1806-008 SOUTHAMPTON COUNTY CHANCERY PAPERS MACKLIN and Wife +al VS BAILEY +ux 11/1806

other SURNames: Briggs, Blow, Edmunds, Scott, McKlin, Maclin, Parker, Peete, Oberry

Maclin
[redacted]
Bill

Sept 1804 Bill filed
Poole
March 180

March 1805
Demurrer filed

McClintock
vs
Bailey
Bill

To the worshipful Court of Southampton County in Chancery sitting humbly complaining sheweth unto your worships your complainants Willis Mashlin and Susan his wife, & George Edmund, Duncan Briggs & Samuel Briggs Infants by the said Willis Mashlin their Guardian & next friend.- That a certain Samuel Briggs dec^d in the year married a Miss Elizabeth Blow the daughter of Micajah Blow now dec^d. That at the said Samuels' intermarriage with her the said Micajah Blow made her an advancement of & put into her possession a number of negroes & a quantity of other property amongst the negroes the following viz: Nero Amy Little Hannah Bob, Charlotte, Isham, Simon, Bellinder, Pollidore, Tempsey and Ned with their future increase - That when the said negroes & other property were advanced & given as aforesaid to the said Elizabeth by her father the said Micajah, he made no reservation whatever of the right or title thereof to himself or any other person, but that the said advancement was altogether unqualified, whereby the said Samuel Briggs dec^d became the absolute proprietor & possessor of the said negroes - That sometime the year the said Samuel Briggs died having a will bearing date the 7th day of November 1799 which was duly executed & ~~has been~~ proved & recorded, an attested copy whereof is hereto annexed as part hereof - In which will, the said Samuel after several devises & bequests, bequeathed to your complainants Susan, formally Susan Edmunds, George Edmunds, & Duncan & Samuel Briggs and to David W. Edmunds to be equally divided amongst them all, the residue of his property including the negroes & property aforesaid - That your complt Willis is intitled to the legacy & proportion of the of the said David W Edmunds under the said will, by an assignment or Sale made by deed & dated the 18th of April 1803 & hereto annexed as part hereof - That

after

after the death of the said testator Samuel Briggs the negroes aforesaid & all their increase were kept by the said Elizabeth Briggs his widow in her possession for her own use by virtue of the said will which bequeathed her a life estate in them before the residue aforesaid was to vest in enjoyment in your Compts & the said Daniel Edmunds - That the said negroes being then in the possession of the said widow She in the year intermarried with a certain William Bailey whom your Compts pray may be made Defendant to this bill who himself thereby became possessed of the said negroes & their increase - That since they have come into his possession they have further increased & that the Dft now hath & has had in his possession many more negroes belonging in remainder after the death of the said widow to the Compts than are mentioned in this bill - That the said Dft pretending to claim absolutely all the said negroes, under a bequest of them or their ancestor to the said widow after her intermarriage with the said Saml Briggs, by the said Micajah Blow who had no right whatever to make such bequest, they then being the property of Briggs or his representatives has unwarrantably sold several of the said negroes & is now using claiming & disposing of them as his own absolute property — That the Compts state that they are not able to say positively how many of the said negroes the Dft now has in his possession or how many he has sold: They however believe that their interest in the said negroes, which is to take effect as soon as the said life estate in them ceases, is very much jeopardised & endangered by the misconduct & arrogant pretentions of the Dft & that the Dft is now in the habit of selling when he chuses any one of the aforesaid negroes - All which is contrary to Equity & in consideration whereof & because your Compts are remediless in the premises without the interposition of a Court of Chancery they pray that the Dft may on his corporal oath full true & direct answer

answer make to all & singular the foregoing allegations as clearly & concisely as if the same were here again repeated & that he may particularly inform & state: That he may fairly & truly know how many of the aforesaid negroes he now hath in his possession & how many he hath sold & for what prices to whom & in what part of the United States or the Territory of this State & as also how many & of what description he received with his present wife as of the estate of the said Saml Briggs dec'd either in his own or his wife's possession - That your worships may grant your Compts the Common writs of Subpoena &c & such other & further relief in the premises as may be just & applicable & they ever will &c

Dobson for Compts

Mckim Heath
& Bailey
Stereotypers

The Demurrer of of William Bailey
to the Bill of complaint against him
exhibited in the worshipful Court of
Southampton County, by Willis Mc.Lee
and Susan his wife and George Edmunds
Duncan Biggs, Hamlin Biggs Infants, by
the said Willis McKlin their guardian
and next friend. This defendt. by protestation
not confessing or acknowledging the complt.
said Bill to be true, in such sort manner
& form as the same matters and things
are therein stated and set forth, doth Demurr
thereto. and for cause of Demurrer
Sheweth. — That by the complainants own
Shewing in their said Bill, it appears
that Elizabeth Bailey, (wife of the defdt)
formerly Eliz Biggs, Widow of Hamlin Biggs
dcas, has right to most of the negroes
therein mentioned by virtue of the last
Will and testament of said Mary Blow
her Father — That the defdt claims his
right through her the d. Elizabeth (his wife)
That d. Elizabeth must necessarily be a
person very materially interested, as therein
manifest, from the complainants
own Shewing, upon the face of their d. Bill

both as such interest may relate to herself her
Child or children by her present or by
any future husband — the said Elizabeth
~~[illegible]~~ is not made a party to said Suit
or prays a dft. to said Bill, Wherefore and
for other ~~[illegible]~~ good causes
in said Bill contained, this dft. doth
demand Judgmt. of this court, whether he
shall be compelled to make any answer
thereto, — prays to be hence dismissed &c

Wm. Wirt
Defendt

Mch 5th 1828
Adams
Bailey

Bailey
ads
Hanlin
Answer

Feby 1806 filed

Repd & Comm'd
November 1806 Dismissed
by consent

KW

The Answer of Williams Bailey and Eliz.th his wife, late Eliz.th Byrd
Widow and Relict of Saml Byrd dec.d, to the bill of complaint
of Patient Hone exhibited in the County Court of [illegible]
on the part of Philip Mallet and Susan his wife, Eliz.th Edmunds
Duncan Byrd, Saml Byrd, infants by said Philip their prochein
and next friend. These defend.ts saving and reserving to
themselves, all, every benefit of exception to the many errors
&c in the compl.ts said bill contained — for Answer thereto
Say they, that said Bailey that he did intermarry
with said female defend.t late Widow of s.d Saml Byrd
That at the time of such intermarriage there
did belong & Appertain to the Estate of said
Elizabeth the following negro Slaves, viz.t Dick
Lucy, Bob, Frank & Judy two small children
That the above named Slaves were the property
of said Samuel, her late husband, not as derived
from Michael Blow her Father, but as of his own
individual descending right — That by said last
Will and Testament of Samuel Byrd (an attested Copy of
which is Rec.d as part of this answer) — they property with
part of the testators is bequeathed for life to the
use of said Eliz.th Byrd — That the defend.t Bailey

duly qualified Matthew as Executor of the last will & Testament of said Samuel — Therefore in his double capacity, conceives himself entitled legally (with the exception as to his own slaves) exclusively to the control & management of said property — That in this respect the propriety of his conduct & proceedings will manifest itself to yr. worships on inspection of his acct. curt. Prays to account, they'd a part of this bill — That from it will appear that the sales of property, which the defts. Bailey state to have been from the want of other personality — of money. Negroes, were made to Benj. Wood, Benj. Day both residents of this Commonwealth, & from said defendt believes said Slaves now are — That he said defts selected for sale those which he deemed least valuable to the estate — Viz. the woman & children and negro Dick the latter of whom was in a state of health that from in a very short time, to render him considerable, if totally invaluable — That the sale of this property was of necessity for the payment of the testators debts — These defendts for answer say the Complt

State, that your defendt Elizabeth previous to her first marriage was & were also others of the Testators Children in the habit of receiving from him Negroes sometimes on loan, sometimes on hire, — That on her marriage with said Samuel she was advanced with the following slaves, on the part of her said Father, viz, Amy, Little Hannah, Anne, Charlotte & Thomas Johnson — but these defendts most positively deny that altho the said slaves, were advanced to herself said Elizabeth, on marriage as aforesaid with said Samuel — it ever was the intention from the time of such marriage, to the time of said Samuel death, to transfer out of himself & Michael his own, entire, absolute & exclusive right & interest in such slaves, or any of them — But that he intended thereby to exhibit himself, at the time of the advancement, as aforesaid made & uniformly after until the death of said Samuel — Only as a loan to said Samuel, Elizabeth during his own pleasure &

that, such was the uniform opinion of said Samuel
Emmett, during his existance — That the arrangement
therefore made, on the part of said Michael was not
in the unqualified & absolute manner as the
Complts are pleased to set forth; but under the
Qualifications, & express restrictions, as before stated
on the part of these defendt — Which, from a variety
of evidence, they believe it would be in their power to
deem necessary to substantiate — & the letter to
evince the intentions of s^d Michael, in his request,
these defendts, shew to your worships, a bond or
Marriage Covenant executed by s^d Samuel to s^d Michael
during the treaty of s^d marriage condemned among other
things — to wit "If said Blow should place property
particularly Negroes, in his s^d Sam^l hands & under
his direction, they are to be treated, in a humane
& proper manner" &c. This contract, or covenant, dated
executed on the 20^th of June 1790. — the day on which
the s^d Marriage between s^d Sam^l & Elz^a took effect
& which deed is pray^d to be made Complts exhibit
A part of this
Answer — They, the Complts also shew, one other bond

executed by s^d Elz^a Blow to s^d Michael 24^th Jany 1804 also
an Agreement in writing executed on the parts of
s^d Elz^a Mary Baily, & s^d Michael on the subject
of the Residuary Estate of said Sam^l Blow to s^d Michael & the payment of Sixty Thousand &c.
dated 30^th April 1797 all which said documents
are also pray^d to be incorporated & intended a
part of this Answer —

That Michael Blow having departed this life
made & executed his last will & Testament thereto
annexed in which among other things, he devises
the Slaves, Nero, Amy, Little Hannah, Bob —
Charlotte, Isham, Simon, Belleander, Polldore
Tempy, & Fred to Elz^a their increase to his daughter
s^d Elizabeth Blow during — limited on the event,
that said Elz^a die, leaving lawful issue & that
issue arrive to the age of 21 years, or if
s^d Elz^a afterwards intermarry & [illegible]
by him having issue at any time — that
marriage, said Negroes &c. [illegible] himself &
Amy, Little Hannah, Nero Charlotte, Isham, Fred

with their increase &c Ary Sarah Charly Grace
Also Negros Belinda Bob but which two last
named, these defendts claim have been advanced
said Samuel & Wife during their coverture
as stated, & which are now dead, and were seriously
received on the part of the defts from the
representatives of s^d Michael Blow in conformity
to his last will as aforesaid — That the Negroes
Tempy, & Ned are also claimed by the complts —
Never were in possession of the defts or Saml Byp.
& Wife — but are now claimed & held by the
representatives of Saml Blow as negroes advanc
and given their testator on the part of s^d Michael
That this defts Wm — who he considers, that in
Consequence of the life estate held by his wife,
the demands of the complts — if in any event
are at this time pre-
[illegible] & stated a
[illegible] ther with [illegible] of s^d Heavy, Hall
been advanced [illegible] by the Complts [illegible]

to Saml. Byp & Wife — That were they have come into
the possession, or control, of any of their
increase than such as already mentioned —
These defendts disclaiming all Right
Combenation & pay to be hence dismissed &c

Wm Wm defts Att^y

Southampton County to wit

This day Wm Baily, & Elizt his wife, formerly Eliz Byp
came before me a Magistrate for s^d county &
severally made oath that the several matters
& things, in the foregoing answer set forth
& contained are correct true & so far as respects
their own knowledge & belief — & so far as respects
the information of others; they both believe them
such to be true —

Jos Holmes J.P.

To Willis Marlen & Susan his wife late Susan Edmunds
or their own account - & to Willis Marlen, guardian
and next friend to Sarah Edmunds, Susan
Biggs & Samuel Biggs, infants under the age of twenty
one years -

Take notice that we shall at the dwelling house
of William Haines, in the County of Southampton, on
monday the 21st day of the present month, between
the hours of seven and ten o'clock, A.M. - proceed
to take the depositions of Thomas Lee and Nancy
Eliza[illegible] the wife of Susan & J.P. Black, at Henry Parkers tavern in Smeaton
his wife - and that on tuesday the 22nd instant we
shall proceed to take the depositions of Sophia Parker
and Bailey Oberry, to be read as evidence in
the Chancery suit now pending and undetermined
in the County Court of Southampton, between yourselves
complainants & ourselves defendants,
when & where you may attend if you think
proper.

William Bailey &
Elizabeth Bailey his wife - late
Sarah widow & relict of Sam[l] Biggs dec[d]

Southampton 10th April 1806.

Greenville County to wit. This day Thomas Bird made oath before me Person Turner a Justice of the peace for the County aforesaid that he delivered Willis Mallin a true copy of the within notice on Monday 10th April 1806

Given under my hand this 14th April 1806

1806.

Person Turner

By Virtue of a Commission in this cause to me directed
I do hereby this 21st day
of April 1806. at the dwelling house of Lem Tinney
(Southampton) between the hours of seven Oclk A.M.
agreeable to notice in this respect given, and duly
executed, proceeded to take the deposition of
Stanley Scott of lawful age to be read
as evidence in the suit now pending and undetermined
in the County Court of Southampton between
Willey Mechlin Plaintiff against his wife Eliz. Bond Defendant
and Saml Bigg Jun. by 1st Mechlin Mich Gwaltney and Richd Lee Comptt
Whereupon the Defendant by her Counsel
when said Stanley being first duly sworn on the
holy Evangelist of almighty God, the truth to
speak in regard to such matters & things as may
relate to said suit, as also true answers to such
questions as may be propos'd relative thereunto to
the best of her knowledge & belief - deposeth &
Saith — That a day or two before the actual
Marriage of Saml Bigg, with Eliz. Blow, she was
in company with 1st Saml & Eliz. & Michael Blow
father of E. Eliz. — when said Michael informed
his daughter, told said Samuel that he would never
as long as he lived give him any of his property
Further said it was what he would not do
to any of his children. Whereupon his own life,
nor did he think it proper to do so. —
This deponent further states that she has very frequently
heard similar declarations made by 1st Michael
& particularly after the marriage of 1st Saml
& Eliz. —

they frequently in the Company of both Col Blow,
& Lewis Reps Wife, she never heard from
either of them any expression, contrary to the
sentiments suggested by Col Blow aforesaid
She further states that Col Blow was
constantly in the habit of hiring Hendrix out, his
Negroes to his Children & did hire them
take back & dispose of them as
& many negroes as he saw fit in their possession
The believes, that his Children all considered
the Negroes in their possession as only Cest
qe trust - & at the will & pleasure of their
said Father - Further this deponent saith not

Nancy Scott

The above &c
The truth of the above deposition
subscribed by Nancy Scott
Sworn to, before us, the day & year as aforesaid

Robt Goodwyn
Geo Hines

By virtue of a Commission in this case to us directed we have
this 22nd day of April 1805, at the Tavern of Henry Parker in Jerusalem
according to due notice in such case given & which appears to have
been regularly executed - between the hours of seven & twelve A.M.
proceeded to take the deposition of Sophia Parker of lawful
age, to be read as Evidence in the suit now pending &
undetermined in the County Court of Southampton, between
Willis Mellen & Susan his wife - Lyd. Edmunds Duncan Bryan
& Sand Bryan exrs &c. by &c. Mellen their Guardian & next friend
& Sand Edmunds &c. by Wm Parker & Eliz. his wife &c. & Defts.
when said Sophia being first duly sworn on the holy
evangelist of almighty God, the truth to speak touching
all such matters & things as relative to said suit.
to the best of her knowledge & belief - deposeth & saith -
that about the time that the negroes mentioned to have
been delivered by Michael Blow to Sand Bryan, his son in law
& were delivered - she heard said Michael tell the said
Bryan, that the negroes he had sent him was only as
a loan & that he would not let him have them on
any other terms, & that if he did not like to have them
on those terms, he might return them when he
pleased - that he had acted in this manner to
all his children & would not get offended -
& that he had when he sent his daughter Elizabeth
even taken his bond, for the hire of them -
& that he should expect him to do the same -
Further this deponent saith not - Sophia T. Parker

The above deposition this day & year above and subscribed
& sworn to before me by Solomon Barber before me, —

William Blount
Ben Blount

Acct. Curt
Island
Baltimore
Oct. 10th
1 Bill

1800 Dr The Estate of Samuel Briggs dec'd In Ac't with William Bailey adm'r

Oct. 24th	To paid	Charles Briggs Sen'r	27	4	2¾	1800.				
Nov. 29th	ditto	Thomas Wood	1	4	9	Nov.	By Sundrie Bonds & Acc't Current of John Urquhart Shff being Amo't of Sales	143	—	6
"	ditto	Jesse Hargrave	4	4	—		By Sales of Negroe Woman Edy & two Children	105	—	—
"	ditto	Joseph Rosser	12	14	3		to Benjamin Drew	80	—	—
"	ditto	Joshua York (C.R.)	4	10	¾		Ditto Negroe Man Ethelred to Thos Wood	15	7	6
"	ditto	John Urquhart	17	10	8	1801, May 11th	By Amo't of Sarah Vicks Bond	1	12	—
"	ditto	Thomas E Scott (at two diff't times)	65	12	9½	1802. Aug't 4th	By Amo't of Execution vs Browns Exr's			
"	ditto	John Pond Sen'r	1	10	—			£	385	8 —
"	ditto	Jeremiah Cobb (& Rich'd H Cocke)	25	15	11½					
"	ditto	Arthur Bowen	1	6	—					
"	ditto	John Pitman	1	8	6					
"	ditto	Maj'r Robert Mabry Shff	5	15	3½					
"	ditto	Burwell Rawlins	—	12	—					
"	ditto	William Boykin (at two diff't times)	22	9	6½					
"	ditto	Hubart Sledge	—	15	9					
"	ditto	John Morris	1	1	1½					
"	ditto	Doct'r James Irwin	1	12	6					
"	ditto	Benjamin W Johnston	10	19	2½					
"	ditto	James C Bailey Exr of Jn'o Bailey	7	5	8					
"	ditto	Charles Briggs Exr of Benn Cobb	11	19	11					
"	ditto	my own A/c for 10 B'ls Corn delivered 1799	10	—	—					
"	ditto	Parker Pettaway's A/c by Benn Prestow	1	—	3					
"	ditto	Joshua Bailey	—	12	6					
"	ditto	James Brittle	—	8	1½					
"	ditto	Benjamin Drew	6	17	6½					
"	ditto	Commissions & H'l's	23	2	5¾					
		£	270	16	4¼					
	To balance as p'r Contra		114	11	7¾					
		£	385	8	—					

The commonwealth of Virginia to William Blow and Benj Bilton Gentlemen Justices greeting. Know ye that we trusting to your fidelity & provident circumspection do diligently examining Sophia Parker and Bailey Berry Widows as well on behalf of William Bailey dec'd Eliz. his wife dec'd and Willis Macon and Susanna his wife George Eamons, Duncan Briggs, Sam'l Briggs & Martin and we do give to you power to call and cause to come before you the witnesses aforesaid when and where you shall appoint and diligently examine them on the holy Evangelist of Almighty God and their Examinations so taken into our said Court that you send without delay under your seals returning to us also this writ witness J. Miller Clerk of our said Court at his office the 12th day of April 1816

Jno Miller

Southampton County (to wit)

The Commonwealth of Virginia to Robt Goodrich

Sheriff Greeting Gentlemen Justices of the peace for the County of Southampton

greeting Know ye that we trusting to your prudence

& circumspection do deligently mannining Thomas &

Scott and Nancy Scott Wife of the Witness on behalf

of William Bailey & Elizabeth his wife Defts Complainants on behalf

of Willis Macon and wife Defendants Complts Command

you to Attend Court to come before you the

Witness aforesaid when and where you shall be required and Deligently examine them

on the holy Evangelist of Almighty God, and

their examination so taken in our said Court of

Southampton, that you send without delay in close

returning to us also this writ. Witness Samuel

Clerk of our said Court at the Court house of

the said County on the 22 day of March 1806

and in the 30th year of the Commonwealth

Samuel D

Maclin
vs
Bailey

Spa
in
Chy

November 1803

The Commonwealth of Virginia to the Sheriff of Southampton County

Greeting you are hereby commanded to Summon William Bailey to appear before the justices of the Court of the s.d County on the third Monday in November next to answer a bill in Chancery exhibited against him by Willis Madin and Susan his wife and this they shall in nowise omit under the penalty of £100 and have then there this writ witness Samuel Kello Clerk of our said Court at the Court House of the s.d County the 18th day of October 1803 and in the 28th year of the Commonwealth

Sam Kello Clk

D

Martin &
vs
Bailey
Comm^d
Sent^e

Southampton County Sct

The Commonwealth of Virginia to Benjn
Wm B. Roper for the County of Southt. When you these
Gentlemen Justices of the peace greeting
We Confiding in your provident circumspection and Diligence
do Authorize & you by examining Whatsoever Witnesses as may on behalf
of Willis Martin and wife, and other Complainants
or on behalf of William Bailey and Elizabeth his
wife Defendants do Command you to Cause such Witnesses
to come before you the Witnesses when and where you
shall appoint and Diligently examine them on
the Holy Evangelist of Almighty God, and their
examination So taken write and Send Court of Sy
So that you Send written Orders
Returning to us also the writ, Under Your Hands
Clerk of our Said Court at the Court House the
18th day of September 1806 and in the 31st
Year of the Commonwealth

Saml Ridley C

The deposition of Benjamin Pulle taken
in a Suit now depending and undetermined
in Southampton Court between Willis Macklin
and Susan his wife late Susan Edmunds
Plaintiffs and William Bailey & Elizabeth his
wife late Elizabeth Briggs Defendants, —
The (sd) Benj. Pulle deposeth & saith that he being
called upon by Willis Macklin & William
Bailey to arbitrate a matter of controversy
between them relative to the sale of some
slaves negros sold by the said W. Bailey
does recollect that the sd Bailey acknowledged that he had sold some of the negros but
well as his memory now serves him they
were a negro woman & two Children
which he observed he sold to a speculator who
had carried them out of the State of Virginia
he does further recollect that the sd Bailey
further observed that he had the Slaves
valued by disinterested persons as he
conceived he would be liable for their
values at a future Period: And moreover
did consent to pay the (sd) Macklin his
Proportion of the values of the sd Slaves
which he had sold on that day or
some short time afterwards

Sworn before the annexed commissioners
we have proceeded to take the
above deposition at the house
of Jno Dillard — Given under our
Hands this 2d day October 1806

Benj. Pulle J.P
Benj. B. Roper J.P

By virtue of a Commission to me directed, we have this
22d. day of April 1800. at the Tavern of Henry Parker
between the hours of seven & twelve of the
Clock in the
Forenoon & one of the same notice in each case
duly given & recorded, proceeded to take the
Deposition of Bailey Ebony, of lawful age,
who being first duly sworn on the holy Evangelists
of Almighty God, the truth to speak & record
to all such matter and things as may relate
to the matter now pending and undetermined
in the County Court of Southampton between
Polly Mickleir and Susan his wife and
Geo. Edwards, Duncan Biggs, Saml. Biggs & wife
by said Mickleir their Guardian Next friend &
Complts & Wm. Bailey & Eliz. his wife & defendts
~~Bailey Ebony~~ Deposeth and saith
that he was acquainted with a Negro man
called Dread - formerly the property of Saml. Biggs
"that at the time ~~and then~~ Ed. Bailey, and
two months before he sold said Negro to
Mr. Wood, said slave was in a state
of unsoundness that rendered him of little
value - so much so that he was generally out
of service - and this deponent further says that
he heard Mr. Wood say that he was highly

dissatisfyed with the bargain that he had made with said Baily or regard to said Dead that he counted them unsound & of little value and this deponent further states that as he lived as an overseer for Wm. Byrd, he very well acquainted with the value of s.d slaves & verily that Col.o Baily got considerably more than he was worth — Further this deponent says not. Bailey Oberry

The above deposition this day & year aforesaid. sworn to subscribed by s.d Oberry before us —

William Blow
Benj. Blunt

Dep.n of Bailey Oberry

By Virtue of a Commission in this case, to
us directed We have this 21st day
of April 1806 at the dwelling house of
Cornelius (Southampton) between the hours
of seven & ten A.M. ~~Gwin~~
agreeable to such notice (the same appearing
to have been duly executed) proceeded
to take the Deposition of Thomas Scott of
lawful age - to be read in Evidence in the Cause
that now is pending & undetermined in the County
Court of Southampton between Willey Mickleu.
and Susan his wife Ex. ~~Edmund~~ Duncan Bryan and
Sam Bryan Exty - by Dr Mickleu his Guardian ~~and Next~~
friend & Compl[t] & Wm Baily ~~Deft~~ &
& Elz. his wife & defendts
when said Scott being first duly sworn on the
holy Evangelist of Almighty God the truth
to speak in reg[d] to all such matters &
things, as may relate to said suit as also,
true answers to make to such questions as may
be proposed relative thereto - to the best of his belief & knowledge
Deposeth & Sayeth
"That not more than a day or two at most,
previous to the marriage of Sam[l] Bryan with
with Eliz[a] his late wife formerly Eliz[a] Blow,
and whilst a treaty of Marriage or contract
in writing was in contemplation between
Micheal Blow Father of said Eliz[a] and Sam[l] Bryan,
which said agreement in writing was concluded &
executed the same day, he the deponent was in company

with said Michael, said Elly. and during the
believes, to the whole conversation, that took
place, between said persons, in regard to said
contemplated marriage & the conditions upon
which, said Boyd (if at all) was to be possessed
of property on the part of said Michael,
the said deponent, being on friendly & intimate
terms, with with D. Michael, said Elly.

When said Michael, repeatedly told said
Samuel, in presence of his daughter, that
he, or at any time during this marriage
in case he should place any kind, or
pieces of property whatever, in the said
Samuel's possession such must & should
only be taken & considered, as a loan, to
them said Elly. only — and that he said
Michael would not at any time during
their coverture, part out of himself, his own
absolute right to such property, or property of
any kind, but would always reserve
exclusively to himself an entire control,
over the same but that as long as he,
(D. Saml.) should treat D. Slaves, or any property
he should think proper to put in his possession
or, as during D. marriage, with humanity he ought to do —
he, said Michael, would probably continue to leave, his
daughter, the use thereof but at all events, no longer
than he (D. Michael) should elect, so, always reserving
to himself, the right of redemption at his own
sole and pleasure — and further, specifically
stated to D. Saml. that perhaps in case of
his leaving by his daughter, an heir, he D. Michael
might take care of that, perhaps provide for it,
but that he never would give any of his
property to them D. Samuel to be at his own disposal
but to say only, as respected the more use & loan
of such slaves, or property, as he might possess them
of, for the benefit of his daughter — And the deponent
further states, that this Samuel seemed perfectly
fully to understand the ground, & conditions upon
which only, any property from Col. Michael Rives
might be placed, in his possession but expressed
himself, both contented & satisfied therewith
& further he might spend himself, the meaning
or covenant, intended, to confirm the same
as above mentioned — & the deponent
Question by Cpt. Were you frequently in company
after his marriage with Saml Boyd?
Ans — Many We were intimate & very friendly,
& in families in the constant habit of intimacy,
& meeting neighbours, until the time of D. Saml death
Question by D. Did you ever understand from Saml Boyd
himself, after his marriage in what light he considered
the negroes, & property, that Col. Rives, put in his possession,

Orr, a piece this Marriage aforesaid.

And this Deponent hath frequently heard Saml Biggs say since the marriage aforesaid, he liked he was in possession of all the Slaves, property devised as aforesaid from Mich.l Blow — That all the Slaves & property of which M.r Blow had possession living, was only lent him. That he had himself no right or control over, or over the same and well knew he never should, have any, That he could not or durst, either sell, or otherwise dispose of them and that he did not like, even to threaten said Slaves least they should go home to M.r Michael their master with lies in their mouths calculated to make mischief And that tied up as he was, he did not care how soon M.r Michael took them away, but observed he did not wish to send them back to him, himself least it might offend him —

"Thy Deponent further states That frequently from the time of his M.d Saml's marriage till the time of his death, conversations of this sort took place between himself & M.d Saml — That he uniformly & undeviatingly, always expressed himself in a similar manner — Thy Deponent further recollects M.d Saml sometime after his marriage before he went to possession of M.d Slaves, observe that Col.o Blow, need not to have tied him up in such a manner as to the property delivered, for he never expected to have an heir in case his wife should have survived him, he should certainly have, at his disposal all the property

And this Deponent further says that it was the neighbourhood suspicion, that the property aforesaid, in possession of Saml Biggs, was only loaned him — that Col.o Blow — was in the constant habit of loaning or lending his negroes to his Children, receiving from them compensation & taking back at his pleasure negroes of which he had possession —

"That he frequently heard him M.r Michael express himself to this effect — That he never would during his life give up his property to any of his children, except on such terms —

"That he expected himself in this way to M.d Saml about the time of his marriage —

Qy. by D. — Was not Saml Biggs given to the intemperate use of ardent Spirits —

"Ans.r he was notoriously so, both before & after his marriage with M.d Blow's daughter & which rendered him the more averse to M.d match —

Thos E Scott

The truth of the above deposition sworn to & subscribed by Thos E Scott before me this day & year & place aforesaid —

Rob.t Goodwyn

Geo Haines

Deed from
Dav.d W. Edmunds
To
Willis Macklin

This Indenture made this Eighteenth day of April in the year of our Lord one thousand eight hundred and three Between David W. Edmunds of the County of Southampton and State of Virginia of the one part and Willis Madin of the County of Greenville State aforesaid of the other part Witnesseth that he the said David W. Edmunds for and in Consideration of the Sum of Three Hundred Pounds to him in hand paid by the said Willis Madin the receipt whereof is hereby acknowledged hath Bargained Sold and by these presents doth bargain Sell and confirm unto the said Willis Madin his Heirs Executors administrators and assigns forever all the right title & Interest which he the said David W. Edmunds has or hereafter may be entitled to under the Will of Samuel Briggs deceased. And the said David W. Edmunds doth for himself his Heirs Executors and Administrators further Covenant and agree with the said Willis Madin his Heirs Executors Administrators and assigns. that he will forever Warrant and defend the right title & Interest hereby conveyed from the the legal Claim and demands of all and every Person or persons whatsoever. In Witness whereof I have hereunto set my hand & Seal this day and year above Written

David W. Edmunds Seal

Signed & Delivered
in presence of
James Lee
E. Q. Q.
Geo. Gundry

Sam'l Burr

Boards

Know all men by these presents that I Sam Briggs
am held and firmly bound unto Michael Blow
in the just and full sum of Five Hundred pounds
to be paid unto the said Michael Blow his heirs
Exrs admrs or assignes, to which payment well and
truly to be made I bind myself my Heirs Exrs
and admrs firmly by these presents, sealed with
my seal and dated this 20th day of June
one thousand seven hundred and Ninety
Eight

The condition of this obligation
is such that Whereas a marriage is intended
between the s.d Briggs and my Daughter Elizabeth
Now be it known that if the s.d Briggs shall
treat my Daughter well Make an affectionate
Husband attend on her and be kind to
her by day and by night so long as they shall
live, and further forsake the use of
drinking at any time to an excess, and
further if the s.d Blow should think fit
to place property, particularly Negroes in
the hands or under the direction of him the
s.d Briggs they are to be treated in a humane
and proper manner, now if these premises
are complyed with, this obligation to be void
or else to remain in full force Virtue.

Signed Sealed and
del.d in presents of
Thomas E Scott

Sam Briggs (Seal)

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Col. Ben Blount

+ Keys

Samuel Bruff's

bill

In the name of god Amen I Samuel Briggs of Southampton County being sick and weak but of sound mind and memory do make and ordain this my last Will and testament as follows —

1st I give and bequeath unto my half brother Henry Briggs and his heirs forever all the land and plantation I now live on that was bought of Mr. Richard Blow and Capt. Thos. Chappell By my Father and given home to be immediately therewith possest after my death except that part that will be allotted to my wife as her right of dower during her life and after her Decease to be enjoyed by him also

2nd I give to my Sister Martha Eamundz my gold Watch

3rd I give to my half Brothers William & Henry Briggs all my wearing apparel

4th I give to my Nephew David Eamundz my best fine Hatt

5th I give to my Nephew George Eamundz my little writing Desk

6th Lastly my desire is that all my just debts and Legacies be paid and then I have to my loving wife the use of all the remainder of my estate of what nature or kind soever during her natural life and after her death to be sold and Equally divided between my Sister Eamundz Children Namely Susan Davis & George and my Brother Charles two sons Namely Samuel & Duncan Briggs And their heirs forever I Also appoint and constitute My father Charles Briggs executor of this my last Will and testament given under my hand and Seal this 1st day of November 1799 —

Signed Sealed & delivered in presence of
Charles Briggs Sr.
Henry Davis
John Pitman

Samuel Briggs Seal

At a court held for the county of Southampton the 16 day of December 1799 This will was proved by the oaths of Henry Davis and John Pitman two of the Witnesses thereto and ordered to be recorded and at a Court held for the said county the 17 day of February 1800 Charles Briggs Senr the exr therein named refusing to Take upon himself the burthen of the execution thereof and no person appearing to take administration ~~thereof~~ thereon it is ordered that the Sheriff of this county take the same into his hands and administer thereon According to Law —

Sam Kello E

A true copy Teste

Sam Kello E

Samuel Briggs' Will

Ex Ex Exd

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