

1836-001 SOUTHAMPTON COUNTY
CHANCERY PAPERS

BRISTER VS. PARKER et al.

8/1836

other surnames: Butts,
Waller, Wallar, Barham

Brisley

in S. Ingers

Parker & Co

1833 Aug. Ingers awarded
upon the usual Terms & Co

1834 June. answers filed by
leave of the Court -

1836 Aug. Ingers resolved as to put
perpetrated as to residue

Ann Brisley Val

as Bill of Ingers

Parker

Butts

Nov ch. 2

To the Honorable County Court of Southampton
in Chancery sitting.

Humbly complaining sheweth unto your
Worships your complainant James Brister

~~that~~ that sometime in the
last year they executed a Bond to Henry Parker
agent for the ~~sum~~ of forty five pounds if
being for the hire of Negro Man, Hansel
for the year 1832, that in ^{or about} the month
of August last said negro left the employ
of your complainant James Brister
without his consent, & thereupon was
taken in ~~possession~~ by the ~~owner~~
that the ~~Dr~~ Parker for the benefit of E. Butler
in the month of March last instituted a
suit in the County Court of Southampton &
through the misapprehension of Counsel
judgement was obtained by the Plaintiff.

for the full amount of ~~the~~ Bond & Costs
and Execution is now in the hands of
the Sheriff of this County. & your Complainants
will be forced to pay the same without
the intervention of this Court in tender
Consideration of the premises, & in as much
as your Complainants ~~are~~^{is} wholly remediless
at Law, ~~they~~^{he} pray your Worships to grant
~~them~~^{him} the Commonwealths writ of subpoena
directed to ~~sd. Sheriff~~^{sd. Sheriff} Injoining ~~sd. Sheriff~~^{Officer}
from all further proceedings thereon
& that your worships grant such further
& general relief as ~~they~~^{he is} entitled to
in the premises, & as in duty bound ~~they~~^{he} will ever
pray &c

Bath Atty.

Southampton County

This day personally appeared before me
James Briester & made oath to the truth of the contents
of the above Bill. Given under my hand & seal of
hand this 19th day of Aug: 1833

Edwards Butts.
at $\frac{2}{3}$ answer.
James Prior

1824. June 17

(Southampton.)
Co. Co.

The separate answer of Edwards Putty
to a bill of Injunction exhibited against him
and another in this honorable Court by
James Brister, or to so much thereof as
he is advised it is material for him to
^{saving and reserving all just and necessary exceptions thereto,}
answer unto — he answers that he
received the bond mentioned in the said
bill of complaint by delivery, without
assignment in writing, from the defend.^t
Henry Parker; that he applied to the
complainant for payment, which was
refused on the ground that the negro had
run away from him; that after having
rec^d the said bond, the said defendant,
having understood that some difficulty
would be likely to arise in regard to
the ^{full} payment of the said bond, authorized
the person, to wit, Mr. Sime Deery, in whose
hands the bond had been placed for at-
tention, to say to the said complainant
that he was willing to receive in part
of said bond, the ~~sum~~ ^{equity} ~~that~~ had ac-
crued previous to the last of Aug^t &
to deliver him up the bond, which he
refused to do; that in this state of
things this defend.^t brought the suit in
which judgment has been recovered; that
after error given, this defendant author-

the said Life Policy, in which hands the
same had been placed, to make the same
provision to the said complainant
as is above referred to in regard to the
payment of the said bond, and which
was also rejected. And this deft further
answers & says that he is ^{willing} still to make
the pro rata deduction on the said
judgt., but without prejudice to this
defendants' right to recover his costs
both in his suit at law, & in this
injunction. And this deft. having answered
& prays to be hence dismissed with
his costs, and that the injunction may be dissolved with
damages according to law. Without that, that &c.

(signed)

Gretna p. d.

Edw D Butts

Southampton County Va wit.

This day Edward Butts who hath signed the foregoing
answer, personally appeared before the undersigned a justice of the
peace in and for the County aforesaid, who made oath that all
the matters and things contained in the foregoing answer, so far
as they depend on his own knowledge are true, and so far
as they depend upon the information of others, he believes them
to be true: Given under my hand and seal this 17.th

day of June a.d. 1834.

John C. [Seal]

[Faint, mostly illegible handwriting at the top of the page, possibly bleed-through from the reverse side.]

Mary Parker
 ats $\frac{3}{4}$ answer.
 James Brister

1824 June 17th

(Southampton
 Co. Co.)

The separate answer of Henry Parker to
the bill of ^{Injunction} ~~complaint~~ exhibited against him
and another
in this worshipful Court by James Briston,
or to so much thereof as he is advised it is
reserving and saving to himself all manner of exceptions to the many errors &c
material for him to answer unto, - he an-
swers & says, that as the agent of his children
he hired a negro man named Samuel
to the said Complainant in the year 1832
for the sum of forty five dollars, and for
which a bond was executed by the said
Complainant together with Thomas W. Fittle -
as his security; that about the ^{latter part of the} month
of August, in the same year, the said ne-
gro ran away from the Complainant &
came to this defendant and complained
of ill treatment on the part of the said Com-
plainant towards him the said negro;
that thereupon this defendant wrote a
letter addressed to a Mr. Dowsy Waller, re-
questing that he would go home with
the negro and investigate the matter, &
if the negro had improperly behaved him-
self, he would see that he (the negro)
was properly corrected by the said Com-
plainant; that Waller did proceed with
the negro, as this defendant has under-
stood, to the Complainant's, and upon
an investigation of the subject the said
Waller decided that the negro had com-
mitted no act for which he should be

punished; That the said slave then re-
turned to the possession of this defendant,
and in consequence of the intemperate
habits of the said Complainant, the de-
fendant entertained serious apprehensions
that permanent injury would be done to
the said negro, and consequently kept
possession of him & hired him out for
the remainder of the year. And this de-
fendant further answers & says, that he
is perfectly willing that a credit shall
be applied to the judgment recovered upon
the bond aforesaid from the time the ne-
gro left the possession of the said Complai-
nant till the end of the year; which ac-
cording to the computation made by this de-
fendant amounts to the sum of fifteen dollars —
which however should be allowed him
the complainant without prejudice to this
defendant's right to recover his costs both
in his suit at law and the present in-
junction; because the complainant by
his own negligence & misapprehension of
counsel, as he states, neglected to avail
himself of that defence at law which
he might have done, and in which
suit if he had not neglected the proper
defence, the said Compl^t would have
obtained that pro rata allowance which
this defend^t has always been willing, &c.

he is now, to accord to him. And this de-
fendant having answered & says to be
hence dismissed with his costs and that the aforesaid
bill of Injunction may be dissolved with damages according to law,
without that, that &c.

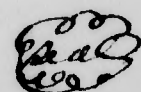
Scutis. p. d.

(signed) Henry Parker

Southampton County To wit.

This day Henry Parker who hath
signed the foregoing answer personally appeared before the Sub-
scriber a Justice of the peace in and for the county aforesaid, who
made oath that all the matters and things contained in the fore-
going answer, so far as they depend upon his own knowledge are
true; and so far as they depend upon the information of
others he believes them to be true. Given under my hand &
seal this 17th day of June A. D. 1834.

Saml B. Harris



To Injoin the Defendants, their agents, attorneys and all others concerned from further proceedings on a judgment of the County Court of Southampton recovered on the day of June 1833 by the Defendant Parker for the benefit of the other Defendant against the Plaintiff until the further order of the said Court. The Plaintiff having given bond and security according to Law and filed a release of all errors at Law in the said Judgment and proceedings -

Teste James Rochelle Clk

Printed by

W. E. Spence & Son

Printed by

To October Rules 1833

Executed

William J. Helwell Dyk
Sam Bowers Sheriff

THE COMMONWEALTH OF VIRGINIA:

To the Sheriff of Southampton County--Greeting:

We command you that you summon *Henry Parker and Edwards Bully*

to appear at the Clerk's Office of our ~~Circuit Superior Court~~ of Law and Chancery, for the
Court
County of Southampton, at the Rules to be holden for said Court, on the first Monday in
Oct. her next to answer a bill in Chancery, exhibited against *them*
in the said Court, by *James Bristol*

And unless the said Defendant^s shall answer the said bill within four months thereafter, the Court will take the same for confessed, and decree the matter thereof accordingly; and this *they* shall in no wise omit under the penalty of 100l.

And have then there this writ: Witness, JAMES ROCHELLE, Clerk of our said Court, at the Courthouse, this *4th* day of *September* 1833, and in the *58th* year of the Commonwealth.

James Rochelle Clk

We acknowledge the sum of this

value

July 21/1884 Edward Butts

Henry Parker

regard Mr Drew Waller

Mr Ellen Waller

Wm. H. Parker

To Messrs Edwards Butts & Henry Parker

Take notice that on Monday 18th Day of August at the Tavern House of John Hart in the Town of ~~Leam~~ Leam between the Hours of Eight o'clock in the morning & seven o'clock in the evening I shall proceed to take the Depositions of Drury Waller, Edwin Waller, ^{Wm} Barkham & perhaps others to be read as evidence in a certain ~~case~~ Injunction case now depending ^{in the County Court of Southampton} & undetermined, in which I am Plaintiff & you are Defendant when and where you may attend if you think fit. if the said Depositions should from any cause be not taken on that day I shall continue from Day to Day untill they are completed.

July 21st 1834

Yours &c James Britten.

of
Briston

~ { Blop

Parker

Came to home Sealed & signed

18 1834

Wm

Wm

Wm

Wm

Wm

Wm

Haven

The deposition of Drewy Waller taken at the house of John Stark in the Town of Jerusalem pursuant to the annexed notice, and to be read as evidence in a suit now depending in the County Court of Southampton wherein James Bruster is plaintiff and Edwards Butts and Henry Parker are defendants, who being of lawful age, and being duly sworn, deposed that

That sometime in the year 1832 & this deponent thinks about the last of August or the first of September of that year, a boy by the name of Hansel delivered this deponent a letter from Henry Parker, requesting ^{this deponent} ~~me~~ to go with the boy to the said James Bruster's, and after citing them, I read the letter to said Bruster, which letter requested me to investigate a difference which had taken place between the said boy and the said Bruster, and that if this deponent thought from all the circumstances of the case that the said boy ought to be corrected that the said Parker was willing it should be done. At the same time this letter authorized the deponent to say to said Bruster that he might pay for the time ^{the boy} ~~he~~ had been ^{there} & the said Parker would take him back. This deponent further states that the said Bruster refused to give up the boy, and this deponent wrote in line to that effect to the said Parker in the back of the said letter.

Question by the deft Parker. did Mr Bruster appear to have a disposition to whip the said boy -

Answer. He did not whip him, but he appeared to be angry and this deponent advised him not to whip him then if he did afterwards & further this deponent advised

Question by the Counsel for the plaintiff, was your advice not to whip him, predicated on the fact of his not doing

ing of a whipping or the said Master being angry
Answ. Because the said Master ^{was} angry. This deponent
did know whether he ~~had~~ deserved whipping or not
and further this deponent saith not.

Taken & subscribed before me
this 18th day of August 1834
at the Tavern of Jno D Hart
in the Town of Jerusalem

Sam^l Gth Jth

Henry Waller

The deposition of Edwin Waller taken at the
same time and place as above who being of
lawful age, and being duly sworn deposed &
saith. I went up to the Rail Road between Stony Creek
and Petersburg, and traveling on that road this boy
Hansel was at work on that road rolling dirt
in a wheel barrow. I then ask the gentleman
from whom they hired that boy: they answered from
Wm P. Wyche of Petersburg. I then observed that
when I came back from Petersburg, and Mr Wyche
I would go down to Petersburg & see Mr Wyche and
if he the said Wyche did not admit he had hired the
said boy to them, I would go back and ascertain
who did hire them the said boy, when this deponent
mentioned this subject to Mr Wyche, he observed that
he had hired the said boy at the request of Miss
Sally Parker

Question by Henry Parker one of the defendants, Did you
suppose the boy Runaway, that caused you to ask the
questions above
Answ. Mr Master said to this deponent at Jerusalem
the 18th of December Court 1832 that he understood this boy
was at work on the Petersburg Rail road, as like this

deponent to go up there with him, to see whether
the boy was up there or not, and this deponent said
he would not go if he Master intended to beat the
said boy. and further this deponent saith not.

Edwin Waller

Sworn to and subscribed before
me at Jno D Hart's Tavern this
18th day of August 1834

Sam^l Gth Jth

I Concur in the deposition of Edwin Waller
that time being with him

William Barham

Sworn to & subscribed this 18th day
of August 1834 at the Tavern
of Jno D Hart in the Town
of Jerusalem

Sam^l Gth Jth

The Clerk of the County Court of
Southampton

18th 1834
Barnes to James Drake & Sons

Baker

3rd 1834

Edwards

1834

The deposition of Augustus G. Butts, taken
pursuant to the annexed ^{notice} ~~complaint~~ to be read
as ordered in a certain injunction in which
James Brister is Plaintiff & Henry Parker & Edward Butts
are Defendants.

This Deponent saith that he resided in
the neighborhood of the s^d Brister & knew the
negro Hansel for whose hire this suit was
instituted, that the s^d Brister treated him &
the rest of the negroes under his control
remarkably well that he saw this negro several
times refractory & told the s^d Brister he ought
to whip him. Mr Brister said he hated to have
any to do & if the servant would do better
he was willing to pass it over. This happened
several times, & I then told Mr Brister that the
negro acted more like his Master than otherwise.
Mr Brister from his leniency permitted the servant
to do almost as he pleased until abt the
last of August 1832. when he left the s^d Brister's
where the s^d Brister was very busy pulling fodder.

that this deponent confidently believes that if ed
Brister had ~~stayed~~ ^{stayed} Boy he would have behaved
better & ^{staid} with him the balance of the year
as he does not believe there was any ^{ground for} complaint
& further this deponent saith not. A.C. Butts

Sworn to and subscribed before
me at the Tavern of Jno Stark
in the Town of Jerusalem this
18th day of August 1834

James C. Butts

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

Article with
Protest.

4 or 5 days to
be allowed

W. Drury Waller
3 Southampton

Southampton Sep. 1/1832

Dear Sir

My man Hansel and
Mr. Brister it appears has fallen
out, will you be good enough
to go with Hansel home, and have
the matter investigated, and if
you think from all the circum-
stances that he ought to be cor-
rected I am willing it should
be done - as its likely they may
continue to disagree in consequence
of having to please old Charlotte
you will propose to him to pay
for the time, and I will take him
back, your compliance

with the above with greatly
oblige

Sir I have complied with your
request, Mr. Brewster wishes to
keep Daniel the Gallon of the
year, Properly furnished, &c.
Mr. H. Parker, D. Water

April 1832

Very respectfully
Henry Parker

I James Brewster - of the County of Southampton in considera-
tion of the terms upon an Injunction hath been granted me by the County
Court of Southampton to a Judgment recovered against me in the said Court
in favour of Henry Parker for the benefit of Edward Bullson the day of
June 1833 do hereby release all and every error or errors at Law in the
said judgment and proceedings - Given under my hand and Seal this the
19 day of August 1833 -

Witness
L R Edward.

James Brewster
mark

Know all men by these presents that we James Brister and Lawrence Pope -

of Southampton are held and firmly bound unto Henry Parker for the benefit of Edw. W. Butts - in the just and full sum of One hundred and five dollars 9/100. - to be paid unto the said Henry Parker for Edw. W. Butts his certain Attorney his Executors Administrators or assigns; for the payment whereof well and truly to be made we bind ourselves our heirs Executors and Administrators jointly and severally firmly by these presents - Sealed with our seals and dated this 19th day of August 1832.

The condition of the above obligation is such that whereas the above named James Brister hath obtained from the Justices of the County Court of Southampton an injunction to stay, until the further Order of the said Court all further proceedings in a judgment of the said County Court of Southampton recovered against him by the above named Henry Parker for Edw. W. Butts on the day of June - 1833 for forty five dollars

with Interest thereon to be computed after the rate of six per centum per annum from the 25th day of December 1832 till payment and the Costs. Now if the said James Brister shall well and truly pay and satisfy the judgment aforesaid and also all such costs as shall be awarded against him and all such damages as shall be incurred by him in case the injunction aforesaid shall be dissolved then the above obligation to be void else to remain in full force and virtue.

James Brister (Seal)
Lawrence Pope (Seal)

Witness
L. R. Edwards

This day Lawrence Pope made oath that he is
worth one hundred and five dollars & ninety cents
after the payment of all his debts - this 19th day of
August 1833 -

L. R. Edwards DC