1816-068 Chancery Causes William Dashiell & ux vs John Everett, adm of Samuel Everett & Samuel Everett, the Younger
Isle of Wight County

other SURNAMES: Wills, Jordan, McKendry, McKendrey, Pruden, Dixon, Bullock, Shivers, Askew, Dashield

To the worshipfull Justices in Isle of Wight County in Chy
Sitting: Humbly Complaining Shew unto the Court your
Orator & Oratrix William Washcill and Nancy his wife:
(formerly Nancy Everitt). That your Oratrixes father Samuel
Everitt departed this Life intestate about the year 17
Seized and possessed of about Fifty or One hundred
Acres of Land and a Considerable personal estate; and
leaving a widow Elizabeth and a daughter Nancy, your
Oratrix Two an infant of Tender years. That about
~~Soon after the~~ Six weeks after the said Samuels death
his widow Elizabeth, intermarried with a Certain
Samuel Everitt, and about Seven months thereafter
had a Son, named Samuel. That the said Samuel &
Elizabeth his Wife, without any legal or equitable authority
took and kept possession and enjoyed the use and
profits of the whole estate, real and personal, of the
said Samuel dec'd for thirteen or fourteen years, about
which period a division was made of the Slaves, two
in number between the said Child Samuel (who was
Considered as the Son of Samuel dec'd). and your
Oratrix. That about that period the said Samuel died
on Samuels estate; but had long before worn out
and used all the perishable property, which your
Complainants are informed was Considerable.
That the said Samuel & wife Still Continued to hold
enjoy and possess the Land before mentioned, which
in fact ought after the deduction of Dower, to have
been vested for the use and benefit of the said
Samuel dec'd's Heirs. Your Complainants further

further Shew unto your Worships, That your
Oratrix Nancy, was maintained & raised by
her Uncle Willis Everitt & never was any expence
or trouble to her mother & father in law, and that
therefore they Can have no charges against her
to Counterbalance the rights which are now
Contended for. — They are further informed:
that the lands was worth during the Whole or greater
part of the time twenty years, at least for Eighty
pannum — Say — 240 —
That the profits or hires of the Slaves during the 15
years above mentioned, was reasonably
worth — — — — — — — — — — 192 —
And that the property wasted and dis-
a perishable nature, vized before any
administration and of Which no acct is
made — was reasonably worth — — 100 —
Which makes an aggregate sum — of £592 —
to the one half of Which, at least, your Complain
-ants are intitled, with such interest as your
Worships may deem just and proper. —
Your Complainants further State, that
When Samuel admr on Samuels estate, John Everitt
became his Security, and since the death of Samuel
about 3 or 4 years ago he the said John has admr: on his estate, and now
refuses to render any account of the profits of
said Samuels estate or rents of land as aforesaid.
But, in Combination with the said Samuel the younger
with an intent to injure and defraud your
Complainants still Continues to refuse any reason-
-able request made by your Complainants. —
Without aid & discovery as much as your Complainants
are remediless in the premises, only in a Court of
Equity, They pray that the said John Everitt, admr of
Samuel Everitt, and as Security for Samuel Everitts
administration of the Estate of Samuel Everitt dec.
and the said Samuel the younger, be made defts:
to this bill, and on oath, full, true and perfect
answer make to all and singular the allegations
it Contains. — That you would also have
an account made up of the Crops, hires, rents
and profits as aforesaid, and decree that the
said John Everitt, out of the estate of Samuel
Everitt pay unto your Complainants so much
as, on a full and fair investigation may
appear to be justly due them, and that such
Shew or further order or decree may be
entered for the relief of your Complainants
as will promote justice. — may it please &c

Baxter for Complts.

Wm. Bashiell &c. } Bill
vs.
Jno. Everitt }

August 1804
Bill filed.
April 1805
Misi decree
Dec. 1805
Ans. filed
Feby 1810
Order for Stat. Prudence admor. of
Jno. Everitt taken made party defts.

Depositions filed &c
Feby. 1807

The answer of John Everitt as Admr of Samuel Everitt to the bill of complaint exhibited against Samuel Everitt and himself in Isle of Wight court, by William Dashiell and Nancy his wife.

This Respondent saving to himself all right of excepting to the various errors contained in the said bill, for answer thereto or to so much thereof as he is advised is material for him to answer, Says That Samuel Everitt the father of the compltt Nancy died in July 1781; That he left a widow (Elizabeth) who intermarried with Samuel Everitt in about six weeks from the time of his death, and in about six months thereafter, She had a Son named Samuel. This fact is stated, to shew that Samuel Everitt the younger must have been the Son of Samuel Everitt the elder, and consequently intitled to one moiety of his estate. That Samuel Everitt's mother survived him six or seven years and was intitled to dower in the land mentioned in the bill. That by the account annexed it appears that the personal estate exclusive of two negroes amounted to £6.1.10.½ only. That there was no horse, hog, cow or sheep on the estate of Samuel Everitt at the time of his decease, nor any other articles to the best of his belief except an old bed and furniture which was of very inconsiderable value, and a few indifferent carpenter's tools. That a small debt of £4.10. was paid out of the estate of Samuel Everitt to John Sch. Wills, and another of 15/ paid to Jno Jordan a taylor, both of which will more fully appear by adverting to the receipts hereto annexed as a

part of this answer. It is readily admitted that Samuel Everitt and wife did keep a part of the estate in possession several years, but it is alledged that they also kept and raised the two children and five young negroes, two of whom were twins. that the raising these negroes was very troublesome and expensive, and your Respondent believes that the expence must have very far exceeded the profits. Two of them (it is true) were hired out but being small, their hires could not have been sufficient to defray the expenses of the others. He believes that the land could not have rented for £3.0.0. p. year reserving the widows dower. and that Samuel Everitt must have repaired the buildings to a greater amount. He believes also that Samuel Everitt put the complt. Nancy to school two years, and he thinks that she lived with them fifteen or sixteen years.

Your Respondent adds that on the 10th of January 1793, Samuel Everitt as admr of Saml. paid to the complt. Nancy (who was then of full age) £5.10. and delivered him three negroes to wit, Cloe, Simon and Shadrack in full of all her claims against the said estate, which will more fully appear by reference to her receipt hereto annexed and pray to be taken as a part of this answer. Your Respondent denies the fraudulent combination with which he is charged as well as that allegation in the bill which states that he was the security of Samuel Everitt, and prays to be hence dismissed with his costs in this behalf most wrongfully sustained.

Sworn to before me D Driver

The answer of Samuel Everitt to the bill of complaint exhibited against John Everitt and himself in the court of Isle of Wight county by William Darnall and Nancy his wife.

This Respondent reserving to himself all right of excepting to the many errors, uncertainties and imperfections of and in the complts said bill of complaint contained, for answer thereto, says that he knows not what estate was left by Samuel Everitt his father, but he believes that the complt Nancy has received her full proportion, that she and himself lived several years with Samuel Everitt and wife. and he has reason to believe that they raised five young negroes at a considerable expence for him and his said sister. He prays to be hence dismissed with his costs in this behalf expended.

Sworn to before me. D Driver

Dr. Daniel Drake
to
Dr. Daniel Drake
Dec. 1815
Ans. 1816

The Commonwealth of Virginia to the Sheriff of Isle of wight County Greeting: we Command you, that you Summon John Everitt, and Samuel Everitt to appear before our Justices of our county court of Isle of wight at their Courthouse of said County on the first Monday in August next, then and there to answer a bill in Chancery against them Exhibited by William Bashiel, and Hannah his wife and this they shall in no wise omit under the penalty of £100 each and have then there also this writ. Witness Nathaniel Young Clerk of our said Court the 5th day of June 1804 and in the 28th year of the Commonwealth

Nath: Young

Dashiell & wife

vs. Sp.a in Chy.

Everitt &c.

Barber Att.o for
the Compl.ts.

Exec.d Sub. Bond & Oath Bond &c.

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Dashiell ano vise

vs Summons to exam.
witnesses

Evenitt &c.

The Commonwealth of Virginia to Nath. Wells & Thomas Lowellen

Gentlemen Justices Greeting know ye that be trusting to your fidelity and providents circumspection in diligently examining Nathaniel Pruden, Thomas Askew, John R. Dixon, and Obadiah Bullock " " " Peggy Ewell & Manning Chivers as well on the behalf of William Daniel and Nancy his wife complainants - against John and Samuel Ewell defendants

Command you or any two or more of you, that at such certain days and places you shall appoint, you assemble yourself & the witnesses aforesaid, before you or any two or more of you, you call and cause to come and diligently examine on the holy evangelist of almighty God, and such examination in writing into our County court of Isle of wight distinctly & plainly without delay you shall send & certify, inclosed, returning also to us this writ. Witness Nathaniel Young Clerk of our said court at the Court house the 20th day of Nov. 1806 in the 31st year of the Commonwealth

Nath. Young

Wm Dashiell
& wife
Notice

Mr. William Dashiel and wife

Please take Notice that on Saturday the 10th of January 1807 - between the hours of ten in the forenoon and five in the afternoon, at the house of John Everitt in Isle of wight County - I shall proceed to take the Depositions of Nathaniel Braden, Thomas Aiken, Thom R. Dixon, Obadiah Bullock, Peggy Everitt, & perhaps others, to be read as evidence at the trial of a Cause Now depending and undetermined in the County Court of Isle of wight, in Chancery, in which I and Lemuel Everitt are defendants and you are Complainants. when and where you may attend if you please

Dec. 29. 1806

John Everitt

County to Wit.

This day

Made oath before me, a Justice of the peace
for the said County that on the day of Novem
ber 1806 he did Deliver to Capt. John Everill
& To Lemuel Everett, Each, a Notice, of which
the within is a true Copy Given under my
hand the day of November 1806.

Mr. John Everett

Gentlemen, you will
please take Notice that on Friday the 26th day of this
present Month between the hours of ten in the
forenoon & five in the Evening at the House
of Thomas Darden in Isle of Wight County at
present occupied by William Dashiell I shall
proceed to take the deposition of Betty Mack-
andray & perhaps others, to be read as Evidence at
the trial of a cause now depending & undetermin-
ed in the County Court of Isle of Wight in Chan-
cery In which Suit my wife are Complainants
& you are Defendants when and where you may
attend if you please —

William Dashiell

Nov. 3rd 1806

The Commonwealth of Virginia to Justices of Isle of Wight
Fisher Dashiell & Jno. Holliday Gentlemen Justices Greeting, know
ye that we trusting to your fidelity and provident circumspection
in deligently examining Sarah M Kendry or ——

as well on the behalf of William Dashiell and wife Plaintiffs
as ~~wife~~ on the behalf of John Horace Everett Defts ——

Command you or any two or more of you, that at such certain
day and please you Shall appoint, you assemble yourself &
the witnesses aforesaid, before you or any two or more of you,
you call and cause to come and diligently examine on the
holy, evangelist of almighty God, and such examination in
writing into our county court of Isle of Wight distinctly &
plainly without delay you Shall Send & certify inclosed, returning
also to us this writ. witness Nathaniel Young Clerk of our said court
at the Courthouse the 1st day of December 1806 in the 31st
year of the Commonwealth ——

Nath. Young

All Available Text Successfully Captured

The deposition of Sarah McKenny, taken the 14th day of November in the year of Christ 1820, at the house of Thomas Dardan occupied by Wm Bashell, between ten oclock in the morning and five in the evening in Conformity to the annexed Notice; to be read as evidence in a Suit in Chancery now depending in the County Court of Shelby, in which William DeShell and ~~Elizabeth~~ Ann his wife, are Complainants and John Ewell, administrator of Samuel Ewell and Samuel Ewell are defendants.

This deponent being duly Sworn on the holy Evangilists of almight God deposeth and saith. — that She lived in the family of Samuel Ewell for one or two months about One year before his death, at which time he had a Comfortable estate Consisting of (among other articles) which She Cannot now remember, one horse, four Cows. One yoke of Oxen; Some hogs and, as near as She remembers, ten or twelve Sheep, two very nice beds and Such other household and Kitchen furniture and plantation utensils, as good Comfortable house keepers generally, keep. He had four Slaves, namely, two girls and two boys. that Slave, one of those Slaves, was at that time, she thinks about twelve years of age, and She thinks the youngest was then about four or five years of age; but as to the ages of the Slaves She Cannot be positively exact. She was fully well acquainted in Said Samuels family from the above mentioned time till his death, and She considers him to be in very Indifferent Circumstances. On being asked, She says one of the negroes was named Scotland.

Cross Interrogatory, Plaintiff. Did you keep Possession of Samuels estate after his death or not. I did not, this deponent Says, until She intermarried with Samuel Ewell [illegible] weeks afterwards, when Samuel Ewell had possession until he left the Country, & went to the Arkansas Territory. His wifes Children and heirs do — until his death.

Cross Interr. What was Samuel Ewells circumstances at the time he intermarried with the widow of Samuel.

Answer. He had nothing that I know of but his Clothes. I was considered as a poor man.

Question — How many years did Mrs Ewell live after her marriage with Said Samuel.

Answer. I believe about four years, as near as I can remember She died.

Question. Did you ever understand that Samuel Ewell family to be before or after the death of his Dear wife lived with on the estate left by Samuel Ewell Principally —

Answer. Yes it was. —

2 Question. Who moved and Settled the present Mrs DeShell the plaintiff Answer. Samuels Widow Ewell, from about two years after his mothers death for further information Samuels Second wife Sarah See do. Ans.

Question. Did Samuel live long after the death of his wife Anne, & where did he die. —

Answer. As nearly as I can think he has been dead about seven years, from this time; but it it may be more or less. —

Question. Do you remember about what time Samuel died.

Answer. He died during the war, he was killed ~~in~~ by the firing of a gun, as I was then informed, while they were rejoicing on some public occasion. —

Question. How long did Samuel remain a widower after his first wifes death, who did he marry, and how many children did he have by his last wife and how old was the youngest of them when he died. —

Answer. I cannot tell exactly; but think two or three years. He married Betsy Stivers. I do not know the age of his children. —

Question. was Samuel considered as a very industrious man in his circumstances

Answer. I believe he was industrious. I cannot tell what he was a carpenter, & working more or less.

Question. was the plantation ~~and~~ he left by Samuel, worth for many years after his death, by Isaac Samuel, and if valuable what would it rent for

Answer. Samuel Isaac could till all his life time, it was a valuable farm but I cannot tell what it would have rented for.

~~Question. was the plantation worth~~ ~~Answer.~~

Question by plaintiff. Did not Samuels mother hold down property to which he was entitled at her death, and was she not dead before his death. —

Answer. She had a cow, a pot, tea cups, and other articles, & lived in a house of Samuels in his yard; but I understood the cow was to go to Samuel at her death, and she died before him; but what became of the property I know not. —

Sarah her Z McKendree mark

And further this deponent saith not. —

Sworn to before us, Justices of the peace for Tennessee County, this day above written. —

Chas. Gordon

Wm Lee Davidson

Bathill Plff

vs.

Defts

Everitt Deft

April 1816
Const. dismd

Samuel Everitt furnisher her with several
habits out of the store of Willis Everitt
which I made for her,

Question by Complainant.

When did Nancy go to live with Willis Everitt
Answer. a very little while before she was a
woman grown. —

And further this Deponent
Saith not. her
Peggy + Everitt
mark

Sworn to before us. Thos. Spruill
Nath. Wills J.

No 1

Depositions of Nath. Pruden, Thomas Askew, John R. Dyer, Obediah Beddick, Peggy Everitt & Morning Thring ~~taken at the Chancery~~ taken on a Bill in Chancery depending in the Court of Exchequer wherein William Dashiell and Nancy his wife is Plaintiff and John and Lemuel Everitt defendants taken this 15th day of Janry. 1807, at the dwelling house of John Everitt, pursuant to the annexed Commission, and due notice being acknowledged by the def. Dashiell. The deponent Nath. Pruden being duly sworn deposeth and saith.

Question by the Plaintiff.

How many Negros had Lemuel Everitt the father of Nancy Everitt ~~his daughter~~ now the wife of William Dashiell — answer but two, one female and the other a male, (both small) —

Question, what was the situation of Lemuel Everitt, as relates to the other part of his Estate — Answer Lemuel Everitts Mother lived with him, or in the same yard, — and I am at a loss to know what part of the stock or other property belonged to him or her, as she was then living on her third of the land —

Question, what stock of every different ~~description~~ sort was on the plantation ~~at the time~~ —

A at this time I know, a few Cattle, and one Mare on the Plantation, but to who they longed I do not know,

Questions put by Complainant. —

Are you positive Lemuel Everitt owned but two Slaves. and them two little small ones. Or do you only mean to say that two were all you

Knew of. — ans^r He never did own another in the world that I Knew of. —

Is it unpossible he should have owned Others without your Knowledge. —

Answer. It is not unpossible; but unlikely

Were you acquainted with every transaction of Samuel Everetts —

answer no Sir. I was not; but I was with a good many of them —

Will you be good enough to explain what is meant by small negroes? What were their ages as near as you can remember —

Answer. I believe the girl was about twelve years, and the boy younger —

Can you tell, at this distance of time, what Sam^l Everetts estate, in Cattle & Such thing Consisted of — answer. I Cant tell more than I Stated before

Do you Know, Samuel Everitt had no other Cattle but those you have mentioned

answer. I dont Know that they were his. and I have reason to believe he had no others; if them were his. —

Are you acquainted with Sally Mc Cannidy — and do you Know, whether in Respect of her abilities she is capible of giving evidence I am acquainted with her but cannot tell whether she is capable of giving evidence or not, and believe her to be a very Illiterate

Question by Plaintiff

Pray Sir do you Know that Sally Mc Cundry is an honest Woman — and that She will not Commit perjury — answer I Know nothing about it. —

Do you believe Sir. She will wilfully perjure herself — ans^r I dont Know. —

Do you Know any Crime against Society or against truth of Which She has ever been Convicted. —

ans^r I do not. —

does She Seem to possess Common Sense

answer. People of the World ~~think~~ says She does not and I do not myself think She does.

Pray Sir what marks of insanity do you remember Knowing of her

Answer. nothing more than being in Company with her and from her Conversation. —

What part of her Conversation do you remember which marked her insanely.

Answer The Whole of it. —

Pray Sir. Have you been frequently in her Company — answer I have in my life time —

did you never hear Sir, either a rational Sentiment or any Sentence Uttered

answer. At times when I have been in Conversation I have - at times considered her more foolish than ~~at times~~ otherwise -

What fortune is She possessed of - or how has She maintained herself -

answer. She is maintained by the parish of Nansemond County. I believe. -

Was She put on the parish because She was infirm in body - or because She was of unsound mind. -

answer I Cannot tell. -

Has She ever been treated under the law - as an idiot or lunatick. -

answer I dont Know it. -

And further this deponent Knoweth not. —

— Nathl Pruden

The foregoing Sworn to before us Justices of the Peace for Isle of Wight County.

Nathl Wills —

Thomas Smelly JP

The deponent John P Dixon upon his oath and faith Christian ats what date did Jemmy Everitt die — answer — in June 1781. —

what words did Jemmy Everitt profess at this time, — answer two Negros, both dead

I suppose about the age of twelve and under twelve (from this was about the time of Samuel Everitts death that I suppose them Negros to be of this age - - as to the other estate of Samuel Everitt it always appeared to me to be very inconsiderable, I remember a man on the plantation, which was said to belong to his mother, —

Questions by Complainant

Did Dem.t Everitt own no other estate but that you have mentioned

answer not that I Know of. —

might he not own other estate without your Knowledge. —

answer if he did I do not Know it. —

Are you acquainted with every thing Samuel Everitt did, and said in his life — and with every bargain and Contract he ever made

answer I am not.

How then Can you Know What he owned at his death

ans: I Speak no further than I Saw What did you See

ans- I have a Mare on the land that was not Called his- I saw some furniture but Light, Whether it was his or the old Womans I Cannot say - Sometimes he Called the Mare his.-

Was he an industrous man or otherwise- answer he was not, he was a lazy man with me.-

What Kind of a man was his reception Samuel Everitt.-

answer he was a very industrous, serious man.-

And any Do Considers you as saying Lund- was a very idle man answer he was Sir.-

Was he a Spundthrift - answer your own my Ship Sir.-

Did he support a reputable Character as a man who took Care to provide for his family — answer.- Not so often as he might have done did he do it as well as his neighbours Answer. He did as well as some.

Did he do so as well as the respectable part of his neighbours. answer no Sir.

was Lund- Everitt an honest man, was he Considered so- or was he Considered as a Vagrant who lived at the expence of others.-

He was Considered so in his dealing - I never heard any Complaint of him.-

What did he lead in- was it in the fruits of his industry

Answer: as much as a Common plantation man that was settled, I heard no Complaint of his dealing

Do

And further this deponant Knoweth not.- — John Roxon

The above Sworn to before us to the the truth - the Whole truth and nothing but the truth.--

Nath[l] Wells

Thomas Smelly

The deponants Obidiah Bullock being duly sworn deposeth and saith — that he bought a cow of the Mother of Samuel Everitt in the year of [illegible], this Sale was in the life time of Samuel Everitt at this time I only saw two or three Cows, with some other young Cattle - this deponant further states, that at the time

his Recieved this Cow, he saw no other stock of any discription except the Cattle above alluded to, — Question, did the mother of Lemuel Everitt, or Lemuel Everitt make sale of this Cow to you, — Answer the Mother, — Question, when Lemuel applied to you to buy this Cow of his mothers, did he inform you that it was for the purpose of obtaining corn, which was an article the family stood in need of, — Answer he did, — do you know that the family of Lemuel Everitt and his Mother was to be benefited by this Corn, — Answer Lemuel Everitt informed me so, —

What was the situation of Lemuel Everitt at this time, — answer he appeared to be very needy, —

Questions by Complainant

Did Lemuel Everitt and his mother keep house jointly, at their joint expence or did they keep house seperately answer — I dont know, they lived in the same yard, on the same plantation but not in the same houses, —

Why did you Consider Lemuel Everitt a proper person to treat with about the Cow, — answer He came to obtain his mothers.

no 9.

How do you know Lieut. Ewell came to oblige his mother —

Ans. that much. I had sufficient reason to believe he came so. I believe he came to oblige himself as much as her —

What kind of confidence could you have in a man offering to sell you property which did not belong to him Answer. I had very good reason I thought

What were your reasons —

Ans. I conceive he came to oblige his mother —

In what were your conceptions founded — Answer because I conceived his mother and he were both in need of bread

were they very poor people

Ans. no poorer than myself as I know of

was Lieut Ewell an idle or an industrious man. — answer I thought he might have done better as well as myself

Pray Sir. How long did you know

Lemuel Everitt
not
answer Ques Lines I Knowed myself —

Did you Know, all his acct all his bonds. all his Cattle all his furniture, all his goods Chattles — debets and Credits his life — Ans no I do not.

Will Sir. he to good as name all your Knees

Ans. I always Conceived he Lavished more on pliasure than industry

What Kind of pleasures did he so much delight in —

Answer I drak it. — I am done

The attorny for the Complainant here enters his protest because this witness refuses any answer than what is above inserted. — Hezekiah Bullock

and further this deponent saith no

Sworn to before us Nath Wells Tho Smedley

The deponent Martin Thorn being duly sworn deposeth, and saith. —

Question what was the situation, The plaintiff in this suit being present and the night having approached, and upon objection to the further taking the depositions pursuant to the notice and commission it is agreed by the parties and the said deponent that the parties and deponent shall appear at this place on Friday next for the purpose of proceeding further in taking the said depositions

Nath Wells

Tho Smedley

Friday 16th of Jany, 1807 the witness again appearing Thomas Aken being duly sworn, deposeth and saith

Q Were you acquainted with Lemuel Everitt about the time of his death,

answer, I was —

Question, what was the situation of Lemuel Everitt about this time, was he rich, or in low circumstances

answer, I considered him poor,

Q what did the estate of Samuel Everitt consist of at the time of his death? —
answer very trifling, he had little or no stock, —
Question had he any Negros, — answer he had two, both young, —
Q of what age was Saml. Everitts daughter Nancy at the time of her fathers death.
Answer, I cannot tell her age but remember she was very small,
Q by who was she maintained after her fathers death, —
answer, by Samuel Everitt who intermarried with the widow of Saml. the mother of Nancy —
Q were you acquainted with Sally Mc. Kinney, did she in the habit of living in the house of Samuel Everitt
answer, I was acquainted with her but do not know of her living with Saml. Everitt but remember that she lived in my house for some time —
Q was Sally Mc Kinney a woman of common understanding, or did she appear to be in a state of insanity
answer, she was more weak than other wise, she had not as much sense

~~2~~ other Warrant —

do you Know at any time that Sally M^c Rooneys evidence was refused in Court and what was the Cause of her not being admitted to give evidence — Answer, I do not Know of her evidence being refused, but believe the Court paid no attention to any thing she said — Question, did you believe at the time she was before the Court, that she had understanding enough to give correct evidence — Answer, I do not think she had that ~~I~~ she always appeared to me not to possess Continon understanding — Question, who raised Lem^l Everitt ~~Everitt~~ the son of Lem^l and the young Negros belonging to the estate — Answer, Sam^l Everitt who Married the widow of Lemuel — ~~and further this deponent saith not~~

Questions by the Complainant.

Can you, and do you remember now, what Lemuel Everitt was worth and what his estate Consisted of, at the time of his death — ans^r. I dont Know what his estate Consisted of but there was very little of it. — How long is it since Lemuel Everitts death. ans^r. four or five and twenty years, I believe in 1781

Do you Know what money he had. answer. I dont Know he had any; but if any I believe very little

How came You to Know every thing minutely about his estate? was you his Confident? Answer. No but what I Know by the estate was very highly

Unless you Know What he had, how Can you tell What he had not. Ansr Why I Know. he was poor as well as myself. it was I believe as much as he Could do Closely to Keep house.

Can you tell exactly what Stock he owned When they all were, there Kinds, Colours, and ages

Answer I dont Know he had Stock of any Kind Cow, Sheep or horse

might he not, have owned Stock and other property without your Knowledge, there and elsewhere. — Ansr: He had none at home or abroad as I Know of — he might for ought I Know. —

Are you sure Nancy, the daughter of Sarah, was raised and maintained by Samll Everett. Ansr Yes. till She was fourteen, or fifteen or sixteen years of age. —

Was not Sally McKinder an inmate in Samuels house for some time. Ansr I dont Know, She might. —

On What terms did She live in your house. answer I hired her When She was there, She Spun about like another girl

When you Say Sally McKinder was not a Woman of Common understanding, how am i to understand you: by What Standard to you measure her mind. Answer I took it She was not in her Common Senses at many times, She Said things She Knew nothing about. Whether She was in her Senses or not you Can Judge yourself. Yes I Judged for myself

In What Case was it When the Judges paid no attention to Sally McKinders evidence. Answer on the trial of Henry Bullard in Isle of Wight. —

How do you Know her evidence was disregarded by the Ct Ansr because as far as I Could see by the Court they pd no attention to What She Said. I thought to do. —

And further this deponent Saith not.

his
Thos + Ashew
mark

Sworn to before me.

Thos Smelley
North Wilts

17

The deponant Mourning Shivers being
duly sworn deposeth and saith —
Question were you acquainted with
Lewis Everitt about the time of his
death —
answer, I was — what was his
situation about this time was he
Rich or in low circumstances —
answer, he was by no means rich
I considered him about Common Man
not as well off as most of his Neighb.
=ours — Question, what did the
Estate of Lewis Everitt Consist of about
the time of his death —
answer he had two small Negros
and there was some stock upon the
plantation but I believe the greater
part of it belonged to his Mother who
lived on the same plantation, and
in the same yard, Lewis Everitt
alway appeared to me to be beholding
to his Mother for Common necessaries
Question, of what age was Nancy
Everitt the daughter of Lewis at
the time of her fathers death —

answer, she was quite small appa
-rently about four years old, —
by who was she maintained after
the death of her father —
answer, by Samuel Everitt who
married her Mother, —
is Sally Mc. Kinney a woman of
Common understanding, a has she
the appearance of being in a state
of insanity —
Answer, Sally Mc Kinney always
appeared to me not to possess Common
understanding, and I believe her
not Capable of giving evidence with
any degree of accuracy, that she is
much in the habit of speaking
any thing at one time and Contradicting
that another, —

Questions by Plaintiff

Since Samuel and his mother seem'd to live so near and
so closely Connected by what means dive you Know
how to distinguish them property one from the other,
Answer, I Considerd it was hers, but he being her only
Child and very friendly he had any thing Whenever
he wanted it as a mother ought to do. —

Then madam, You only Judged from appearances
answer, Yes and requaintance with them we
Lived within a mile —
What became of the mothers property after his death

ans: what she had She gave he grand Children
at her paying off debts. — Did She make a
will. Answer not that I Know of. I believe the
property was divided among them by Consent. —
do you Know what part of it was allotted to Nancy
the Complainant — And to Whom was it delivered
Answer, I dont Know the old woman intended
Nancy any Thing — Nancy was an infant. —

Pray madam Can you inform us of any
particular fact, by Which you Judge Sally McKinney
to have been voide of Common understanding
Answer. I Judge her ready by my self — I always
was requainted with her —
Did She not use to maintain herself When
She had health — answer yes She had Sense
enough to work —
How long did She remain a Widow, answer
Several years. —
by Whom is she maintained now — answer
by Nansemond County. —
When you say She says one Thing at one time
and another at another time do you mean
She tells falsehoods — answer. I Think
She might be made to say any Thing if
Closely questioned — right or wrong if Closely
pushed. I Think She is a woman of a Weak
understanding as that —
But you Cannot tell us any fact about her
Whereby to enable us to form an opinion
of her Sanety or insanety — answer I Could
but I will not to day because much of it
Consists of black gardism, I dont think She
has as good Sense as most of us, we
all have all little enough

And further this deponent saith not.

her
Morning + Shivers
mark

Sworn to before us. Thos Lovell
Nath. Wells

The deponant, Peggy Everitt being duly sworn deposeth and saith.

Question, were you acquainted with Lieut. Everitt about the time of his death / answer I was —
what was the situation of Lieut Everitt about the time of his death was he rich or in low circumstances —
answer, I always considered him in low circumstances —
Question, what did the Estate of Lieut. Everitt consist of at the time of his death, —
answer — I cannot tell I know he had two young Negro, Lieut Everitt and his mother lived together and I am not able to say what part of the property belonged to him, or her —
Question by who was Nancy Everitt daughter of Lieut. Maintained after her fathers death — answer she lived with Lieut Everitt who Married her Mother for some time and I believe she went to live with Willis Everitt before grown up — at the time Nancy lived with Willis Everitt

Dashiell and wife
v. Misc.
Smith &c.

Executed

Isle of Wight County to wit. April Court 1823

William Daniels and Nancy his wife Compts.

against In Chancery

John Everitt, and Zachariah Everitt Defts

The Defendants having failed to file their answer to the Bill of Complaint, exhibited against them by the Complainants in this cause, It is ordered that unless the said Defendants appear here at June Court next, and file their answer that Judgment be entered for the Complainants against them, agreeable to the prayer of the said Bill —

Teste Nath. Young C.C.