

1843-009

SOUTHAMPTON COUNTY
CHANCERY PAPERS

THOMAS etal vs. CLAUD etal
CLAUD etal vs. THOMAS etal 10/1843

Thomas + al vs Claud + al

other surnames: Wammack, Smith,
Wamack, Womack, Moore,
Futrill, Titsworth, Ivy, Harris,
Jones, Barker, Futrill,
Mundy

Thomas: vs

v. } Papers.

Claird

1839 Aug. Sp^a Ret^d last left-

" Bill filed in court.

" Sep. Sp^a Executed-

1840 Jan. - Set for hearing vs

1840 Apr. Leave to file answer

" ans. filed

" May - Gen. Rep vs

" Aug - Set for hearing-

" Nov. Com. issued to get to take Dep.

" Dec. 9. D. H. J.

1841 Apr. Leave to amend bill-

" Oct. Leave to amend vs

1842 Jan. - Amended bill filed &

Sp^a vs

" Feb. Sp^a Ex.

" Apr. Ans. filed G. Rep. vs

" June. Set for hearing

" Oct. Decree vs for division

1843

Apr 3^d Report.

" 21 Report confirmed in part.

I recommended as to the hires.

Aug: 18 Report

Oct. J. Deane. &c

Peffs. Costs

Clk. \$18.18

Stiff 3.00

Justices &c 12.72

Comm. 6.00

Law. &c 17.41

\$ 57.31

Lfts Costs

Clk. \$ 2.32

Law &c 16.66

\$ 18.98

Thomas & others }
vs } Bill.
Clare }

To the Honbl. Richard H Baker Judge of the
Circuit Superior Court of Law & Chancery
First Judicial District First Circuit.
Southampton County to wit,
Humbly complaining shew unto your honor,
your Orators. Nathan N Thomas David H Thomas
John A Thomas and John Wammack. that David
Thomas the father of Nathan David & John A Thomas
departed this life some time about the year 1813.
having in his lifetime duly made and published
his last will and testament in writing
which at his death, was duly proven in open Court
and admitted to record at September Court 1813.
as will more fully appear by reference to an
attested copy of sd will, herewith filed and prayed
to be taken as a part of this bill. That the sd
David Thomas, ~~deceased~~ living at the time of his death
a widow Lincy (who afterwards intermarried with
a certain William T Smith) and the following
children, to wit. Nathan N, David H, John A. and
Mary Ann. who has since ^{under age} departed this life, &
intestate, that the Executor there to refused to
qualify as such. but qualified as administrator
with the will annexed, That during the course of
his administration, sd adm^r assented to the legacies
therein bequeathed, so that the Negroes, "Jim Luck &
Tom" bequeathed to the widow for life were reduced
into possession by the widow. who continued to hold
the same till her intermarriage with ~~the~~ ^{Mr} Smith
that after this the said Smith & wife being about to
leave the state, sold the life right in Luck to one
Edwin B Bland who continues to hold her, together
with her increase, to wit. Bob & Nancy. altho' he
is advised of the death of Lincy Smith the tenant
for life. Your Orators beg leave further to

state. that your Orator John Warnock has duly
purchased the one fourth of one fourth interest
in 80 slaves. to which the said Lincy Smith
became entitled in fee at the death of Mary Ann
Thomas, as one of her heirs at law, your
Orator will here formally announce that Lincy
Smith the tenant for life departed this life,
sometime about the 21st of January 1837. which
event determined the interest of the 80 slaves
and gave your Orator a right to demand and
recover, the 80 negro slaves under the will of
said Thomas decd. They therefore pray that 80
Edwin B. Bland may be made a party defendant
to this bill. with apt and proper words to bind
him as such, & that he be required to answer
the several allegations of this bill on oath
as specifically as if he were specially
interrogated thereto. And further that your
Orator will shew. that 80 slaves. Jack Bob &
Nancy, together with such other increase of
Jack as may exist, be delivered up by 80 Bland
to your Orator and that 80 Bland be further
required to settle before a commissioner of this
Court an account of the heirs of 80 slaves
which have accreted since the death of the 80
Lincy the tenant for life, your Orator further pray
that the Commonwealth the writ of Habeas may be
issued Commanding & And praying such
other general & special relief in the premises
as may be consistent with Equity & the rules of
this Court, your Orator will ever pray &c.

Packer {
Reddy { P. 21

Thomas
vs
Cland } Amended
Bill

1821. Decr 20. (2976 un 22)

To the Hon^{ble}. R. H. Baker Judge &c—

Humbly complaining shew unto your honor
your complainants Nathan & Thomas David
H Thomas. John A Thomas and Thomas Prellow
Sheriff & Committee of the estate of Gincy Smith, by
way of amendment to their original bill, that
David Thomas departed this life some time
about the year 1812. having in his lifetime
duly made & published his last will & testament
in writing which at his death was duly proven
and admitted to probate at Sept. County Court
of Southampton 1812. as will more fully appear by
reference to an attested copy herewith filed and
prayed to be taken as a part of this bill. That
David Thomas left living at the time of his death
a widow Gincy. (who afterwards intermarried with
a certain William J. Smith, and the following
children, to wit: Nathan N. David H. John A.
and Mary Ann. who has since departed this life
under age, intestate & unmarried— That the Executor
to the will refused to qualify as such, but qualified
as administrator with the will annexed. That
during the course of his administration, he did
apportion to the legacies therein bequeathed, so
that the negroes, "Suek & Tom. bequeathed to
the widow for life were reduced into possession
by the widow, who continued to hold them till her
intermarriage with Wm Smith— That after the marriage
Wm Smith & wife conveyed in trust to one Horrel Harris
to ~~the~~ secure a debt due & owing by Wm Smith
to one John Wornack. certain negro slaves therein
named, amongst which, was negro woman Suek & boy
named, her increase, as will more fully appear by id
died herewith filed & prayed to be taken as a part of this
bill. That Wm Smith during still dead & unpaid a
sale of the trust negroes was afterwards made, at
which sale, John Wornack became the purchaser
of Suek. Bob & a negro girl Nancy, increase

of Luck. born after the execution of the deed of Trust
that Geo Wornack took 20 negroes. Luck. Bob &
Nancy into his possession and afterwards sold
his interest to with, an estate during the
life of Mrs Smith, to one Edwin B. Blaud
who executed to 20 Wornack. a bond, conditioned
for the return of 20 Slaves to the remaindermen
at the death of Ginny Smith, as will more fully
appear by reference to 20 bond herewith filed
and prayed to be taken as a part of this bill
that 20 Blaud took 20 Slaves into his possession
and still continues to hold the same, notwithstanding
the death of Mrs Smith, during whose
natural life he was entitled to hold them.
of our Compts charges, that Mrs Smith departed
this life sometime about the 21st of January
1837. which event determined the interest of
Blaud and gave your Orators a right to demand
and recover the 20 Slaves under the will of David
Thomas. your Compts also allege that they - to
wit. Nathan N. David H. & John A. Thomas brothers
of their deceased sister Mary Ann Thomas, together
with their mother Ginny whose estate is duly
represented by Thos Pretlow Sheriff - are the
heirs at Law of their deceased sister and as such
are entitled to her interest in 20 Slaves in
equal proportions, that administration of their
sister Mary Ann Thomas' estate has been duly
committed to Thomas Pretlow Sheriff of Northampton
County. They therefore pray that Edwin B. Blaud
and Thos Pretlow Sheriff & Committee of the
estate of Mary Ann Thomas may be made
party Defendants to this bill with apt & proper
words to bind them as such and that they be
required to answer this bill on oath. at
specifically as if they were specially interroga-
ted thereto. That Thos Pretlow Sheriff & Committee
as aforesaid be required to say, whether the debts
if any have been paid & whether he desires to

hold on to her interest and further, they pray
that your Honor will decree that 20 Slaves,
Luck. Bob & Nancy together with their increase
if any. be delivered up by 20 Blaud to your
Compts and that 20 Blaud be required to
settle before a Commissioner of this Court -
an account of the hires of 20 Slaves, which
have accrued since the death of Mrs Smith the
tenant for life and your Compts further pray
the Commonwealth writ of Spem may be directed
to Commanding & - and praying such other
general & special relief in the premises as
may be consistent with equity and the rules of
the Court your Compts will ever pray to

Parker & Radley 1/8

Clarend
vs 3, Bill
Thomas & others

1842 Oct. Docketed. & decree 8th

1843 Apr. 3rd Report.

" " J. Report confirmed in part &
recommended unto the hired.

Aug. 18th Report.

Costs.

Calc.	\$ 2.70
Sec. &	16.66
	\$ 19.36
Comm.	5.00
Off.	1.50
	\$ 25.86

440 words.

To the Hon^{ble} Rich^d H. Parker Judge of the
Circuit Sup. Ct. of Lane & Chaney for Southampton
Your Complainants Edwin B. Cland ^{and John A. Thomas} sheweth
unto your Honor, that some time since a Bill
was filed in this Court, by Nathan N. Thomas, Da-
vid ^{H.} Thomas and ~~John A. Thomas~~ and Thos. Pre-
tlow shff & committee of the estate of Jincy Smith
against him, praying that certain negroes, the
lower property of Jincy Smith, held by said
Cland should be divided among the persons
entitled to them, and that the said Cland should
be made to account for the hires from the
death of the said Jincy Smith - a decree in
accordance with which Bill has just been
entered up - Your Complainants ^{& Cland} would
further shew, that by purchase he is entitled
to all the interest of David H. Thomas in
and to the lower slaves of which Jincy Smith
did seise, and that the slaves held by y^r
Complainant ^{& Cland} do not comprise all the lower
slaves of Jincy Smith, but that other slaves
~~and Jacob & Lewis~~ ^{to wit} a part of
the lower property are in the possession of Na-
than N. Thomas, to and that y^r complainants
are entitled to $\frac{1}{3}$ interest in them & their hires
since the death of the said Jincy Smith
wherefore they pray that y^r Honor would decree
to them $\frac{1}{3}$ interest ^{each} in said slaves, and ~~also~~
also $\frac{1}{3}$ interest ^{each} in the hires since the death
of the said Jincy Smith, and grant ~~such~~
~~other further and general relief as the case~~
~~may require~~ & That Nathan N. Thomas
~~John A. Thomas, David H. Thomas and~~
Thos. Pretlow shff and Committee of the
estate of Jincy Smith be made defendants

and true answers make to the allegations herein
contained, & that y^r. Honor would grant such
other and further relief as the case may re-
quire &c

much

The answers of the defendants to the allegations
of the Bill and offers no objections to the re-
lief asked for

Answer of Nathan N. Thomas to the above bill
your Respondent saving to himself all
benefit of just-acceptation that may hereafter
arise to the Comptee's bill. For answer, says
that he admits that the two negro slaves
charged in the bill, are in his possession
and that they constituted a part of the
dower of Lincy Smith, he believes that
these are the material facts of the case
but admitting generally the allegations
of the bill to be true, he prays to
be hence dismissed &c

R & G for D^r
Answer of Thos Prentiss Sheriff & Comtee of Lincy Smith
& Mary Ann Thomas -
your Respondent saving to For answer says
that there are no outstanding claims against
either the estate of Lincy Smith or Mary Ann
Thomas, and that therefore he has no objection to a
distribution of their property and being answered he
prays to be hence dismissed - R & G

Blair & Thomas
vs 3 deces
Thomas & others

This day this cause came on to be heard
by consent of parties, on the Bill and Answers of
and was argued by Counsel, whereupon the
Court ^{by consent of parties} doth adjudge, order, and decree that
Haniel Harris, William A. Jones, and Henry More
be appointed commissioners authorized to sell
the slaves Jacob and Liza
in the Bill mentioned, now in the possession
of Nathan N. Thomas, at public auction, after
twenty days notice of the time and place of sale
on a credit of twelve months, and take three
separate bonds of equal amount, with suf-
ficient security, and assign one to Nathan N.
Thomas, one to John A. Thomas, and the
other to the Complainant E. B. Glendon as assign-
ee of David H. Thomas, and that said Commrs
make up, audit, and settle an account of the
hires of said slaves from the 1st day of January
1837 and make report thereof to this
Court in order to a final decree

Thomas J

v. } Answer

Clarend

April the 8th 1842.

The answer of Edwin B. Claud to a Bill of complaint filed as an amended Bill in the circuit Sup. Court of Law and Chancery for the county of Southampton wherein Nathan Thomas and others are plaintiffs and the said E. B. Claud Defendant.

This Respondent saving and reserving to himself all fit and proper exceptions to the many errors and misstatements in the Plaintiffs Bill set forth for as much as he is advised it is material for him to answer ~~and~~ with answereth and saith -

That it is untrue as alleged in Plaintiffs Bill that David H. Thomas ~~is~~ ^{was} at all interested in the ^{lower} ~~negroes~~ belonging to the estate of David Thomas dec. In the said David H. Thomas having heretofore and before the filing of this bill sold his interest in said ^{lower} estate to the said E. B. Claud, a copy of which Bill of sale is hereto annexed as a part of this answer the original being recorded in the Clerks Office of this County By which it will be seen that the said Claud is entitled not only to ~~the~~ part of the lower slaves, but that he is also entitled to the interest which David H. Thomas had in and to the estate of Mary A. Thomas dec. The said deft. further states that he executed to John Womack guardian of the heirs of David Thomas a bond with security for the delivery of said negroes to him on the death of Sidney Smith and that the said Womack ought therefore to have been made a party in order that the bond executed to him by the said Claud might be delivered to him ^{the deft.} in a return of said negroes, the said negroes being ~~claimed~~ ^{demanded} in virtue of said Bond.

The said deft. further states that he knows nothing of the death of Sidney Smith and therefore calls for strict proof

and prays when the respective rights of
the parties to this suit are adjusted
that he be decreed the proportion
to which he is entitled. This defendant
offers no objection to a settlement of this
controversy, being only desirous that the
distribution should be legal and
that a due regard should be had
to his interests and having answered
prays to be hence dismissed with his
costs &c.

E. B. Clark

This day personally appeared before me
a Justice of the Peace for the county
of Southampton E. B. Clark
who being duly sworn made oath
that the facts stated in the above
answer are true to the best of his
knowledge & belief.

Given under my hand
and seal this 6th day of April 1842.

E. B. Clark

Wm. J. French

Filed April 8/1842

The Answer of
E. B. Claydon

Thomas G. . . .
to } Mrs.
Claydon.

1820 April 6th

Thomas & others
vs The Chancery
Cland

The answer of Edwin B. Cland to a Bill of complaint exhibited against him in the Circuit Superior Court of Law & Chancery for the County of Southampton wherein Nathan H. Thomas, David H. Thomas, John A. Thomas & John Womack are Plffs & ~~is set~~ ~~the~~ ~~W. E.~~ ~~E. Cland is~~ ~~set~~

The Defendant saving and reserving to himself all fit & proper exceptions to the many errors & misstatements in the Plffs Bill set forth, for as much as he is advised it is material for him to answer, answereth & saith: That it is not true as stated in said Bill that he purchased ~~the~~ Suck, a female slave of belonging to Wm Smith & wife, of Wm Smith & wife & secondly, that he does not know that Fanny Smith the Tenant for life, is dead as stated in ~~5th~~ ~~Plffs~~ the Bill of the Plaintiffs - The Defendant also positively denies that John Womack purchased the one fourth of one fourth interest in said slaves to which the said Fanny Smith became entitled in fee at the death of Mary Ann Thomas as one of her heirs at law - ~~Wherefore the Defendant calls for strict~~ ~~The Defendant also states that the pro~~ ~~Wherefore the Defendant calls for~~ strict proof of all the allegations contained in said Bill & having answered prays to be ~~dismissed~~ ~~dismissed~~ with his costs &

E. B. Cland

This day personally appeared before me, a
Justice of the Peace for the County of Southamp-
ton Edwin B. Clarend who being duly sworn
deposes that the within answer to a Bill
of ^{complaint} exhibited against him by Nathan N. Thomas
is true to the best of his knowledge
& belief - Given under my hand and
seal this 16th day of March 1840
Jas May Jr. Seal

Alaud *gd*

v. } Copy Deceit

Thomas *gd*

At a Circuit Superior Court of Law and Chancery held for Southampton County on the 2nd day of November 1842.

Edwin B. Claud and John A. Thomas

against

Nathan A. Thomas and Thomas Piellow Sheriff & Committee of Jincy Smith
and Mary Ann Thomas

Plffs
Defts

This day this cause came on to be heard by consent of parties on the bill and answers of the Defendants and was argued by Counsel. whereupon the Court by consent of parties doth adjudge order and decree that Howell Harris William A. Jones and Henry Moore be appointed Commissioners authorized to sell the slaves Jacob and Jim in the bill mentioned, now in possession of Nathan A. Thomas at public Auction after twenty days notice of the time and place of sale on a credit of twelve months and take three separate bonds of equal amount with sufficient security and assign one to Nathan A. Thomas, one to John A. Thomas, and the other to the Complainant Edwin B. Claud as assignee of David A. Thomas and that said Commissioners make up audit and settle an account of the hire of said slaves from the first day of January 1837 and make report thereof to this Court in order to a final decree.

Attest

J. R. Edwards Ck

Thomas Jc

to } Copy Dured

Clauel

At a Circuit Superior Court of Law and Chancery held for Southampton County on the 3^d day of November 1842.

Nathan N. Thomas, David H. Thomas, John A. Thomas & Thomas Putton Sheriff,
and Committee of the Estate of Fincy Smith

against

Edwin B. Cland and Thomas Putton Sheriff & Committee of the Estate of Mary A. Thomas Deft.

This cause came on to be heard on the original and amended bills, the answers thereto of the defendant Cland and application and exhibits and examination of witnesses and was argued by counsel on consideration whereof it appearing that the subpoena has been served on the defendant Thomas Putton Sheriff & Committee of the estate of Fincy Smith & Mary Ann Thomas for more than two months and he still failing to appear and answer, on motion of the plaintiff the bill is taken as confessed as to him and it further appearing to the Court that the slaves in the bill mentioned cannot be divided in kind the Court by consent of parties doth order and judge and decree that Howell Harris William A. Jones and Henry Moore who are appointed Commissioners for that purpose sell at public auction after twenty days notice of the time and place of sale on a credit of twelve months the negro slaves Luck Bob & Nancy in the possession of Edwin B. Cland and take three separate bonds of equal amount with sufficient security and assign one to Nathan N. Thomas one to John A. Thomas and the other to the defendant Edwin B. Cland as assignee of David H. Thomas and that the said Commissioners make up and settle an account of the hires of said slaves from the 1st day of January 1837 and make report thereof to this Court in order to a final decree.

e. A. Coffey

Teste

L. R. Edwards Ck

Thomas
as } seen
Cham.

April Term 1843.

To be entered

R. H. B.

Thomas et al,

vs
Clair.

} This day this cause, came on to be
} further heard, by consent of parties, on
The papers previously read. and on the report of
the Court. made in pursuance of an order of
this Court pronounced at October Term 1842. on
consideration thereof the Court with confidence, so
much of said Report as relates to the sale of the
slaves Luck Bot and Nancy - and by consent of
parties, so much of the order of October Term, 1842
reprising the account of the sales of said slaves
to Marshall Davis, Wm. H. Davis and Henry Snow, is set
aside. - And the Court with order, adjings and
directs, that John Cable, a Court. of this Court. audit
state and to the Court ^{report} an account of the sales
of the slaves Luck Bot. and Nancy, (which were in
the possession of Edwin B. Clark) from the 1st
day of July 1837. to 26th Dec. 1842. with any
particulars specially stated, naming particularly himself
or which may be required, by the parties to be so
stated.

Thomas Jr
 & J. Co. Deened
 Island of

Notice August 23

$$\begin{array}{r} 152- \\ 280- \\ \hline 13 \overline{) 732} \\ 244- \\ \hline \end{array}$$

John Thomas Jr

$$\begin{array}{r} 208- \\ = \\ \hline 152 \\ 244- \\ \hline 208- \\ 200 \\ \hline 72 \end{array}$$

At a Circuit Superior Court of Law and
Chancery held for the County of Southampton
the 7th day of April 1843.

Nathan A Thomas, David St Thomas, John A Thomas and
Thomas Puttoss Sheriff Committee of the Estate of Jemey Smith dec'd. }
Plffs
against
Edmund B Clarend and Thomas Puttoss Sheriff Committee of the estate
of Mary A Thomas dec'd. }
Defts

This day this cause came on to be further heard by consent of parties, on
the papers formerly read, and on the report of the Commissioners made in
pursuance of an order of this Court pronounced at October Term 1842.
On consideration whereof the Court doth confirm so much of said report
as relates to the sale of the slaves Luck Bob and Nancy - And by consent
of parties, so much of the order of October Term 1842 referring the account
of the hires of said slaves to Russell Harris, William A Jones & Henry
Moore is set aside - And the Court doth order, adjudge and decree that
Jeremiah Cobb a Commissioner of this Court audit state and to the Court
report an account of the hires of the slaves Luck Bob and Nancy
(which were in the possession of Edmund B Clarend) from the first day of
January 1837 to the 25 day of December 1842, with any matters specially
stated, deemed pertinent, by himself or which may be required to be so stated -

Attest.

Teste. L. R. Edwards Esq. Ck.

©

Thomas de } Combs
vs
Claude de } Notue

We acknowledge legal service of the within
notice

July 19th 1843

July 23rd 1843

N. N. Thomas

E. B. Fland

July 29th 1843

John A. Thomas

At a Circuit Superior Court of Law & Chancery
held for the County of Southampton on the
7th day of April 1843

Nathan M. Thomas, David M. Thomas, John M. Thomas and
Thomas Pultow Sheriff & Committee of the estate of Nancy Smith dec'd Plff
against

Edwin B. Claiborne, and Thomas Pultow Sheriff & Committee
of the estate of Mary M. Thomas dec'd

This day this cause came on to be further ^{heard} by consent of
parties on the papers formerly read, and on the report of the com-
missioners made in pursuance of an order of this Court pronounced
at October term 1842. On consideration whereof doth confirm
so much of said report as relates to the sale of the Slaves Suck
Robt. of Nancy, and by consent of parties, so much of the order
of October Term 1842 referring the account of the heirs of
said slaves to Howell Harris, Wm. M. Jones, & Henry Moore
is set aside. And the Court doth order adjudge and decree
that Jeremiah Cotto a Commissioner of this Court, audit-
state, and to the Court report an account of the heirs of
the Slaves, Suck, Robt & Nancy (which were in the pos-
session of Edwin B. Claiborne) from the first day of
January 1837 to the 25th day of December 1842, with any
matters specially stated deemed pertinent by himself
or which may be required to be so stated

A Copy

Comm^r Office Jerusalem June 12/1843

Teste L. R. Edwards Clk

The parties interested in the settlement of the account
directed by the order of the Court, are required to attend at the
Court House on Tuesday 23rd August next, with their acct^s
and testimony for examination & settlement

Ans^r M. Corro

Thomas Tal

vi. 23

Claude te.

Deven to be entered

R. H. B.

Thomas
vs
Blaird } Decree.

This cause came on to be heard on the original and amended bills, the answer thereto of the defendant Blaird and replications and exhibits and examination of witnesses and was argued by counsel: On consideration whereof, it appearing that the ~~affidavit~~ has been served on the defendant Thomas Prettles sheriff & Committee of the estates of Lincy Smith and Mary Ann Thomas for more than two months and he still failing to appear and answer, on motion of the Plaintiff the bill is taken as confessed as to him and it further appearing to the Court, that the slaves in the bill mentioned cannot be divided in kind, the Court ^{by consent of parties} doth order adjudge and decree, that Howell Harris, William A. Jones and Henry Allen who are appointed Commissioners for that purpose, sell at public auction, after twenty days notice of the time and place of sale, on a credit of twelve months, the negro slaves Suck, Bob and Naney in the possession of Edwin B. Blaird and take three separate bonds of equal amount with sufficient security and assign one to Nathan N Thomas, one to John A Thomas and the other to the defendant Edwin B. Blaird as assignee of Daniel H. Thomas And that said Commissioners make up, audit, and settle an account of the hires of said slaves from the 1st day of January 1837. and make report thereof to this Court in order to a final decree

Elaine }
" } Dec
Thomas }

April Nov 1843.

Kelana

as

Thomas.

This way this cause came on to be further
made by consent of parties, on the proper journey
made, and on the report of the Court made in
pursuance of an order of the Court pronounced at
October term, 1842, on consideration thereof the Court
withdrew so much of the said report, as relates
to the sale of the slaves Jacob and Jane, and by con-
sent of parties, so much of the order of October term
1842. Referring the account of the hires of the said
slaves to Robert Harris, Wm. A. Jones and Henry Moore,
is set aside - and the Court with adjudge order
made herein, that John Cobb, a Commissioner of this Court,
audit state and to the Court report, an account
of the hires of the said slaves Jacob and Jane, from
1st day of January 1837, to 25th day of December
1842. with any matters specially stated, annexed
jointly by himself, or which may be required
by the parties to be so stated.

I do acknowledge legal service of the within
notice June 19th 18213 — N. N. Thomas
July 23rd 18213 — E. Bland
July 29th 18213 — John A. Thomas

Charles de }
as }
Thomas de }
Comis }
Notice }

At a Circuit Superior Court of Law & Chancery
held for the County of Southampton the 7th day
of April 1843

Edwin B. Claude and John A. Thomas

Plffs

against

Asaph M. Thomas and Thomas Pitters Sheriff and
committee of Jency Smith & Mary Ann Thomas

Defts

This day this cause came on to be heard by consent of parties
on the papers formerly read, and on the report of the commissioners
made in pursuance of an order of the Court pronounced at October
Term 1842. On consideration whereof the Court doth confirm
so much of the said report as relates to the sale of the slaves
Jacob & Jim - and by consent of parties so much of the order
of October term 1842, referring the account of the hires of said
slaves to Howell Harris, William A. Jones & Henry Moore
is set aside, and the Court doth adjudge order & decree
that Benjamin both a Commissioner of this Court audit & state
aid to the Court report an account of the hires of the said slaves
Jacob & Jim, from the 1st day of January 1837 to the 25th day of
December 1842 with any matters specially stated deemed
pertinent by himself, or which may be required by either
of the parties to be so stated

A Copy

Teste. L. R. Edwards Clk

Comr's Office Jerusalem June 12/1843

I have appointed Tuesday the 22^d day of August next
to take up the accounts directed by the above order of
the Court, on which the parties interested, are required to
to attend with their vouchers & testimony for exami-
nation & settlement at the Courthouse in Jerusalem

Geo. W. Comr

Oland Jr
to } for Deere

Thomas Jr

Notice to the 22 August
next issued Jan 12/1843

At a Circuit Superior Court of Law & Chancery
held for the County of Southampton the 7 day
of April 1843. -

Edwin B. Claud and John A. Thomas

Plffs

against

Nathan A. Thomas and Thomas Putton Sheriff and Committed
of Jincy Smith and Mary Ann Thomas

Defds

This day this cause came on to be further heard by consent of parties
on the papers formerly read and on the report of the Commissioners made in
pursuance of an order of the Court pronounced at October Term 1842. on
consideration whereof the Court doth confirm so much of the said report as
relates to the sale of the slaves Jacob and Jim - and by consent of parties
so much of the order of October Term 1842. referring the account of the
hires of said slaves to Howell Harris, William A. Jones and Amy More
is set aside - and the Court doth adjudge, order and decree that Je-
-miah Cobb a Commissioner of this Court audit, state and to the Court report, for
account of the hires of the said slaves Jacob and Jim from the first day
of January 1837 to the 25th day of December 1842. with any matters special-
ly stated deemed pertinent by himself or which may be requested by either
of the parties to be so stated -

Attest

Teste L. R. Edwards Clk

Clara. vs. Thomas

Recd

Thomas vs Clara.

} now for
Lewin

Octo Jan 1843.

To be entered

R. H. B

Clara as Thomas
and
Thomas as Clara }

This day the cause came on
to be ~~presented~~ ^{heard} ~~and~~ ^{together} the papers formerly
read, and on the reports of Corn. Cobbs. and
on the exceptions, of Nathan Thomas, and E. B.
Clara as Thurst. - and the ^{court} sustaining the exception
of Clara, and overruling the exceptions, of
Nathan Thomas. Confirms the said Report
in all other things. On consideration
whereof the court with adjudge, order and
decree, that Edward B. Clara pay to John
Thomas the sum of Two hundred and eight
dollars, with interest thereon from 31st day
of December 1842 till paid, and that he retain
the sum of Two hundred and forty four, with
like interest. as his own portion of the amt.
of him of the claims in the proceedings, men-
tioned. And that Nathan Thomas, pay to
John Thomas the sum of thirty six dollars.
with interest from 31st Dec. 1842, till ^{paid}, and
that he retain the sum of Two hundred and
forty four dollars. his portion of the said, ~~sum~~
of the claims. It is further ordered and decreed
that E. B. Clara. Nathan Thomas, and John
Thomas, pay equally the costs of these suits.

Thomas Hall

& { Sp^o in Chy

Kelaud

To August Rules 1839-

Ridley-

Left a true copy
with the wife of E.B.
Claud he being
absent from home

D.H. Dromgoole Depty
J.D. Masfumburg

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Edwin D Leland*

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 *August* next, to answer a Bill in Chancery exhibited against *him* in the said Court by

Nathan N Thomas. David H Thomas. John A Thomas and John Womack

And unless *he* shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. And this *he* 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 *22^d* day of *July* 183*9*, in the *64th* year of the Commonwealth.

L R Edwards

[One Copy to be delivered each Defendant.]

Thomas Gad

to Spanish City

Leland

To September Rules 1839-

Executed

Wm. McNeill, Deputy of
James D. Napierburg
J.D.N.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Edwin B. Claud*

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 *September* next, to answer a Bill in Chancery exhibited against *him* in the said Court by

Nathan N Thomas, David H Thomas, John A Thomas and John Womack

And unless *he* shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. And this *he* 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 *5th* day of *August* 183*9*, in the *64th* year of the Commonwealth.

L R Edwards Clk

[One Copy to be delivered each Defendant.]

Southampton Co to wit

This day Benj. C. Waller personally
appeared before me in the County aforesaid and made
oath that he delivered a true copy of the within
notice to Edwin B. Floyd on the seventeenth day
of December Eighteen hundred and forty seven
under my hands this 2nd day of April 1847

J. D. Mapleton J. R.

Mr Edwin Bland,

December 11th 1840

Sir, Take notice that I shall on the 1st day of February 1841 at the office of Mr Hayes in Hopkinsville Kentucky take the depositions of William J Smith and Thomas A Smith, also on the 15th day of February 1841 at the office of James B Husbands Esq; in the town of Paducah, State of Kentucky, take the depositions of John Moore Elizabeth Francis and others, to be read as evidence in a certain suit or controversy now pending in the circuit Superior court of Law & chancery for the County of Southampton, on the chancery side of sd court, wherein myself and others are Plaintiffs and you are Defendant; when and where you may attend if you see fit,

If the depositions are not taken on the days above named they will be continued from day to day till they are taken -

Nathan N Thomas

This day personally appeared before me
 James D. Westbrook and made oath that
 he delivered to Edwin B. Cland Esq. a
 true Copy of the within notice on
 saturday the 7th day of this month
 Given under my hand this 27th August
 1841 ~

Wm. Everett Jr

Thomas &
 v { notice
 Cland

Fils Sep. 26/1841

Copy
 of
 Notice

Mr Edwin Bland

Take Notice that I shal on the 28th day of August 1841 at Samuel Drewrys Store House in the County of Southampton between the hours of Nine O'clock A.M. and Six O'clock P. M. proceed to take the depositions of George Ivy and others to be read as evidence in a certain suit or controversy now pending in the circuit superior court of law and chancery for the County of Southampton on the chancery side of said court wherein myself and others are plaintiffs and you are the defendant, where you may attend if you see fit

If the said depositions are not taken on that day they will be continued from day to day except Sundays until they are taken

Nathan N Thomas

August 6th 1841 —
3

L.S.C

Thomas J^r

2 J^r in City

Cland J^r

1842 February Rules

Executed upon E. B. Cland
& Sheriff Jan. 17th 1842

N. M. Selwell Cor.

THE COMMONWEALTH OF VIRGINIA,

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

We command you that you summon *Edwin B. Claud & Thomas Preston*
Sheriff & as such administrator of Mary A. Thomas dec^d.

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

February — next, to answer a Bill in Chancery exhibited against *them* in
the said Court by *Nathan N. Thomas, David H. Thomas, John A.*
Thomas & Thomas Preston Shiff & Committee of the estate of Jincy
Smith dec^d.

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 *3^d* day of
January 1842, in the *16th* year of the Commonwealth.

L. R. Edwards Clk

[One Copy to be delivered each Defendant.]

Thomas had

to 3 Wm.

Claud yet.

The Commonwealth of Virginia: To any Two Justices of the Peace for
the County of Mecklenburg State of Kentucky — Greeting:

Know ye that we trusting in your fidelity and provident circumspection
in diligently examining whatever witnesses on behalf of the plaintiffs in a suit
in Chancery depending in the Circuit Superior Court of Law and Chancery for the
County of Southampton between Nathan W Thomas, David A Thomas, John
A Thomas and Thomas Britton Sheriff & Committee of the estate of Quincy
Smith plaintiffs and Edward D Claude & Thomas Britton Sheriff & Committee
of the estate of Mary Ann ^{Thompson} ~~Smith~~ Defendants

command you, or any two or more of you, that at such day and place as you
shall appoint, you assemble yourselves, and the witnesses aforesaid before you,
you call and cause to come, and diligently examine on the Holy Evangelist
of Almighty God, and ~~then~~ examination into our said Court dis-
tinctly and plainly without delay you send and certify enclosed returning also
this writ: Witness, ~~James Rochelle~~ ^{Lillian R Edwards} Clerk of our said Court, at the
Courthouse this 1st day of January — 1842.
in the 6th year of the Commonwealth.

L R Edwards *CL*

Thomas H

& { Dep.

Leland

Came to hand under seal March

15th 1841.

JR Edwards

Thomas Galt

to } Lem

Blair

The Commonwealth of Virginia: To my Two Justices of the Peace for
the County of ~~McCracken~~ State of ~~Kentucky~~ Greeting:

Know ye that we trusting in your fidelity and provident circumspection
in diligently examining whatsoever witnesses as well on behalf of the plaintiffs
as of the Defendants in a Suit in Chancery depending in the Circuit Superior
Court of Law & Chancery for the County of Southampton between Nathan W
Thomas, David H Thomas, John A Thomas & John W mack plaintiffs
and Edwin B Bland Defendants

command you, or any two or more of you, that at such day and pl. ce as you
shall appoint, you assemble yourselves, and the witness as aforesaid before you,
you call and cause to come, and diligently examine on the Holy Evangelist
of Almighty God, and ~~this~~ examination into our said Court dis-
tinctly and plainly without delay you send and certify enclosed returning also
this writ. Witness, ~~William R Edwards~~ ~~James Rochelle~~, Clerk of our said Court, at the
Courthouse this 9th day of December 1840
in the 65th year of the Commonwealth.

L R Edwards

Page 1

The deposition of Etheldred G Barker
John Moore Nathaniel Tubrell Penelope
Moore and Elizabeth Mandy taken before
us George Riney and John McClynn
justices of the peace in and for the
County of Mercer and the Common-
wealth of Kentucky on the 15th day
of February 1839 at the law office of
James B. Husband in the town of
Paducah and County of Mercer State
of Kentucky in pursuance of a ~~decision~~
decision issued from the Circuit Superior
Court of Law and Chancery for the County
of Southampton and Commonwealth of
Virginia and greable to the notice here
annexed to be read as evidence on the
part of the complainant in a suit
in chancery now depending in the Circuit
Superior Court of Law and Chancery for the
County of Southampton and the Common-
wealth of Virginia wherein Nathaniel
Thomas David H Thomas John A Thomas
and John Hornack are plaintiffs and
Edwin B. Claus is defendant the deponents
being of lawful age and first duly sworn
depose and say as follows
Etheldred G. Barker

1 I swear by plaintiff. are you or you not acquainted
with the plaintiffs in this suit

Answer. Page 2
I am

- 2 Question by same were you or were you not acquainted with their mother Gincy Thomas
Ans. I was
- 3 Question by same. did she or did she not after the death of her husband David Thomas marry one William T Smith
Ans. I did not see them married but it was the general ^{report} both in Surry and in this country that they were married
- 4 Question by same. did or did not said Gincy and her reputed husband William T Smith remove from Southampton County Virginia to Hopkins County Kentucky and from Hopkins County Kentucky to Mecklenburg County Kentucky

Ans. When I removed from Southampton County Virginia I found William T Smith and his reputed wife Gincy in Hopkins County Kentucky and removed from there to Mecklenburg County Kentucky with her and her said wife Gincy

- 5 Question did or did not said Gincy depart this life on or about 21st of January 1837 in the County of Mecklenburg and State of Kentucky

Ans. I was not present at her death but saw her buried

Page 3

and further this deponent saith not

E. G. Barker
of lawful age
John Moore being first duly sworn deposed as follows. In the Spring into Hopkins County State of Kentucky 1824 William T Smith removed from Southampton County Virginia as he said with a family his wife was named Gincy she had two sons with her called David H Thomas and John A Thomas and ^{frequently} ~~was~~ of said that her first husband was named David Thomas and that she left a son behind named Nathan N Thomas. The said Gincy has since died on or about the 21st of January 1837 I was present at her death and burial and I have since her death seen Nathan N Thomas and have heard said Smith and ~~her children~~ say that he was the son of her said wife Gincy deceased and said Smith's children say that said Nathan N Thomas was their ^{half} brother and further this deponent saith not

John Moore

of lawful age and
Nathaniel Futrell being first duly sworn deposed as follows

I was acquainted with T Smith from the time he removed to Mecklenburg County his wife was named Gincy

tooth said Smith and his wife have
told me that her former husband was
named David Thomas said Gurey has
departed this life on or about the 21st
of January 1892 I did not see her die
but I made her coffin and marked on
the lid and helped bury her and further
this deponent saith not

W. J. Hubbell

Penelope Moore being of Tacoput
age and first duly sworn deposed as
follows

1 Question by plaintiff.

Did or did not son William
J Smith ~~move~~ into Hopkins County Kentucky
in the spring of 1824

Answer yes

2 Question by same

Was or was not said Smiths
wife named Gurey
Ans. yes

3 question by same.

Have you or have you not frequently heard said Smith and his wife Giney say that they removed from Southampton County Virginia and that said Gineys former husband was named David Thomas.

Answer. yes

4 question by same.

Had you had not said Smith with her two children called David H. Thomas and John A. Thomas that were said to be the children of of said Giney by her former husband David Thomas.

Answer. yes

5 question by same.

Did or did not said Smith with her wife Giney afterwards remove to Mecklenburg County Kentucky.

Answer. yes

6 question by same.

Did or did not said Giney Smith depart this life on or about the 21st of January 1837.

Answer. she did and further this

deponent hath not ^{her}
 Penelope Moore
 mark

Elizabeth Mundy being of lawful
 age and first duly sworn deposed as
 follows

I was acquainted with William
 J. Smith and Gincy Smith his wife
 in Southampton County Virginia
 it was the general rumour in that
 county that said Gincy was formerly
 married to one David Thomas.
 The maiden name of said Gincy was
 Womack said Smith removed from
 Virginia to Hopkins County Kentucky
 and from there to Merceus County
 Kentucky said Gincy Smith is since
 dead & was present when she died
 & helped shroud her and was at her
 burial and further this deponent
 hath not

^{her}
 Elizabeth Mundy
 mark

Merceus County Court

The foregoing depo-
 sitions of Elishedred & Barker John
 Moore Nathaniel Fubrell Penelope Moore
 and Elizabeth Mundy were this day taken

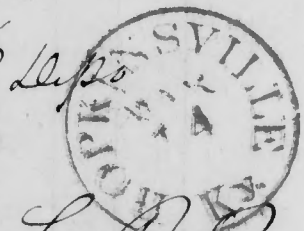
subscribed and sworn to by the said
 Elishedred & Barker John Moore Nathaniel
 Fubrell Penelope Moore and Elizabeth Mundy
 before the undersigned Justices of the for
 said County at the time and place and
 for the purpose stated in the caption thereof
 given under our hands and seals this the
 13th day of February 1839

John M. E. & J.
 J. Medgill

Morings fee	\$ 2.50
Justices fees	\$ 2.00
Five witnesses -	2.50

D. May Jr

Thomas
Cland



25

L. R. Edwards Esq
Clerk of the Circuit Superior Court
Southampton

Mail

Virginia

27. 1841.
L. R. Edwards Esq
Clerk of the Circuit Superior Court

Revised

Thomas J. G. B.
at Newport
D. May Jr

The Commonwealth of Virginia: To any two Justices of the Peace for
the County of Christian State of Kentucky. - Greeting:

Know ye that we trusting in your fidelity and provident circumspection
in diligently examining whatsoever witnesses as well on behalf of the plaintiffs
as of the defendants in a suit in Chancery now depending in the County Court
of Southampton between Nathan N Thomas, David H Thomas, John A
Thomas and John Womack plaintiffs and Edwin W. Claud Defendant

command you, or any two or more of you, that at such day and place as you
shall appoint, you assemble yourselves, and the witnesses aforesaid before you,
you call and cause to come, and diligently examine on the Holy Evangelist
of Almighty God, and their examination into our said Court dis-
tinctly and plainly without delay you send and certify enclosed returning also
this writ. Witness, ~~L. R. Edwards~~ James Rochelle, Clerk of our said Court, at the
Courthouse this 16th day of November 1840
in the 15th year of the Commonwealth.

J. R. Edwards Clk.

1st day of Feb 1841

Thomas Gads

& } Leon^w

Leon^d

The Deposition of William T. Smith and Thomas
Alsmith Taken at the Office of S^t Rays
in the Town of Hopkynville Buchanan County
Kentucky On the first day of February
1841. agreeably to Deedman's to us directed
from the Clerk of the Circuit Superior Court
of Southampton State of Virginia in order to
be read as evidence on the part of Plffs or
Defnts. in a certain Suit in
Chancery now pending and undetermined
in a certain Suit in Chancery in the
Circuit ~~Superior~~ Court of Southampton
State of Virginia wherein between Nathan
N Thomas, David A Thomas, John A Thomas
and John Wornack are plffs and Edward
Bloland is Defendant.

The said Dependant William T
Smith being of lawful age and first duly
sworn on the Holy Evangelist of Almighty
god. - Depoath Haith

That in the Year 1813 he married
a Mrs Gincy Thomas who was the Widow
of a certain David Thomas of Sampson
County & State of Virginia, that at
the time of his intermarriage with
the said Mrs Thomas, she had then
living four Children, (To wit)
Nathan A. Thomas, David A. Thomas,
John A. Thomas & Nancy Thomas
reputed heirs of her late husband
the said David Thomas dec^d, that
in the Year 1824 him & his said wife
Gincy Moved to the State of Kentucky

and on the 21st day of January 1837.
She his said wife Gincy departed
this life, and further this deponent
saith not,

Jm J. Smith

Also the Deposition of Thomas A. Smith
taken at the same time & place in order to
be read as evidence in the same case
who being of lawful age and first duly
sworn upon the Holy Evangelist of
Almighty God. Deposeth & saith

That ~~that~~ he was present at the
death of Mrs Gincy Smith wife
of William J. Smith whose death
happened on the 21st day of January
1837. and further this deponent
saith not,

Thomas A. Smith

The Commonwealth of Kentucky

Christian County &c

The foregoing Deposition of Thomas A. Smith taken the
day taken sworn to and by the said Dependant subscribed
before us the undersigned Justice of the Peace in & for the
County and Commonwealth of aforesaid, at the time and
place in the caption hereof mentioned and for the
purposes therein contained, in pursuance of a Dedimus
to us directed thereto attached. Given under our
hands this 4th day of July 1841.

Justice fees \$2 00

J. Hays J.P.

W. S. Tallott J.P.

J. Hays J.P.

W. S. Tallott J.P.

Thomas &

v { Dep: of Mr Harris
Geo. J. & F. G. Jones

Clarend

Came to hand sealed Sep. 20th

1841,

L.R.C

Depositions of George Ivy and others taken at
Samuel Dineen's Store House in the County of
Southampton and State of Virginia, on the 28th
day of August in the year 1841 between the hours
of nine O'clock A.M. and six O'clock P.M. to be read
as evidence in a Chancery suit now pending in the
Circ: Sup: Court of Law and Ch. for the County of
Southampton, on the Chancery side of said Court
in which Nathan & Thomas and others are. p'ts
and Edwin B. Claude is. chf.

William Harris having first been duly sworn
on the Holy Evangelists, deposes and says as
follows. That in the year 1837. I lived in the employment
of Edwin B. Claude and at that time he the said Claude
had in his possession the following slaves To wit Bob, Suky
& Nancy. I lived with Mrs. Claude from the 1st Jan. 1837
until the next Christmas. I often heard Mr. Claude
say that the negroes above mentioned were the slaves which
he purchased during the life of Mr. Smith formerly Mr.
Thomas, & further this deponent saith not.

George Ivy having first been duly sworn on
the Holy Evangelists deposes and says as follows -
I was cryer and sold at the Store house of Benj. Turner
dec. in the County of Southampton the lower right of
Mrs. Lincy Smith dec. formerly Lincy Thomas the widow
of David Thomas dec. three negroes Bob, Suky & Nancy
and John Womack became the purchaser, & that
Edwin B. Claude has now the said three negroes in his
possession, & I understood that the said Claude became
the purchaser of said ~~three~~ negroes from Womack
& further this deponent saith not. George Ivy
Francis G. Jones having first been duly sworn on the Holy
Evangelists deposes and says as follows.

That Mr. E. B. Bland has in his possession three Negroes
to wit Bob, Suky & Nancy & has had for several
years, & I have always understood that the said Negroes
were the owner of Mr. Jincy Smith decd. formerly
Thomas. & further this deponent saith not.

Francis Y. Jones

I hereby certify that the above depositions of
William Harris, George Joy and Francis Y. Jones
were 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
given under my hand this 28th of Decr just
in the year 1841

J. G. Parker (Jp)

Thomas G. P.

" { Depot.

Cloud

Name to hand under Sol (March)

21/181.2

The deposition of Penelope Moore, taken at the Court House in the Town of Paducah, County of McCracken, & Commonwealth of Kentucky on the tenth day of February, in the year 1842. agreeably to notice, to be read as evidence on the part of the plaintiffs in a suit in Chancery now depending in the Circuit Superior Court of Law and Chancery for the County of Southampton & Commonwealth of Virginia, between Nathan S. Thomas, David H. Thomas, John A. Thomas, and Thomas Patton, Sheriff & Committee of the Estate of Quincy Smith, Plaintiffs, and Edwin B. Glend & Thomas Patton, Sheriff & Committee of the Estate of Mary Ann Thomas, Defendants. The deponent being of lawful age & first duly and lawfully sworn deposed and said -
Question by Complainants

Were you acquainted with Quincy Smith, wife of Dr William T. Smith?

Answer. I was. I lived about three fourths of a mile from her.

Question by same. State whether or not she is now living?

Answer. She is not. I was by her at her death & saw her die. I do not recollect precisely the time, but to the best of my recollection, it was about the month of January, 1837. And further this deponent saith -
Penelope Moore.

also the deposition of Nathaniel Futrell,
taken at the same time & place, & for
the same purposes as the foregoing. The de-
ponent, being of lawful age & duly sworn, deposes & saith -
Question by Complainant.

State whether or not you were acquainted
with Gincey Smith, wife of William T. Smith?

Answer. I was. I lived within about
a mile of her.

State whether or not she is still living?

Answer. She is not. I did not see her die,
but I was with her repeatedly during
her last illness, & a few hours before
her death. I made the coffin & put her
corpse into it, & helped ^{raised up} the coffin
bury her. This
was some time about the month of Jan-
uary, 1837.

And further this deponent saith
not. W. T. Futrell

also the deposition of William Titoworth,
taken at the same time & place & for the
same purposes as the foregoing. The
deponent, being of lawful age, & duly
sworn, deposes & saith -

Question by Complainant.

State whether or not you were acquaint-
ed with Gincey Smith, wife of William

T. Smith?

Answer. I was. I lived about a mile &
a half from her.

By same. State whether or not she is
now living.

Answer. I did not see her die, but I was
at her house ^{with Nathaniel Futrell} during her last sickness, & thought
she would not live till the next day - but
was informed that she lived three days ~~after~~
longer. A few days afterwards I was called
to attend her funeral. I did not see the
corpse in the coffin, but I helped bear
the coffin to the grave. And further this
deponent saith not. W. T. Titoworth

Commonwealth of Kentucky
McCracken County S. C.

The foregoing depositions of Penelope
Moore, Nathaniel Futrell, & William Titoworth
were this day taken, subscribed & sworn to
before the undersigned, two justices of the
Peace for the County of McCracken & Common-
wealth of Kentucky - at the time & place &
for the purpose stated in the Caption thereof.

Justices Fees \$2.00
Witnesses Fees 1.22
Constable's Fee .50
for summoning
witnesses - 83.72

By J. M. Ely, J. P.
I Am M. Ely, J. P.

Thomas' atts

To. } Recept.

Claud

1840 Aug: 8th ack^d J^r AR

Recorded.

Page 530

END.

8th Augt- 1840 Recd. of Edwin B.
Clare & the sum of Six hundred dollars
in full for the purchase of David H.
Thomas' Interest in the House Estate of
Lucy Smith late Lucy Thomas that is to
say all the personal Estate together with
his damages &c. - David C. Furber
attorney in fact for
David H. Thomas

Aug 8th

Southampton County In the Clerk's Office the 8th day of August 1840
This receipt was this day acknowledged by David C. Furber attorney for
David H. Thomas and admitted to Record

Josh L. Edwards Clk

A List of Hires
of the Dover Regt
of Fincy Smith -

1843 April 3^d

We the undersigned Commissioners appointed
by The Circuit Supr. Court of Law
and Chancery held for the County of
S^oampton Vt. to take into consideration
and assess the hire of the ^{domer} negroes belonging
to the Est. of Jincy Smith dec. formerly
Thomas, for the years 1837, 38, 39, 40,
41, & 42, after due deliberation, have
assess^d their ^{hire} as by statement herunto
attached, ^{will appear.} all of which are respectfully
submitted to The Hon^{ble} Rich^d. H. Baker
Esq^r Judge - Dec^r 26th 1842 -

David Harris
Jm. A. Longland
Henry Moore -

A List of Hires
of the Dower Negroes
of Jincy Smith -

A List of Hires of the seven negroes which Jincy Smith held in the Estate of David Thomas decd. In possession of E. W. Mallard, Decr 26th 1842 —

Agst Bot. for the year 1837 —	\$ 53.00	May 1837 —	15.00
— 1838 —	60.00	— 1838 —	18.00
— 1839 —	60.00	— 1839 —	20.00
— 1840 —	60.00	— 1840 —	20.00
— 1841 —	60.00	— 1841 —	25.00
— 1842 —	60.00	— 1842 —	25.00
	<u>\$ 353.00</u>		<u>\$ 123.00</u>

Suckey for 1837 —	\$ 30.00	For Bot 6 years —	353.00
— 1838 —	25.00	For Suckey stills —	120.00
— 1839 —	20.00		<u>\$ 596</u>
— 1840 —	15.00		
— 1841 —	15.00		
— 1842 —	15.00		
	<u>\$ 120.00</u>		

Jacob in possession of J. W. Thomas

For the year 1837 —	25.00
— 1838 —	30.00
— 1839 —	35.00
— 1840 —	40.00
— 1841 —	45.00
— 1842 —	45.00
	<u>\$ 220.00</u>

For keeping the man Linc

for the year 1842 —	10.00
	<u>\$ 210.00</u>

1843. 4/10 27

Deweyville Va
April 11 1843

Double 12

To The Clerk of the Circuit-Supr
Court of Law & Chancery for
The County of Sampton

Thomas
v
Report

To. The Hon^{ble} Rich^d St Baker Esq^r Judge
for The Circuit Sup^r Court of Law & Chancery
for The County of S^campton Va.

We The undersigned Commissioners
to whom were directed, two decrees issued
from S^c Court directing us to sell the dower
negroes belonging to the Est^t of Jusep Smith
de^d formerly Thomas have performed that
duty agreeable to the decrees, and further
agreeable to S^c decrees have had under
consideration the value of the hires of
S^c negro slaves for the yrs 1837 38, 39 40,
41, & 1842 and after due deliberation
have asse^d their hires, as will appear
by a^ccount herein forwarded, together
with the a^ccount of the sales of
said negro slaves, all of which we
do hereby respectfully submit to the
hon^{ble} Judge Rich^d St Baker and The
Court afores^d for their consideration &
approval - Sign^d Dec^r 26th 1842

Howel Harris com^r
Jm. A. Jones
Henry Moore

Clara &
to } Report.

Thomas &
1843 April 3rd

Account of Sales of the dower negroes which Jincy
Smith held in the Estate of David Thomas & Co.
sold this 26th day of December 1842 —

Negro man Bob —	To Thomas B. Williamson —	457.00
Boy Jacob —	Nathan S. Thomas —	399.00
old woman Sucky —	John A. Thomas —	99.00
Girl Nancy —	Ethelred C. Pebles —	370.25

1319.25

• Sep for Comm. frs — \$5. each — 15

for keeping old man Lin his
life time — To E. R. Clend —

24.99
\$39.99

\$1279.26

\$426.42

each portion

We the undersigned Com^{rs} appointed by the
S^{up} Court of of law and Chancery held
for the County of Southampton Co. - Applicable
to a decree issued therefrom, after giving
Twenty days notice of the time and place
of sale we proceeded to sell at public
auction, the dower Negroes belonging to
The Est^{ty} of Jincy Smith formerly Thomas
as directed by the decree of S^{up} Court
on account of which is herewith attas-
=ched, all of which were respectfully
submit to The Hon^{ble} Rich^d. St Baker
Esq^r Judge for his Consideration. Dec^r
The 26th Feb 1842 - Signed -

Howel Davis }
Am. A. Long } Com^{rs}.
Henry Moore }

Statement of the proceedings of Commissioners on account
of sales of the decessed Negroes of Quincy Smith dec'd.
Nathan A. Thomas's ~~portion~~ purchase Dec. 26th 1842.

Quot. — \$399 —
24. 99 off for keeping old man Jim —
374. 38 Thos. B. Williamson's Bond
42. 83 Ethell. C. Publer's ditto —
\$426. 42 new portion (say) et. c. t. Thomas

John A. Thomas's purchase
old W. man security \$99. 00
E. C. Publer's Bond — 327. 42
\$426. 42 John A. Thomas —

Edwin B. Claul's portion —
Thos. B. Williamson's Bond \$426. 42 —

\$1279. 26
paid to Commissioners — 15. 00
for keeping old man Jim — 24. 99
whole amt. of sale \$1319. 25

426. 83.
327. 42
370. 25

42. 83
327. 42
370. 25

399
27. 42
426. 42
9. 38
15 —
451. 00

370. 25 —
42. 83
327. 42
426. 62
388. 55
42. 83

370. 25 —
17. 84
352. 41
95. 00
451. 41
24. 99
426. 42

399
9. 58
12
410. 58
7. 20
17. 64
9. 38
27. 42

Thomas de Comro.
res
blanca } Report

1843. Augt 08th Reported

Thomas

Blaine

In Chancery

1881
1887

The Court is directed to take an account of the hire of the Slaves Buck, Bob, and Nancy (which were in the possession of Edwin B. Blaine) from the first day January 1837 to the 25th day of December 1842.

Nathan A. Thomas & Edwin B. Blaine attended a greatly^d notice now filed, from whom the Court first ascertained the age and the particular description of the Negroes to wit: Buck was about 59 years old in 1837 Bob 18 years old, and Nancy 10 years old. And from which the Court settled their hire as well as he could from the hire of other Negroes of their description about that time.

The Court is directed to take an account of the hire of the above Slaves who were in the possession of Edwin B. Blaine, which is done in the following form from the January 1st 1837 to Decr 25th 1842.

			Dr	Cr	Int
1837	By the hire of Buck		"	10 00	
	" " Bob		"	60 00	
	" " Nancy		"	7 00	
Decr 31	By amt hire this year	\$		77 00	
1838	By hire of Buck		38 00		
	" " Bob		60 00		
	" " Nancy		9 00	77 00	
Decr 31	By amt for hire due this day		"	154 00	
	" Int. on the hire for 1837		"	"	4.62
1839	By hire of Buck		6 00		
	" " Bob		60 00		
	" " Nancy		12 00	78 00	
Decr 31	By balance due for hire this day	\$	"	232 "	4.62
	" Int on \$154. Last balance		"	"	9.24
	Car'd forward				13.86

		Dr	Cr	Ref
1839				
Dec 31	By balance brought forward	"	292 00	13.86
1840	By hire of back	4 00		
	" " Bob	60 00		
	" " Nancy	14 00	78 00	
Dec 31	By balance due for hires this day	"	311 00	13.86
	" Interest on the balance of 1839	"	"	13.92
1841	By hire of back	2 00		
	" " Bob	60 00		
	" " Nancy	15 00	77 00	
Dec 31	By balance due for hires this day	"	387 00	27.78
	" Interest on the balance of 1840	"	"	18.60
1842	By hire of back	-	-	-
	" " Bob	50 00		
	" " Nancy	15 00	65 00	
	By interest on the bal. of 1841		452 00	46.38
	By interest brought down		23 22	
			46 38	
Dec 25	By balance due for hires		521 60	
	from Edwin B. Claude with			
	Interest on \$452.00 part thereof			
	from this date till paid			

Respectfully Submitted
 J. J. Cobb

Comm. for \$6.00
 Charged to N. N. Thomas
 then the diff.

Claudio de } Comrs.
vs }
Thomas de } Report

1843. Augt 18th Reported

August 24th 1843

Claude & }
 vs } In Chancery.
 Thomas &

Edwin B. Claude, one of the plaintiffs and Nathan N. Thomas one of the defendants attend a greably to notice now filed. The ages and description of the slaves in the decree mentioned were ascertained by the admission of the parties present.

The Court is directed to report an account of the hires of the slaves Jack & Jim from January 1st 1837 to the 25th day of Decr 1842 which I suppose are the negroes alluded to in the bill as being in the possession of Nathan N. Thomas. Jacob was 16 yrs old in 1837 and Jan 42, in firm, but supposed to be able to support himself.

1837	By the hire of Jacob this yr	"	"	40 00	
1838	By " ditto	"	"	50 00	
Decr 31	By balance due for hires to this day	"	"	90 00	
	" Interest on the balance of 1837	"	"	"	2.40
1839	By the hire of Jacob	"	"	50 00	
Decr 31	By balance due for hires to this date	"	"	140 00	2.40
	" Interest on the balance of 1838	"	"	"	5.40
1840	By hire of Jacob	"	"	50 00	
Decr 31	By balance due for hires to this day	"	"	190 00	7.80
	" Interest on the balance of 1839	"	"	"	8.40
1841	By the hire of Jacob	"	"	50 00	
Decr 31	By balance due for hires to this day	"	"	240 00	16.20
	" Interest on the balance of 1840	"	"	"	11.40
1842	By the hire Jacob	"	"	40 00	
				280 00	27.60
	By Interest on the balance of 1841	"	"	"	14.40
	By Interest acct brot down	"	"	42 00	
Decr 25	By balance due for the hires	"	"	322 00	
	with Interest on \$280.00 part thereof from this date till paid				
	Con 1 ^o forw ^d				

1842

Decr 25th By balance due from Nathan & Thomas
for hims \$322.00 with interest on \$280.00
part thereof from this date till paid

Respectfully submitted
J. J. J. J. J.

Comm^r for \$5.00 charged
to Edwin B. Blair & p^{rs}

Sheriff for executing notices
\$1.50 -

Chanc vs. Thomas }
 and
 Thomas vs Chanc } Decrees have been
 made, in each of these cases
 for the ~~sale~~ ^{and auction of the proceeds} of slaves, belonging to E.B.
 Chanc, purchased from Thomas - John
 Thomas, & Nathan Thomas. Reports have
 come in, in each case, of an account of the
 sales of slaves, in the possession of Chanc
 and N. Thomas, which sales belong to
 the same parties.

Chanc is indebted on acct.

of sales, in the case of	\$452-
N. Thomas <i>advs.</i>	280
<i>Net</i>	<u>732</u>

E B Chanc is indebted to \$244.

N. Thomas <i>advs.</i>	244.
John Thomas <i>advs.</i>	<u>244</u>
	<u>732</u>

There should be a decree directing Chanc
 to pay to John Thomas \$208.
 also. N. Thomas to pay to John Thomas 36
 John Thomas \$244.

That Chanc should retain \$244 - and
 that ~~John~~ Thomas should retain the
 same amt.

Chanc should ~~not~~ pay the cost of one
 suit, and Nathan Thomas the cost of
 the other.

Captions

Thomas

vs { we object to the report of Commissioner
Bland } Cobb, in this case, upon the ground that
the hires of negroes in Chambers possession are
too low, and we rely on the reports of hires, made
by special Commissioners, & filed by order of Court,
prior to the report of Commr Cobb. - These special
Commissioners resided in the neighborhood, knew
the negroes and consequently were better able
to decide on the hires, than Commr Cobb, who knew
nothing of the negroes & -

Bland

vs { we object to the report of Commissioner
Thomas } Cobb in this case, upon the ground
that, the hires in this case are too high and we ~~object~~
rely on the ~~former~~ report, made by special Commissioners,
acquainted with the negroes to sustain the objection

16th G.

Specimen

Thomas

vs.

Thomas

vs.

Thomas

vs.

Thomas

Thomas vs. Thomas, respects to the acts.
sundered by Court. Both in both
these cases. because the king, being
conjectured, the Court has allowed
without, which he should not
have a row

David H. Thomas' interest.

[Faint, illegible handwritten text, possibly a list or ledger entry, visible on the left side of the page.]

Claude is willing that there should be evidence
in claims $\frac{1}{3}$ ^{all} in ^{negroes} and hires & requests
that commons in neighbourhood should settle
the hires and divide them 7.

Is it admitted that the def^t bland is
intitled to the share of D. H. Thomas, in
the deed under which he claims and
to which he refers in his answer
is not filed - this being settled a
decrea may be entered for a division
of the slaver, giving to each party
all or more if no division
in kind can be made, as also a
decrea for an account of the heirs
via Lang^t. 137.

Rich^d. H. Baker

X.
Note for the
Judge -

Thomas & Thers

^{or}
Blair

In this case we ask a decree for the negroes claimed in the bill - or a decree for a sale of same - also an account of the heirs of, & negroes from death of Mrs Smith - The depositions returned in 1842 from Tennessee from the death of Mrs Smith and the answer of Blair to the amended bill, virtually admits the claim of Pliffs - If your honor will direct what decree may be filed we will draw the same

• R. G.

David Thomas

Will

Albany

Thomas & Co

to East. with bill

Leland

In The name of God Amen I David Thomas of Southampton County being of sound mind and memory do make and ordain this to be my last will & Testament in manner following that is to say.

Item. I lend to my wife Gincy Thomas all my land whereon I now live during her natural life or widow hold but if she marries again my will and desire is that she only have the part of the land lying on the north side of the road where I now live I also lend to her three negroes Jim Suck & Tom. two feather beds & furniture One chest one trunk women's saddle half dozen sitting chairs one spinning wheel one bay mare five head of cattle ten choice shoats & two sows Two years of lands & fifty dollars & thirty Barrells of corn ten Bushels wheat &c.

Item I give to my son Nathan N Thomas three negroes to wit Dave Selwa
Arthur & there future increase to him and his heirs forever

Item. I give to my son David N Thomas after the death of my ^{wife} Gincy Thomas all my land whereon I now live containing two hundred 36 acres more or less To him & his heirs forever also I give him two negroes George & Duncas & there future increase to him and his heirs forever & if my wife marries again the land lying on the South side of the Road to be rented out untill my son David N Thomas comes of age or marries for the benefit of said son & fifty dollars to be raised out of my estate to go towards breeding said son &c.

Item I give to my son John N Thomas all my land lying on the Three creeks containing two hundred & ninety two & a half acres to him & his heirs forever also two negroes Edith & Isaac & there future increase to him & his heirs forever. also fifty dollars &c. Item. I give to my Daughter Mary Ann N Thomas three negroes to wit Nancy. Suck. & Mary & there future increase to her & her heirs forever

Item. My will & desire is that all the remainder part of my Estate that I have not disposed with be sold on a credit of twelve months my money that is owing to me to be collected together with what money I have in the house & all my just paid & the legacies given to be paid & the remainder part of the money to be divided between Nathan N Thomas & Mary Ann N Thomas so as for Mary Ann N Thomas to have two hundred dollars more than Nathan N Thomas

Item My will & Desire is after the death of my wife Gincy Thomas that the three negroes given to my wife & there future increase be equally divided between my four children. & Lastly I do hereby appoint and constitute my friend Willie Francis Executor of this my last will & Testament hereby revoking all other or former Wills or Testament by me heretofore made. In Witness whereof I have hereunto set my hand and affixed my Seal this 13th day of

July Eighteen hundred & Twelve

Signed sealed & declared to be the last Will & Testament
of the above named David Thomas in presence of

David Thomas *Deceased*

At a Court hold for the County of Southampton The 21st day of September 1872

This will was presented in Court by Willie Francis the executor herein named and Jas Harris David Newsome John Shephard and George Sny jr. being sworn deposed that as well the body of the said writing as the signature of David Thomas was the proper hand writing of the said David Thomas which is established as his will upon motion of s^r Willie Francis for administration with the will annexed of said David Thomas the same is granted him on his giving bond & security whereupon &c.

Copy

Teste L.R. Edwards Cllr

Southampton County In the Clerks Office the 19th July 1824
 This Indenture and the further agreement between the parties therein
 endorsed were proved by the oaths of John Reese Thomas as Clerk
 and William Jones the attested Jurors and admitted to record
 And at a Court held for the aforesaid County of Southampton on
 the 16 August 1824 This Indenture and further agreement
 as aforesaid were entered upon the proceedings of the day

Teste

James Rochelle C

Thomas &
 { Ex^l with am?
 bill

Alaud &

Smith }
 D }
 Warrip as } Deed
 Trustees } in
 Trust

August 16/1824 entered
 upon the proceedings of the
 day

Recorded

Page

(287)

(Examined)

This Indenture made this 30th day of March A.D. 1824
Between Wm J. Smith at present of the County of Loudoun & State
of Virginia of the one part & Howell Harris of the aforesaid
County & State of the other part. witnesseth, that the
said Wm J. Smith in order to secure the payment of the follow-
ing debt &c, on written obligation under the hand & seal
of the said Wm J. Smith, executed to John Hornum the date
of this Indenture (as Guardian of the orphan of
David Thomas dec^d) for the Sum of Seven hundred and thirty
three dollars, &c the said Wm J. Smith did grant Bargain
& Sell unto the said Howell Harris his heirs executors admors
& assigns the whole of ~~the said~~ his undivided ^{one half} interest of the
following Neg^r Slaves, which constitutes the dower of
Mary Smith (formerly Hornum) in the personal estate
of the late James O. Hornum dec^d &c, &c, Sarah Abam
Perry, Airy Anthony, Mariab. Nelson, Isam, Selby Child,
also my leftest in, Jim, Locky Bob & Sarah which constitutes
the dower Slaves of s^r Wm J. Smiths wife Gincy (formerly Thomas)
in the estate of the late David Thomas dec^d To Have and to
Hold the aforesaid Granted & Bargained Slaves unto him the
said Howell Harris his heirs Executors administrators & assigns

P.P. It is further agreed by the parties to this Endowment that in Case a Bond paid over to the s^d John Thomas Esq^r as herein mentioned, against Matthew C. Turner for the sum of Two hundred & Sixty three dollars & Cents not be returned in consequence of insolvency &c. by July 1825. The s^d Horace Harris ~~Esq~~ at the request of the said John Thomas Esq^r who should be urged by Matthew C. Turner, for who's Benefit the s^d Bond is intended, shall proceed to sell the foregoing Negroes herein before named (Trip, Lott, Lim, Robt & Lucie) in like manner as herein be directed. for the purpose of paying & satisfying the above mentioned Bond &c. Given &c. April 10th 1824

Thomas P. Smith
 Thomas E. Lyon
 William H. Jones

John Reese - July 19th 1824

Read of Trust
 From Mr. P. Smith
 to
 Horace Harris &c.

Am. J. Smith (Seal)
 Horace Harris (Seal)
 John Thomas (Seal)

25
Claus & Claus

203 Wamack

Thomas &

2 Ext. with rounded
bill

Claus &

Know all men by these presents that we Edwin B. Claus
& Joseph S. Claus are here and firmly bound unto Bro.
Mamack Guar of the orphans of David Thomas decd in the
just sum of Five hundred dollars current money the
payment whereof we bind our selves our heirs or assigns
in the Penal sum of one thousand dollars to keep our
hands and seals this 24th day of June 1830.

The condition of the above obligation is such that
if the above bound Edwin B. Claus & Joseph S. Claus
shall well truly deliver up to Bro Mamack Guaranties
of the orphans of David Thomas decd at the death of
Lincy Smith late Linicy Thomas three negroes (sons)
Look Nancy & Boby provided the same are not
dead, kidnapped or stolen then the above obligation
to be void, otherwise to remain in full force & virtue

Test

E. B. Claus (seal)

J. S. Claus (seal)

Benjamin Williamson for E. B. C.
Jacob Burnside