

1842-010

Chancery Causes:
Isle of Wight County

Joseph Holmes' admr vs Maximilian Mafwell
John Lawrence, admr of Joseph Holmes vs Helen Read vs

Isaac Jordan, comt. of Joseph Holmes vs Samuel Moseley, comt.
of Maximilian Mafwell
Joseph Holmes' comt vs Margaret F. Atkinson, by & c

other surnames: Payne,
Wilson, Mallory, Young, Levy
Murray, Cocke, Southall
Bowers, Ballard, Johnson

Holmes

as

3
3
3

papers in

Maxwell

March 1802 abate by

Pls. death -

August 1800 bill of revival

filed & process awarded

original papers filed with
the bill of revival

Holmes

m

Moses in

Notes of the

Case.

Holmes in dea will to ch.

Sept 1799. Bill filed

Nov. 1799 - answer filed. Application
March 1802, abate by Jeff: South.

Sept 1820. Bill to revise

Nov. 1820. Petition in name of John

James Jeff: had Mr. Holmes

for info. Cook &c.

March 1822. action in name of

May 1822. Helen Reads answer

Sept 1823. Amended Bill &

Attch. Young answer
Application, corr. & Hand.

Monthly report of Mr. James
a party of mine at

1824. apt. St. Southall, expor:

" decay corr. to take St. Young
Exposition, answered

1824. From St. Young exposition

" 7 June. When on expor:

1825. Nov. St. Young expor:

1828. Apt. seifer to revise
in name comp. Lamb Coroner
of Norfolk County.

1829. Oct 24. St. Young expor:

1829. Nov. - revision in name of
seifer to revise

Atkins file amended
and supplemental answers,
which were filed then.

Learn to retake St. J. & S. S. S. S.

1831. July - May J. S. S. S. S. S.
to Cook's wife and W. S. S. S.
- with answers filed -

1833. Amended bill to
make gr. 2. Atkins party
and in answer filed

1836. Amended bill to
- with ad. Helen Reader

Do Annis

vs.

Maswell & Co

3
3
3

Chy.

August 1st 1836
learn given the Compt.
to file an amended bill

August 11th 1836
Amended Bill filed

Nov. 8th 1836
deposition of
Mrs Bowers filed

July Court 1842.

The death of the Plff.
suggested.

December Court 1842.

Dismissed on the M.T.
of the def. The suit not
having been revived since
the death of Plff. who
has been dead more than
6 months.

Employed by John Thompson, the daughter
 son to bring this death

July 1831 the amount of money
 J. Brown, John St. George, & wife
 & William Maxwell filed

death & money
 in the 1st deposition of
 John St. George & wife
 which was accordingly
 sufficient for the purpose
 of the 1st deposition

October 5th 1829 leave
 given to J. St. George
 in a will

July 1829 more depositions
 and money deposited
 in a will

March 5th 1833
 John St. George & wife
 Maxwell & wife
 Maxwell & wife
 Maxwell & wife

Oct. 7th 1824
 Nathl. Youngs
 deposition came
 to hand under
 seal

Aug. '99
 Will filed & time
 to '99
 filed & time
 March 1802
 Wills by wills dealt

August 1820 his arrival
 filed & time
 Aug. 1821 arrived in the name
 of John St. George & wife
 & wife & wife & wife
 who were married with depositions
 in 1822
 Jan. 1823 of John St. George

May 1823
 filed & time
 filed & time
 awarded & time
 July 1823 Saml.
 Mossely's ans. filed & time
 April 5th 1824 James B.
 Mossely's depo. filed & time
 to hand under seal

May 1824 the deposition
 awarded to take Nathl.
 Youngs deposition
 Jan 8th 1824 N. Youngs
 depo. came to hand under
 cover, sealed
 Jan 7th 1824 John St. George
 sons depo. came to hand
 under cover sealed
 Nov 1825 N. Youngs depo.
 filed
 Aug 1820 Scipio to arrive
 in the name of N. Youngs
 & wife & wife & wife

the said, ^{Mr} Maxwell, confederating & combining, with divers
others, to injure and oppress your ~~orator~~ ^{orator} in the premises, and
to defraud ~~him~~ of the principal sum of money & interest as aforesaid,
said, absolutely refuses to deliver up the possession of the said
lot & improvements, or to suffer any purchaser, to take possession
thereof, by which your orator cannot execute the trust in the
deed aforesaid, or put the purchaser in quiet possession thereof.

At other times the said ^{Mr} Maxwell, pretends that he has still
a right to the equity of redemption, of the aforesaid property -
intending ~~to~~ consideration whereof, and for as much as matters
of trust, and the foreclosing the equity of redemptions of mort-
gages, are properly cognizable in a court of Equity,

To the end therefore that the said ^{Mr} Maxwell, may
upon his corporal oath, full, true, & perfect answer make,
to all and singular the allegations contained in this bill,
as fully and perfectly as ~~the~~ the same were again repeated,
and interrogated, but more especially whether he the said
Max^r Maxwell, was ~~at~~ indebted to your ^{orator} ~~orator~~ ^{testator} the sum of
One hundred & fifty ~~dollars~~ ^{& six shillings} ~~and interest from~~
the 16th day of October, ~~whence~~ ^{whence} for fees ~~of the~~ ^{of the} ~~same~~ ^{same}

that he did not receive the deed aforesaid, to your orator ~~orator~~ ^{testator},

Whether the aforesaid sum of money or any part thereof
have been paid, and that the said Max^r Maxwell, may
be decreed to to pay, and satisfy unto your orator, the aforesaid
sum of money, with interest as aforesaid, and all reasonable
expenses, which have accrued to your orator, in and about
the premises, by a short, ~~given~~ day, to be appointed by this C^t,
together with your orator's costs, and in default thereof
that the said ^{Mr} Maxwell, ~~be~~ be decreed, peaceably
and quietly, to deliver up the possession of the aforesaid
lot & ~~improvements~~ ^{improvements} And that your ~~orator~~ ^{orator} will direct the sale of
the said property, by such commissioners as you think
proper, for the benefit of your orator, And make
such other orders, & decrees, in and concerning the premises
for your orator's benefit, as may be consistent with equity,
may it please ~~you~~ ^{the court}

N^o Barber for Complainant

To the worshipfull court of Isle of wight, sitting in chancery, Humbly
complaining sheweth unto your worshipps your ^{oratrix} Mary Holmes ^{advent} Joseph Holmes,
that one Maximilian Maxwell of this county, was lastly indebted to
your ^{Oratrix intert} ~~Oratrix~~ ^{tutator} in the sum of One hundred & fifty pounds, Virginia currency
with interest thereon arising from the sixteenth day of October
in the year of Christ 1778 - and being seized in fee, of a certain
improved lot of land in the town of Smithfield in the county afores.
distinguished by the plat of said town by N^o 9, in order to receive
the payment of the aforesaid sum of money and interest, by one
certain indenture bearing date the day and year last above mention-
ed, for the consideration therein expressed, did grant, bargain, sell
alien, confirm unto your ^{oratrix} ~~Oratrix~~ ^{tutator} the said Joseph Holmes, ~~for his heirs~~
forever the above described lot in the town of Smithfield, with all the
improvements thereon and the reversion & reversions, remainder,
and remainders, Herby and other such good & profits thereof,
And all the right, title, Interest, trust, property, claim &
demand in and to the said lot & premises, with all the
said lot & premises, unto your ^{oratrix} ~~Oratrix~~ ^{tutator} Joseph Holmes
his heirs, ^{Ex^m} ~~or his heirs~~, Subject to a provision in trust and
confidence, that your ^{Oratrix} ~~Oratrix~~ ^{tutator} on the non payment of the above
said sum of money and interest, should as soon as convenient
(after advertising the day and place for the sale of the said lot
in some publick newspaper) proceed to sell the same to
the highest bidder for ready money, and out of the proceeds
thereof, satisfy and detain to himself, the aforesaid sum of
money and interest, with all reasonable expenses, and the
overplus if any, to be paid to the said Max^m Maxwell, or his
legal representative, which said indenture hath been duly
proven and recorded in this Court, and which your oratrix
craves leave to refer to, being now shewn to the court, Your oratrix
further sheweth, that the aforesaid sum of money and interest
or any part thereof, hath not been paid to your ^{oratrix} ~~Oratrix~~ ^{tutator}
whereby the Estate & interest in the aforesaid premises, has vest
in your Oratrix yet subject to the trust, in the said deed men-
tioned, but now so it is may it please your worshipps, that

Laminae adiunctae:

Holmes p.

vs. ¹ Bill

Zenodoro v.

Atkinson tal.

granted and the said defendant therein ~~severed~~ ^{severed} he
appeared accordingly: and the defendant ~~Marcum~~ ^{Marcum}
Marcell answered and said that "on October ~~seventeen~~
hundred and ninety eight the complainant undertook to
sell a negro man named Tom to him for the sum of
£150: that he was to have made a good sufficient
title of the said negro to him, and the respondent relying
upon the undertaking of the said Thomas in the respectments
gave his horse and lot to secure him the price of the
negro which as before mentioned was £150: your exor-
cist says that the complainant never did comply with
his part of the agreement, to wit, by furnishing a good
title in the negro to the defendant and this respondent
truly believes that the complainant himself has no
title to the said negro" In the month of November
in the year 1799, the time at which the said answer was
filed, replication was also filed, ~~complaint~~ ^{complaint} for taking
deposition was awarded and in the month of March
in the year 1802, the suit abated by the death of
the plaintiff, since which time the defendant Mar-
cell has also departed this life, all of
which as by the said bill answer &c. remaining as
on record in this most honorable court, relation ~~there~~
unto being had, may more at large appear - your
Orator further states that since the death of the
said Mary Holmes letters of administration above mentioned
have been granted to your Orator, by virtue whereof
he is become entitled to the sum of money with
interest thereon as aforesaid: and your Orator further
states that a certain Joseph Atkinson, under a power
from John R. Read & Helen Read his wife, is now in the
possession of & continues to enjoy the profits & benefits of
the lot or parcel of land aforesaid: that a certain

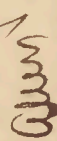
Nathaniel Young as the executor or admor. of James Young
deceased pretends also to have some claim in or to
the said lot or parcel of land - And your Orator further
states, that (as he is advised) the heirs of the said Mar-
cell Marcell & the persons against whom as well
their suit ought to be revived, are as follows, that
is to say, Helen Read, James Marcell, William
Marcell, Mary J. Payne, Louisa Holmes, George Wilson
and Sarah his wife, Lett Sarah Marcell: To the end there-
fore that the bill, answer &c. so stated as aforesaid
may stand revived in the name of your Orator as ad-
ministrators or aforesaid against the said Helen James,
William, Mary, Louisa, George & Sarah, and that the
said Joseph Atkinson and Nathaniel Young as
exec. or admor. of James Young dec. be made parties
defendants hereto: May it please your worship
to grant unto your Orator the writ of subpoena ad
revivendum to be directed to the said defendants
thence commanding them to appear & show cause
(if any they have) why the said proceedings so stated
as aforesaid should not be revived and be in the same
plight state & condition as the same were in at
the time of the abatement thereof; and your Orator
be further relieved in all &c.

Richd. H. B. Esq.

Att. for Comp.

To the worshipful Court of Isle of Wight County
in Chancery sitting Humbly complaining therewith
unto your worship your Obedient John Lawrence admin.
executor de bonis mort. of Joseph Holmes: that a certain
Mary Holmes as administratrix with the will annexed
of the said Joseph Holmes deceased, about the month of
August in the year seventeen hundred and ninety nine
did exhibit her bill of complaint in this worshipful Court
against Marmaduke Mascrover defendant: the said Mary
Holmes as admin. as aforesaid, by her said bill among other
things set forth that the said Marmaduke Mascrover
was justly indebted to the said Joseph Holmes in the sum
of one hundred & fifty pounds with interest thereon from
the sixteenth day of October in the year ~~seventeen~~ hundred
and ninety eight: that in order to secure the payment
of the said sum of money with interest thereon as aforesaid
the said Marmaduke Mascrover conveyed to him the said
Joseph Holmes a certain lot or parcel of land with its
appurtenances situated in the Town of Smithfield in the
said County of Isle of Wight: that the said conveyance
was to be void upon the payment of the said sum of
money, otherwise that the said Joseph Holmes, after
advertising as in the said deed is mentioned, should or
might proceed to sell the lot or parcel of land aforesaid
out of the proceeds thereof satisfy & pay the debt above
mentioned, which debt, as the said bill further states,
has not been paid but remains wholly due and unsat-
isfied. And the said Mary Holmes as admin. as
aforesaid by her said bill prayed the aid of this Court
and that process of subpoena might be awarded against
the said Marmaduke Mascrover the defendant to appear
in this Court and answer the premises, which being

Jordan Com. Holmes

vi. ^{1 2}  Bill
amended.

Thosby Coma Mascotte.

Dakos.

7th April 1823 and

Bill filed -

To the worshipful court of Isle of Wight County in
Chancery, sitting humbly complaining shew unto your worship,
your orator I shew Jordan Sheriff & committee of the unadminis-
tered estate of Joseph Holmes dec^d: that some time in the year
a certain Mary Holmes as administr^{tr} of the said Joseph
Holmes did exhibit her bill of complaint into this worshipful
Court, and afterwards the said suit, by the death of the said com^{pl}
having abated, the same was revived by John Lawrence as administr^{tr}
de bene vol^o of the said Holmes, and the said Lawrence having also
since departed this life, the said suit has been legally revived by scire
facias in the name & behalf of your orator as Sheriff & committee
as aforesaid - The said suit was instituted against Helen Read,
William Maxwell & others (amongst other things) to enforce the sale
of a lot & piece of land situate in the Town of Smithfield, and
out of the proceeds of sale to recover, for the benefit of the said
Holmes' estate, a sum of money due from Maximilian Masorell
by whom a mortgage had been given upon the lot & land aforesaid -

And your orator states that the said Mas^r Masorell is dead
and that his estate has been committed to the hands of Samuel
Mosby, sergeant of the Borough of Norfolk for administration:
And your orator further states, that for the purpose of recovering
the sum of money due as aforesaid upon the said mortgage, it
is as he is advised, that the said Mosby as sergeant & committee
as aforesaid should be a party defendant - To the End therefore that
the said Samuel Mosby sergeant & committee as aforesaid (who is
prayed to be made defendant hereto) may upon his corporal oath
fully & perfectly answer unto this bill, as well as to the other bills
heretofore filed in this cause - that the said Mosby may admit of a
sufficient to pay your orator's said demand, or may set forth an
account of the estate of his intestate - and your orator pray, that
your worship will decree the payment of the said debt out of the
personal estate of the s^d Mas^r Masorell, if sufficient, but if not, then
that you will decree the sale of the said lot &c for that purpose & that
your worship will render any other or further decree in the premises
consistent with equity &c May it please &c

Baker. p. g.

equitable & may it please the

Stolms
v. ²/₃ amended bill
Maxwell.

March 5th 1833

Amended bill filed & sp. as up.

November 5th 1833 answer of
Atkinsons infants filed

To the worshipful court of Isle of Wight County in chancery
sitting, Humbly complaining sheweth unto your Orator John Jordan
late Sheriff of Isle of Wight & comr. of Joseph Holmes dec. that
Mary Holmes, now deceased, some time since, as admor. P. of the
said Joseph Holmes dec. exhibited her bill against Mess: Maxwell,
setting forth that the said Mess: Maxwell was justly indebted to the
said Joseph Holmes in a certain sum of money, for which the said
Maxwell executed a mortgage upon a certain lot of land in the
Town of Smithfield - certain proceedings were had under the said
bill, to all of which your Orator here refers and prays, the same
to be considered as apart of this bill: afterwards John Lawrence
as admor. P. of the said Joseph Holmes, by leave of the court
filed an amended bill, by which Joseph Atkinson, who had
purchased or otherwise obtained possession of the said lot, and
others, were made defendants, and under which said amended
bill divers other proceedings were had, all of which, as by the
said amended bill, appearing thereto & remaining as on record
in this worshipful court, relation therunto being had, may
more at large appear - and your orator states that since
the foregoing last afores. the comr. John Lawrence has de-
parted this life, since which time this suit has been revived
in the name of your orator as shff. & comr. as afores.
and your orator further states that the said Joseph
Atkinson has since departed this life, and the said lot,
out of which your orator hopes to recover his said debt,
under proper authority has been seized & delivered to
Margaret F. Atkinson, infant daughter & distributee of
the said Joseph Atkinson dec. - In Tender consideration
whereof P. To The end therefore that the said Margaret
F. Atkinson, by some person to be appointed her special
guardian, may be made defendant hereto & may answer
the allegations of the said original & amended bills, as also
this bill, & that as perfectly as if the same were here-
again repeated & she thereto interrogated - your orator
prays that your worships will decree the sale of the
said lot of land for the payment of the said sum of
money, & that you will make such other or further
order or decree in the premises as may seem just &

against the said Wm. Maxwell, as added as a
proceeding and in the same flight and condi-
tion that it was in at the time of the death of the
said Helen Reid. To the end, therefore, that the
said debt and proceedings be abated as aforesaid
may stand and be revived against the said
William Maxwell, and be in the same flight
and condition as the same were in at the time
of the abatement thereof, or that the said defendant
may show good cause to the contrary, Your Obedient
Prayer, &c.

May it please the Court
Smith
Holliman }
Rodger } Reg.

[Faint, mostly illegible text]

Holliman
" } Am. vide
Maxwell & Co

August 11th 1836
Answered Bill filed

[Faint, mostly illegible text]

In the Worshester the Burthen of the County
Court of Isle of Wight, County Court of Isle in Chan-
cery following.
Your Honor is advised, that since the death of your
Honor's good friend Walter John Lorden late Sheriff
of the said County, and Chairman of the Estate of
Joseph Holmes deceased, that some time since
Mary Holmes, at that time widow of the said Jo-
seph Holmes, exhibited her bill in this Court against
Maximilian Maxwelle deceased, setting forth that
the said Maxwelle was indebted to the said Holmes
in a certain sum of money, and for the purpose of se-
curing its payment, executed to him a mortgage
upon a certain lot of land and Tenement in the Town
of Mithfield, and praying for a sale of the said
lot, and, with the proceeds arising therefrom, the pay-
ment of the debt due as aforesaid; that various
bills of revision, amendment, and supplement, have
been filed since the institution of the said suit, in
revision thereof, and in order to make new parties,
and show additional matter; as all of which
will more fully appear, as well as the answers
of the several defendants, the exhibits filed, and
depositions taken, by reference to the record exhibiting
the same in the Clerk's office of said County. And
your Honor further shows that since the last state-
ment of the said suit, ~~and also~~ by the death of Joseph
Atkinson one of the parties thereto, and its revision
against Margaret F. Atkinson his infant daughter
and distributee, Helen Reid, the mother and
one of the heirs and distributees of the said Maximil-
ian Maxwelle has departed this life ~~and also~~
~~and also~~ ~~is advised~~, and William Maxwelle
of the Borough of Norfolk, has qualified as admor
in her estate. And your Honor is advised that
in consequence of the death of the said Helen Reid,
who was a party to the said suit, the same has
become abated, and ought to stand and be revised

Maxwell
A.H.
Holmes }
Ans^r

Jan^y 27th 1803
Bill order to Broad
B. Sig. M^{rs}

Holmes }
Ans^r }
Maxwell }

Holmes }
Ans^r }
Maxwell }

August 1799
Answer filed

The Answer of Alasd^r Maxwell to the bill of complaint of Joseph Holmes exhibited against him in the court of Isle of Wight County —.

This Respondent admits that he did execute such an instrument of writing as is set forth by the complainant in his bill. That although one hundred and fifty pounds was expressed as the consideration of the said conveyance, he avers that he never did receive that sum or any part thereof. Where your Respondent begs leave to state the facts from the beginning. In October 1798 the complainant undertook to sell a negro man named Tom to him for the sum of £450. That he was to have made a good and sufficient title of the s^d negro to him, and this Respondent relying upon the undertaking of the s^d Holmes in this respect mortgaged his house and lot to secure him the price of the negro which as before mentioned was £450. Your Respondent avers that the complainant never did comply with his part of the agreement, to wit by furnishing a good title in the negro to his Debt^r. This Respondent verily believes that the complainant himself has no title to the said negro. He also states that the said lot is under a prior incumbrance to James Young. This Debt^r prays to be hence dismissed with costs in this behalf expended.

Alasd^r Maxwell
— " —

Sworn to before me this 2^d July 1799

Geo Purdie


as a Justice of the Peace for said County this
4th day of March 1822

Wm. L. Whinn J.P.

Attest

as: James

Holmes's att.

March 1822 fit.

which has been duly admitted to
read. The your respondent hath been
informed that in October 1798 or thereabouts
the said Joseph Holmes undertook to sell
a negro man named Tom, to Maximilian
Harris for the sum of \$150 or there-
abouts, and that to secure the amount
which he was to pay for the said slave
he mortgaged or otherwise conveyed in trust
the lot of said Harris. And your respondent
hath been informed and verily believes that
the said negro Tom was not the property of
the said Holmes at the time he agreed to
sell him to Harris. ~~for this respondent~~
~~will nevertheless state~~ ^{promisingly} ~~that on the day on which~~
~~the said Holmes said to Harris~~
~~negro~~ your respondent supposes that
the said Holmes claimed the said negro
Tom by his reason of his intestate wife's
with a certain Mary Lawrence widow of
John Lawrence who at the most must

probably have had only a life estate in
said negro. He claims title to the lot
alluded to in the bill by under a deed
as aforesaid executed by the said John
Harris and wife who (he supposes) had
property at the time it was conveyed.

He thinks that under all the circum-
stances a Court of Equity ought not to
disturb his title and possession in and to
the property aforesaid and submit his
rights to the protection of the Court.
He having answered prayer, moves to
be dismissed.

Wm of West County Pl. This day came before me
Joseph Pettibone who made oath that the
foregoing answer contains the truth as far
as he knows or believes and that as far
as it depends upon the knowledge of others he
believes it to be true for reasons by him

The answer of Joseph Allison to a bill of com-
plaint exhibited in the County Court of Rich-
mond against Helen Meade, James Meade,
William Meade, Mary J. Payne, Louisa Holmes,
George Nelson and Sarah his wife, Nathl. Young
as executor of James Young dec'd and against
the said Joseph Allison, by John Lawrence
adv. de honorum of Joseph Holmes dec'd.

This respondent saving and reserving to
himself to for answer three cents or cents so
much thereof as he is advised it is material
for him to answer answering says it is
true that he is in possession and claims title
to a certain lot or parcel of land in
the town of Smithfield and County of Rich-
mond and which he purchased of or under
John K. Meade and Helen his wife, for a valu-
able consideration on or about the day
of in the year 1805 and that he
hath and duly executes by the said Meade
and wife, conveying to him the lot aforesaid

The Answer of Helen Read to the Bill of Complaint of John Lawrence administrator de bonis non &c of Joseph Holmes deceased, Complainant.

This respondent now and at all times hereafter, saving and reserving all benefit of exception to the many errors, uncertainties and imperfections of the complainant's bill, for answer thereto or to so much thereof, as she is advised that it is material for her to make answer unto, answering saith: That the said Deed of Trust or Mortgage which the said Maximilian Mapwell executed to the said Holmes, was executed as she has always understood and believes in consideration that the said Holmes had agreed to sell the said Mapwell a negro slave named Tom for the sum of One Hundred & fifty pounds therein mentioned, and make him a good title for the same; and the said deed of trust or mortgage was executed solely for the purpose of securing the said sum of money upon the said Condition specified; but the said Holmes never did give the said Mapwell a good title to the said slave, and could not in fact do so, as he had not a legal title to him himself; so that the said deed of trust or mortgage from the failure of the condition upon which it was made, became and was in effect null and void; And this respondent further answering saith that she has reason to believe and therefore charges that the said deed of trust or mortgage must have been obtained by said Holmes of the said Mapwell by some unfair and fraudulent art and management at a time when the said Mapwell by reason of intemperance was not capable of making any contract or executing any instrument which would be binding upon him in law: And this respondent further answering saith that she is informed and believes and therefore avers that the said Holmes was not a Citizen of this Commonwealth or of the United States or any one of them, but an alien born, never naturalized according to law, and as such incapable of holding the said Lot of land as trustee or mortgaged for his own benefit; so that the said deed of trust or mortgage to him was and is absolutely null and void in law by reason of his alienage. And the said Respondent further answering saith that the said Maximilian Mapwell at and before the time of ^{his} executing the said deed of trust or mortgage to the said Holmes was indebted to this Respondent in a considerable sum of money to wit the sum of Two Hundred & twenty five pounds lawful money of Virginia, for money which she had before that time loaned and advanced to him, and debts of his which she had assumed and paid for him, at his special instance and request;

and being so indebted to her, had executed a deed of trust upon the said house and lot in the Town of Smithfield to secure to her the repayment of the same; as by the said deed bearing date the 22^d of October 1798 duly proved and recorded in the Court of Isle Wight County, and which she prays may be taken as a part of this her answer reference being had thereto will more fully appear; and that the said deed of Trust or Mortgage to the said Holmes was not executed on the day of the date of the same to wit on the 16th of October 1798 at which time the said Maxwell was in Norfolk, but sometime afterwards and after the execution of the said deed of trust so executed for her benefit as aforesaid; and that the said Holmes had notice of the existence of the said last mentioned deed, at the time when he fraudulently procured the execution of the said Mortgage to himself. And this respondent further answering saith, that the said Maximilian Maxwell died sometime in the year 1804, without having paid her any part of the said sum of Two Hundred and twenty five pounds lawful money of Virginia which the said deed of trust to her was executed to secure, but having on the contrary obtained further loans and advances of money from her to a considerable amount, and leaving no estate whatever of any kind excepting ~~the said house and lot~~ which he might have had in said house and lot in question, which was accordingly sold on the 7th of January 1805 to a certain Joseph Atkins for the sum of One thousand Dollars being less than the said debt with interest then due to her on the said deed of trust as aforesaid. Without that
that is

Helen Read

Norfolk Borough to wit.

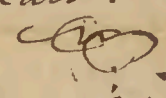
This day came before me W^m B. Lumb
an alderman of said Borough, Helen Read who maketh Oath on the Holy Evangelists, that the facts and Statements contained in the foregoing answer so far as they come within her own Knowledge are true; and that for the rest she believes them to be true. —
witness my hand & seal this 5 day of Octo 1822
W^m B. Lumb Clerk

Walter Young
ad  Anna.
Holmes, Cal.

7th Sept 1823 Hoings
Am. filed

The answer of Nathaniel Young to the original and amended bill filed in this Court by Mary Holmes and others complainant - This respondent saving &c. for answer sheweth saith, that he is the admr. of James Young decd. This respondent states that he knows nothing of the claim or demand of the Complainant - He further states that Maximilian Marcell in his life time did execute a deed of trust in favor of the said James Young upon the premises in the bill mentioned as charged by the Complainant, but the debt intended to be secured by the said deed this respondent admits, has been settled, & that nothing therefore is now due the estate of the said James Young on account of the said debt - Without that &c. He desires all fraud &c. & prays, to be hence dismissed with his costs in this behalf sustained -

(Signed)

Nathl. Young


Samuel Morely

1871

Jordan Com. Holmes.

The answer of Samuel Morley, to a Bill of Complaint exhibited
in the County Court of Isle of Wight against him by John Jordan
Shiff. & Committed of the unadministered estate of Joseph Morley decd.

This Respondent saving &c. for answer shews & saith
That it is true the estate of Maximilian Masewell has been
Committed, or directed to be committed to his hands as sergeant
of the Borough of Norfolk for administration - This respondent
states that he knows nothing of the demand for which the said
suit has been brought. He denies that he has received any
property as the executor of the said Masewell, and as respects
personal estate at least, he has understood & believes that the
said Masewell ~~deceased~~ died insolvent - Withstand that &c. He
prays to be discharged with his costs &c.

(Signed) Sam. Morley, Sergeant & Committed
of John Masewell estate -

Norfolk Borough &c. This day Samuel Morley
appeared before me, an alderman for the said Borough, & made
oath to the foregoing answer - Given under my hand & seal
this 18th day of Apr: 1823

Geo: W: Camp

Helin Ready

Amended

Amended

To the Honorable Justices of the County of Isle of Wight in
Chancery sitting.

Humbly complaining Sheweth Helen Read
That at the time of drawing and filing her original answer to
the bill of Complaint of John Laurence against her of
Joseph Holden & Co. she had not that full and particular in-
formation of the facts which she has since acquired, and that
she has lately been made acquainted with other matters & things
which she is advised and believes are very fit and proper to be set
forth and relied upon for her defence in the said suit against her,
and which are moreover facts most proper to be put in issue to
enable the Court to determine the real merits of the Cause: and
She therefore humbly prays your Honours to grant her leave to file
an amended and Supplemental answer herewith Submitted to
your Honours. And your Honours as in duty bound will ever
prayer.

Helen Read

Norfolk Borough &c.

Sworn to by Helen Read before me an alderman of
the Borough of Norfolk this Second day of October
A.D. 1829

Robt. B. Stansp

and with money advanced by this defendant for the purpose of paying the said debt, the said deed from the said Maxwell was afterwards got in from a certain Nathl Young adm^r of the said Jas Young then dec^d, on the 9th July 1804, who by his receipt of that date, given on the said deed, acknowledged full satisfaction of the said deed. And this defendant now files herewith the said deed with the said receipt thereon, and prays that the same may be taken as parts of this ^{her} answer.

And this defendant further answering saith that the heirs of the said Jas Young dec^d, and the said Nathl Young adm^r of the said Jas Young dec^d have subsequently made a release and assignment of all their right and title to the said of land under the said deed to her, this defendant, who was fully entitled to ask for and receive the same; and she now files it herewith, and prays to have it taken as a part of this ^{her} answer. Without that. That &c.

Helen Read

Norfolk Borough &c.

Before me J. C. Barrand an alderman of said Borough this day came Helen Read and maketh oath that the matters & things set forth in the foregoing answer are true.

Given under my hand this 7th day of Octo: AD 1829
J. C. Barrand

Marwell and make him a good title to him; but the said Holmes did not get and deliver the said slave to the said Marwell, and make him a good title to him; but the said slave was shot and died before the said Holmes ever got possession of him to deliver him, and the said Holmes had not himself a good title to him the said slave; so that the defendant is advised that the deed from the said Marwell to the said Holmes was in fact void for the want of consideration, or at least became so by the non-performance of the condition in which it was made.

And this defendant further answering saith that she is informed and believes, and therefore avers, ^{that} the said deed from the said Marwell to the said Holmes which bears date the 16th October 1798 was not in fact executed by the said Marwell on the said day (when he was in Norfolk) but some days afterwards and on some day after the 22nd October 1798, when he executed the said deed to this defendant, who had no notice or knowledge of the existence of ~~any~~ ^{the said} deed to the said Holmes, at any time at or before the execution of the said deed from the said Marwell to her, for the valuable consideration therein expressed.

And this defendant further answering saith, that she is informed and believes, and therefore avers, that the said Joseph Holmes was an alien, born in Ireland, and never naturalized in this State or country, and that he died an alien, leaving a wife and children also aliens, born in Ireland, and living in that country at the time of his death; and this defendant is advised that the said deed from the said Marwell to the said Holmes was and is, by reason of his a-

lienage, void as against the said deed from the said Marwell to her.

And this defendant further answering saith, that the said Maximilian Marwell having departed this life some time in 1804 in testate, and leaving no estate either real or personal except the said lot of land conveyed to her by the said deed, and no one having administered on his estate. By husband John K. Read and self, with the knowledge and consent of James Marwell, John Marwell, William Marwell, Mary Payne, Sarah Read and Louisa Marwell, who together with this defendant were the heirs at law of the said Maximilian Marwell dec^d, afterwards on the 7th January 1805, executed a deed of sale for the said land to a certain Joseph Atkinson who then upon took possession of the said land, and has ever since continued to hold and occupy the same.

And the defendant further answering saith; that the said Maximilian Marwell in his lifetime being indebted by bond, with a certain James Young as his security, to William Mallory and John Murray adm^{rs} of Thomas Levy dec^d in the sum of fifty pounds, conveyed the said lot of land to the said James Young his heirs, executors, administrators and assigns by deed bearing date December 4th 1797 duly proved and recorded in the court of Chancery in trust to indemnify and save harmless the said James Young from all loss by his security to ship aforesaid: and the said sum of fifty pounds having been some time afterwards, and sometime after the execution of the said deed from said Marwell to herself, paid to the said administrators

The amended and Supplemental Answer of Helen Read
to the bill of Complaint,

This defendant now and at all times hereafter saving, reserving
all benefit of exception to the many uncertainties and imperfections
of the complainant's bill, she answers thereto as to such parts thereof as
she is advised are material for her to answer unto, answering saith, that
she does not admit or believe it to be true, as the complainant charges,
that the said Maximilian Maxwell was indebted to the said
Joseph Holmes in the sum of One Hundred and fifty pounds
or any part thereof, but she is informed and believes that the
said deed from the said Maxwell to the said Holmes was executed
on this wise: The said Holmes, falsely pretending to have title
to a certain slave named Sam, who was then out, at large, and
not in the possession of the said Holmes, artfully & fraudulently
persuaded ~~the~~ ^{to agree} the said Maxwell to buy him of him at the said
price of One Hundred and fifty pounds, which was altogether
and extravagantly beyond his value, the said Holmes engaging that
he would get and deliver the said slave to the said Maxwell, and
make him a good title to him. And the said Maxwell accordingly
at the earnest request and entreaty of the said Holmes, executed
the said deed of trust to secure the payment of the said sum
of money to him, upon the condition understood between the parties,
that the said Holmes would get and deliver the said slave to the said

Joseph Atkinson

Quilled arrow

Atkinson and maketh oath that the matters and things
set forth in his foregoing answer are true

Given under my hand this 5th —
— — — — day of October — A.D. 1839

Geo. C. Jordan, J.P.

time after the said deed from the said Maxwell to the said Helen Read was executed, and that it was then paid by money advanced by the said Helen Read ~~trans~~ for the purpose of discharging the same. And this defendant is further informed and believes, that the said deed from the said Maxwell to the said Young (the money therein mentioned having been paid) was afterwards got of from a certain Nathaniel Young, adm^r of the said James Young then dec^d on the 9th July 1864 who by his receipt of that date, given on the said deed ~~acknowledged full satisfaction of the said deed~~ which is now in the possession of the said Helen Read, who will file the same with her amended answer in this cause; and this defendant begs leave to refer to it as a part of this his answer.

And this defendant is further informed and believes, that the heirs of the said James Young, and the said Nath^l Young adm^r of the said James Young dec^d have made ~~an agreement~~ a conveyance and release of all their right and title to the said lot of land, under the said deed, to the said Helen Read who is properly entitled to have and receive the same, and will file it with her amended answer in this cause; and this defendant begs leave to refer to it as a part of this his answer. Without that, that is

Joseph Atkinson

Isle of Wight County &c.

Be it remembered that

a justice of the Peace for the said County, this day came Joseph Atkinson

And this defendant further answering saith, that he is informed and believes that the said Joseph Holmes was always during his life an alien to the commonwealth of Virginia; that he was born in Ireland and emigrated to this state some time after the peace; but never became a citizen thereof, nor of the United States, but died an alien, leaving a wife and children also aliens born in Ireland, and still living in that country at the time of his death; and this defendant is advised that the said deed from the said Maxwell to the said Holmes, by reason of the alienage of the said Holmes, was and is void as against the said deed from the said Maxwell to the said Road, and as against the title of this defendant to the said lot of land.

And this defendant further answering saith, that the said Maximilian Maxwell in his lifetime being indebted by bond, with a certain James Young as security, to W^m Malloy and John Murray administrators of Lazarus Levy dec^d, in the sum of Fifty pounds, conveyed the said lot of land to the said James Young, his heirs, executors administrators and assigns, by deed bearing date the 4th December 1797, in trust to indemnify the said James Young from all loss by his ~~said~~ securityship aforesaid, as by the said deed duly proved and recorded in the court of Sale of Wight, an office copy whereof this defendant files herewith and prays to have taken as a part of this his answer, will more fully appear. And this defendant is informed and believes, that the said sum of Fifty pounds was not paid to the said administrators of the said Lazarus Levy dec^d until some

Maxwell, Mary Payne, Sarah Read and Louisa Maxwell, who were hirs at law, together with the said Helen Read, to the said Maximilian Maxwell then deceased. And this defendant having thus purchased the said lot of land, and been put in possession of it by said Read and wife, afterwards went on from time to time, to improve the same by building a kitchen-house, two smoke houses and a warehouse &c. thereon, and by repairing the dwelling house thereon, and otherwise, whilst the representatives of the said Joseph Holmes looked on and took no measures to prosecute or establish their said pretended claim to the premises; and this defendant believes that if the said lot could now be put back into the same state in which it was when he bought it, and sold without the said improvements which he subsequently made, it would not sell for more than the sum of Five hundred dollars, or thereabouts.

And this defendant further answering saith, that he is informed and believes, that the said Maximilian Maxwell was not, as the complainant charges, indebted to the said Joseph Holmes in the said sum of One hundred and fifty pounds, or any part thereof, on the said 16th October 1798, or at any other time, and that the said deed of that date was not executed to secure the payment of that sum as then actually due from the said Maximilian Maxwell to the said Joseph Holmes, but only to secure the payment of that sum to the said Joseph Holmes provided and in case he should sell and deliver with a good title thereto a certain slave named Tom,

which the said Holmes had before that time bargained and contracted to sell and deliver with a good title thereto, to him the said Maxwell; but the said Holmes (who had artfully persuaded the said Maxwell to contract with him for the purchase of the said slave as aforesaid, at the said price of One Hundred and fifty pounds which was greatly above the said slave's value,) did not, at that time, nor at any time, sell and deliver the said slave Tom to the said Maxwell, nor make the said Maxwell a good title to the said slave to whom, in fact, he had not a good title himself; but the said slave who was out and at large, at the time of the said contract, was afterwards shot and died before the said Holmes could get possession of him to deliver him to the said Maxwell; so that, as this defendant is advised, the said deed from the said Maxwell to the said Holmes was void, for the want of a consideration, or became so by reason of the failure of the condition on which it was made.

And this defendant further answering saith, that he is informed and believes, that the said deed from the said Maxwell to the said Holmes, which bears date on the 16th October 1798 was not in fact executed by the said Maxwell on the said day, but some days afterwards, and on some day after the said 22^d day of October 1798, when for the valuable ^{and had no other value in the eyes of the said Helen Read, the consideration therein expressed, he executed the said deed to her, so} consideration therein expressed, he executed the said deed to her, so that the said deed to the said Holmes, was and is void, as against the said deed to the said Helen Read, and as against the title of this defendant to the said lot of land.

The. Inverded a Supplemental Answer of Joseph H.
Kinson to the bill of complaint of

This defendant, now and at all times hereafter saving and reserving all benefit of exception to the errors uncertainties and imperfections of the complaint as bill, for answer thereto as such party thereof as he is advised are material for him to answer unto, answering saith, that it is true, as the complainant charges, that he is in possession of and claims title to the said lot of land in the town of Smithfield, and which he purchased for valuable consideration of John H. Read and Helen his wife, on the seventh day of January in the Year of our Lord 1805, as by their deed of that date duly proved and recorded in the court of Isle of Wight, an office copy whereof he files herewith and prays to have taken as a part of this his answer, will more fully appear: and that the said John H. Read and Helen his wife had a good and perfect right to sell the said lot of land to him, inasmuch as the said Maximilian Maxwell had theretofore conveyed it to the said Helen Read by deed bearing date the 22nd of October 1798, and duly proved and recorded in the court of Isle of Wight, an office copy of which this defendant files herewith and prays to have taken as a part of this his answer: and the said Sale of the said John H. Read & Helen his wife of the said lot of land to this defendant was moreover, assented and agreed to by James Maxwell, John Maxwell, William

To the Honorable Justices of the County of Isle of Wight in
Chancery sitting

Humbly complaining Sheweth Joseph Atkinson,
That at the time of drawing and filing his original answer to the
bill of complaint of John Lawrence adm^r de bonis non, of Joseph
Adams dec^d, he had not that full and particular information of
the subject which he has since acquired and that he has lately
been made acquainted with divers matters and things which he is
advised and believes are very fit and proper to be set forth and relied
upon for his defence in the said suit against him and which are
material facts most proper to be put in issue to enable the court
to determine the real merits of the cause; and he therefore Hum-
bly prays your Honors to grant him leave to file an amended
and supplemental answer herewith submitted to your Honors.
And your Petitioner as in duty bound will ever pray, &c.

Joseph Atkinson

Isle of Wight Co. Va.

Sworn to by Joseph Atkinson before me a Justice of the
Peace for the said County this 5th day of October
A.D. 1824

Josiah H. H. H. J. O.

Boche trips
answer

Locke & Wife's
Answer

I never delivered him to the said Chaswell;
nor did he, nor could he make the said man
well a good title to the said slave, to
whom he had not a good title himself; so
that, as your defendants are advised, the
said deed became void by the failure of
the condition on which it was made. And
these defendants further answering say, that
they are informed & believe that the said
deed from the said Chaswell to the said
Stobner which bears date the 16th of October
1798 was not in fact executed on that
day (when the said Chaswell was in exor-
sion) but some days afterwards, & on some
day after the 22nd of October 1798
when he executed a deed in trust to the
said Stobner for the same lot of land. And
these defendants further answering say
that the said Chaswell having executed
the said deed in trust to the said Helen
Stobner bearing date the said 22nd of October
1798, for the valuable consideration
therein expressed, the said Helen Stobner,
& her husband John Stobner now deceased,
afterward, on the 7th day of January 1805

1805 (the said Chaswell having died
some time before, intestate & insolvent,)
sold the said lot of land to a certain
Joseph Robinson, by whom died of that
date, with the knowledge & consent of
this defendant Louisa, & as they be-
lieve with the knowledge & consent of
all the other heirs of the said Chaswell;
& these defendants, answering, are willing
& desirous to assure & confirm the title
of the said Joseph Robinson to the said
lot of land, as far as they may. And these
defendants further answering say, that they
are informed & believe, that the said Jo-
seph Stobner was an alien, born in Ireland,
& never naturalized in this state, or country,
& that he died an alien, having a wife &
children who were also aliens, living in that
country at the time of his death. Without
that, that he

John H. Cocke test.
Louisa Cocke.

Lexington County Se.
Before me a justice of the peace for said
county this day came John H. Cocke &
Louise his wife, & severally made oath that
the matters & things set forth in the above an-
swers are true.
Given under my hand this 20th day of
November 1829.
Minn

The answer of John H Locke & Louisa
her wife to the bill of complaint of Adam
Jordan late Sheriff the complainant.

These defendants now & at all times hereafter
saying & answering all benefit of exception, do, an-
-swering say, that they do not admit it to be
true, as the complainant charges, that the
said Maximilian Chaswell was indebted
to the said Joseph Holmes in the sum of
One hundred & fifty pounds or any part there-
-of, or that he executed the said mortgage
or deed in trust to the said Holmes to ac-
-cure the said sum or due to the said Holmes;
but they are informed & believe that he ex-
-ecuted the same at the instance & request
of the said Holmes only to secure the pay-
-ment of that sum upon the condition, prece-
-dent, understood between them at the time,
that the said Holmes should get into his pos-
-session a slave named Sam then working out,
& deliver him to the said Chaswell, & should
moreover make him the said Chaswell a good
title to the said slave, but the said Holmes
never got the said slave into his possession,

Macwell's etns?

good title to the said slave, which
he failed to do, so that she said
deed was a breach void & of no ef-
fect. And this defendant further
answering oath, that he is informed
& believes that the said deed from
the said Charwell to the said John
which bears date the 16th of October
1798 was not executed on that day,
but on some day after the 22^d of
said month when said Charwell exe-
cuted a deed in trust for the same
lot of land to Helen Read; & he
thinks that he recollects hearing Dr John
H Read, many years ago, a some mem-
ber of the family, relate that he
the said Dr Read has drawn said deed
into an acknowledgment that the
to him has been antedated, & made
to bear date when said Charwell
was actually in Dorset, although
it had not been executed in fact on-

til after his return to South Wales, some
time after the date of his said deed
to Helen Read. And this defendant
further answering oath, that the
said John H Read & Helen his wife
having afterwards, on the 7th of January
1805 (the said Charwell then
well living in the mean time and
intestate & insolvent,) sold the said
lot of land to a certain Joseph Atkin-
son by their deed of that date, as
he believes with the knowledge & consent
of the said Charwell, & they
expressed an intention, & who after-
wards relinquished & approved the convey-
ance, this defendant is willing & desirous
to assure & confirm the title of the
said Joseph Atkinson to the said lot
of land, as far as he may. In that that,
that he Pro Charwell.

Dorset Dorset Joseph Atkinson
Before me an elderman of said Dorset this
day came Pro Charwell, & made oath that
the matters & things set forth in the above an-
swer are true. Given under my hand this 5th
day of July 1801 D. C. Barrand

The answer of Thomas Maxwell to the
bill of complaint of John Jordan Lake
adversely complainant;

This Defendant swears & at all times
hereafter saving & reserving all benefits
of exceptions he now enjoys & with, that
he does not admit it to be true that
the said Maximilian Maxwell was
indebted to the said Joseph Holmes
in the sum of One hundred & fifty pounds
or any part thereof, or that he executed
the said mortgage, or deed in trust,
to the said Holmes to secure the said
sum as due to him; but he is in-
formed & believes that he executed
the same to secure the payment of
the said sum in case the said Holmes
should deliver to ^{him} a slave named Sam
& of the said Sam, the said Maxwell, a

Payne's str.

Soon, I make him the said chawwell,
a good title to the said slave; which
he failed to do, so that the said
deed became void & of no effect.
And this defendant further an-
-swering saith that she is informed
& believes that the said deed from
the said chawwell to the said Helen
which was date the 16 of October
1798, was not executed on said day,
but on some day after the 22 of
said month. And this defendant
further answering saith, that the
said chawwell having executed a
deed in trust for the said lot of land,
to ~~the said~~ Helen Read bearing date
the 22 of October 1798, the said
Helen Read & her husband John
Read now deceased, afterwards,

on the 4 of January 1805 (the
said chawwell having some time before
died intestate & innocent) sold the said
lot of land to a certain Joseph Atkin-
-kinson by whom sold of that date,
with the knowledge & consent of the
defendant, & she believes with the
knowledge & consent of all the other
heirs of the said chawwell; &
this defendant is accordingly, well
-knowing & desirous to assure & confirm
the title of the said Joseph Atkin-
-son to the said lot of land, as
far as she may. Without that,
that be.

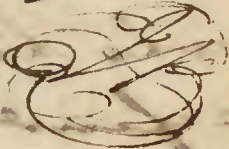
Smyth Barron & Co
Before me an attorney of said County
this day came Mary J. Payne, ma-
-trix saith that the matter & things
set forth in the above answer are
true. Given under my hand this 8 of May
1831. L. C. Barron

The answer of Mary Payne to the
bill of complaint of Abraham Jordan
late sheriff is complainant.

This Defendant now has all things
hereafter saving & reserving all benefits
of exceptions in answering saith, that
she does not admit it to be true that
the said Charimilian Maxwell
was indebted to the said Joseph
Hobbes in the sum of One hundred
& fifty Pounds, or any part thereof
or that he executed the said mort-
gage or deed in trust for the said
Hobbes to secure the said sum
or due to him; but she is informed
& believes that he executed the
same to secure the payment of the
said sum in case the said Hobbes
should deliver to him a slave named

Attention
an infant
and
Holmes &
Gannett

to be so far as he knows or believes
and that so far as it depends
on the knowledge of others he
believes it to be true - given
under my hand and seal on
a just day of the month this 6th day
of November 1843. —

Thos Smully H. 

To the County Court of Isle of Wight
in chancery sitting - The separate
answer of Margaret H. Atkinson
an infant of tender years to the
bill of complaint against her father
exhibited in the said Court by ~~her~~
~~minor~~ ~~by~~ ~~her~~ ~~father~~ ~~to this~~

This answerant by Anne Atkinson
who has been specially appointed to
defend her in the aforesaid suit for
answer says, she denies all fraud,
combination &c. says she is an infant
of very tender years, to wit, of the age
of 8 years and ignorant of the cir-
cumstances charged in the bill - she
prays the Court to protect her inter-
est, deny the truth of the
allegations and cause for
strict proof - I have answered
prays him to be dismissed with the
costs &c.

Isle of W. to wit; this day, came before
the undersigned justices for said
County, Anne Atkinson who, made
oath that the foregoing answer is

Executed Sam^l Woody D^{ch}
Joseph Fox Tullyham s^{ch}

Adeline
to
Merrill
M
Merrill
M

THE Commonwealth of VIRGINIA to the sheriff of *Isle of Wight* county,
greeting. We command you, that you summon *Maximilian Maxwell*

to appear before our Justices of our county court of *Isle of Wight* at their courthouse
of said county, on the *first Monday in May* next, then and there
to answer a bill in Chancery against *him* exhibited by *Joseph Holmes*

And this *he* shall in no wise omit under the penalty of 100l. And have
then there this writ, WITNESS *James Young* clerk of our
said court, the *4th* day of *April* 1792. and in
the *23d* year of the commonwealth,

J. Young

Executed on Joseph Atkinson and Nathl
 Young ^{only} - Helen Made James Maxwell,
 Mr Maxwell, Mary J. Payne Louisa
 Holmy, Georp Wilson Sarah his wife
 late Sarah Maxwell not inhabitants
 of this County. -

Holmy, Anne.

3 Spaw in Ch's

Maxwell &c

Baker for comp't.

Executed on Joseph Atkinson & Nathaniel Young
 Atkinson &c

The Commonwealth of Virginia to the Sheriff of Islesfright
County Greeting; you are hereby commanded to summon
Heelen Reade James Maxwell son Maxwell, Mary J. Payne Louisa Holmes
George Wilson Sarah his wife late Sarah Maxwell, Joseph Atkinson and Nathaniel
Gentry ^{admon: of James Young & ~~son~~}
to appear before the Justices of our county court of Islesfright
at the courthouse of said county on the first Monday in
November next to answer a bill ^{of revival} in chancery, exhibited
against them by John Lawrence admon: of Joseph Holmes and

and thus they shall in no wise omit under the penalty
of £100 each and have them there this writ Witness Nath-
aniel Young clerk of our said court at the courthouse the
14th day of August 1820 in the 45th year of the
Commonwealth

Nathl. Young

The Trustees of the
The Town of H. L.

Expend

Holmes & Adams.

14 Scifal.

Maxwell & Co.

Glennanna Society

Isle of Wight County, to wit, The Commonwealth of Virginia to the Sheriff
of Fluvanna County greeting: Whereas in ~~an~~ suit in Chancery depend-
-ing in the court of our said County of Isle of Wight between John Lawrence
Administrator of Joseph Holmes decd. against Helen Kease, James Maxwell
William Maxwell, Mary J. Payne, Louisa Holmes, George Wilson and Sarah
his wife, late Sarah Maxwell, Joseph Atkinson and Nathaniel Young Admini-
-strator of James Young decd. Defendants, It was in our said Court so far
prosecuted that the bill was filed therein, but before the same was heard in
equity, the said John Lawrence departed this life. Icham Jordan Sheriff
of the said County of Isle of Wight was by the Court of the said County pursuant
to an Act of Assembly in such case made, appointed to take the estate of the
said decedent Joseph Holmes as unadministered by the said John Lawrence
into his own hands and dispose of according to law: and also since the institution
of the said suit the said Louisa Holmes has intermarried with a certain John
H. Locke, . Never theless the said suit still remains undetermined as by the
said Icham Jordan Shff we are informed, and because those things which are
in our said Court rightly done we would have duly put in execution: We
command you that you make known to the said Helen Kease, James
Maxwell, William Maxwell, Mary J. Payne, John H. Locke and Louisa his
wife late Louisa Holmes, George Wilson and Sarah his wife late Sarah
Maxwell, Joseph Atkinson, and Nathaniel Young Administrator of James
Young decd. to appear before the Justices of our said County Court of Isle of
Wight at the courthouse then the first Monday in November next to show cause
if any thing they can for themselves why a decree should not be pronounced
for the complainant if to them it shall seem expedient; and further to do and
receive what our said Court shall in that part consider: And have then then
this writ. Witness Nathaniel Young Clerk of our said Court at the Court
house the 21st day of August 1821 in the 46th Year of the Commonwealth.

I acknowledge the Service of
the within

John H. Locke

Nath. Young

Holmes's Admor.

Ms.

3 Scipio

Maxwell & Co

Executed on Helen Reade Mrs. Maxwell
Mary J. Payne, George Wilson & Sarah
his wife and James Maxwell

Oct 6th 1821

W. Emerson Co

Norfolk County

Executed on

W. Emerson Co
10.10.21

Isle of Wight County, to wit, The Commonwealth of Virginia to the Sheriff
of the County of Norfolk greeting. Whereas in a suit in Chancery depending
in the court of our said County of Isle of Wight between John Lawrence Admini-
strator of Joseph Holmes decd. against Helen Reade, James Maxwell, William
Maxwell, Mary J. Payne, Louisa Holmes, George Wilson and Sarah his wife,
late Sarah Maxwell, Joseph Atkinson and Nathaniel Young administrators of James
Young decd. Defendants: It was in our said court so far prosecuted that the bill,
was — filed therein, but before the same was heard in equity the said John
Lawrence departed this life. Isham Jordan Sheriff, of the said County of Isle of
Wight was by the court of the said County pursuant to an Act of Assembly in such
case made, appointed to take the estate of the said decedent Joseph Holmes, as
unadministered by the said John Lawrence, into his own hands and dispose of
according to law: and also since the institution of the said suit, the said Louisa
Holmes has intermarried with a certain John H. Locke. Now therefore the said
suit still remains undetermined as by the said Isham Jordan Sheriff we are
informed, and because those things which in our said court are rightly done, we
would have duly put in execution. We command you that you make known to the
said Helen Reade, James Maxwell, William Maxwell, Mary J. Payne, John H. Locke
and Louisa his wife late Louisa Holmes, George Wilson and Sarah his wife, late
Sarah Maxwell, Joseph Atkinson, and Nathaniel Young administrators of James
Young decd. to appear before the Justices of our County court of Isle of Wight at the
courthouse on the first Monday in November next, to shew cause if any thing they
for themselves why a decree should not be pronounced for the Complainant: if to
them it shall seem expedient: and further to do and receive what our said court
shall in that respect consider. And have them then this writ, Witness Nathaniel
Young Clerk of our said court at the courthouse the 27th day of August 1821. in the
45th Year of the Commonwealth —

Nathl Young

The Commonwealth of Virginia to the Sheriff of Isle of Wight County,
greeting: Whereas in a suit in Chancery depending in the court of our said
County between John Lawrence Administrator ^{v.} of Joseph Holmes decd. against
Helen Reade James Maxwell, William Maxwell, Mary J. Payne, Louisa Holmes,
George Wilson and Sarah his wife late Sarah Maxwell, Joseph Atkinson, and
Nathaniel Young Administrators of James Young decd. defendants, it was in
our said court so far proceeded that the bill was ——— filed therein,
but before the same was heard in equity the said John Lawrence departed this
life, Isham Jordan Sheriff of the said County of Isle of Wight, was by the court
of the said County pursuant to the Act of Assembly in such ^{case} made, appointed to
take the estate of the said deceased Joseph Holmes ^{as an administrator by the said John Lawrence} into his own hands: and
dispose of according to law: and also since the institution of this suit Louisa
Holmes has intermarried with a certain John W. Locke —

Nevertheless the said suit still remains undetermined as by the said
Isham Jordan Sheriff we are informed, and because those things which
in our said court are rightly done we would have duly put in execution:
we command you that you make known to the said Helen Reade, James
Maxwell, William Maxwell, Mary J. Payne, John W. Locke and Louisa
his wife late Louisa Holmes, George Wilson and Sarah his wife late Sarah
Maxwell, Joseph Atkinson, and Nathaniel Young Administrators of
James Young decd. to appear before the Justices of our County court at the
courthouse of the said County of Isle of Wight on the first Monday in November
next to shew cause if any thing for themselves they have or can say why
a decree should not be entered for the complainant if to them it shall seem
expedient: and further to do and receive what our said court shall in that
part consider: And have then given this writ. Witness Nathaniel Young
Clerk of our said Court at the Court house the 21st day of August 1821
in the 46th Year of the Commonwealth —

Nathl. Young

Holmes's Honor.

Know. to examine
Zoots.

Maxwell's others

The Commonwealth of Virginia to John H. Parris and James E. Jordan
Gentlemen, Justices of Isle of Wight County
greeting: Know ye, that we, trusting to your fidelity and provident circumspection in
diligently examining James A. Southall
Witnesses as well on behalf of Shamm Jordan late Sheriff into whose hands the unab-
ministrate part of the estate of Joseph Holmes decd. was committed for Administration
Plaintiff against Helen Reade, James Maxwell, William Maxwell, Mary J. Payne,
John W. Leche and Louisa his wife, George Wilson and Sarah his wife, Samuel
Mosley Sergeant and Committee of Maximilian Maxwell decd. Joseph Atkinson,
and Nathaniel Young Administrators of James Young decd. Defendants. in a suit
now depending in the Chancery Court of Isle of Wight, command you or any
two or more of you, that on such days and at such places as you shall appoint,
you appear before you and the witnesses aforesaid before you, you call and cause
and diligently examine on the holy Evangelist of Almighty God and their exami-
-nations into our said court distinctly and plainly without delay you send and
certify enclosed, returning also to us this writ, Witness Nathaniel Young Clerk of
our said court at the courthouse the 2^d day of March 1824 in the 40th Year of the
Commonwealth

Nathl. Young

London, Adm.

He of the County to wit: This day made Mr. [redacted] appear before me one of the Commissioners, Justice of the Peace and for the County appeared who made oath that he did on the 11th day of July make deliver a true copy of the within notice unto the within named Thomas [redacted] given under my hand and seal this 11 day of November 1884.

To, Isham Jordan, late Sheriff of the County of Isle of Wight into whose
hands the unadministered part of the estate of Joseph Holmes dec^d was com-
mitted for administration —
You will be pleased to take Notice, that on the ~~twelfth~~ 27th day of this present
month March at the Tavern of Wilson Davis, in the Town of Smithfield, in the County of
Isle of Wight, between the hours of nine o'clock in the morning, and even set of the
same day we shall proceed to take the deposition of Dr James D Southall and
others, to be read in evidence in a suit in Chancery now depending and undeter-
mined, in the County Court of Isle of Wight, wherein you are Complainant
and Helen Reade, James Maxwell, William Maxwell, Mary J. Payne, John
H. Cocke and Louisa his wife, George Wilson, and Sarah his wife,
Samuel Moreley Sargeant and Committee of Maximilian Maxwell dec^d,
Joseph Atkinson, and Nathaniel Young administrators of James Young dec^d —
are defendants, at which time and place, you may attend and examine
if you think proper so to do.
Your ob^t Serv^t
Helen Reade for herself
and the other defendants.

March the 20th - 1824.

La knowledge Secius hand

Sept 10

Reax
to } notice
Jordan & H

To Isham Jordan late Sheriff of the County of Ple of
Wright unto whose hands the ~~estate~~ unadministered part
of the Estate of Joseph Holmes dec^d hath been committed
for administration.

Sir, ^{take} you will please to ~~take~~ notice, that on the
— seventh day of June 1824 at the City
of ~~and at the~~ ^{of the clerk of this County} in the County of Ple of
Wright, between the hours of nine o'clock in the morn-
ing and Sun set of the same day I shall proceed to
take the deposition of ~~some~~ ^{James} ~~John~~ ^{Isperdy} and others, to
be read in evidence, in a suit in Chancery now
depending in the County Court of Ple of Wright, in which
you are Complainant and ~~myself~~ ^{and others} are
defendants, at which time and place you may attend
and cross examine, if you think proper so to do.
Your ob^d S^t
Helen Reade
Mil 5th 1824-

The Commonwealth of Virginia to Thomas Smith and William St. Ballard, Gentlemen Justices of Isle of Wight County, greeting: Know ye, that we trusting to your fidelity and provident circumspection in diligently examining Nathaniel Young a witness on behalf of Helen Read in a suit wherein Isham Jordan late Sheriff into whose hands the unadministered part of the estate of Joseph Holmes died has been committed for Administration Plaintiff and the said Helen Read, James Maxwell, William Maxwell, Mary S. Payne, John H. Leach, and Louisa his wife, George Wilson Sarah his wife, Samuel Mosely Sergeant and Commissioner of Maximilian Maxwell died Joseph Atkinson, and Nathaniel Young Administrators of James Young died Defendants, depending in the County Court of Isle of Wight, command you or any two or more of you that on such days and at such places you shall appoint you assemble yourselves and the witness aforesaid, before you, you call and cause to come and diligently examine on the holy Evangelist of Almighty God, and his examination in writing into our said court distinctly and plainly without delay you sign and certify enclosing also to us this writ. Witness Nathaniel Young Clerk of our said court at the court house the 10th day of May 1824 in the 40th Year of the Commonwealth

Nathl. Young

Isle of Wight County May Court 1824

Isham Jordan late Sheriff into whose hands the unadministered part of the estate of Joseph Holmes died has been committed for Administration

against

Helen Read, James Maxwell, William Maxwell & others Defts

In Chancery

On motion of the Defendant Helen Read by her Counsel, a commission is awarded to take the deposition of the Defendant Nathaniel Young, reserving to the Plaintiff all legal objections to the reading of the same at the hearing of the cause

Alcey Teste

N. Young Esq.

Sp.

Jole of Wight County to wit: on this day John G. Pinner
appeared before me one of the Commonwealth's Justices of the
Peace in and for the County aforesaid, who made oath
that he did on the 25th day of May, 1824 deliver
a true copy of the within notice unto the within
named Isham Jordan. Given under my hand
and seal this 25th day of May. 1824

J. G. Pinner



Read & Notice.
to
Jordan late supp.

To Isham Jordan late Sheriff of Isle of Wight County, unto whose hands the Estate of Joseph Holmes Decd. hath been committed for administration.

You will be pleased to take notice, that on the fourth day of June next — at the office of William Maxwell Esq. in the Borough of Norfolk, between the hours of nine in the morning, and Sun set of the same day, I shall proceed to take the deposition of John Johnston — and others, to be read in evidence, in a suit in Chancery now depending in the County Court of Isle of Wight, in which you are complainant, and myself and others are defendants, at which time and place you may attend and of course examine, if you think proper so to do.

May the 25th 1824.

Your O^b. Servant.
Helen Read

Adams's Address

ms.

Σ Corn: to examine

Σavits

Maxwell Ed

The Commonwealth of Virginia to Benjamin E. Payne a Notary Public
for the Borough of Norfolk or
Gentlemen Justices of

greeting: Know ye, that in trustings to your fidelity and provident circum-
spection in diligently examining John Johnston

Witnesses as well on behalf of John Jordan late Sheriff into whose hands the
unadministered part of the estate of Joseph Adams died was committed for
Administration Plaintiff against Helen Beale, James Maxwell, William
Maxwell, Mary A. Payne, John H. Leach and Louisa his wife, George Wilson and
Sarah his wife Samuel Mosely Serjeant and Committee of Maximilian Max-
well died. Joseph Atkinson and Nathaniel Young Administrators of James
Young died. Defendants, in a suit now depending in the Chancery Court of
Isle of Wight, command you or any two or more of you, that on such days and
at such places you shall appoint, you appear before you, and the witnesses
aforesaid before you, you call and cause to come and diligently examine on the
holy Evangelist of Almighty God, and their examinations into our said court
distinctly and plainly without delay, you send and certify enclosed, returning
also to us this writ. Witness Nathaniel Young Clerk of our said court at the
court house the 24th day of May 1829 in the 40th Year of the Commonwealth.

Nathl. Young

To William Marville, in his own person
and as adm'r of Helen Reid dec'd, John H.
Cocke and Louisa his wife, James Marville,
George Wilson and Sarah his wife, Mary Payne,
William B. Lamb, Comm'r of the estate of
Marimilian Marville dec'd, Nathaniel
Young, adm'r of James Young dec'd, and Ar-
chibald Atkinson, guardian ad litem of Mar-
garet F. Atkinson.

You will please to take notice, that I
shall proceed on the 18th day of October next,
at the house of Dr. Carr Bowers, in the County
of Southampton, between the hours of nine
o'clock A.M. and four o'clock P.M., to take the
depositions of Sally Bowers and others to be used
in evidence in a chancery suit now depend-
ing in the County Court of Isle of Wight, in which
I am Complainant and you are defendants;
and if the same are not taken or concluded
at that time and place, then I shall take the
said depositions at the same place on the 28th
of the said month ^{between the like hours}; and if from any cause not
now known I shall be prevented from effecting
my object on that day, then on the 28th of the
same month at the same place and within
the like hours; in either event, however, in case
a commencement shall be made, proceeding
with the said depositions ~~and the whole shall~~
from day to day until the whole shall
be completed.

Isle of Wight County,
August 28th 1836.

Respectfully,
Sham Jordan,
late & h' of Com'r of the
Isle of Wight.

We acknowledge receipt of the within notice,
this 12th day of September 1836.
John A. Cooke

John A. Coker

Louis in Cocke

Louisa Cooke

[illegible]

1. The first of these is the
 2. second of these is the
 3. third of these is the
 4. fourth of these is the
 5. fifth of these is the
 6. sixth of these is the
 7. seventh of these is the
 8. eighth of these is the
 9. ninth of these is the
 10. tenth of these is the

Sum acknowledged by me this 1st Sept 1828

W B. Lamb Sergeant
Committee of Maxamilton
Maxwell

Articles about:

2 Dec 1828

Maxwell 1828

Isle of Wight County Court,

The Commonwealth of Virginia to the of Norfolk
Borough Greeting: Whereas in a suit in Chancery depending in the
Court of our said county of Isle of Wight between Isham Jordan late
Sheriff into whose hands the unadministered part of the estate of
Joseph Holmes decd. was committed for administration against
Helen Reade, James Maxwell, William Maxwell, Mary S. Payne
John A. Locke and Louisa his wife, George Wilson and Sarah his wife
Samuel Mosely Serjeant and committee of Maximilian Maxwell
decd. Joseph Atkinson and Nathaniel Young administrators of
James Young decd. Defendants: It was in our said Court so far
prosecuted that the bill was filed therein, but before the same was heard
in equity: the said Samuel Mosely departed this life: William B.
Lamb Serjeant of the Borough of Norfolk was by the Court of said
Borough pursuant to an act of assembly in such case made, appointed
to take the estate of the said decedent Maximilian Maxwell, as
unadministered by the said Samuel Mosely into his own hands and
dispose of the same according to law: Nevertheless the said suit still
remains undetermined as by the said Isham Jordan Sheriff we are
informed, and because those things which are in our said Court
rightly done we would have ~~that~~ put in execution: we command
you that you make known to the said William B. Lamb to appear
before the Justices of our said county Court of Isle of Wight at the Court
house on the first Monday in November next to shew cause if any
thing he can for himself why a decree should not be pronounced
for the complainant if to them it shall seem expedient; and further
to do and receive what our said Court shall in that part consider: and
have then there this writ: Witness Nathaniel Young Clerk of our
said Court at the Courthouse the 11th day of August 1828 in the
33^d year of the Commonwealth —

Nathl. Young
"C"

Commission to retake the
deposition of Nathl Young

The Commonwealth of Virginia to Benja Press Peter R. Press
 Gentlemen Justices of the County Court of Loudoun: Know ye that we
 trusting to your fidelity and prudent circumspection in diligently
 examining Nathaniel Young a witness on behalf of Helen
Read in a suit wherein Libam Jordan late sheriff into whose hands
 the unadministered part of the estate of Joseph Holmes and has
 been committed for administration Plaintiff and the said Helen
Read, James Maxwell, William Maxwell, Mary I Payne, John
H Cocke, and Louisa his wife, George Wilson & Sarah his wife,
Samuel Morley Sergeant and committee of Maximilian Maxwell
and Joseph Atkinson and Nathaniel Young administrators
 of James Young and Defendants, depending in the county
 court of the County of Loudoun, Command you or any two or more of you
 that on such days and at such places you shall appoint you
 assemble yourselves and the witnesses aforesaid before you, you call
 and cause to come and diligently examine on the Holy Evan-
 gelist of Almighty God - And his examinations in writing in
 to our said court distinctly and plainly without delay, you
 send and certify enclosed, returning also to us this writ-witness
Nathaniel Young Clerk of our said court at the court house
 the 22nd day of October 1829 in the 54 year of the Commonwealth

Nathl Young
 14

Loudoun County October Court 1829

Libam Jordan late sheriff into whose hands
 the unadministered part of the estate of Jo-
seph Holmes and has been committed for ad-
 ministration

against

Helen Read, James Maxwell, William Maxwell
 and others -

8/11

In Chancery

8/11

On motion of the Defendant Helen Read by her counsel a commis-
 sion is awarded to retake the deposition of the Defendant Nath-
aniel Young to be read in evidence therein

Attest

Nathl Young

Maad

10:30 noli

Walmus ad

Take notice that on the 24th of October
1829 at the House of Sheriff for ever
in Smithfield County of Del.
Wight, the exposition of Math. vowing
between the hours of 5 in the morning
and 6, o'clock of the evening of the
same day, will be taken to be
used as evidence in the Suit in
Del. Wight County Court in chan-
-cery in which you as ad. of
Dr. Joseph Holmes and one plaintiff
and Joseph Atkinson & others are
defendants - you &

Joseph Atkinson
& others defendants

Legal Service acknowledged.

Thomas Adams Adm. & Clerk
Sheriff & Committee of Joseph Holmes

Executed march 1833.

Henry Reynolds Deputy
for Comm. Ely Sheriff

Holmes & Son,

no.

Phacelia & Co
Ely

The Commonwealth of Virginia

To the Sheriff of Sallop Night-County Greeting

You are hereby ~~commanded~~ to summon
Margaret F. Atkinson

to appear before the justices of our county court
of Sallop Night at the court house of said county
on the first monday in April next. to answer ^{an}
~~a~~ bill of revival in chancery exhibited against
them by) John Jordan late Sheriff and committee
of Joseph Holmes &c.

And this she shall in no wise omit under
the penalty of £100. — and have then there
this writ. Witness Nathaniel Young clerk
of our said court. at the court-house the 5th
day of March 1833. in the 8th year of the
commonwealth —

Nathl. Young
(S)

Service acknowledged
Sept 6th 1836

Service acknowledged

Sept 6th 1836 Mary J. Payne

Sept 6th Service acknowledged Geo Wilson

Sept 6th Service acknowledged

William D. Lamb Supt

Committee of the Estate of
Maximilian Maxwell

W. D. Hayes Esq.
South Quay
N.Y.



To William Maxwell, in his own name, and
as adm'r of Helen Mead, dec'd, James Maxwell,
George Wilson and Sarah his wife, Mary J. Payne,
and William B. Lamb, com'rs of the estate
of Maximilian Maxwell, dec'd.

You will please to take notice, that I shall
proceed, on the 18th day of October next, at the ^{dwelling} house
of Dr. Can Bowers, in the County of Son Hampton,
between the hours of nine o'clock A.M. and four
P.M., to take the depositions of Sally Bowers and
others to be read in evidence in a suit in Chan-
cery now pending in the County Court of Isle of
Wight, in which I am plain tiff and you and
others are defendants; and ^{if} from any cause
not now foreseen the said deposition shall not
be ^{commenced} taken on that day, then I shall proceed
to take the same on the 24th of the same month,
at the same place, and between the like hours;
and if not on that day, then on the 28th
of the same month, at the same place, and
between the like hours; proceeding, however, in
case the said deposition shall be commenced
on either of those days, to take the same from
day to day until the whole are completed.

Isle of Wight County,
August 20th 1836.
— " —

Respectfully,
J. Ham Jordan,
Clerk of the Court and Com'ee
of the estate of
Joseph Holmes, dec'd.
— " —

Sept 4th for \$2.50

Sarah Wilson, wife of Geo. Wilson is dead

W. B. Dighton 1846

James Macswell's
deposition

Read to
also } Deposition of
of many (Mr. Sprague)

Norfolk Borough Ge.

This day came before me an Alderman of said Borough
James Maxwell and made oath that the foregoing deposition
signed with his name is true and correct - Given under
my hand and seal this 11th day of April A.D. 1822.

William B. Lamb



An Alderman of the
Borough of Norfolk.

I consent that the foregoing and annexed deposition
of James Maxwell shall be read in evidence without any
objection to form; reserving however the right of objecting to
the competency of the Witness on the ground of interest if any,
or any other legal cause if such shall be made to appear.

Rich. St. Baker

Questions by Mr. Baker counsel for the Plaintiff

Ques. Are you the same person named as a defendant in this cause?

Ans. I am.

(Ques. Are you one of the heirs of Maximilian Maxwell dec? ?

Ans. I am a brother to the deceased who died unmarried, without children and intestate as I believe, but left no estate that I ever heard of. It is certain that I never expect to get any thing from the estate.)

Questions by Helen Read.

Ques. When did Maximilian Maxwell die and where?

Ans. He died some time in the year 1805 as well as I remember at your house in Norfolk.

Ques. Had he been living with me ^{for} some time before?

Ans. Yes - for several months.

Ques. Did he have any estate to support himself?

Ans. None whatever - The house and lot above mentioned was the last piece of his property. He was entirely dependent upon you and supported by you.

Ques. Who paid the funeral expenses of said Maximilian Maxwell dec? ?

Ans. You paid them entirely out of your own pockets. He left nothing.

James Maxwell

The foregoing deposition will be signed by me

Rich^d. H. Barclay.

and assumed for the said Maximilian Maxwell, the said Maximilian Maxwell executed a deed of Trust to the said Helen Read, or to the said Dr. Read (the deponent does not distinctly remember which) upon a house and lot which he owned in Smithfield, the same one it was understood which he had mortgaged to Young and the only one which he owned in Smithfield. This deponent recollects well that he was called upon by Dr. Read or his mother to see the said money paid by her, to the said Maxwell and did see it paid accordingly and also saw the said Maxwell sign the instrument which was to secure the repayment; but does not recollect whether he himself signed it as a witness tho' he thinks it likely that he did; and that the money so advanced, paid and assumed by said Helen Read for said Maxwell was to very nearly if not quite the full value of the said House and lot at that time. -

(That some few days afterwards said Maxwell having returned to Smithfield after obtaining the money from his said mother, a certain man by the name of Holmes came down from Smithfield having as he said a mortgage or deed of Trust upon the said House and lot of land which had been made over to the said Helen Read as aforesaid: this deponent was called upon by Dr. John K. Read for to go with him to his shop near Campbell's wharf, the same where Dr. Balfour now lives, for the purpose as said Read stated to him of witnessing and noting a conversation between himself said Read and said Holmes, said Holmes having appointed to meet said Read there. That he accordingly went with said Read to his shop and found said Holmes waiting there. That said Holmes then presented his deed of Trust to said Read, and requested payment of it. said Read took the paper and then asked said Holmes did Mr. Maxwell execute this deed to you before his late visit to Norfolk or after his return to Smithfield -

said Holmes at first replied "before he came down to Norfolk;" but said Dr. Read how can that be when your instrument is dated on such a day (this deponent does not recollect the day) and here is Mr. Maxwell (the deponent) and myself both know very well that Mr. Maxwell (said Maximilian) was in this town (Norfolk) for some days before and after that date. said Holmes appeared confounded by this question and after some hesitation said that the deed to him was executed by said Maxwell after his return to Smithfield from his said visit to Norfolk, but added that said Maxwell had bargained for the negro before he came down. said Read then said in your instrument is false dated which said Holmes could not and did not deny. said Read also further said to said Holmes you know you had no right to sell this negro as he was not your property. At this said Holmes hummed and hawed, and could not and would not say that he had a right to the said negro. so after some words (Dr. Read said Sir I would not give you a damn for your paper. It is all fraudulent and you may do what you please with it. said Holmes made no reply, but went away. (This deponent made a memorandum of the conversation at the time to be used if occasion required; but hearing nothing more of the affair for some years afterwards, and not expecting that said Holmes would ever move in the case after what he had admitted as before stated, this deponent does not know what became of the memorandum. He is however perfectly clear in his remembrance of the particulars of the said conversation between Holmes and Read as before stated.)

The Deposition of James Maxwell taken by consent of parties to be read in evidence in a suit in Chancery now pending in the Court of Isle of Wight County in which John Lawrence administrator de bonis mort. of Joseph Holmes deceased, is plaintiff and Helen Read, James Maxwell, William Maxwell, Mary Payne, Louisa Holmes and George Wilson and Sarah his wife late Sarah Maxwell, Joseph Atkinson and Nathaniel Young administrators of James Young dec^d are defendants.

This Deponent aged forty nine, being first duly sworn on the Holy Evangelists, deposes and saith:

That some time between the years 1797 and 1799 in the latter part, of the year, as he recollects from circumstances which he has recalled to mind, being then residing in Norfolk, Maximilian Maxwell his brother came down from Smithfield where he lived to see his mother Helen Read then married to Dr. John H. Read sen^r: that the object of said Maxwell's visit to Norfolk was to obtain money from his said mother to relieve himself from the embarrassments and perplexities in which his imprudences had involved him: that he said Maxwell accordingly obtained a loan or advance of money from her, the amount not remembered, the deponent believes some two or three hundred dollars; that the said Helen Read also discharged a note for him which he was owing to a certain John Hurt to the amount of forty five pounds and assumed and became responsible for the payment of Fifty pounds for which said Maxwell had executed a deed of Trust to James Young of Smithfield: that in consideration of the money which the said Helen Read had thus advanced, paid

James B. Southall's

deposition

came to hand under seal

April 5th 1824

deponent does not know that the said Doctor
Joseph Holmes ever became a Citizen of the United
States or of the State of Virginia by naturalization
or any other way. That the said Joseph Holmes
to whom this deponent alludes, intermarried in the
County of Essex Night with the widow of John
Lawrence the mother by reputation, of the late
John Lawrence ^{deceased} late of the County of Essex Night.
and this deponent believes that the said Joseph Holmes
was the person whose estate was committed to the
hands of John Jordan late Sheriff of Essex Night
County, and the complainant, in the Court
aforesaid; - That he recollects a negro man
called Tom who was sold to Maximilian dea-
-milled by the aforesaid Joseph Holmes for
the sum of five hundred dollars - and
this deponent has frequently understood that
the said negro slave Tom was the property of
John Lawrence ^{deceased} in his lifetime, whose
widow intermarried with the said Holmes. &
the said deponent has understood ^{after the sale to Maximilian} that ~~John~~
he had ^{in said slave} only ~~an estate~~ an estate for the life
of his wife (being the widow Lawrence) -
And further this deponent saith not -)

signed (J. W. Southall)

Essex Night County Jc. This day the foregoing deposition
of James Southall of the town of Smith? was taken
before us in the town of Milver Davis agreeably to custom
between the hours of 9 o'clock in the morning & even out of
the 27th March 1824 - given under our hands
the day & year last aforesaid -
J. H. Pyndie
J. H. Jordan

The deposition of Doctor James Southace
taken at the town of Mr. Wilson Davis in
the town of Fairfield and County of Allegheny
West, on Saturday the 27 - day of March
1874 between the hours of nine o'clock in the
morning and sunset ~~o'clock~~ ~~in the morning~~ of
the same day, agreeably to notice and Commission
to us directed - to be read in evidence in a
suit in Chancery now depending and undetermined
in the County Court of Allegheny West wherein
Sham Jordan late Sheriff of the County of Allegheny
West into whose hands the unadministered
estate of Joseph Holmes deceased was committed for
administration, is complainant, and Helen
Reade, James ~~Maxwell~~ ^{Mr. Maxwell} May ~~Payson~~ John H. Boche
and Louisa his wife, George ~~Holmes~~ and Sarah
his wife, Sand. Monthly Sergeant and Committee
of Maximilian Maxson and: Joseph ~~Maxson~~
and Nathl. Jones administrators of said ~~estate~~
are defendants.

(This deponent having been duly sworn
on the Holy Evangelist of Almighty God to the truth to
speak forth and saith, that he was well
acquainted with Doctor Joseph Holmes who resided
in the town of Fairfield many years past, to wit about 1793/1839
that he the said James Southace was a partner of the
said Holmes in the practice of medicine for
about two years and that the said Holmes was
accepted, taken and reputed to be an Alien to wit
an Irishman, and that to the best of his knowledge
and belief he was by birth a foreigner, and that

718
agued
Helen Read to }
ads } Depo of In: Johnston.
Isam Jordan late Shff. of Joseph Holmes, d.?

The Clerk of the County Court
of Isle of Wight County

Isam Jordan

Depo. of

John on

Marshall V. S.

Sum 7th 1824 came to hand

under cover sealed -

a letter some few years ago and believes her still to be living, and he has also a power of Attorney ~~and her~~ from her and her children in relation to the estate of her said husband. And this deponent further states that he emigrated to this Country in 1783 and thereafter sailed out of Norfolk for some years; that he saw the said Joseph Holmes in Norfolk in 1784 who was then keeping a small shop and also pretending to be a sort of doctor; that said Holmes afterwards went to live in Smithfield, & this deponent saw him often occasionally for many years and remonstrated with him for marrying another woman as he had done while his wife was living in Ireland; and that in all his conversations with him, he talked with him as a native of Ireland; and always understood and has no doubt that he was so.

John Johnston

Borough of Norfolk
State of Virginia } to wit.

I Benjamin C. Payne a Notary Public for this District, by lawful Authority duly Commissioned and sworn, do hereby certify that the foregoing deposition of John Johnston was taken before me on this

Fourth day of June A.D. One thousand, Eight hundred and twenty four at the Office of William Maxwell Esquire in the Borough of Norfolk between the hours of nine in the morning and sunset of the same day, by virtue of the Commission and in pursuance of the notice hereunto annexed, to be read in evidence in a suit in Chancery now depending in the County Court of Isle of Wight in which Isham Jordan late Sheriff into whose hands the unadministered part of the Estate of Joseph Holmes dec'd was committed for administration is plaintiff and Helen Read and others are defendants; that the said deponent was ^{first} duly sworn by me and subscribed this deposition in my presence --

2nd Attestor

Benj. C. Payne
Not. Pub.

24
The Deposition of John Johnston taken before ^{and} Benjamin C. Payne
a Notary Public for the District of Norfolk in the Commonwealth
of Virginia, by lawful Authority duly commissioned and qualified,
on Friday the 4th day of June AD One thousand, Eight hundred and
twenty four at the Office of William Chapwell Esq. in the Borough
of Norfolk, between the hours of nine in the morning and sunset
by virtue of the Commission and in pursuance of the notice thereto annexed
of the same day, to be read in evidence in a suit in Chancery
now depending in the County Court of Isle of Wight in which
Isaac Jordan late Sheriff of Isle of Wight County into whom
hands the unadministered part of the Estate of Joseph Holmes
decd was committed for administration is plaintiff and
Helen Dead and others are defendants -

This Deponent aged Sixty five years being first duly
sworn on the Holy Evangelists, deposes and saith:

(That he was born in the year 1758 in the town of
Sterry in the Kingdom of Ireland and afterwards removed
to the town of Drogheda in said Ireland to reside: that
while he resided in Drogheda he became acquainted
with a certain Joseph Holmes then residing in the said
town and acting as a sort of deputy or clerk in his
uncle's office who was what they call the town clerk
there; that he knew the said Holmes intimately and
saw and conversed with him frequently between the
years 1776 and 1782; and that from all he saw and
heard both from said Holmes and others, & from his
appearance, speech and conversation, this deponent
always understood and believed and now verily
believes that said Holmes was a native born Irishman
a subject of the King of Great-Britain: That he
knew the said Holmes both before and after his
marriage with a young lady of Drogheda named
Alicia Edwards from whom this deponent received

St. George
Reposition

Came to hand under cover seal
June 10th 1824 *W. Lightfoot*

with Mr. Lawrence the owner of Colo. John Lawrence?
Answer. I did not see the marriage solemnized, but
I have frequently been at the house of Dr. Holmes
and seen them living together as man and wife -
they were considered as married and about it
I have no rational doubt.

Question by defendant. Do you know the consideration
of a mortgage deed for one hundred and fifty
hundred given by Maximilian Maxwell to Joseph
Holmes, any record in the County Court of the
of Wright? if so, what was the mortgage given for?
Answer. In the fall of the year 1798, I heard
the late doctor Holmes say that he had sold to
Maximilian Maxwell then of Smithfield a negro
man called Tom alias Tom Galt for five hundred
dollars and that to secure the purchase money he
had taken of the said Maximilian Maxwell a
mortgage upon the house and lot of said Maxwell;
~~in the town of Smithfield, which is now the property~~
~~of Joseph Holmes and that the said negro had~~
~~been shot and sometime afterwards Holmes told me~~
that the said negro had been shot.
Question by the def. Did you ever know or understand
that Maxwell had possession of said negro?
Answer, I never did.

Question by def. Were you so frequently at Maximilian
Maxwell, that you would most probably have seen
the said Tom had he been there? Answer. I was
frequently at Mr. Maxwell and think if he had
acquired the possession of Tom I should have known it
and so forth his account with respect

Ques. by Def. Read. are you or are you not interested in the decision of this suit?
Ans. I was the assn. of James Young, who had a prior claim on the S. House
lot. The debt nearly ^{seems} paid off and satisfied by the said Maxwell
in his life time. I do not know, how or in what manner I am
properly gain or lose by the decision of this suit.
Ques. by same. Was not five hundred dollars a very high price for Tom -
Ans. I think it was, tho I did not know his qualities - and further he
was not a white man -
Nathl Young

ple of Wright County Sc. We Thomas Smelly, and
William H. Ballard
Two of the Justices of the peace in and for
the County aforesaid, do hereby certify that the foregoing deposition of
Nathaniel Young was taken, sworn to, and subscribed before us
on the 7th day of June 1824 at the office of the Clerk of the ple of Wright County, in the County of
ple of Wright, between the hours of nine o'clock on the morning
and sunset of the same day, for purpose of the Note
and Commission herunto annexed. Certified under our hands
and seals this Seventh day of June A.D. 1824
Thos. Smelly W Seal
William H. Ballard Seal

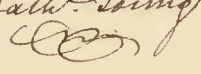
The deposition of Nathaniel Young of the County of
Bedford taken at the office of ^{of the Clerk of Hb of Wight County.} ~~of the Clerk of Hb of Wight County.~~
in the County of Hb of Wight and State of Virginia
on ~~Monday the~~ ^{Monday the} Seventh day of June
at ~~eight o'clock and twenty four~~ ^{between the}
hours of nine o'clock in the morning and
sun set - in the evening of the same day again
to be read as evidence in a suit ^{in Chancery} depending &
undetermined in the County Court of Hb of Wight
in which I have for and late Sheriff of the County
of Hb of Wight who have the care and administration
part of the estate of Joseph Holmes deceased, that
has been committed for administration, is complainant
and Helen Reade & others are defendants.

This deponent having been duly sworn on
the Holy Evangelist of Almighty God the truth to speak
separately and said, that he was acquainted with
Joseph Holmes who about the year ^{resided in}
the town of Smithfield and practised medicine, that
the said Joseph Holmes was considered to have been a
native of ~~Ireland~~ ^{Ireland} and as far as this deponent
believes he never became a citizen. He has never
frequently heard Doctor Holmes say that he was a
native of Ireland, and that after he intermarried
with Mrs. Lawrence the widow of John Lawrence
of the County of Hb of Wight, he was informed by the
said Joseph Holmes that he then had a wife living
in Ireland ^{and} ~~with~~ ^{two} sons; that this deponent said
several letters ^{purported to be} from Thomas Holmes, to his father and
the last letter which this deponent recollects having
^{purported to be} ~~seen~~ ^{from} Thos. to Joseph Holmes, announced that
he had received the appointment of Lieutenant in
the Navy of Great Britain - This deponent was for
several years intimately acquainted with Dr. Holmes.
Question by plaintiff - Did not Joseph Holmes intermarry

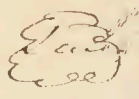
Holmes
no. 3 depts. of
St. Young.
Marshall.

filed Nov. 10 1825

The deposition of Nathaniel Young of Lawfull age taken upon oath at the clerk's office of Islip Wight County the 8th day of November 1825 without notice, to be used as evidence in a suit in chancery depending in the Court of the county aforesaid, in which Jordan late Sheriff ~~at~~ committee & administrator of the Unadministered part of Joseph Holmes estate is complainant and William Maxwell and others are defendants - This deponent saith that a certain Joseph Holmes married the widow of John Lawrence ~~late~~ late of the aforesaid County, whose name was Mary - that the said Mary survived the said Joseph Holmes who died about the year and the said Mary obtained letters of administration of the said Joseph's estate with the will annexed - and further this deponent saith not

Nathl. Young


Jsh. of Wight County, to wit: This day the above named Nathaniel Young appeared before the undersigned justice of the peace for the county aforesaid & made oath that the foregoing deposition containing the truth to the best of his knowledge & belief - Given under our hands & Seal, this 8th day of November A. D. 1825

Edmund Peden 

Jordan Parr 

The deposition of Nathaniel Boenig taken on the 24th day
of October 1829 at the House of Shemuel
Loe in the town of Smithfield
County of Richd. Wright between the hours
of 6 o'clock in the morning and 8
o'clock p.m. of the same day to be
made as evidence in the suit in the County
Court of Richd. Wright in Chancery wherein
Wham Jordan late of St. Louis & Co. are
adv. of Joseph Holmes is Plaintiff
and Joseph Atkinson and Helen Read
Jolly are Defendants. This depn. is taken
in the presence of Counsel for the p.p. & is
an order of the County Court of Richd. Wright.

This deponent being first duly sworn deposes and saith that since he
gave his former deposition in this cause he has had his mind more parti-
cularly drawn to the subject, and that he now remembers some circum-
stances which he wishes to add to his statement then made as follows:

That some years ago he was intimately acquainted with Maximilian
Maxwell who then resided in the town of Smithfield and where he
kept a store, this deponent lived with him as his clerk and store
keeper in the year 1797, and that he was also well acquainted with
Doct. Joseph Holmes who also lived in Smithfield, and did business
there as a Doctor, that in the fall of 1798 about the beginning of October
as well as he can remember he was told by said Maxwell and
also by Holmes that the said Holmes wished the said Maxwell to buy
a negro man called Tom (commonly called Tom Sale) who was then
out looking ^{for} work as a sawyer, and whom said Holmes said would
be at home in a few days and that he would then deliver him to said
Maxwell, This deponent advised Maxwell not to buy the said Tom at
the price Holmes asked for him (which was five hundred dollars) as he
thought it was too much, but some short time afterwards this deponent
understood from both the parties that the said Maxwell had agreed
to buy the said negro ^{of Holmes} at that price, and had given him a deed

in trust or mortgage upon his House and Lot in Smithfield to secure the purchase money, and that the said Holmes was to get the said negro Tom and deliver him to the said Maxwell. but he afterwards heard Holmes say that the said negro Tom was shot and dead, and this ~~deponent~~ ^{deponent} is confident the said negro was never delivered to the said Maxwell. This deponent well remembers that Maxwell came into the Clerks office (immediately after the report of the negroes death reached Smithfield) and asked James Young and this deponent if they thought he could be made to pay the purchase money as the said Holmes had never delivered the negro to him. He stated, that it was on the express condition of Holmes's ^{agreeing to} deliver the said negro, that he gave this deed of Trust or Mortgage on his Lot for the purchase money, and this the deponent ~~was satisfied~~ was the misunderstanding between Holmes & Maxwell, that is, the said negro was to be delivered or that Maxwell was not bound for the purchase money for said Tom.

This deponent also knows that Capt. Joseph Atkinson, (after he purchased the said Lot of Read wife in the year 1805) put ~~in~~ various improvements upon it, such as repairing the dwelling House, building a kitchen house, two smoke Houses, a ware House, &c. of considerable value; and it is the opinion of this deponent that if the Lot were sold now, in the condition it was when said Atkinson purchased it, and without the improvements he put on it, it would not sell for ^{much} more than five hundred dollars or thereabouts, for it was always said, that the dwelling House was built of such mean stuff that it ^{was} unsafe to live in it, for fear of its blowing down — and further this deponent saith not.

Question by the plffs. Counsel - Did Joseph Holmes leave a widow in the County of Ischwegeight, in the State Va., and did she afterwards qualify as s.?

Answer - I was not present at the time the contract was made, therefore do not know, whether May will know it or not. -

Question by same - Have you heard since Holmes say about the time of the contract, that the said negro Tom, was out in the neighbourhood at work as a Sawyer? and if so, was it in the presence of said May well?

Answer - At the time I heard them talking about the contract, and before it was made, I heard Holmes tell May - well that the negro was not at home, but that if he would buy him, that he would deliver him. -

Question by same - Have you ever heard Holmes admit, that if he did not deliver said negro, that the contract was to be void?

Answer - I never heard Holmes admit it in direct terms, but from what I heard him say, I draw that inference.

Question by same - How long after the contract before it was understood that the said slave was shot, and do you know that the s^d slave Tom was in fact shot and killed, before he came to the possession of said May well?

Answer - In some few days after I heard Holmes & May well say the contract was made, that Holmes told me that the said negro was shot and dead, and that

Holmes's representative?

Answer - He left a woman, with whom he lived as his wife, and she did administer upon his estate, but he told me that he had a wife in Ireland -

Question by same - Did he live with & generally call this woman his wife, & was she generally call'd and understood by her acquaintances and neighbours, as said Holmes's wife?

Answer - Yes Sir -

Question by same - Were you present when the contract relative to said slave Tom, was made between said Holmes and Maynell?

Answer - I was present when they call'd about the trade, but not when it was confirmed, but in a few days afterwards I heard from both parties it was confirmed -

Question by same, ~~Did you hear~~ Was it before, or after the contract that you heard Holmes speak on the subject?

Answer - I heard him speak of his intention of making the contract, and afterwards heard him say, the contract was made, and that the negro Tom was shot -

Question by same - Was the slave then at the time of the contract employed at work in the neighbourhood with the knowledge of Maynell: Maynell?

The Clerk of the
West County Court

J. B. Davis
J. B. Davis

over and taken a walk over
the field in the 14th of
Oct. 1829.

He has not been allowed but I will not
see him about them for we not know it of
my own knowledge —

Wm. B. Downing

County of Hamp. Me. to wit. This
day the foregoing deposition of Patrick
Wemy was taken on oath before us
at the town of Glen? Jordan in
the presence of witnesses for the
pl't. William Jordan ad. of Holms
and appeared to order of Court
and notice hereunto filed to
be read as evidence in the said
County Court of Hamp. Me. in C. of
Holms ad., classed and
given under our hands as Justices
for said County this 24th October 1877

B. Drew (9 p)
J. H. B. (9 p)

Holms ad.

William Jordan ad.

Holmes Corner: No

No.

W. H. P. 3d

Margaret A. E. H. H. H. H.

Nov 8th 1838

came to have under seal

W. H. P. 3d
8th Nov 1838

The Clerk of the Court of the
County of Medford

No.

I object to the reading of this exposition in the Court
of Holmes for the reason to be seen no notice was given to
the guardian ad litem of the said F. action, because
Mr. Wilson was dead, the representation not before the Court,
and also because it does not appear said exposition
was taken by a jury of the peace or chosen to take them.
1842. Nov 18th
a. A. H. H. H.
at the Court.

Answer. I frequently understood from the representations of West Holmes and others that a mortgage was given on a house and lot in the town of Smithfield for that purpose.

Sally A. Bourne

The Dependant Margaret E. Ballard being first duly sworn according to law, to answer such questions as might be propounded to her depositions as follows.

Questions by the Plaintiff. Do you know any thing of a negro man slave said to have been sold by Joseph Holmes to Maximilian Maxwell and if so state what you may know?

Answer. I know that Joseph Holmes was in possession of a negro man named Tom, sometimes called Tom Gale the property of John Lawrence at that time a minor and for whom Joseph Holmes was acting as guardian. That the said negro sometime in the ~~year~~ ^{summer of} one thousand seven hundred and ninety eight ran off that he was apprehended and brought home in September following and confined by Holmes until the month of October in which month he was sold to by Holmes to Maximilian Maxwell and delivered to him in my presence.

Question by the same. Where did Holmes reside at the time and what opportunities did you have of becoming acquainted with these facts?

Answer. At the period of these transactions Joseph Holmes resided in the town of Smithfield where he continued until his death

death myself and my sister Sally residing with him as members of his family. —

M. E. Ballard

The foregoing depositions to be read in evidence in a suit now depending and undetermined in the County Court of Chancery for the County of Isle of Wight in which I sham Jordan late Sheriff and committee of the Estate of Joseph Holmes is complainant and William Maxwell and others are defendants — were taken before me pursuant to the annexed notice this 18 day of October — Eighteen hundred and thirty six. —

James D. Mapentbury J. C.

The depositions of Sally A. Bowser and Margaret E. Ballard, Taken before James D. Chapman, a justice of the peace for the County of Southampton, at the house of Dr. Carr Bowser, in the said County, on the 18th day of October 18th 66, between the hours of nine a.m. and four p.m. in pursuance of the annexed notices.

The deponent Sally A. Bowser, being first duly sworn according to law, ~~deposed~~ to answer such questions as might be propounded to her, deposes as follows:—

Question by the Plaintiff. Do you know any thing of a negro man slave said to have been sold by Joseph Holmes to Maximilian Maxwell? ~~answering~~

Answer. I very well recollect that Doct. Joseph Holmes was in possession of a very valuable slave named Tom commonly called Tom Gale a house carpenter by trade, who ran off some time in the summer of ~~September~~ hundred and ninety eight he was apprehended as I understood in Baltimore and brought back in the fall of that year and sold by Doct. Holmes (after a short confinement in irons) in the month of October to Maximilian Maxwell on whose lot I frequently ~~afterwards~~ saw him at work

Question by the same. Do you know whether any security was given by Mr. Maxwell for the payment of the purchase money of the said slave

Holmes's account

as

$\frac{2}{3}$ Office in Chs.

Maxwell's doctrs

Baker for copy

Execution Helen Read

Lewis Maxwell & Wm Maxwell

& Mary J. Pagan & Louisa

Holmes and George Wilson

and Sarah his wife

Richard Baugh Ds

for

at the Court Shff

The Commonwealth of Virginia to the Sheriff of Norfolk County Greeting;
You are hereby commanded to summon Helen Reese James Maxwell
William Maxwell Mary J. Payne, Louisa Holmes, George Wilson and
Sarah his wife late Sarah Maxwell, Joseph Atkinson and Nathaniel
Young administrators of James Young, ~~decd~~
to appear before the sitting of our County Court of Eslopwight at the
Courthouse of said County on the first Monday in November next to
answer a bill of revivor in Chancery exhibited against them by
John Lawrence administrator of Joseph Holmes ~~decd~~

And this they shall in no wise omit under the penalty of \$100
each, and have there this writ. Witness Nathaniel Young Clerk
of our said Court at the Courthouse the 11th day of August 1820 in the
15th year of the Commonwealth —

Nath^l Young
Clerk

Isaac Jordan Sheriff into whose hands the undistributed
part of the Estate of Joseph Holmes was committed for admin-
-istration To the Coroner of Norfolk County, L.

1821

To executing Sub. in Chancery on Helen Read
Ja. Maxwell William Maxwell Mary I. Payne } 6.00
George Wilson and Louisa his wife - - - }

1822 executing a Hi. Si.^{order} on the above named parties 6.00
\$12.00

Arthur Emmerson Cor. N. C.

Wolfgang aduon. ^{Wol}
or
M. A. C. d. m. o.
Pharmaceutical
Bakers for sale

Norfolk County to wit.

On this 3^d day of ~~March~~ ^{April} 1821. Rubens Raugh Deputy
for the then Past Sheriff of the said County personally appeared
before me John Thompson a Justice of the peace of the
said County, and made oath that he delivered to the within
named Helen Reas, William Maxwell, Mary J. Paene, Louisa
Holmes, George Wilson and Sarah his wife, each a true copy
of this decree, and that he saw the within named James Macgill
and read this to him.

Given under my hand
J. Thompson

Isle of Wight County March Rulez 1874

John Lawrence administrator of Jos. Holmes } Complt.

vs

against

Helen Beader James Maxwell Mrs Maxwell

Mary J Payne, Louis Holmes, George Wilson

and Sarah his wife late Sarah Maxwell

Joseph Althuisen and Nathaniel Young admors.

of James Young vs

Defy.

Indts

The defendants having failed to file their answer to the bills of ~~the complainants~~, exhibited against them in this cause. It is ordered that unless the said defendants appear here at May term next and file their answer that judgment will be entered for the complainants against them agreeably to the prayer of the said bills.

Teste Nathl. Young Clk

I acknowledge the within cleared

Joseph Atkinson

Holmes's order.

W.

Maxwell's

Me of right

Jess of Wright County

January. Rules 1822.

Isaac Jordan Sheriff, into whose hands the real administration
part of the estate of Joseph Holmes ~~and~~ was committed for
Administration

against

Nelson Reade, James Manwold, William Manwold, Mary
S. Payne, John Alcock and Louisa his wife, George Wilson
Sarah his wife, Joseph Atkinson, and Nathaniel Young
Administrator of James Young ~~and~~

In Chancery

Defts

The Defendants having failed to file their answer to the bill of
Complaint exhibited against them in the Court of this county by the complainant,

It is ordered that unless the said Defendants appear here at February Term
next, and file their answer; Judgment will be entered for the Complainant
against them agreeable to the prayer of the said bill

Jesse Nathl. Young Clk

Admrs's Admors.

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Maxwell & Co

To Norfolk

Executed on Helen Read
Jas Maxwell
Mary J Payne
George Wisant
Sarah his wife
& William Maxwell

The other defendants
are not in habitants
of this County

Richard Bunch Deputy
for
A Emerson Coroner

Isle of Wight County

January Rules 1032

Isaac Jordan Sheriff into whose hands the unadministered
part of the estate of Joseph Holmes decd. was committed for
administration.

against

Helen Reade, James Maxwell, William Maxwell, Mary
J. Payne, John H. Locke and Louisa his wife, George Wilson
and Sarah his wife, Joseph Atkinson, and Nathaniel
Young decd. Administrator of James Young decd.

Pliffs.

In Chancery

The Defendants having failed to file their answer to the bill
of complaint exhibited against them in the court of this county by the complainants;
It is ordered that unless the said Defendants appear here at February court-
next and file their answer, Judgment will be entered for the complainant
against them agreeable to the prayer of the said bill

Teste

Nathl. Young esq

Service of the within is acknowledged, as to my-
self, and Laura, my wife. 15 Jan. 1822.

John H. Clarke

Admrs. Admor.

to
3
3
3
3
Maxwell Esq

2 Fluvanna County

Jude of Wight County

January Rules 1822

Isaac Jordan Sheriff, into whose hands the undivided
third part of the estate of Joseph Holmes decd. was committed
for administration

against

Helen Rixie, James Maxwell, William Maxwell, Mary J.
Payne, John H. Locke, and Louisa his wife, George Wilson &
Sarah his wife, Joseph Atkinson, and Nathaniel Young
Administrators of James Young decd.

Compl.

In Chancery

Defts.

The Defendants having failed to file their answer to the bill of
complaint exhibited against them in the Court of this county by the complainant;

It is ordered that unless the said Defendants appear here at February Court
next and file their answer, Judgment will be entered for the complainant
against them agreeable to the prayer of the said bill

Jesse Nathl. Young ad
L

Service acknowledged

W. B. Lamb Esq
& committee of
Mass. Manumission
20 July 1829

Holmes's answer:

2 Misses

as

Manumission

Isle of Wight County

July Rules 1879.

Sham Jordan State Sheriff into whose hands the unadministered part of the estate of Joseph Holmes deceased was committed for administration. D Compl't.

against.

Helen Reade, James Maxwell, William Maxwell, Mary A. Payne, John A. Locke, and Sonica his wife, George Wilson and Sarah his wife, William B. Lamb, sergeant and committee of Maximilian Maxwell deceased Joseph Atkinson and Nathaniel Young administrator of James Young deceased.

In Chancery

Defts

The defendant William B. Lamb having failed to file his answer to the bill of complaint exhibited against him in the court of this county by the complainant,

It is ordered that unless the said Defendant William B. Lamb appear here at August Court next and file his answer, Judgment will be entered for the Complainant against him agreeable to the prayer of the said bill. — Wm. Nathl. Young & Co.

At a Court held for Isle of Wight County the 4th. day of
December 1797. — This Deed in trust was proved by the Oaths of
Thomas Hancock, Francis Young and Samuel Webb three of the
Witnesses thereto. and Ordered to be recorded.

Teste

F. Young A. H.

Marwell

Deed in Trust
to

Young

December 4th. 1797. proved by
three Wit. H. R. R.

Recorded & Examined

land, and all the houses buildings and improvements belonging to the same or
in any wise appurtenant, and also all the estate, right, title, interest, property,
claim and demand, whatsoever of him the said Maximilian Maywell his
heirs executors or administrators, of in or to the said doct or half acre of land
with all the houses buildings and improvements thereon or any part thereof
To have and to hold, the aforesaid doct or half acre of land and all the
improvements thereon unto the said James Young his heirs and assigns. Upon this
special trust and confidence nevertheless, that is to say,
It shall and may be lawful to and for the said James Young, in case of
any suit, motion, judgment, or execution, shall be had against him, for or
by reason of the breach of the condition of the writing obligatory aforesaid
by the said Maximilian Maywell, at such time as he the said James
Young may think proper to make sale at public auction for the best
price that can be had, first duly advertising the same, the hereby
granted ^{doct} or half acre of land and all the improvements thereon, and
all or any part thereof, ^{for ready money} and convey the same in fee simple to the purchaser
or purchasers, and retain a sum of money sufficient to reimburse pay
and satisfy him the said James Young his heirs executors or administrators
all sums of money, damages, costs, and charges, that he may be liable
for by reason of the security ship aforesaid, and the surplus (if any) to be
paid unto the said Maximilian Maywell his heirs executors or administrators,
or to such other person or persons as shall be authorized to receive the same.

In evidence whereof the parties to these presents have hereunto set
their hands and affixed their seals the day and year first above

Written

Signed Sealed & Delivered

In the presence of

Thos Hancock

Francis Young

Ann Hancock Sam Webb

Maxwell Seal

J. Young Seal

Received this fourth Day of December 1797 of
James Young the sum of one Dollar Current Money it being
in full of the within consideration

Witness

Thos Hancock

J. Young

Maxwell

Know all men

That this 9th day of July 1804 full satisfaction
for the within deed in Trust

Witness

M. Mallory

John Manswell

Nathl Young Admor.
of James Young decd.

This Indenture made this fourth day of December in the year of Christ One thousand seven hundred and ninety seven, Between Maximilian Maxwell of the Town of Smithfield in the County of Isle of Wight of the one part, and James Young of the Town of Smithfield and County aforesaid, of the other part, Whereas, the said James Young stands bound to William Mallory and John Murry Administrators of all and singular the goods and Chattels rights and Credits of Lazarus Levy deceased, as security for the said Maximilian Maxwell in one Certain bond bearing date the sixth day of November in the year of Christ One thousand seven hundred and ninety seven in the penalty of One hundred pounds, conditioned for the said Maximilian Maxwell's due and faithful payment of the sum of fifty pounds Current Money of Virginia, unto the said William Mallory and John Murry Administrators of Lazarus Levy deceased as aforesaid, And the said Maximilian Maxwell being willing and desirous to save harmless and keep indemnified the said James Young by reason of such securityship, This Indenture therefore Witnesseth that as well for securing the said James Young by means of such securityship as aforesaid, as also for and in consideration of the sum of One Dollar Current money of Virginia, to the said Maximilian Maxwell in hand paid at or before the signing sealing and Delivery of these presents, the receipt whereof the said Maximilian Maxwell doth hereby acknowledge, and thereof acquit and discharge the said James Young his heirs and assigns, He the said Maximilian Maxwell, hath granted, bargained, sold, aliened, enfeoffed, and confirmed, and by these presents doth grant, bargain, sell, alien, enfeoff, and confirm, unto the said James Young his heirs executors Administrators or assigns forever, one Certain lot or half acre of land, and all the houses buildings and improvements thereon situate lying and being in the Town of Smithfield aforesaid, and in the plain or plot of the said Town, designated by the appellation of lot, Number nine unto him the said James Young and to his heirs and assigns forever, together with all and singular the appurtenances belonging unto the aforesaid lot or half acre of land

A Court continued & held for Deep Water County the 11th day of December
 1798. — This deed in trust was acknowledged by Maximilian Maxwelle
 County Clerk. & ordered to be recorded —

Teste *John Young* Ck.

Maxwelle
 N. *Maxwelle*
 Clerk
 Subst. or. March 22nd 99.
 Bill *in* file —
 1799. July 2nd —
 in 81-11

Maxwelle
Attorneys

Maxwelle } Deed in Trust
 to }
 Holmes }
 December 11th. 1798. Ackd.
 H. A. R. —
 recorded & examined

Nevertheless that the said Joseph Holmes shall as soon as
conveniently he can (after having advertised the time and
place of the sale of the property before mentioned in some
publick newspaper published nearest the residence of the
said Max^r Maxwell) proceed to sell the same to the highest
bidders for the best price that can be obtained, and out
of the monies arising from the sales in the first place to
pay satisfy all reasonable charges attending such sale and
then the debt within mentioned, and the residue of the
monies arising from such sale as aforesaid to the use of
the said Max^r Maxwell, his executors, Administrators,
or Assignees, or to such person or persons as he by writing
under his hand shall appoint and in default of such
appointment to such person or persons as will be thereto
entitled by virtue of the Statute for distribution of intestate
estates, In Witness whereof the said Max^r Maxwell
have hereunto set his hand & Seal the day and year
first within written

Signed Sealed & delivered
in the presence of

Thomas Mon

Wth King

Wilson Harris

Max^r Maxwell Seal

This Indenture made the sixteenth
day of October in the year of our Lord one thousand seven
hundred and ~~eighty eight~~ Between Max^m Maxwell of the
Town of Smithfield in the County of Isle of Wight of the one part
and Joseph Holmes of the same of the other part, Witnesseth
that the said Max^m Maxwell in order to secure the payment
of the sum of one hundred and fifty Pounds Virginia currency
and in consideration of the sum of one Dollar to him in hand
paid by the said Joseph Holmes at or before the enscaling and
delivery of these presents the receipt whereof is hereby acknow-
:ledged. He the said Max^m Maxwell hath granted bargained
and sold and by these presents doth grant bargain and sell
unto the said Joseph Holmes all that certain Improved lot
of land lying and being in the said Town of Smithfield and
County aforesaid, and known by the name of Number nine
and bounded according to the Surveyors plot of the said Town
as by the said plat relation being thereunto had may more
fully appear, and the reversion, and reversions, remainder, and
remainders, yearly and other rents, issues, and profits, thereof and
of every part and parcel thereof, and also all the estate right,
title, interest trust, property, claim and demand whatsoever, both
at law and in equity, of him the said Max^m Maxwell in. to or
out of the said lands, tenements, hereditaments, and premises.
To have and to hold the said improved lot of land herein
before mentioned. to be hereby granted with their and every of
their appurtenances unto the said Joseph Holmes his heirs
executors, Administrators, and Assigns for ever. Upon Trust,
nevertheless

Holmes.

to ~~my~~ order.

Marshall.

to be filed in
the case of
Holmes or Marshall
Chy.

Norfolk Borough

At a Quarterly Session Court continued & held the 24th day of June 1828.
The estate of Maximilian Maxwell deceased having been heretofore committed
to Samuel Moseley late Sergeant of this Borough and the said Moseley having
departed this life and no person applying for administration on the estate of the
said Maximilian Maxwell it is ordered that William B. Lamb Sergeant of this
Borough take possession of the said estate unadministered by the said Moseley and
administer the same according to law.

Attest,
Jno. Williams Secy

Bills —

Answer

Holmes

Maxwell

Exposition

John Elly on John K. Chapman over: of Martine Elly

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shall lease for three or five years after the
1st of January next, a valuable estate in Mush
Island, on the navigable waters of the Roanoke Ri-
ver. It contains upwards of 1000 acres—500 of
which are low grounds of extraordinary fertility for
the growth of corn and celebrated for the raising of
pork.

JOSEPH TRENT.

June 5.

w4w

NOTICE.—The Second Instalment of twenty-
five dollars per Share on the subscription for
the Stock of the Farmer's Bank of Virginia, will be
due on the 16th instant. The law requires the pay-
ment to be punctually made, to prevent a forfeiture
of the first instalment paid at the time of subscrib-
ing. The money for subscriptions at Richmond,
may be deposited with J. B. Ogg, or in his absence,
with Jas. Scott, jr.

THE COMMISSIONERS.

Richmond, June 5.

2w

TEACHER WANTED.—A young Gentleman
qualified to teach the English, Latin, and Greek
languages, who can come well recommended, may
find employment, the ensuing year, by applying to
the subscriber, who lives near Richmond.

THOMAS BURTON.

June 2.

tf

WILLIAM ANDERSON, has just received from
Boston and Philadelphia, in addition to his
former stock of Groceries, the following articles—
Prime Old Sherry, in 1-2 and 1-4 Pipes,
New-England Rum, in barrels,
German and Blistered Steel,
Philadelphia Tyre and assorted Sweetens Iron,
Plough Plates,
Nail Rods,
Seythe Blades,
Prime Green Coffee,
Wrapping Paper, &c.

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third time and passed, as was also
for the relief of William Gerrard.

The bill for the relief of Eli Whitney (going to extend for a further term of years a patent for his invention of the cotton gin) was before a committee of the whole, Mr. Lewis in the chair, for some time, and much debated. The committee rose without going through the bill, and obtained leave to sit again.

Thursday, May 23.

Mr. Jennings reported a bill supplemental to the act "for dividing the Indiana territory into two separate governments," which was twice read; and ordered to be engrossed for a third reading.

On motion of Mr. Shaw.

Resolved, That the committee to whom was referred the report of the secretary of the navy, made to this House on the 26th inst. be directed to enquire whether any, and if any, what alterations or amendments are necessary to an act establishing navy hospitals, passed 26th February, 1811, & that they report by bill or otherwise.

The engrossed bill to amend the laws within the district of Columbia; the bill for the more perfect organisation of the Infantry of the U. States; and the bill to authorise the President to leave one of the public reservations of ground in the city of Washington; were severally read a third time and passed.

The bill for the relief of Arthur St. Clair, went through a committee of the whole, Mr. Nelson in the chair; and, after much and animated debate.

The question was taken, that the bill be engrossed & read a third time, & lost.

For the bill	43
Against it	50

Friday, May 29.

Mr. Mitchell presented the petition of Joseph Howland, jun. in behalf of Henry Hill, consul of the U. States at Brazil, stating that he had purchased a vessel there and sent her with a cargo to the U. S. on which he had been compelled by the collector of the port where she arrived to pay foreign duties of tonnage, although the vessel belonged to him a citizen of the United States—& praying relief. Re-

that this impression
trymen are beginning to
for their white brethren.

Mr. Johnston, by order of council with the Shawanneh, on the 8th inst. at Picquet made great professions of amity. The affair of Tippecanoe destroyed all faith in Indian sincerity. The Indian who resides in the Indian country have been constantly passing the Prophet and Wapakane. They hope that our countrymen will rise to Indian duplicity.— with them, or talk any longer of them; they have learnt the

Yesterday, General Gage's regiment between 6 and 700 men. The place consists of about 1400 of which are volunteers. We were able to lay before our readers a statement of the number after taking considerable pains, we found the task impossible. Capt. Mansfield's paper. Capt. Sloan's troop (both companies of regulars from the here in a few days.

Governor Hull, of the has been appointed a B army, has arrived at Washington. Governor ed an express to Vincennes of Col. Boyd's regiment expected here in a few days troops will not march for arrival.

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