B. Austin although well knowing your orators claims to the said property refused altogether to make any arrangements or accommodations to quiet your orators fears or to deliver his rights to your orators or to purchase your orators rights; but he and the said Mary have combined and conspired with others whose names to your orators unknown. But whose names when discovered your orators may be having inserted with apt words to charge them as defendants. For reason whereof the said confederates sometimes pretend that your orators have no rights at all in the said property and that your orators have no cause of apprehension, all which attempts and doings are contrary to equity and conscience and tend to the great injury of your orators. In tender consideration whereof and for as much as your orators are somewhat in the promises except in the Honorable court where matters of this kind are cognizable and relivable. To the end therefore that the said confederates may respectively give full and perfect answers make upon their respective corporal oaths according to the best of their knowledge information and beliefs to all and singular the charges and matters aforesaid as fully in every respect as if the same were here again repeated and they thereto pertinaciously interrogated, And more especially that they may respectively inform and discover according to their knowledge whether the said persons

Pendants did not duly make and execute his last will and testament in manner and form aforesaid and whether it did not contain the bequest aforesaid for manner aforesaid to the said Mary during her life and at her death to the children of the said Benjamin Pendants and Joseph Pendants and whether the persons named as aforesaid are not the children of the said Benjamin and Joseph and whether the bonds have not intermarried with the persons as above named; And whether the Comynages or Bonds of Sales aforesaid are not good and Valid of the same come to the knowledge of me seem to be satisfactory. And that the said Comynages may be consulted to America and set forth particularly the names ages and sexes of the negroes mentioned in the said will and also the Increase thereof and that when they are, and in whose possession, and how much worth. And whether any of the female negroes have not been taken out of this state; and whether she has not several children; and if so what are their names and ages and how much are they worth and when are they and whose possession; And that the said Comynages may be consulted to satisfy the reasonable fears of your Orators relative to the removal, or waste of the said property or to indemnify them against any and all losses; your Orators pray that your Honors will give a writ of Prohibet to be directed to the said George Brantfort and Mary his wife requiring and compelling them to give good security for the forth coming and preservation of the said property so soon as the particular Estate of them the said George Brantfort has determined and that they may be restrained and prohibited from removing the same, or if removing or conveying or otherwise disposing to be carried the said property or any part thereof from or out of the limits of this state and that the said Comynages may be consulted to be in to good and sufficient Bonds for the production of the said female negroes which of these barriers out of the limits of this state and also of the other and increase. And that your Orators may have such other and further Relief as to your Honors may seem meet and consistent with Justice and Equity. May it please your Honors to Grant to your Orators a writ or writs of subpoena to be directed to the said George Brantfort and Mary his wife; And the rest of the Comynages when discovered; Thedy Com manding them and every of them at a certain day and under a certain pain therein to be performed personally to be and appear before your Honors in the Honorable Court and there and then to answer all and singular the premises aforesaid and to stand to and perform such order or Decree therein as your Honors in any such matter and your Orators will ever pray

Wm. C. Chappell
 Clerk of the Court