

Supreme Court of Judicature (New York), Insolvency Papers, 1784-1828, New York State Archives. Volume 7. Theophilus Eaton (September 5, 1811 - January 11, 1812).

No. 1. Petition.

To the Honourable P. C. Van Wyck, Esq. Recorder of the City of New York, the petition of Theophilus Eaton, Printer, of the City and County of New York, Humbly Sheweth,

That your petitioner is an Insolvent Debtor, and hath been an inhabitant of the said county for more than three months now past.

That your petitioner is willing and desirous of confronting himself to the directions of the act entitled "An act for the benefit of insolvent debtors and their creditors," and doth humbly conceive that he comes within the provisions of the act aforesaid, and is entitled to the benefits contemplated thereby.

To that end your petitioner doth annex to this his petition, and present to your Honor, a true account of the suits in which your petitioner is impleaded, on which judgments have been given, the names of the several plaintiffs in such suits, and their places of residence respectively, designing therein as near as may be the nature of such suits, and the amount due in each, and also full, just and true account or list of all his creditors,

and of the monies due or to become due and owing to them respectively by your petitioner, and also an inventory and account of all the estate, both real and personal, of your petitioner, and of all books, vouchers, and securities relating to the same, in the manner required by the act aforesaid, and according to the true intent and meaning thereof.

Wherefore your petitioner doth humbly pray your Honor to direct due notice to be published of this application for the time and manner required by the said act and to direct an assignment accordingly, and thereupon to discharge your petitioner pursuant to the directions of the said act. And your petitioner will ever pray, &c.

Theophilus Eaton

No. 2--Proof of Residence of Insolvent.

City and County of New-York, ss. William Eaton, of said city, being duly sworn doth depose and say, that Theophilus Eaton, printer, insolvent, doth now reside, and hath for three months next proceeding the date hereof, resided in the City and County of New-York.

Sworn before me, this 5th day of Sept. 1811.

William Eaton

No. 3--Account of Creditors.

A full, just and true account or list of all the creditors of Theophilus Eaton, printer of the City and County of New York, insolvent debtor, and of the monies due or to become due and owing to them respectively,

by the said insolvent debtor,

Gurdon Hewitt, Esq. of Greene, in the County of Chenango and the State of New York, for indorsing and afterwards paying a certain note, signed by one, of \$60.00. One other note, in like manner \$48. One other note, in like manner \$107, Cash \$10. Board for my family 20 dollars. Sending a man with four horse waggon, to move me to Catskill \$20. Cash paid \$13. Cash paid in discharge of judgement \$7.50 note in discharge of my debt \$15. Horse to Montezuma, \$5. All the above money was due, from me, to him, previous to May 1809. Boarding my family 9 months, ending in May 1811, \$54 -----\$359.50

Erastus Perkins, Oxford, in the county aforesaid, advanced, in 1808 to
 establish printing office -----5.00

Jonathan Baldwin, of said town, for said purpose -----8.00

Peter Berget, of said town, for said purpose -----8.00

Platt Brush, Esq. of said town, for said purpose -----8.00

John Kinsey, Esq. of said town, for said purpose -----8.00

John Wells, of said town, for said purpose -----9.00

Levi Sherwood, & Co. of said town, for said purpose -----20.00

Nathan Lock, Esq. of said town, for said purpose -----5.00

Theodore Burr, of said town, for said purpose -----8.00

William Garrett of said town, notes dated 1809 -----30.00

William McCalpin of said town, for services and money -----7.00

Nathan Lock, Esq. of said town, for said purpose -----2.00

Richard Fish, Flat-Bush, Long Island, for goods, 1811 -----23.00

J. Halsey, Flat-Bush, Long Island, for goods, 1811 -----20.00

William Riley, Flat-Bush, Long Island, for goods, 1811 -----2.50

John Gardner, Flat-Bush, Long Island, for services, 1811 -----1.50

Jos. Holfe, New York City, cash, 1811 -----.50

Brady Jon, New York City, goods, 1811 -----2.25

M. Tylee, New York City, goods, 1811 -----1.50

Mr. Barnes, New York City, for ale, 1811 -----5.00

Mr. _____, East George St. New York City, 1811, for beer -----\$.50

Mr. _____, Catherine St. New York City, 1811, for soap and candles -----2.50

Mr. Titus, Lombardy St. New York City, 1811, for rent of Bake-house, from 5th June, 1811, to 1st August instant, contracted for the 1st May next, at \$125, a year -----\$100.25

Mr. Niel, Pearl St. New York City, for rent of a dwelling-house, for the same time as above, but was vacant, and rented again by owner, about 8th Aug. instant, Rent at \$200.00 per year. -----34.00

Mrs. Devoe, residence unknown, for balance, 1805 -----5.00

Mr. Fuller, New York City, for balance, 1805 -----7.00

No. 4 -- Account of the Suits.

A true account of the suits in which Theophilus Eaton, printer, of the city and county of New York an insolvent debtor, is impleaded and, the names of several plaintiffs in such suits, and their places of residence respectively designating as near as may be the nature of such suits, and the amount due in each suit.

A judgement obtained before William McCalpin, Esq. of Oxford, in the county of Chenango, and state of New York, in favor of Asa Wilcox, yeoman, of said county, early in 1809, for his services previous to that date, as a post-rider, carrying "The President," of which I was editor on the western route ----- Dollars 20.00

A judgement obtained before Gurdon Hewitt, Esq. of the town and county aforesaid, in favor of Hiel Tracy, yeoman, of said county, in 1809, for money advanced, as incouragement to the establishment of printing in 1808. ----- \$ 8.00

A judgement obtained before Gurdon Hewitt, Esq. aforesaid, in favor of James Matteson, yeoman, of said county, on a certain note of 20 dollars, given by me, in part payment for a certain sorrel mere, dated late in 1808 ----- \$ 20.00

Theo. Eaton

No. 5. -- Inventory of Estate.

A just and true inventory or account of all the estate of Theophilus Eaton, printer, of the City and county of New-York insolvent debtor, real and personal, both in law and equity, in possession, reversion and remainder, and of all books, vouchers, and securities relating to the same.

1 Teakettle

10 Cups & saucers

1 Tumbler

12 Plates

2 Bowls and

1 Tea pot -- which are the remains of kitchen furniture

Flute and singing book

1 Small chest

3 Changes or suits of clothing

1 Bed stand

Pen-knife, etc. etc.

1 Unfinished model of a street brush

1 breast pin

Note of 20 dollars, signed by M. Croswell, Catskill, now in possession of G. Hewitt, Jun. of Greene.

Ledger, day-book, and 2 memorandums, now in the possession of G. Hewitt, Esq. of Greene

1 Bound volume of newspapers, entitled "The President,"

1 Pair of boots

2 Pair of shoes, etc.

Cash \$2.85

1 Trunk in possession of my wife, containing all, or the greatest part of her wearing apparel and her son's.

1 Note of 25 dollars, signed by L. Haywood, of Oxford, now in the hands of G. Hewitt, Esq. for collection.

A just demand of \$90.00 against William Garratt of Butternuts, for advertising -- was to have been satisfied in turnpike stock, which has been demanded -- and refusal of payment made by said Garratt.

Theo, Eaton

No. 6. -- Oath.

I Theophilus Eaton do solemnly swear in the presence of Almighty God, that the account herewith delivered is a just and true account of all my creditors, and of all the monies owing by me to them respectively, according to the best of my knowledge and remembrance; and that the inventory or account also herewith delivered, is a just and true inventory or account of all my estate, real and persona, both in law and equity, in possession, reversion or remainder and that I have not directly or indirectly sold, leased, or otherwise disposed of, or made over in trust for myself or otherwise (except as is set forth in the same account or inventory) any part of my estate, real or personal, for my future benefit or for the benefit of any other person or persons, in order to defraud my creditors; nor have I been impleaded or imprisoned by any creditor in any suit now existing against me, upon any understanding, either express or implied, that I should be enabled thereby to apply for the benefit of the act, entitled "An act for the benefit of insolvent debtors and their creditors."

Sworn the 6th day of September 1811 before me

Theo. Eaton

"We Richard Fish and Hezekiah Ripley, acting assignees of Theophilus Eaton of the City of New York, an insolvent debtor, do certify that the said insolvent debtor hath this day granted, conveyed, assigned and delivered, for the use of the present creditors and of those who may become creditors by reason of any contract now existing, all his estate real and personal, both in law and equity, in possession, reversion and remainder, (except wearing apparel, tools of trade, &c. being what his honor the Recorder hath accepted.) and all the books, vouchers and securities relating to the same. As witness our hands and seals, this eleventh day of January, 1812."

Sealed and delivered in presence of Hugh McLeod, James McGinnis, Richard Fish, Hezekiah Ripley