

1881-01

Southampton County Chancery - Avent, Tomlin VS Williamson, David Es. (admin.)

estate settlement

Briggs, Wm. E.
(adm.)

Hardee, James H.

Ryland, Martha P.

Francis, Wm. S.

" , Laura

" , A. S.

" Florence

Person, Walter P.

" , Person

Murfee, Eliz.

Williamson, Wm. H.

" , George M. L.

Stewart, Richard

+ his children

Mathews, Wm. P.

57

Arnt-

ms

Bill

Myon

1860 Fibry Rules

To The Hon^{ble} Rich^d H Baker Judge of the Circuit
of Southampton County
Humbly Complaining ~~thereunto~~ unto your Honor.
your Orator ~~saith~~ saith that David E Williamson
said is as he believes justly indebted to him in
the Sum of \$139.75. In an error made in Settlement
the 10th day of Dec^r 1859. as will appear by a
Statement ~~thereunto~~ filed marked (A) That your
Orator & Williamson had a long unsettled transacting
commencing as far back as 1838 that on the 10th day
of Dec^r 1859 they came to a Settlement of their res-
pective accounts and your Orator rec^d \$145. & some
Cents ^{by which} supposing that the true & accurate balance
due him on examination when he got home know-
ing the amounts between them & the Interest Calculated
up discovered the mistake of the above amt. of
\$139.75. he applied to Williamson on Monday the
12th day of Dec^r 1859 by letter sent by Thomas Johnson
to Robert H. which Williamson refused to read or
correct it; so sayd by Johnson.
your Orator allowed to Williamson all the amt.
of Debt he held against him & he now has his receipt
& Statement, your Orator calls on him to exhibit
his receipt & Statement made the 10th day of Dec^r 1859
which mistake will appear as believed
Believing the said Williamson has an Interest

in an Estate in the hands of James H Hardie which
may be made liable for your Orators amount this
Estate consist of ^{your orators belief} an undivided one fourth of a tract
of Land & Slavery Slaves held by Hardie in right
of his wife being her dower Interest in the Estate of
her former husband Thomas B Williamson a Brother
of David E Williamson who died childless & he
restate as been informed;

That a few days after the Settlement above alluded
to Williamson left the Commonwealth of Virginia
^{to his wife & children} ~~to his wife & children~~ to reside for Texas where he stayed he
was having

In Tender Consideration of all which and in as much
as your Orator is without remedy in the premises
for ~~the~~ and that Justice may be done he prays your
Honor to make David E Williamson & James H
Hardie ~~responsible~~ to this bill and Compel them
to answer this Bill of allegations fully.

That Williamson be compelled to exhibit on which
the Settlement of Dec. 10. 1859 was based & that he
may be compelled to pay the balance ascertained
to be due to your Orator as a fair adjustment of
their accounts.

That an order of Publication may issue against
the absent Defendant Williamson & the Defendant
Hardie in Virginia ^{be} restrained from in any
way disposing of the Estate of Williamsons now
in his hands till the future order of this Court.

and grant such other & General relief as the
premises as Equity may dictate.

May it please the Court &c.

Ch. & Mat. P. P.

Greensville County To wit

This day Samuel Smith
personally appeared before me Baxter B. Pritchard,
a Justice of the Peace in my County aforesaid
& made Oath that the foregoing bill contained
the truth to the best of his knowledge & belief.
Given under my hand this 6. day of Feb'y
1860

Baxter B. Pritchard J P

Cent.
rs. { Suppl.^m
Bills.
Williams & Co.

1871 May Term

To the Hon. Geo. Blount Judge of the Circuit
Court of Southampton,

The Plaintiff I am in & sent by her
to file this her amended Bill. and to represent
that since the last decree in this cause.

Leticia E. Williamson has reported this bill
and her estate has been committed to W. C.
Bryce, Sheriff of Southampton for sale.

That the decree of Nov. Term 1863. Remains
unsatisfied, and is a lien on the Real estate
of which Wm. Wm. is seized, situated in
Southampton County - Consisting of one hundred
fourth part of the land, assigned to the widow
of Thomas B. Wm. as her dower, and to
which she is entitled for life -

That Wm. has no personal estate and
the interest - this fund is the only fund out
of which, her dower, debt. Can be paid.

That Leticia E. Wm. has at law as
Martha P. Ryland. Wm. J. Francis & Laura his
wife & J. Francis & Florence his wife, Walter B.
Person, Peter Person. of Southampton -

Elizabeth Murphree, of Greenville, - Wm. H. Williamson
George M. L. Williamson The Children of Richard
Street - whose names & numbers are unknown
The Children of Wm. Mathews whose names
& numbers are unknown, and Wm. Mathews
who are now residents of the State of
Virginia -

That your debtor, has applied to the court of
Leticia E. Williamson, for pay ment of his account
who declines to pay because he has no funds

and the heirs, can not be personally called
upon, because of the number and dis-
persed location,

In due consideration of all which
and in as much as your orator is without
remedy in the premises, except in a court
of equity. To the end therefore he prays
your Honor, to make the heirs of said
E. Williamson, named in this bill defendants
within bill. That an order of publication
be issued, as to the absent defendants.

That the land of D. E. Williamson in the
County of Southampton, may be sold, for the
purpose of satisfying your orator's demand.

and grant such other general relief
in the premises, as I justly may deserve
as in and by law he will shew.
(May it please the Court)

Chambliss p.p.

Aunt

~ } Or. Pub

Williamson's adm of

Copy posted at front door C. Ho.
July 6th 1871. - 1 day -

At Rules held in the Clerks Office of the Circuit Court of
Southampton County on Monday July 3^d 1871.

Samlin & Vent

Plaintiff

against

In Chancery.

Wm. W. Briggs Sheriff of Southampton and as such admor. of David E Williamson,
Jas. H. Hodge Martha P. Ryland, Wm. S. Francis & Laura his wife, A. J. Francis & Florence his
wife, Walter B. Person, Peter Person, Elizabeth Murfee, Wm. S. Williamson,
George M. L. Williamson the children of Richard Stewart whose names and
numbers are unknown the children of Wm. P. Matthews whose names and numbers
are unknown and Wm. P. Matthews.

Defendants

The object of this Suit is to subject the real estate of which David E William-
son died seized ^{in the County of Southampton} to the payment of the plaintiffs demand and affidavit
being made and filed that the Defendants Wm. S. Williamson, Geo. W. L.
Williamson, the children of Richard Stewart whose names and numbers are
unknown, the children of Wm. P. Matthews whose names and numbers are
unknown and Wm. P. Matthews are non residents of the State of Virginia.
It is ordered that the said non resident defendants do appear within one month
after due publication of this order and do what is necessary to protect their
interest.

J. R. Chambliss p. q

A Copy

Teste, Oswin White Ck

Advent

to } Ex. with bill

Williamson P

- 12 -

David E. Williamson

Decr 12 1859

Dear Sir

When I got home I examined into our
Settlement & I find this is a mistake in the
Settlement of the accounts I know I want nothing but
what is right & I am inclined you do not
In the first place your account against me is \$128.61
but on \$50 your services charged me up to 1841. 18.00
but on 6.65 - 6 years up to 1841. 2.39
against whole acc & Int. to 1841. 149.00
but from 1841 up to 1859. 18 years 160.92
\$309.92

My accounts
My Jacks accounts rec'd in 1840 & 41. \$20.00
My Byman's accs rec'd by you 28.00
Store accounts collected by you 45.58
My Private acc you shd 71.05
4 Bonds & Int up to 1841 121.09
Int up to 1859. 18 years 285.72
308.90
\$594.62
your acc deducted 309.92
By this amt. paid me this day 10 Decr. 284.70
due Franklin & Son 143.00
139.70

The way the mistake occurred I took your account from
mine & then allowed your interest on it for 18 years
up to 1859 which was wrong the Int. & Principal should
have been added together & deducted. The principle of
mine & Int. calculated up to 1859 & yours taken from it
as yours was the less amount you will see the Statement
I have made above which is correct - every thing I do for
it self. If you are dissatisfied with the Statement I want
you to come down to my house I can explain all to you
I am yours very respectfully
Franklin & Son

Arant
= 3

Williamson P

Filed by plff May 6.
1863.

Thomas Johnson Evidence

I was called on by Mr Asent - on Monday the 12th of Dec^r. to see David E. Myfan respecting a Settlement made between Asent & Williamson on Saturday the 10th Asent - saying this was a mistake of \$139.70 I carried a letter from Asent - to Myfan showing the Settlement made by Asent - Williamson refused to read the letter saying he could prove Asent - saying he was satisfied. I then read the letter of Asent & the Settlement made to him stating this was a mistake. The Settlement made by Asent - he did not deny. I asked him to show me the receipt of Asent & his account against ~~Myfan~~^{him} I read it over three times & I am under the impression it is precisely the same Settlement that Asent told to him showing Johnson says he saw him on the next day & asked him to give him a copy of the rec^t & Settlement of Asent. He refused, saying no person should put their hands on his papers

The Evidence of Benja L. Tillar

He was present when a Settlement was made between Asent & Williamson he saw Williamson pay Asent \$145. They calculated the interest on their accounts 18 years. he does not know the amounts between them, The Settlement was Saturday the 10th Dec^r a few days after the day before Myfan started away. I heard him say he intended to sell his interest in the Myfan Est to Perry Matthews for Land in Texas

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Tamlin's Account.

To David C Williamson	60
To Capt. Marmaduke M. Standish	35
To Nathaniel Edmunds	30
To Robinson's Corpulence	6 57
To Eliza Lickell	53
To your acct	3 52
To safe for Banding	1 90
To safe for Banding	22 00
To H. H. H. H. H.	1 06
To H. H. H. H. H.	1 06
To H. H. H. H. H.	1 06
To safe for reason	50
To H. H. H. H. H.	58 00
To safe for reason	6 55
To safe for reason	1 00
To safe for reason	57
To H. H. H. H. H.	1 28
To H. H. H. H. H.	30
To H. H. H. H. H.	76
To H. H. H. H. H.	3 00
To H. H. H. H. H.	2 00
To H. H. H. H. H.	53
To H. H. H. H. H.	53
To H. H. H. H. H.	1 50
To John A. Anderson	100
To James H. H. H.	6 28
To H. H. H. H. H.	3 75

To Cash on hand for \$113.26

Collected W. H. H. H. H. 5 68

To Cash on hand 148.94

Collected H. H. H. H. H. 9 67

128.67

Dec 10 1859

Rec of Tamlin's Account.

Payment in full of

the above statement.

J. H. H. H.

Col. John, B. Chambliss
Hicksford
Virginia

Wm. L. Hull

South

Adm.
at

Col Chamblee

Dear Sir

I have sent to you
the papers & a letter I wrote to Williamson with
a statement of our accounts the letter will give
you all the information It shows the mistake you
will see the accounts between us The four Bonds the
Interest was calculated up to 1841 & full of mine &
his 18 years after up to 1859. I have sent to you ^{what you} the
Evidence of Thomas Johnson & also what will be
the evidence of Benja D Pillar I am under the
Impression that Mr Law will make sale of his
Interest in Thos Williamson Est in order to get from
paying my debt. If there is any Law to attach as much
of his Interest in that Estate as will pay this debt I am
in hopes you will have it done I can prove safely
from what Pillar says my impression is he will
see that Interest & believe before I get a Judgment
I am yours respectfully

D. Franklin Scott

Amesbury
Dip
Williamson
Came to school
1863
School
May 6

Amesbury
Dip
Williamson
Came to school
1863
School
May 6

Amesbury
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May 6

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Dip
Williamson
Came to school
1863
School
May 6

The deposition of B. D. Tillan, taken before me, a justice of the peace for the county of Greenville pursuant to notice hereto annexed, at the Clerk's Office of the County of Greenville on the 4th day of May 1863, between the hours of 6 A.M. and 6 P.M. to be read as evidence on behalf of Jamlin Arant in a certain suit in Equity depending on the Circuit Court for the county of Southampton wherein Jamlin Arant is plaintiff and David E. Williamson & others defendants.

Present.

1st Question by plaintiff. State whether you were present when a settlement was made between David E. Williamson and myself?

Answer. I was. It was at ~~my~~ home of David E. Williamson.

2nd Question How much money did the said Williamson pay to the said Arant?

Answer. One hundred and forty five dollars.

3rd Question How long did they make the calculation of interest upon their accounts against each other?

Answer. Eighteen years. The settlement was made a few days before Williamson left for Texas. I carried back the papers to him and told him there was a mistake in the settlement. He would not rectify it. He has since sent me one hundred & fifty dollars to pay it if the suit should go against him. I told Mr Williamson that there was a mistake made as the papers showed it.

And further this deponent saith not.

B. D. Tillan

State of Virginia

County of Greenville Court.

I James H. Person, a justice of the peace for the county aforesaid, in the said state, do hereby certify that the foregoing deposition was duly taken, ~~before~~ and subscribed before me at the time and place mentioned therein.

Given under my hand this 24th day of May 1863

J. H. Person, (J.P.)

Went. } into for
As. } Sever.
Williamson.

Nov. 20: 1863.

To be entered

R. H. Baker

And

Mr.

Williamson. &c.

This day this cause came
on to be heard by consent. On the bill, exhibits
filed, & admission of witnesses & was argued
by counsel. On consideration thereof the
Court with advice of an able juror, that
the debt due to E. Williamson, paid to the
Plaintiff the sum of \$139.⁷⁰ with interest
thereon from Dec. 10th 1859 - till paid, and
his cost by him in this suit & expended.

5

Aunt

~ { Affr.

Williamson

7

State of Virginia, I. J. 2017
Sancti Augustini County, I. J. 2017;
I, James R. Tyler, Commissioner in Chancery
for the Circuit Court of the County aforesaid,
do Certify that John R. Chandler appeared
before me in the County and State aforesaid,
and made oath that Wm. S. Williams, Geo.
M. S. Williams the children of Richard
Stuart whose names and numbers are unknown,
the children of Wm. S. Matthews, whose
names and numbers are unknown, and Wm. S.
Matthews, are the residents of the State
of Virginia. Given Under my hand
as Commissioner aforesaid, this 11th day
of May, A.D. 1871.

James R. Tyler,
Commissioner in Chancery

128

Advent

to } Sci. fa.

Williamsons adm

1871 May Term

Chs

I acknowledge service of this
Summons
April 4. 1871
W. D. Briggs

The Commonwealth of Virginia:

To the Sheriff of Southampton County. Greeting.

Whereas Tamlin Avant at a Circuit Court for the County of Southampton County held at the Courthouse thereof on the 9th day of November 1863 before the judge of the said Court by the decree of that Court recovered against David E Williamson One hundred and thirty nine dollars, twenty Cents with interest thereon from December 10th 1859 till paid, and \$29.21 Costs whereof the said David E Williamson is convicted as appears to us of record, nevertheless execution thereof still remains to be made. And whereas since the rendering of the said decree the said David E Williamson has departed this life intestate as it is said and the County Court of the County of Southampton has ordered that Wm W Briggs Sheriff of the said County take into his hands the estate of the said David E Williamson and administer the same according to law, by which order & of the Act of Assembly in such case and provided, the said Wm W Briggs is administrator of the said David E Williamson entitled to all the rights and bound to perform all the duties of such administrator. And now on behalf of the said Tamlin Avant we are informed that altho judgment aforesaid ^{remains to be made} execution thereof still remains to be made. We therefore at the instance of the said Tamlin Avant ~~we~~ command you that you make known to the said Wm W Briggs Sheriff & administrator as aforesaid that he be before the Judge of our said Court at the Courthouse on the first day of the next Term thereof to shew if any thing for himself he hath or can say why the said Tamlin Avant execution of the goods & chattels of the said David E Williamson dec^d in his hands to be administered ought not to have according to the force & effect of the decree aforesaid if to him it shall seem expedient; and further to do and receive what our said Court shall in that behalf consider. And have then thereunto Writ.

Witness Our White Clerk of our said Court at the Courthouse this 3^d day of April 1871 in the 95th year of the Commonwealth

O. White Clk

2 B 2

Arent

v } Stat. Rules.

Williamson &

In Southampton Circuit Court.

James Aven

against.

David E. Williamson & James A. Hardee

- 1860 Jan. 13th Sum. R. issued
Feb. R. Sum. ret. Ex. on Hardee - Williamson no Substant - Bill filed. & Deere nisi
Dft. Hardee.
Mar. R. Bill taken for Confessed v Dft. Hardee. Or. Pub. v Dft. Williamson.
Apr. Cause set for hearing as to Dft. Hardee.
1863 May 6 Dep. of B. D. Tillar.
Nov. Deere final

Judgment reversed to W. W. Briggs as D. E. Williamson

1871. May Term - Supplemental Bill making new parties Process awarded
July R. Sum. Ret. Ex. on Deft Elizabeth Murfee, Martha Ryland, Wm. S. Francis wife, A. J. Walter B. Person, Peter Person, D. Nisi v them.
New process v Dft. A. J. Francis wife Or. Pub. v absent Deft.
July R. Sum. Ex. on the home Deft. Except A. J. Francis wife. Deft. Nisi
v Dfts. on whom process Ex. New pro. awarded v Dft. A. J. Francis wife
Or. Pub. v Dft. Non resident Defts.
Aug. Bill taken for Confessed as to all Deft. on whom process executed. process
v A. J. Francis wife and others pro. awarded v them.
Except A. J. Francis wife D. Nisi v. them
Sep. R. Bill taken for Conf. as to A. J. Francis wife.
Oct. Cause set for hearing as to home Deft. &

1881 May. Removed from the Docket

Acct

v } Sumt. Chy.

Williamsons adm of

1871 August Rules

Executed by Delwanna
A copy hereof to
A. J. Francis for
himself & Florence
his wife this the
20th day of July 1871

Mortimer Jewell
Deputy
Jas. Jewell
Clerk
Norfolk

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you to summon

A. J. Francis & Florence his Wife

if *they* be found within your bailiwick, to appear at the Clerk's Office of our *Circuit* Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in *August next* to answer the original & amended bills in Chancery exhibited against themselves & others in our said Court by *Jamlin Arent*

And have then there this writ.
Courthouse, this *6* day of
the Commonwealth.

Witness, OSWIN WHITE, Clerk of our said Court, at the
July A. D., 187/ , in the *96* year of

O. White Clk

1871 June 15th Received the account Decent. by delivering
a copy to Elizabeth Mumfere.
Attest
Attest
Shuff

Account

2 } Sum. Chy.

Williamson's adm. Feb

1871 July Rules

THE COMMONWEALTH OF VIRGINIA, *Greensville*

To the Sheriff of ~~Southampton~~ County, Greeting:

We command you to summon

Elizabeth Murfee

if ~~she~~ be found within your bailiwick, to appear at the Clerk's Office of our *Circuit*
Court of Southampton County, at the Rules to be holden for the said Court, on the first
Monday in *July* next to answer the original & amended bills in chancery exhibited
against the said *Elizabeth Murfee & others* by *Tamlin Arant* in our said Court

And have then there this writ.
Courthouse, this *5* day of *June*
the Commonwealth.

Witness, OSWIN WHITE, Clerk of our said Court, at the
A. D., 1871, in the *95* year of

O. White Clk

Avent

2 } Sum. Chf

Williamson adm 8^d

1871 July Rules

Excused by deliver
ing Mariah Ryland
Wm Francis wife
Walter B Person &
Peter Person each
a copy of this Summary
A J Francis wife
are not residents of
my County

W A Briggs JH

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you to summon *Martha Ryland, Mr. S. Francis & Laura his wife. A. J.*
Francis & Florence his wife. Walter B. Person. Peter Person

if they be found within your bailiwick, to appear at the Clerk's Office of our *Circuit*
Court of Southampton County, at the Rules to be holden for the said Court, on the first
Monday in *July next to answer the original & amended* bills in Chancery exhibited against them *dothers* in our said
Court by *Samuel Arent*

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the
Courthouse, this 5th day of *June* A. D., 1871, in the 95th year of
the Commonwealth.

O. White Clk

I attest the return of the defendant David C. Williamson in the
above case in the person of the said defendant, arrived by the messenger
James Harder, with process & Williamson's widow, so that the said
defendant be returned from carrying away, according to my way
deposing of the said David until the further order of the Court - also
to attach the lands of the said Williamson -

Shanklin Yellow Springs 10th

1860

Wm Edwards

Print

{ Sum. & Att.

Williamson &
1860 February Rules

Executed Janry 24th
1860 on James H
Harder by delivering
him a copy of this
summons. David C
Williamson is inhab-
itant of my county.

P. M. Warren
For Wm & Digger

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

David C. Williamson & James A. Hardie

to appear at the Clerk's office of our Circuit Court of Southampton County, 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 our said Court by

Samuel Arent

and have then and there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this *13* day of *January* 18*80*, in the *84* year of the Commonwealth.

L R Edwards Cl

Aunt

Or. Pub

Williamson & P

Copy posted at front door to House
March 6. 1860.

At Rules held in the Clerks Office of the Circuit Court of Southampton
County on the first Monday in March 1860.
Franklin Arent

against
David E Williamson and James M Hardee

Plffs } In Chancery
Defts }

The object of this Suit is to compel the Defendant Williamson, to pay to the plaintiff the balance which may be ascertained to be due him upon a fair adjustment of their accounts - And affidavit having been made and filed that the defendant David E Williamson is not a resident of this State, it is ordered that the said Defendant do appear within one month after due publication of this order and do what is necessary to protect his interest -

Just

L R Edwards Cb

428
 876
 4419
 81
 294
 9
 128

2 5851
 2 514
 81
 4758
 9511
 Williams R.L. 11
 81
 351

David P. Wyman

Fuller

Filed by Jeff. May 6
 1863.

444
 138
 282

135
 149
 285-

257
 936
 4694
 918
 8289
 81
 918
 9
 936

1481-651
 22 886

147
 128
 285-
 28
 20
 45
 121
 41

1844

Wm Bynum a/c.
James Turner \$10.00
Wm H Wagon - 18.00
28.00

F. Aunt a/c.
due her (Birds) \$71.05
4 notes - 1844. - 1.25.09

~~Jack a/c \$10.00~~
Jack a/c
Wm Hardy a/c 8.00
Wm Bunker a/c 6.00
Robinson Carpenter 6.00

money in
Laurica Gray (1842) 21.95
Brya Wallon 75
Brya Edmunds 4.98
Wm M Pearson 4.06
Thos J Pearson 8.96
Jeff Adams 4.13
Jos Wallon 75
45 68