

1842-010

SOUTHAMPTON COUNTY
CHANCERY PAPERS

PRETLOW'S admiral VS. BAILEY et al

10/1842

See also Pretlow's Adm v Scott's Adm, 1844-19

Other SURNAMES: Burt, Holloway,
Scott, Drake

24. = 14

Prothon J^d

v. { Papers

Bailey J^d

1841

March Sp^c Ex^r on all except C. Co
Bailey & M L. Burt they not found
Bill filed - new Sp^c v. C. Bailey
& M L. Burt Ex^r Burt assigned
g^o as attorney to defend depts

Apr. Sp^c Ex^r on Malipa L Burt & Co.
C. Bailey.

May Set for hearing as to C. L. Bailey,
Holloman wife. Mary Prothon in her
own right & as adm. Sarah C. Prothon.
Jarlton W. & Ann & Elizabeth Scott.

June Set for hearing as to Malipa L Burt
& C. Bailey.

Sept. Ans. of Infants. G. Rep. J^d

Oct. Continued

1842 Oct. Decree perpetuating
Testimony

Douglas pg

Pettowals

nd

Bailey tals

} Bill and
} Exhibits

1821 March Rules.

(1318 words)

To the Hon. Richard A. Baker Judge of the Circuit
Superior Court of New & Ch. in and for the County of Southampton
Humbly complaining sheweth unto your honour, your Com-
plainants, Thomas J. Pritton administrator of Ann Pritton decd.
Ann Pritton, Mary A. Pritton, Robert Pritton, Joseph Pritton
John Pritton, and Elizabeth Pritton, the five last of whom are
infants under the age of twenty one years, and who sue by
the said Ann Pritton their sister and next friend That
sometime in the month of December 1840 James Scott &
Ann Pritton his sister were murdered in the County of
Southampton on the same night; the said James Scott
leaving a large real & personal estate, which by a will
bearing date the ^{twenty} seventh day of June 1819 he bequeathed
and devised to his sister Ann Pritton; which will has
been duly proved & admitted to record in the County
Court of Southampton, all of which will more fully appear
by a copy of the will herewith filed & prayed to be taken
as a part of this bill. Your Complainants moved then
unto your honour that Ann Pritton was the sister of sd.
James Scott decd and the mother of Joseph Pritton decd, who
was the father of your Complainants, and that your
complainants are the persons justly & legally entitled to
whatever estate Ann Pritton decd seized and possessed,
being in truth and fact her only next of kin her
surviving

Your Complainants moved beg leave also to shew unto your
honour, that their great uncle James Scott left a large
number of relations of the whole and half blood, descen-
dants of a deceased sister and a deceased brother
of the half blood to wit: Alfred A. Bailey, Edwin C. Bailey,
Melissa A. But, Araminta Hollamby, the wife of Jesse
A. Hollamby formerly Bailey, who are the Children of
Sarah Bailey decd formerly Scott, and Edward A. Bailey
Sarah A. Bailey, Clara J. Bailey & Henrietta P. Bailey

infant Children of Peyton P. Bailey decd, who was a son of the said Sarah Bailey decd who was a sister of the whole blood of the Testator James Scott decd; Jarrett W. Scott, Ann W. Scott & Elizabeth Scott who are the Children of Joseph Scott decd, who was a brother of the half blood of the same Testator, and William T. Scott & Jonathan Scott infant Children of Jonathan Scott decd who was another son of the same Joseph Scott decd who together with your Complainants, Ann Pritton Mary & Pritton, Robert Pritton, Joseph Pritton Jno. Pritton and Elizabeth ^{Pritton} who would be entitled to the estate real & Personal of the Testator James Scott decd in the event that his sister Ann Pritton decd did not survive him Your Complainants also allege that Sarah C. Pritton another ^{infant} child of Jno. Pritton decd, was killed at about the same moment when her grand mother Ann Pritton decd was killed; and if she should have survived her & her grand mother Ann Pritton decd, then her mother Mrs Mary Pritton will be entitled to one seventh part of the estate of the said infant Sarah C. Pritton decd. Your Complainants beg leave to shew unto yr honour that tho. Ann Pritton and James Scott were killed on the same night and within a short time of each other, yet they are informed, verily believe, & charge, that Ann Pritton was the survivor, and that in consequence of her surviving her brother James Scott decd she took under the will of said Testator Scott the ~~the~~ hereinbefore refers to & filed, the whole of his estate both real & Personal, when as if your Complainants are not permitted to establish that fact, their share of the estate of said Jas Scott decd will be comparatively small, as there are a large number of persons standing in the same relation to said James Scott decd with your Complainants Mary & Pritton, Ann Pritton, Robert Pritton, Joseph Pritton John Pritton and Elizabeth Pritton -

Your Complainants would shew unto your honour that one Mathew Drake is a material; and the only witness by whom they can establish the fact, that Ann Pritton survived her brother James Scott decd; That the said Drake is now in prison on a charge of murder; and that the fact of which survived cannot immediately be investigated in a Court of Law; that before the fact of which survived can be investigated in a Court of Law the said Mathew Drake may be executed for his crimes or die by some other means and his testimony lost to your Complainants; In tender consideration whereof and forasmuch as your Complainants cannot perpetuate the testimony of ^{the} Mathew Drake without the assistance of a Court of Equity where matters of this & a like nature are properly cognizable and relievable; Your Complainants would pray your Honour, that they may be at liberty to examine their witness the said Mathew Drake as to the fact before mentioned, that the said Ann Pritton decd survived her brother the said James Scott decd, so that the testimony of the said witness, Mathew Drake may be preserved and perpetuated; and that your Complainants may be at liberty on all future occasions and at all future time to read & make use of the same as they shall be advised. Your Complainants would pray your honour that Alfred S. Bailey, Edward C. Bailey, Mollisa & Burt, Jesse & Hollaway & Araminta his wife formerly Bailey, ~~Ann~~ Edward W. Bailey, Sarah A. Bailey, Elora J. Bailey & Kennetta P. Bailey the four last infants under the age of twenty ^{years} by some proper person to be appointed guardians ad litem to defend them in this suit, Mary Pritton in her own right and as administratrix of Sarah C. Pritton decd, Jarrett W. Scott, Ann W. Scott Elizabeth Scott, William T. Scott, & Jonathan Scott the two last infants under the age of twenty one years by some proper person to be appointed guardians ad litem to

defend them in this suit, may be made Parties Defendants
to this bill. And that the said Defendants may answer
the premises, and that they may upon their several
& respective corporal oaths, full, true & direct answers
make to all & singular the matters herein before set forth
and that your honour would be pleased to grant your
Complainants the Commonwealths writ of Spina: to be
directed to the said Parties Defendants, commanding
them to stand to, and abide such order & Decree there-
in as to yr Honour shall seem agreeable to equity and
good Conscience & yr Complainants for yr honour shall
ever pray &c &c.

Samuel James Douglas Jr

Prattons adm: *Yes*

v. } Ans. Infants

Reidway *Yes*

1841 September Rules.

The answers of Edward W Bailey, Sarah A Bailey, Clara J Bailey, Henniferia P Bailey, William T Scott and Jonathon Scott infants of tender years by Edward Butts their Guardian ad litem appointed to defend them in this suit, to a bill of complaint exhibited against them dothors by Thos J Mottlow admstr of Ann Potters decd dothor

These Defendants owing to themselves, all manner of advantage of exception to the many errors, uncertainties, & other imperfections in the said Bill of complaint contained, for our srs thereto, or to so much thereof as these Defendants are advised is material for them to make answer to, answering by their said Guardian say -

That they are stronger to all & singular the matters and things in the sd Bill of complaint contained; and these Defendants being infants of tender age submit themselves to the judgment of this Hon: Court. I humbly hope that whatever may be their interest in the real & personal estate of Jones, Scott, Decd, that it will be protected & moved to their H -

Edw B Butts
Dougher p.d.

Soi Ampton County to wit:

This day personally appeared before me Edward Butts Guardian ad litem to Edward W Bailey Sarah A Bailey Clara J Bailey Henniferia P Bailey William T Scott and Jonathon Scott infants of tender years; and made oath that the above answers was true to the best of his knowledge & belief he sworn under my hand this 26. day of August 1861
N. J. Smith (J.P.)

Putter's ad
86

as
Bailey 86

decre

To be entered

R.H.B.

Thos. J. Puttens admr. of Anne Puttens dead
and others

^{vs.}
Alfred J. Bailey & others

This cause in which the respondents appear to have been duly examined ~~and~~ ~~the bill~~ on the adult defendants and the bill having been filed for more than four months to which there is no answer by the said adult defendants, the cause as to them is taken for confessed, and the cause coming on to be heard ^{on} the bill of the plaintiff the cause of the infant defendants the exhibits filed, the deposition of the witness Matthew Drake and a copy of the record of conviction of the said Matthew Drake for the crime of murder, and was agreed by counsel on consideration whereof the court doth adjudge, order and decree that the testimony of the said Matthew Drake contained in said deposition be perpetuated and made binding on the parties to this suit and that the same be used as evidence in any future suit between them. The court doth further decree the costs of this suit be paid by the plaintiff.

22 July
1841. Excitation

W M West - d. S.
E. White Shiff

C. 56

Peckham's arm &c

to Zapp's in Chry

Wardley's gas

1841 March Rules

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ^{Surry} ~~Southampton~~ County, Greeting:

We command you that you summon

*Alfred I Bailey & Jesse A Hollis
may & Araminta his wife*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *March* next, to answer a Bill in Chancery exhibited against *them* ^{thurs} in the said Court by *Thomas J*

Prillon administrator of Ann Prillon dec'd ^{Ann Prillon} *Mary D Prillon*
Robert Prillon Joseph Prillon John Prillon and Elizabeth Prillon
the five last of whom are infants under the age of twenty one
years and who sue by the said Ann Prillon their sister & next
friend

And unless *they* shall answer the said Bill within ~~four~~ ^{two} months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *18* day of *February* 18*71*, in the *65* year of the Commonwealth.

L R Edwards Clk.

[One Copy to be delivered each Defendant.]

Executed on Edward W. Bailey. Sarah A. Bailey.
Clara J. Bailey. Henrietta P. Bailey.

Wm Thornton Shuff
of Super

646

Instructions and

to Esquire

Beaumont

1841 March 1st

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ^{Sussex} ~~Southampton~~ County, Greeting:

We command you that you summon Edward W Bailey, Sarah A Bailey,

Clara J Bailey Henrietta P. Bailey

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in ^{March} next, to answer a Bill in Chancery exhibited against ~~them~~ ^{themselves} in the said Court by

Thomas J Prellon administrator of Ann Prellon dec'd Ann Prellon Mary A Prellon Robert Prellon Joseph Prellon John Prellon & Elizabeth Prellon the five last of whom are infants under the age of twenty one years and who sue by the said Ann Prellon their sister and next friend

And unless ^{two} ~~they~~ shall answer the said Bill within ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this ~~they~~ shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the 18 day of February 1841, in the 65th year of the Commonwealth.

L R Edwards Cl

[One Copy to be delivered each Defendant.]

C.S.6

Prellons adm^y &

to { Sp^a in Chy

Barley's & Co

1841 March Rules

Executed on March

Pattow Jarlan W Scott

Ann W Scott, Elizabeth

Scott William Scott

and Jonathan, Scott by

delivering a true copy

February 1841

Edward C Bailey &

all of a & Best not found

like Drury as if

the Pattow copy

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon Edward C Bailey, Melissa L Bent
Mary Prellow in her own right & as administrator of Sarah C
Prellow dec'd. Jonathan W Scott, Ann W Scott, Elizabeth Scott,
William J. Scott and Jonathan Scott —

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County
of Southampton, at the Rules to be holden for the said Court on the first Monday in March
next, to answer a Bill in Chancery exhibited against ~~them~~ ^{Thers} in the said Court by —

Thomas J Prellow administrator of Ann Prellow dec'd. Ann Prellow,
Mary H. Prellow, Robert Prellow, Joseph Prellow, John Prellow &
Elizabeth Prellow the five last of whom are infants under the age
of twenty one years, and who sue by the said Ann Prellow their
sister and next friend —

And unless ~~they~~ ^{him} shall answer the said Bill within ~~four~~ months thereafter, the Court will take
the same for confessed, and decree accordingly. And this ~~They~~ shall in no wise omit, under
the penalty of £ 100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk
of our said Court, at the Court-house, the 18 day of February 1841, in the
65th year of the Commonwealth.

L R Edwards Clk

[One Copy to be delivered each Defendant.]

IN SENATE, February 24, 1841

Executed by Delivering a true copy of the
within to Lepe A Hollerway & Chromited
his wife on the 24th of February 1841 —
and on Alfred S Bailey by delivering
him a copy on the 25th of Feb 1841
Edwin White Shff

Call

Sections 25 & 26

Ex. in 6th

Shelley & Co

10 March 1841

Shelley

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ^{Surry} Southampton County, Greeting:

We command you that you summon *Alfred I Bailey & Jesse A Holloray*
and *Araminta his wife*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *March* next, to answer a Bill in Chancery exhibited against ~~them~~ ^{and others} in the said Court by

Thomas J Pretlow administrator of Ann Pretlow dec. - Ann Pretlow Mary H Pretlow Robert Pretlow Joseph Pretlow John Pretlow and Elizabeth Pretlow the five last of whom are infants under the age of twenty one years and who sue by the said Ann Pretlow their sister and next friend

And unless *they* shall answer the said Bill within ^{two} ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the 20th day of *February* 18*81*, in the 65th year of the Commonwealth.

L R Edwards

[One Copy to be delivered each Defendant.]

State of Virginia, County of Loudoun

Executed on Edward M. Bailey, Sarah A. Bailey
Clary J. Bailey, & Henrietta P. Bailey

Wm. J. Thornton Sheriff
of Supers

656

Prisoner at the

to { the in (left)

to Bailey & Co

To March 1841

of Supers

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ^{Subex} ~~Southampton~~ County, Greeting:

We command you that you summon *Edward W Bailey Sarah & A*

Bailey Clara J Bailey Henrietta P Bailey

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *March* next, to answer a Bill in Chancery exhibited against *them* ^{by others} in the said Court by *Thomas J Pretlow administrator of Ann Pretlow dec'd & Ann Pretlow Mary H Pretlow Robert H Pretlow Joseph Pretlow John Pretlow and Elizabeth Pretlow the five last of whom are infants under the age of twenty one years and who sue by the said Ann Pretlow their sister and next friend*

And unless *they* shall answer the said Bill within ^{two} ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under the penalty of £ 100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *20th* day of *February* 18*41*, in the *65th* year of the Commonwealth.

L R Edwards Ck

[One Copy to be delivered each Defendant.]

C. S. C.

Pittows adm &c

v. { Super. in lch

Bailey &c

1841 April Rules.

Executed by delivering
a true copy of the within
to Edward C Bailey and
Phillips & Burr

J. H. Leake Deputy of
Thos. Pittow - Lff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Edward G. Bailey & Malissa D*
Burt

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *April* next, to answer a Bill in Chancery exhibited against *them* ^{and others} in the said Court by

Thomas J. Pretlow administrator of Ann Pretlow dec'd Ann Pretlow Mary H. Pretlow Robert Pretlow Joseph Pretlow John Pretlow and Elizabeth Pretlow the five last of whom are infants under the age of twenty one years and who sue by the said Ann Pretlow their sister and next friend.

And unless *they* shall answer the said Bill within ^{*two*} ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *1st* day of *March* 18*71*, in the *65th* year of the Commonwealth.

L. R. Edwards. Clk.

[One Copy to be delivered each Defendant.]

Southampton County to wit: This day personally
^{appeared} before me, a Justice of the peace for said County -
William Davis, and made oath that he deli-
-vered a True Copy of the within notice to Alfred
J. Bailey on the 15th day of March 1841. Also to Ed-
-mond & Bailey on the 22nd of March 1841 - Also a
true Copy to Edmond Butler on the 15th of March 1841.
Also a true Copy to Carlton H. Scott on the 16th of
March 1841. Also a true Copy to Ann H. Scott on
the 16th of March 1841, also a true Copy to Elizabeth
Scott on the 16th of March 1841, also a true Copy to
Jesse A. Holmway & Wife on the 22nd of March 1841
Also a true Copy to Malissa & Bent on the 22nd of
March 1841, also a true Copy to Mary Strutton
on the 16th of March 1841. Given under my hand
at Seal this 27th day of March 1841.

Sam^l Davis J.P.

Paulsons ad. &c

& { Notice.

Bailey &c

Returned with Brokes deposi-
tion March 27. 1841

To Alfred S Bailey, Edward C Bailey, Malissa S Burt,
Jesse A Holaway & Annanta his wife, formerly Bailey, ^{Edwards} ~~Pratt~~
~~Pratt~~ ^{Butts} and guardian ad litem of Edward W Bailey,
Sarah A Bailey, Clara J Bailey, Henrietta P Bailey, William T. Scott,
and Jonathan Scott, infants under the age of twenty one years;
Mary Prtlow in her own right ~~and~~ administratrix of Sarah C.
Prtlow decd; Jarton W Scott, Anna W Scott, & Elizabeth Scott,

Defendants -

Please take notice, that we shall on Saturday the twenty seventh
day of March in the year 1844 at the Jail of the County of Bath-
ampton in the Town of Jerusalem in said County & State of
Virginia, between the hours of nine in the morning & five in
the evening, proceed to take the Deposition of Mathew
Drake, a prisoner now confined in said Jail, to be had
as evidence, in a Chancery suit now pending in the Circuit
Superior Court of Law & Chancery in and for the County of Bath-
ampton in which suit you are defendants & we are
Plaintiffs - And the object of said suit, is to perpetuate
the testimony of said Mathew Drake - Should the said
Deposition not be completed on that day, the taking of
the same will be adjourned from day to day (Sundays
excepted) until completed

Yours &c

Thomas J Prtlow administrator of Ann
Prtlow decd - Ann Prtlow, Mary A Prtlow
Robert Prtlow, Joseph Prtlow, John Prtlow
and Elizabeth Prtlow, the five last of whom are
infants under the age of twenty ^{one} years, & who
sue by the said Ann Prtlow their sister and
next friend -

Plaintiffs -

Pettors adn gad

to { Deposition

Scotts adn gad

Came to hand sealed March 27th 1841

J.R. Edwards D.D

Pettors adn gad
to { Deposition

Barley gad

Came to hand sealed

March 27th 1841

Yorkhampton County to Wit-

The depositions of Master Drakes, taken
between the hours of nine o'clock in the
Morning, and five o'clock in the evening
on Saturday, the 27th day of March 1844,
at the fall of the County of Southampton
State of Virginia
to be read as evidence in a Chancery
suit pending in the Circuit Court
of said County in which, Thomas J. Pittman
Administrator of Ann Pittman de.
Ann Pittman, Mary H. Pittman,
Robert Pittman, Joseph Pittman,
John Pittman and Elizabeth Pittman
the five last of whom, are infants
under the age of twenty one years, who
are by the said Ann Pittman, their sister
and next friend are plaintiffs and
Stephen J. Bailey, Edward C. Bailey,
Charles L. Bail, Susan A. Holman
and Amanda his Wife formerly
Bailey, Concord W. Bailey, Sarah
A. Bailey, Eliza J. Bailey, Minnie
P. Bailey, the last of whom are
infants under the age of 21 years, by
Capt. Butts their guardian ad litem
William J. Scott, and Sarah Ann Scott
also infants under the age of 21 years,
by the said Duane Butts their guardian
ad litem Mary Pittman in her own
right and as administratrix of Sarah
C. Pittman deceased Tailor W. Scott,
Ann W. Scott and Elizabeth Scott
are defendants the said depositions
is taken at the instance of the
plaintiffs, and in pursuance of Notice

precisely given.

The eloquent Master Drake being
first duly sworn on the holy Evangelical
deposition and says as follows -

I went to Mr. Scott's I believe I struck him twice
after that I had some combat with a
black woman near the kitchen door
then I proceeded to the great house, as
well as I recalled - Mrs Ann Puttall
appeared and the black woman behind
her I then went into the bed room and had
some combat - we ended our combat
near the fire. I found the white child
lying in the room and I do not think
it was dead, I stand there perhaps
about one hour after that -

Question by Plaintiff Counsel

When you left the house of Mr
Scott's James Scott did he go with you
to the gate

Answer - After I left the house the red
man Mr. Scott followed me, and
I had got out of the gate and he
called hailed me, I stopped and he came
on to the gate, he sat down at the
gate on one side and he the other
and we commenced talking along the
line of trees, he then came to me
and went out of the house, from my basket
and asked me what I was going to
do with it, and said it was heavy
enough to kill the devil, he took
all the things I had out of the basket
there, the pig had honey like smell
of it.

Question by same, did you not strike
James Scott at the gate and how

and how many blows did you strike him
Answer, I struck him close to the
gate and I do not think I gave
him but two blows.

Question by same - did Mr. Scott come
to die immediately, did you strike
him again after you left him
do you not think Mr. James Scott
must have died immediately from
the effects of the blows.
Answer - I do not think I saw
what back to him after I struck
him, I am not able to say when
he died immediately or not
because I left him. I think it
is reasonable he did.

Question by the same, do you not
think Mr. J. Scott must have died
immediately from the effect of the
blows.

Answer I mean he died as soon as
a man could die after being
struck, but I do not know as I left
him.

Question by the same have you any other
you think Mr. Scott was it before
you struck Mr. Ann Puttall, and
do you think Mr. Ann Puttall
lived longer than Mr. James Scott
Answer - I don't think I saw him
there then to give minutes. After striking
Mr. Scott I had a combat with a
black woman at the kitchen
and then went into the house and
struck Mrs Puttall, but to say who
died first I cannot say.

Question by the same, After Mr. J. Scott

was struck down did you not see
Mrs Ann Pittman, walking about the
house

Answer - Mr Pittman was standing in
the room when I went into the house
after Mr Scott was struck down
Question by the same

How many blows did you strike Mrs
Pittman

Answer, I do not recollect more
than one

Question by same, do you think
the little girl Sarah C. Pittman
survived her grand Mother Mr Ann
Pittman

Answer - I think she did but I am
not positive I think she was alive
when I had hold of her
Question by the same

After Mr Scott was struck down did you
hear him make any noise

Answer - Not that I recollect -

Question by Capt Butler Guardian ad litem
to the Infant Defendant

Answer did you kill Mr Ann
Pittman or not.

Answer - I can say no more than
that I struck her -

Question by same,

Have you not stated after striking
Mr Scott you left him groaning

Answer, I doubt I ever did

Question by same

I think you stated in one of your
answers, asked by the plaintiffs Counsel
that you did not know or could
not say which side was right

Amfor
I say now I cannot say, and
further I do not say if not
Matthew Drake

The foregoing deposition was taken
sworn to and subscribed at the time
and place mentioned in the Caption
before me a Justice of the Peace
for the County of Southampton
giving under my hand this
27th day of October 1841

James B. Henry J.P.

James Scott Will

(Copy)

Pratt's acc. Feb

to { Exhibit with bill

Bailey Feb

I James Scott of Southampton County Virginia do make constitute and ordain
this my last will and Testament in manner and form following Viz.
I give devise and bequeath unto my Sister Ann Peltow the whole of my
estate (personal and real) to her and to her heirs ^{& assigns} forever and I do nominate
constitute and appoint my said Sister Ann Peltow Executrix to this my
last will and Testament. In witness whereof I have hereunto set my hand
and seal this Twenty Seventh day of the Sixth month one thousand
eight hundred and Nineteen.

Signed sealed and declared
by the said James Scott to be his
last will and Testament }

James Scott Seal

In presence of -

Benj. Devany

Elisha Lewis

John Moore

At a Court held for the County of Southampton the 16th day of January 1841
This last will and Testament of James Scott deceased, was proved by the oath
of Benjamin Devany and John Moore two of the witnesses thereto and ordered
to be Recorded.

Test J. R. Edwards C. C.

Attest

Test J. R. Edwards C. C.

Reverend
of com-
munion

At a Circuit Superior Court of Law & Chancery held for the County of Southampton on the 8th day of April 1841.

Matthew Drake late of the County of Southampton labourer who stands convicted of Murder in the first degree was again led to the bar in custody of the jailer of this Court and thereupon it being demanded of him if any thing for himself he had a know-
to say why the Court here to judgment and execution against him of and upon the prom-
ises should not proceed, he said he had nothing but what he had before said
therefore it is considered by the Court that he be hanged by the neck until he be
dead and that execution of this judgment be made and done upon him the D.
Matthew Drake by the Sheriff of Southampton on Friday the 21st day of May
next between the hours of ten in the forenoon & two in the after noon of the
same day at the usual place of execution & thereupon the said Matthew Drake
is remanded to jail.

Copy Test I.R.E. enclosed by