

1819-006

SOUTHAMPTON COUNTY
CHANCERY PAPERS

HAILCOME & ux VS. BROWING, alias Hines & al

3/1819

Other surnames: Halcome,
Scott, Freeman, Hobbs,
Simmons, Kirby, Hines
Temperance Hines

Stonem^d

27

} Bill

original

March 1810 Bill filed

rule to answer

- Apr Rule for answer

- May Rule to answer

July 1810 Answer filed reple

& comm^r -

- depositions filed by plff and

etc set for hearing -

To the worshipful Court of Southampton County in
sitting - Humbly complaining shew unto y^e
worships your orator and oratrix Richard Hines
and Polly Hines, his wife, formerly Polly Browning
that before the intermarriage between a certain
Browning and Richard Hines, both now dead
the said Lucy had two children, to wit, your
and a certain James Browning, now deceased,
called James Hines, who departed this life, leaving
widow Temperance Browning, calling herself Temperance
Hines, and three infants, children, to wit, Richard
and John Browning, being called Richard, Voliah and
Hines, which said Temperance, Richard, Voliah and
John, your orator and oratrix pray may be made
deants to this bill - that during the continuance of the
coverture, the said Richard Hines and Lucy his wife
had a son, named Joshua Hines, who, at the death
of the said Richard, his father, became entitled, as he
at law, subject to the widow dower, to a tract of land
in the County of Southampton containing one hundred
by the old survey
acres, whereof the said Richard was seized at the time
of his death - the said Richard having died intestate
that the said Joshua Hines, being so entitled, died
this life on the day of intestate and
considerably above the age of twenty one years,

ing no children nor their descendants, nor father,
nor sister, nor the descendants of either
leaving in fact no heir ~~but~~ before
Lucy Hines his mother - so that on the death
of Joshua Hines the absolute & fee simple estate
of the said tract of land, vested in the said
Hines - formerly Lucy Browning as here in
the stated, and mother of your orator - Her your
orator Joshua Hines by permission to state, that shortly after the
death of the said Joshua Hines, the said Lucy Hines
during this life intestate, leaving your orator and
Richard, Delilah and John Browning, some
before mentioned ~~James Browning~~ ~~some other~~ ~~allied~~
allied Hines, exclusively entitled to the said land -
of James Hines, ~~the only~~ ~~heir~~ and the said
said Richard, Delilah & John taking in this behalf the place
now being now dead, ~~no children~~, Richard, Delilah
and John deceased father James Browning, alias Hines -
want, will take his moiety of the said land ~~for his~~
~~the same~~ ~~estate~~ of James Browning alias Hines
his mother - But so it is, may it please your
ships that at the ~~death~~ ~~of~~ your orator, to one moiety
of the said tract of land, in pursuance of the act of the
court upholding declaring that Bastards shall be capable
of holding realty in fee simple on the part of their mother,
some cannot be reduced into possession, without the
aid of a court of Chancery where matters of partition
are most properly cognizable - Intender considered

ation when of your orator Joshua Hines, that the said
James Browning, alias James Hines, Richard,
Delilah, and John Browning, alias Hines, (the three con-
tained by their guardians, appointed to defend them) may
be held to answer all & singular the allegations of this bill
their corporal oaths to be by them taken on the holy Evangel
of Almighty God, as fully, perfectly, distinctly & sincerely
as tho' each of them was herein again repeated & they
of them were concerning each & every of them particularly inter-
that your worship will ^{thereupon} decree that a moiety of the said
land shall be allotted to your complainants - that your
worship will render any other decree in the premises
which, from the bill, answers & exhibits, may seem
meet & consistent with law & Equity - and grant a
other & general relief in behalf of your orator Joshua
which may be applicable - & they as in duty bound
will ~~do~~ as for any &c

Attest
In witness whereof

To the worshipful Court of Southampton County in Chancery sitting
Humbly complaining shew unto your worships your orator and oratrix
Richard Hallcome and Polly Hallcome his wife, formerly Polly Browning
that before the inter marriage between a certain Lucy Browning
and Richard King both now deceased the said Lucy had two children
to wit your oratrix and a certain James Browning now deceased some-
times called James Hines who departed this life leaving a widow Temper-
ance Browning; calling herself Temperance Hines and three infant
children to wit Richard Delilah and John Browning being called Richard
Delilah and John Hines which said Temperance Richard Delilah and John
your orator and oratrix pray may be made defendants to this Bill
that during the continuance of their coverture the said Richard Hines and
Lucy his wife had a son named Joshua Hines who at the death of the
said Richard his father became entitled as his heir at law subject to the
widow's dower to a tract of Land in the county of Southampton
containing One hundred & fifty Acres by an old survey whereof the
said Richard was seized at the time of his death the said Richard ^{having} died
intestate that the said Joshua Hines being so entitled departed this life on
the day of intestate and considerably above the age of
twelve years, leaving no children nor their descendants nor father
nor brother nor sister nor the descendants of either of them leaving in
fact no heir but the before mentioned Lucy Hines his mother so that on
the death of the said Joshua Hines the absolute and fee simple estate in
the aforesaid tract of Land vested in the said Lucy Hines formerly Lucy
Browning as herein before stated and mother of your oratrix. Now your
orator and oratrix beg leave for permission to state that shortly after the
death of the said Joshua Hines the said Lucy Hines departed this life ^{leaving}
intestate leaving your oratrix and the before mentioned Richard Delilah and
John Browning sometimes called Hines, exclusively entitled to the said Land
the said Richard Delilah and John taking in this behalf the share of
their deceased father James Browning alias Hines But so it is may it
please your worships that although your oratrix has a clear and indefea-
sible title to one moiety of the said tract of Land in pursuance of the act of
General assembly declaring that Bastards shall be capable of inheriting or
of transmitting inheritances on the part of their mother yet the same cannot be
reduced into possession without the aid of a court of Chancery where matters

if partitioning are most properly cognizable in tender consideration
whereof your Orator & Oratrix pray that the said Temperance Browning
alias Temperance Henry Richard Dilah and John Browning alias Henry
(the three last mentioned by their guardians to be appointed to defend them) may
be compelled to answer all and singular the allegations of this bill on their corporate
oaths to be by them taken on the holy Evangelist of Almighty God as fully perfectly
distinctly and unreservedly as though each of them was herein again repeated and
they and each of them were concerning each and every of them particularly interrogated
that your worshipps will therefore decree that as much of the said Land shall
be allotted to your complainants that your worshipps will render ^{any} other
decree in the premises which from the bill and answer and exhibits may
deem meet and consistent with law and equity and grant any other
and general relief in behalf of your orator and oratrix which may
be applicable and they as in duty bound will answer ever
pray &c

Wills for Compl^{ts}

At copy. Fide

A. Middleton Esq

Halcome Esq } copy
Browning Esq } bill

Hineses {
advs { Answers
Hal come and wife

July 1810 Provs filed
propd of Edward to depd

Trayant

To the worshipful Court of Southampton in Chancery sitting
The Joint and Liberate Answer of Temperance Hines widow
and relict of James Hines late of this County dec'd. and of
Richard, Lillah and John Hines infant children and coheirs
of the said James Hines sued by their next friend Temperance
Hines to the Bill of Complaint exhibited against them in
said Court by Richard Halcome and Polly his wife formerly
Polly Browning. These Respondents saving to themselves now
and at all times hereafter the right of excepting to the many
errors uncertainties, misstatements and untruths in the complain-
ants bill contained for answer thereto or to so much thereof
as they are advised is material and necessary for them to make
answer unto, answering, say. That true it James Hines (who is
also called James Browning by the complainants in their bill)
was the son of Lucy Browning as stated by the complainants
and was born before the intermarriage between the said
Lucy Browning and Richard Hines and that Polly Halcome
one of the complainants is the daughter of the said
Lucy Browning born also previous also to the intermarriage
between the said Lucy Browning and the said Richard Hines
all these facts are readily admitted by your respondents
because they are believed to be true, and if any other fact
attending this case had been as candidly stated by the
complainants your respondents would have been
said the necessity of supporting their title to the land
in question before this honorable Court. Your respondents
admit the birth of Joshua Hines after the intermarriage
between the said Lucy Browning and Richard Hines, but
they here beg leave to state a fact which completely
overthrows the complainants pretended claim to the land
of which Richard Hines died seized and establishes the

title of your respondents. It is a fact generally known and which your Respondents will support by testimony that Richard Hines after his intermarriage with the said Lucy Browning did recognize James Hines called also ~~promoter~~ by the Complainants James Browning as his son. That he was generally reputed and believed to be the son of the said Richard before his intermarriage and the fact never doubted after the marriage of the said Richard because every body was inclined to believe if not from the express acknowledgment of the said Richard at least from his general deportment towards the said James in suffering ^{him} to bear his name and treating him in every other respect as he did his son born in wedlock, that the said Richard acknowledged and recognized him as his child. But if the general conduct of the said Richard towards the said James be thought by your worships insufficient to prove his legitimacy, your respondents can and will establish facts which clearly and distinctly show an express recognition of the said James by the said Richard as his son. This fact being proved the title of your complainants rests upon a basis which cannot be shaken: for instead of Joshua Hines being the sole heir ~~at the death of the~~ of the said Richard he was co-heir with James Hines who was not born in wedlock, but recognized after marriage by the said Richard, and thereby by

the laws of the land legitimated and rendered capable of inheriting on the part of the Father as well as the ~~part~~ mother, hence the title of the said James ~~to the~~ one half of the One hundred and fifty acres of land of which the said Richard died seized as stated by the complainants is apparent. The other moiety descending to his brother Joshua Hines. Your respondents admit that the said Joshua departed this life intestate considerably above the age of twenty one years and without issue being at the time of his death entitled to an undivided moiety of the land of which the said Richard died seized, but your respondents cannot admit that the said Lucy Hines the mother of the said Joshua was his only heir since your three infant respondents are the children of James Hines ~~and~~ who was brother to the said Joshua as well by Father as mother, on the contrary your respondents Richard, Delilah and John as the heirs of James Hines claim and are entitled to the One ~~half~~ of the undivided moiety of land of which Joshua Hines died seized and that the said Lucy Hines was only entitled to the remaining moiety of said land. Your respondents Richard, Delilah and James claim as the descendants of James Hines who was son of Lucy Hines one half of the said property in the said tract of land to which the said Lucy was entitled and ^{are} perfectly willing to admit the title of Polly Hallowell one of the complainants to the remaining ^{part} of the land to which the said

Lucy Hines was entitled at her death. There being the
 facts in this case your respondents will not agree or consent
 to a partition upon any other principles than those
 already enumerated. to wit, to allot to your respondents
 Richard Delilah and John One half of the land of
 which Richard ^{Hines} died seized. (The Father of your respondents
 James Hines being entitled to the same in his lifetime) Subject
 nevertheless to the dower right of your respondent Temperance
 : One half of the land of which Joshua Hines died
 seized and One half of the land of which Lucy Hines
 died seized and the remaining half of the land
 of which Lucy Hines died seized to be allotted to Polly
 Halcome one of the complainants: your respondents denying
 all fraud combination & pray to be heard dismissed with
 their costs in this behalf more amply contained &c.

Hineses
 advs } Answer
 Halcome and wife

July 1810 Proved
proved & allowed to dep

This day Temperance Hines humbly sheweth before me
 a witness of the peace for the County of Southampton
 one made oath to the truth of the within said
 as far as it respects when her own husband and wife
 as it respects when the husband of the other died
 because it is the law. Given under my hand
 this 7th day of July 1810 -
 J. J. J.

Tregant

Hines
ad
Halcon 85

A. J. J.

1

To the worshipped Court of Southampt^{on} in Chancery sitting
the Joint and Liberators, Answerers of the Petition of Henry Wilson and others
of James Hines late of this County dec^d and of Richard Holcomb and John
Hines Infant children and heirs of the said James Hines dec^d by their next
friend Temperance Hines to the Bill of Complaint exhibited against them
in said Court by Richard Holcomb and Polly his wife personally Polly Brow-
ning These Respondents saving to themselves now and at all times hereafter
the right of exhibiting to the Court many errors uncertainties, misstatements and un-
truths in the Complainants Bill contained for answer thereto ⁱⁿ or to so much
thereof as they are advised is material and necessary for them to make answer
unto answering say that true it James Hines who is also called James Brow-
ning by the Complainants in their Bill was the son of Lucy Browning
as stated by the Complainants and was born before the intermarriage between
the said Lucy Browning and Richard Hines and that Polly Holcomb one
of the Complainants is the Daughter of the said Lucy Browning born
previous also to the intermarriage between the said Lucy Browning
and the said Richard Hines all these facts are readily admitted by
your Respondents because they are believed to be true and if every
other fact attending this case had been as candidly stated by the
Complainants your Respondents would have been saved the necessity
of supporting their title to the Land in question before this honourable
Court your Respondents admit the Birth of Joshua Hines after the in-
termarriage between the said Lucy Browning and Richard Hines
but they beg leave to state a fact which completely overthrews the Complainants
pretended claim to the Land of which Richard Hines dec^d signed and attested
his title of your Respondents. It is a fact generally known and which
your Respondents will support by testimony that Richard Hines after his
intermarriage with the said Lucy Browning did recognize James Hines
called also by the Complainants James Browning as his son that he was
generally reputed and believed to be the son of the said Richard before his
intermarriage and the fact never doubted after the marriage of the said
Richard because every body ^{was} induced to believe if not from the express
acknowledgements of the said Richard at least from his general deportment
towards the said James in suffering him to bear his name and treating him
in every other respect as he did his own born in wedlock that the said Richard
acknowledged and recognized him as his child but if the general conduct of the said
Richard towards the said James be thought by your worships insufficient to prove

his legitimacy your respondents can and will establish facts which clearly
and distinctly show an express recognition of the said James by the said Richard
as his son this fact being proved the title of your complainant rest upon a
basis which cannot be shaken for instead of Joshua Hines being the sole heir of the
said Richard he was ^{co-heir} with James Hines who was not born in wedlock
but recognized after marriage by the said Richard and thereby by the law of
the land legitimated and remained capable of inheriting on the part of the father
as well as the part of the mother hence the title of the said James to the one half
of the one hundred and fifty acres of Land of which the said Richard died
seized as stated by these Complainants is apparent the other moiety descending
to his Brother Joshua Hines your respondents admit that the said Joshua departed
this ^{life} intestate considerably above the age of twenty one years and without issue
leaving at the time of his death entitled to an undivided moiety of the Land of which
the said Richard died seized. But your respondents cannot admit that the said
Lucy Hines the mother of the said Joshua was his only heir since your three
suffiant respondents and the children of James Hines died who was brother to the
said Joshua as well by father as mother on the contrary your respondents
Richard Dilalah and John as the heirs of James Hines claim and are entitled to the
one half of the undivided moiety of Land of which Joshua Hines died seized and
that the said Lucy Hines was only entitled to the remaining moiety of said Land
your respondents Richard Dilalah and John James claim as the ~~the~~ descendants
of James Hines who was son of Lucy Hines one half of the said proportion
in the said tract of Land to which the said Lucy was entitled and are
perfectly willing to admit the title of Polly Holcome one of the complainants
to the remaining part of the Land to which the said Lucy Hines was enti-
tled at her death. These being the facts in this case your respondents will not
agree ^{or} consent to a partition upon any other principles than those already
mentioned to wit to allot to your respondents Richard Dilalah and John
one half of the Land of which Richard Hines died seized (the Father of your res-
pondents James Hines being entitled to the same in his life time) subject nevertheless
to the dower right of your respondents Temperance one half of the Land of
which Joshua Hines died seized and one half of the Land of which Lucy Hines died
seized and the remaining half of the Land of which Lucy Hines died seized to be allot-
ed to Polly Holcome one of the complainants your respondents denying all fraud and
collusion & pray to be hence awarded with ~~their~~ their costs in this behalf most
impulsely sustained &c

This day Temperance Hines personally appeared before
me a justice of the peace for the county of Southampton and
made oath to the truth of the within & bill as for it
depends upon her own knowledge and as far as it depends
upon the knowledge of others she believes it to be true Given
under my hand this 17th day of July 1810

Benjth Dth
Attest
James Rochelle C.

Malcolm W 34
is } Spec
Hines's } in
 } Chancery

To March 1870.

Created
H. Lindy Deputy
of Sam Calvert Jff

Full

The Commonwealth of Virginia to the Sheriff of Southampton
County greeting: We Command you to Summon Temperance
Hines widow and relict of James Hines, John Hines
Richard Hines and Delilah Hines heirs of the said James
Hines to appear before the Justices of our said
County Court at the Court-house of the said County
on the 3^d Monday in March (pro^x month) to
answer a bill in Chancery exhibited against
~~them~~ by Richard Hallcome and Polly his wife
And this they shall in no wise omit under the
penalty of 100[£] each: And have then their
this writ Witness our said Clerk of our
said Court the 5th day of March 1810. in
the 34th year of the Commonwealth.

Sam^l Kello


Mr Richard Halcome and Polly Halcome:

Take notice that I shall on ~~Friday~~ Saturday
the 15th inst proceed to take the depositions of
Lilas Kirby, Daisy Kirby, Betty Halcome, Mildred
Hill and others at William Harts Tavern
in the Town of Jerusalem between the hours
of ten o'clock in the morning and six in the
evening of that day to be read as evidence in
a suit in chancery now depending and
undetermined in the County Court of Southampton
wherein you are complainants and my self
and Richard Delilah and John Hines infant
children of James Hines ~~are~~ are defendants
at which time and place you may (if you
think proper) attend - Temperance Hines

Southampton

August 18. 1860

John Simmons this 5th day of September
in the year 1810 personally appeared before
me a Justice of the Peace for the County
of Southampton and made oath that he offered
to deliver the within Petition ^{to Richard Halcome of Exeter} but he refused to
receive it whereupon the said John Simmons
informed the said Richard Halcome of its contents
on the said 5th of Sept 1810 Given under my
hand this 5th day Sept 1810

Ben Jubb JP

Temperance Kins alias Temperance Browning
for yourself- and ~~and~~ as guardian to Dildah Kins
alias Dildah Browning, Richard Kins alias Richard
Browning, and John Kins alias John Browning, Take
notice that I shall on saturday the fiftenth day of Sep-
tember, between the hours of 9 o'clock a.m. and five o'clock
p.m. at the Town of William Bluff of this county of
Southampton and Town of Jonselens proceed to take the
depositions of Richard Kins, Lucy Kins, Lydia Kins, The
ophilus Scott, Thomas Halcome and James Halcome, to
to be read in evidence in a suit now depending in the
County court of Southampton, wherein you are defen-
dants and Rich^d Halcome and Polly Halcome his
wife are plaintiffs when and where you may
attend if you think proper

Richard Halcome for
himself- and his wife
Polly

Ballcome wife

W } Comm.
Hines R 3

Southampton county to wit

The Commonwealth of Virginia, to Sam Blunt

Jm B Law

Gentlemen justices of the Peace

for the County of ~~Southampton~~ ^{Southampton} and State of Virginia
Greeting know ye that we trusting to your fidelity and Providence
to Circumspection in diligently examining whatever

as well on behalf Rich and ~~Ballcome~~ ^{Ballcome} & Polly Ballcome
plffs as on behalf of Temperance Kines alias Temperance
Browning and Delilah Kines alias Browning. Rich's Kines alias Rich's
Browning & Delilah Kines alias Browning by J^r Temperance their next friends
defts and we do give unto you Power to Call and Cause to Come before
you the Witnesses aforesaid when and where you shall appoint and
diligently examine the Witnesses — on the holy Evangelist of
Almighty God and their — examination so taken that
you distinctly and openly Certify us thereof in our County
Court of Southampton and State of Virginia aforesaid
under your hands and Seals inclosed returning to us also this
Writ Writings Samuel Kello clerk of our said Court at his
office the 14th day of September 1810 in the 36th year
of the Commonwealth

Sam Kello

Temperance Kenis alias Temperance Browning
for yourself and as guardian to Delilah Kenis
alias Delilah Browning and John Kenis alias
John Browning, Take notice that I shall
on Saturday the sixteenth of October, between
the hours of nine o'clock A.M. and six o'clock
P.M. at the house of William Hart of the
county of Southampton and Town of Jounce
have power to take the depositions of Rich.
and Henry Lydie Kenis and Thomas Holcome
to be read in evidence in a suit now de-
pending in the county court of Southampton,
wherin you are defendants and Richard
Richard Holcome and Polly Holcome his
wife are plaintiffs, when and where you
may attend if you think proper.

Richard Holcome for
himself & his wife Polly

1860 Sept 15 I hereby certify that the within
is a true copy of a notice returned this day
to Temperance Skins Sam Blunt
Sworn to before me the date above

Wm Blow *

A True copy of
notice del. to
Temperance Skins
15th Sept 1860
S. B.

Halcome W.

NT

Heine W.

307

Spa of Revival

To March count 1879—

Executed on Temperum
Hins, Rich. & J. D. Hins,
Lilalah Hins not found

Ans. & P. H. H. H.

R. P. H. H. H. H.

The Commonwealth of Virginia to the Sheriff of Southampton
County, Greeting: You are hereby commanded to summon Temperance
Hines widow of James Hines, & Richard, Delilah and John Hines,
to appear before the Justice of our county court in chancery
on the third Monday in March next to shew cause if any
they can why a certain bill in chancery & proceedings thereupon
heretofore brought by Richard Haulcome and Polly his wife
against said Temperance Hines widow of James Hines & Richard
& Delilah & John Hines should not be revised in the name
of Polly Haulcome adm^{or} of said Richard Haulcome dec^d ag^t
the said Temperance Hines widow of James Hines & Rich^d &
Delilah & John Hines - and further to do & receive what
to our said court in this behalf may seem meet -
And have them there this writ - Witness James Rochelle
clerk of our said county court of Southampton at his
office the 28th day of February 1879 and 43rd Year of
the Commonwealth -

James Rochelle C. S. C. C.
11

11
Potter

Hallcome wife
vs {² dep_{on}
Hines R }

James

S. B. Hunt

W. B. Hunt

In pursuance to a commission from the County Court of
Somerset to us directed we have this day proceeded to
take the depositions of ~~James Halcome & Theophilus Scott~~ ^{James Halcome & Theophilus Scott}
agreeable to notice, to be read in evidence in the
suit depending wherein Richard Halcome & wife are
complainants and Temperance Hines alias Temperance
Browning for herself and as guardian to Delilah
Hines alias Delilah Browning, Rich^d Hines alias
Rich^d Browning and John Hines alias John
Browning are defendants. at the house of W^m
Hart in Jerusalem, the said James Halcome
being of lawful age and duly sworn dep^o
and said, That he never heard Richard Hines
say any thing relative to Polly Browning alias Polly
Halcome, ~~when~~ ~~than~~ like disowning her, but that
he always treated her as the rest of his
children, That he believes he gave her more
than any of his children and appeared to
set much more by her & rather this deponent
saith not - - James Halcome

Theophilus Scott being of lawful age & being
duly sworn dep^o and said. That he -
happened one day to go down to the river
with Mr. Halcome the old man the father
of the com^{pl} to Hall the river, Rich^d
Hines came over from the other side of the
river to bring the canon, some conversation
happened between them concerning ~~the~~
the com^{pl} wife, the old man said

Rich^d. observed that the said Polly
was as much his wife as any of the
rest and as such, he should treat
her.

Question by the Court - To
How come the conversation take place between
them. Ans. - I do not know.

Quest by the Court! What did Sally Hobb. tell Mr
Tingvold who attended to taking her deposition at
William Simmons. Answer. Mr Tingvold asked her
several times whether she had told all she knew about
the matter in dispute. she said she had & knew nothing
more about it.

Thos J. [Signature]

The foregoing depositions were taken before us agree-
able to Law - this 15th September 1860 -

Sam^l Hunt [Signature]

William Blount [Signature]

Rivers
at } 3 depositions
Hallcome

We the undersigned Justices of the peace for the County
of Southampton agreeably to a commission to us directed
which is hitherto annexed (due notice of the time and
and place having been given) have this ~~fourth~~
day of September 1810 at the house of William
Simmons in this County between the hours of
Ten O'clock in the morning and five O'clock
in the evening have proceeded to take the
depositions of Molly Freeman, John Simmons Senr.
& Sally Hobbs ~~and others~~ to be read
in Chancery. wherein Temperance
Hines widow of James Hines, and Richard
Delah, and John Hines are defendants
and Richard Halcome and his wife
Polly are Plaintiffs -

Molly Freeman of lawful age being
first sworn on the holy Evangelists of Almighty
God deposed and saith. That she heard
the Plaintiff Richard ask his father Richard
Halcome what fault he had to find with the
woman he was about to marry (meaning his present
wife Polly Halcome) and Richard Halcome
the father replied that he did not know
but that she (meaning the said Polly) was
his daughter (meaning that she was the
daughter of him the said Richard Halcome)

the Father)---and further this deponent saith

into
Taken before us

Griffiths J.P.

Molly ^{Jun} Freeman
mark

~~The deposition of~~ Sally Hobbs of lawful age
being first sworn on the holy Evangelist of
almighty God deponeth and saith--- That about
twenty six years ago a difference existed between
her husband and Richard Hines and the said
Richard Hines being informed that her husband had called
James Hines a bastard and base born child
he the said Richard Hines came to the house
of the husband of ~~this deponent~~ to enquire
into the fact and whilst there in conversation
upon the subject the said Richard Hines
observed that true it was the said James
Hines was not born in wedlock, but he the
said Richard Hines believed him the said
James Hines to be his child and he should
always treat him as such--- This deponent further
says that she has upon many occasions heard
the said Richard Hines call the said James
Hines his son and ^{he} made no difference in his
treatment towards him and his son born after
marriage, and it was generally said and
currently believed that the said James Hines

was the son of the said Richard Hines---

Question by the p^lty.--- was Richard Hines angry at the
time with your husband Mr Hobbs and was he
drunk? Answer--- he appeared to be angry with
Mr Hobbs for calling his son James a bastard
and was not drunk though he might have
been drinking--- and further this deponent

saith not---

Taken before us

Griffiths J.P.
Ben Cobb J.P.

John Simmons son
~~The deposition of John Simmons~~ son of lawful age
being first sworn on the holy Evangelist of almighty
God deponeth and saith--- That he heard
Richard Hines in his lifetime say that although
James Hines was not born in lawful wedlock
he looked upon ^{him} to be as much his son as
Joshua Hines who was born after his marriage
and the said James Hines was generally reputed
to be the son of the said Richard Hines.
and further this deponent saith not---

Question by the de^ft. Was Richard Hines sober
at the time he made the above declaration
before you? Answer--- He was perfectly sober---

Taken before us
Griffiths J.P.
Ben Cobb J.P.

John Simmons

Rines ad
ad } Commⁿ
Hallcome }

July 1810

Southampton county fel
The Commonwealth of Virginia, to Gray Hines
and Benja Cobb - Gentlemen Justices of the
Peace for the County of Southampton - — and State of Virginia
Greeting: Know ye that we trusting to your fidelity

and Provident Circumspection in diligently examining John
Simmons Sally Hobbs Molly Freeman Melley Hill
wife of Israel Hill
material witnesses as well for Temperance Hines widow of James
Hines, & Richard, Delilah, & John Hines ^{Depts} ~~Depts~~ as on behalf of
Richard Hallcome & Pally his wife ~~Depts~~ Plaintiffs

and we do give unto 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 — examination so taken that you
distinctly and openly certify us thereof in our County Court of
Southampton and State of Virginia aforesaid under your hands and
Seals inclosed returned to us also this writ Witness Samuel Keller
Clerk of our said Court at his office the 20th day of July -
1810 in the 34th year of the Commonwealth -

Sam Keller

Lines
advs } Notice
Halioma }

Mr. Richard Halcome and Polly Halcome
Take notice that I shall on Wednesday the
fifth day of September next at the house of
William Simmons in this County between the hours
of Ten O'clock in the morning and five O'clock
in the evening proceed to take the Depositions of
Molly Freeman, John Simmons Sen. Sally Hobbs
and Melanis Hill to be read as evidence in
a suit in chancery now depending and undetermined
in the County Court of Southampton wherein
you are complainants and myself and
Richard, Delilah and John Hines infant
children of James Hines are defendants
at which time and place you may (if you
think proper) attend - Temperance Hines
Southampton
August 18th 1860

Southampton County to wit.

This day Mr. Williams personally appeared before me
a justice of the Peace for the said County and made
oath that he delivered to Richard Halcome on the
20th day of August a notice of which the above
is a true copy - Given under my hand this
20th day of August 1860 - *Benny Cobb J.P.*

The deposition of Sally Hobbs being of lawful
age & duly sworn taken this 15th day of
September 1870. To be read in evidence on
behalf of Temperance Hines & others wherein
Richard Halcom & Wife are comp^{ts} &
the s^d Temperance Hines & others are def^s.
The s^d Sally Hobbs deposed & said, That
it has been almost six years ago since she
heard the wife of the comp^{ts} talk about
her father, & mother, she then said that
her mother did not treat her as well
as she ^{did James and} ~~was~~ his children, she also said
that her mother had caused her to come
in this troublsome world in this scandalous
manners, this deponent observed to her then
that she heard that her mother never
told her who her father was, and Polly
Halcom the said wife of the comp^{ts} said
she never had nor she never would,
she then offered that she did not care
who he was, that who ever he was then
in hell dancing upon the tip of his
tongue, ~~she~~ and further this deponent
said not
Sally Hobbs
mark

The deposition of Elias Purby - sworn as above
supo^{rt} and said that he often heard Rich^d
Hines say ^{verbal witness} that James Hines was his son & that
Rich^d Hines asked this deponent whether he did not
think that James Hines was like him, this deponent
answered that ^{people} he was - Just by the comp^{ts} were you
not drunk when you heard Rich^d Hines say as above

answer I do not know. was not Dick's
Drunk at the ~~time~~ he said what you have
related to have been said by him, answer. I don't
know that he was Drunk at that time

Silas Kirby

The foregoing Depositions were taken before us agree
able to Law. - This 15th September 1860.

Sam^l Hunt

William Blount

James M. Hallcome

Silas Kirby's Deposition

Balloume 3 -
" } depm
Wines }

Oct 6 1818 Came to
hand ~~Wills~~

In conformity to a commission (General) to us directed we
have proceeded (agreeably to notice) to take the deposition of
Rush Hines — — to be read as evidence in a suit depend-
ing in the county court of Iowa wherein Rush Hines
and Polly his wife, ^{and} ~~and~~ Temperance Hines, Delilah
Rush & Geo Hines are defts. the ~~1st~~ — Rush Hines
being sworn on the holy Evangelists of Almighty God
deponeth & saith that he lived two or three years in the
family of Rush Hines ~~the father of the said~~ that during
that time he never saw any difference made by the
J^r Richard as to his children, but that he treated them
alike — —

Question by ~~def^t~~ ^{own} were you not treated by the J^r Rush
as his ~~own~~ children whilst you lived there —

Answer We were all treated alike

Question by ~~plff~~ ^{plff} was not Polly? Now my wife and I
complain in this suit called Hines or Polly Hines being
the J^r Rush Hines —

Answer I have heard Rush Hines often call her so

Question by ~~def^t~~ ^{plff} How old were you at the time
you lived with your uncle Rush

Answer I do not recollect

Question by ~~def^t~~ ^{plff} did you live with your uncle Rush

the conclusion of the war —

Answer I do not recollect.

Question by deft. How old are you at this day

Answer. about 42 years — his
and further saith not Richard + Minis
mark

Sydia Minis of full age being sworn. deposes & saith that she
lived in the family of Rich^d Minis several years that she saw
no difference between the children —

Question by plff. was not Polly (the wife of the 1st plff)
called Minis as well as the rest of the ^{Rich^d} children

Answer ~~She~~ does not recollect —

Question by deft when did you live with the 1st
Rich^d

Answer, at the same time that my brother Rich^d did
(the deponent above)

Question by deft How old are you

Answer Younger than the deponent Rich^d my
brother

Question by defendant, Did you ever hear from General report or opinion
who was the father of the Compt's wife

~~Further~~ Question the deponent refused to answer

and further saith not ^{Sydia + Minis}

Thomas Malcome of full age being sworn deposes
and saith, that ~~he~~ ^{he} has worked at ~~my~~ ^{my} uncle Dicks
Minis, and I saw no difference made between the
children, of the 1st Rich^d and I have often heard the 1st
Rich^d call the Compt Polly Minis —

and further this deft saith not
Thomas Malcome

The above depositions were taken. Subscribed and sworn to
before us at Wm^{ts} Hart ~~Hart~~ Tavern agreeably to the
law under our hands this 6 of October

Bryson
Geo^l Minis