1860-011 Chancery Causes: David Matthews, assignee of Elias J. Batten v d vs Francis J. Pleasant's

Dsde of Wright County

admr v d

other SURNAMES: Gay, Gale, Mathews

At a Court held for Isle of wight County on the 2d
Day of November 1857.

On the Motion of Josiah P. Ward - ordered that the estate of Francis Pleasants - who has been dead more than three months, be Committed to the hands of Josiah P. Gay Sheriff - for administration.

Copy
Teste. F. C. Latimer D.C.

Pleasants Est.
Cont. to Shff.

This Deed made this 2d. day of February in the year 1857.
Between Francis J. Pleasants of the one part, and Mariah E
Pleasants his wife and John H. Pleasants and Franklin P. Pleasants
his children of the other part, Witnesseth that the said Francis J.
Pleasants in consideration of the natural love and affection which
he has for his said wife and children, doth grant with general warr=
anty to the said Mariah E. Pleasants during her single life, in case
she survives the said Francis J. Pleasants and at her death or
second marriage to the said John H, and Franklin P. Pleasants
and their heirs forever. The following property to wits, in the following
manner to wits. Negroes Mahala and children Jane & Isaac,
Maranda Matilda, Mansfield & Laura, Also two Horses
three head of cattle, One Bureau, One Table, One Buffet One clock
Three Beds, Steads & furniture, 40 Barrels of Corn. 3000 lbs. fodder
2,500. lbs. Pork, 26. head of Hogs, all his Kitchen furniture, Buggy
one Harness, Saddle & bridle, 13 wunder chains & 2 Carts & wheels,
But the said Francis J. Pleasants reserves to himself his right
to use Occupy & enjoy the said Negroes and chattle estate during
his life, and after his death the same to remain in the
possession of, & be used & enjoyed by said wife Mariah E. Pleasants
during her single life, and after her death or marriage, to be
divided between the said John H. Pleasants, and the said Franklin
P. Pleasants in the following manner to wit the said John H.
to receive Negroes Mahala & children Jane & Isaac and their
increase from the date of this Deed; and the said Franklin
P. Pleasants to receive Negroes Maranda, Matilda, Mansfield &
Laura and their increase from the date of this deed, also
all the chattle estate of every kind herein before mentioned &
described, to them and their heirs forever. Witness the following
Signature & Seal.

F. J. Pleasants (Seal)

At the clerks office of Isle of wight County Court, March 2d. 1857.
This Deed was rec: and was acknowledged by Francis J. Pleasants
to be his act and deed, and admitted to record.

Teste. A. P. Young cc.
A Copy. Teste. H. E. Latimer D.C.

Ex. J. Pleasants
to Deed
Maria E. Pleasants &c

Matthews for Bodine
vs. Z Chy.
Pleasants &c
=
Filed with
Bill

(59)

Continued

March 10th	To amt	brot over			11.59
" "	"	1 qt	whiskey	16	16
" 12th	"	1/2 gal	Do	31	31
" 14th	"	1 "	Do	3 99	63
" "	"	1 pt	Do	10	10
" 15	"	Canday 3	whis 8		11
" 16th	"	1 qt	whiskey	16	16
" 17th	"	1/2 gal	Do	31	31
" 18th	"	1/4 qt	Do	20	20
" "	"	1 ounce	Camphor	25	25
" "	"	1 glaje	Cash	31	31
" 19th	"	1/2 gal	whiskey	31	31
" 20th	"	1 "	Do	63	63
" 21st	"	1 qt	Do	16	16
" 23rd	"	1 qt	Do	16	16
" 24th	"	1 "	Do	16	16
" "	"	1 pair	Lines	19	19
" "	"	Crackers 3	1 qt whis	16	19
" 25th	"	1 qt	whiskey	16	16
" 26	"	Cash pr	Henry Jones		25
" 1	"	2 "	Shot	10	20
" "	"	1 gal	whis 1 pt	whis 66	66
" 28th	"	1 Vial	Bairs oil	12	19
" "	"	1	Do Rose oil	12	12
" "	"	1 pair	Shoes pr Son		75
" "	"	1/2 gal	whiskey	31	31
" 30th	"	1/2 pt	whis & Bairs oil	17	23
" "	"	1/2 gal	whiskey		31
" 31st	"	1/2 "	Do	31	31
" "	"	3 plugs	tob	4	12
April 2nd	"	1/2 gal	whiskey	31	31
" "	"	1/4 "	Canday	10	10
" 3rd	"	1/2 gal	whiskey	31	31
" 4th	"	1 pt	Do	8	08
" "	"	1/2 gal	whis Key	31	31
" "	"	1 qt	whis & plug	tob 4	20
" 7th	"	1/2 gal	Whiskey	31	31
" "	"	1 "	tobacco	31	31
" "	"	1/4 "	Canday	10	10
" 8th	"	1/4	Canday	10	10
" 9th	"	1/2 gal	whis 31	2 " tobo	62
		amt	cared th 57th		$22.21 To

1856 J. J. Pleasants Dr Cr

In act with D. Matthews

Decr	24th	To	1 pair Shoes 6/9	1.13.	
"	"	"	1 Pack prospers 10	10.	
"	27th	"	1/2 pt whiskey 9d	13.	
"	30th	"	1 Umbrella 8/3	1.38.	
Jany 1857	6th	"	1/2 lb Candy 9d	13.	
"	10th	"	1 plug Tob. 31d	31.	
"	26th	"	3 Boxes Caps 10d	30.	
Feby	4th	"	1 plug Tob 4	04.	
"	4th	"	1 qt whiskey 16	16.	
"	5th	"	1 " Do 16	16.	
"	11th	"	1 " Do 16	16	
"	12th	"	1 " Do 16	16	
"	13th	"	1 gal Do 3/9	63	
"	"	"	1 Peice Tob 8	08	
"	14th	"	1/2 pt whiskey 4	04	
"	"	"	1 qt whiskey 16	16	
"	15th	"	1 " Do 16	16	
"	16th	"	1 qt whiskey 16	16	
"	17th	"	1 gal whiskey 3/9	63	
"	"	"	1/2 lb Crackers 6	06	
"	"	"	Cash loaned 6	06	
"	"	"	1 plug Tob 1/6	25	
"	"	"	Cash loaned 9d	13	
"	"	"	whiskey 4	04	
16 13 29	18	"	3/4 lb Sugar Crackers	12	
"	19th	"	2 gals whiskey 3/9	1.25	
"	"	"	whis & Cigars 12	12	
"	23rd	"	1 qt whis 16 Tob 9d	29	
"	24th	"	1 gal whiskey 3/9	63	
"	25th	"	whis & Crackers 17	17	
"	27th	"	1 qt whiskey 16	16	
"	28th	"	1 " Do 16	16	
"	"	"	1 gal Do 3/9	63	
March	6th	"	1 qt Do 16	16	
"	"	"	1 paper tob 6	06	
"	"	"	1 " Tea 19	19	
"	7th	"	3 qts whis 48 - 1/2 pt pepper	61	
"	"	"	1 " whiskey 16	16	
"	9th	"	1 " Do 16	16	
"	"	"	1 pt Do 8	08	
			Caried over	$11.51 cts	

(57)

1857 F. J. Pleasants Dr Cr

Dec	10th	Am't Brot from Page 3rd		22.21
"	"	To 1/2 gal 1 qt Whis	39	39
"	11th "	1/2 Do 1/2 Do Whis	3/4	63
"	13th "	Whis & Cigars	16	16
"	" "	1 gal Whis Key	3/4	.63
"	14th "	1/2 Do Do	"	31
"	15th "	1 Paper Tea	09	19
"	" "	1 Viol Bairs oil	9	13
"	" "	1 Do Rose Do	9	13
"	16th "	1/2 gal Whis Key	31	31
"	17 "	3 plug Tobo 1 qt Whis		20
"	" "	1/2 gal Whis Key	3/4	31
"	20th "	1/2 Do Do	31	31
"	22nd "	1 Pencil & 1/2 gal Whis	3/4	44
"	" "	1/2 # Sugar Cracklers	8	08
"	" "	3 plugs Tob	4	12
"	23rd "	1 qt Whis Key	16	16
"	" "	1/2 gal Whis Key	31	31
"	24th "	1/2 Do Do	31	31
"	25th "	1/2 Do Do	31	31
"	" "	1/2 Do Do	31	31
"	" "	1/2 Do Do	31	31
"	27th "	1/2 Do Do	31	31
"	28th "	2 Do Do	3/4	1.25
"	29th "	fish hooks & Tob	21	21
May	1st "	1/2 # Tobacco	3/4	19
"	4th "	Cash & 1 qt Whis	4	21
"	5th "	1/2 gal Whis Key	31	31
"	6th "	1/2 Do Do	31	31
"	" "	3 plugs Tob	4	12
"	8th "	1/2 gal Whis Key	31	31
"	9th "	1 qt Do	16	16
"	11th "	Marbles 3 1 qt Whis	8	11
"	" "	1/2 gal Whis Key	31	31
"	" "	1 Hair Brush	3/4	63
"	12th "	1/2 gal Whis Key	31	31
"	" "	1/2 Do Do	31	31
"	14th "	1/2 Do Do	31	31
"	15th "	1 1/4 qt Whis Key	20	20
"	" "	1/2 gal Do 31 Tob	4	44
"	16th "	1/2 gal Whis	31	31
		Am't Carried over		34.26

1857 ~~Dr. A. J. Thomas~~ Dr ter

~~March 28th To 3 1/2 " Coffee 75~~ 5-0
" " " ~~Sundries 12~~ 12

1857 J. N. B. Thomas
May 6th To 1 pair Shoes C/4 1 13
" " " 8 " Soap 7- 56
" 9th Cr By Shoes Return 1.13
June 20th " Cr By Cash 56- 56
Augt 10th 2 Bunches Tape 6 12
" " Carried in a bl

1857 Henry Tynes A negro
July 25 To am't Brot up $13 02 $3.37
" 27th " 2 plugs Tob & Sundries 6 14
30th " 2 do do & 3 " flour 64 27
Augt 1st " 1 " Sugar 15 Tob 4 19
" " " 1 " flour 6 " Sugar 8 14
" " " 1/2 pt Whiskey 4 04
" 8th " 1/2 " Sugar 8 08
" " " Sundries 5 05
" 20 Cr by Note 10.35

Matthews for Baltes
C. Y. 64.
Sharon 5
Tolerable Dec
Dec
"A"

1857 Continued Dr Cr

May	16th	To Am/st Brot up			$34.26
"	"	"	1/2 gal whiskey	31	31
"	18	"	1/2 Do	Do 31	43
"	"	"	1/2 Do	Do 31	31
"	19	"	1/2 Do	Do 31	31
"	20th	"	1/2 Do	Do 31	31
"	21st	"	1/2 Do	Do 31	31
"	"	"	Tob & whiskey	7	07
"	22nd	"	1/2 gal whiskey	31	31
"	23rd	"	1/2 Do	Do 31	31
"	"	"	1/2 Do 1/2 pt	Do 35	35
"	24th	"	1/2 Do	Do 31	31
"	28	"	1/2 Do	Do 31	31
"	"	"	2 Boxes	3/	50
"	26th	"	1/2 gal whis	31	31
"	27	"	1 qt whisk Tob	1/2	28
"	28th	"	1/2 gal whis	31	31
"	29th	"	1/2 Do	Do 31	31
"	30th	"	1/2 Do	Do 31	31
"	"	"	Oysters	1/6	25
June	2	"	1 pt A whiskey	8	08
"	4th	"	1/2 gal whis	31	31
"	6th	"	1/2 Do	Do 31	31
"	"	"	1 qt	Do 16	16
"	8th	"	1/2 gal	Do 31	31
"	9th	"	1/2 gal	Do 31	31
"	"	"	Whis & Tob	7	07
"	10th	"	1/2 " Alum	1/2	10
"	13th	"	1 gal whiskey	3/	63
"	15	"	1/2 "	Do 31	31
"	16	"	1/2 "	Do 31	31
"	"	"	Tobacco	1/6	25
"	17th	"	1/2 gal whis	31	31
"	"	"	6 3/4 " Sugar	15	1 01
"	18	"	1/2 gal whis	31	31
"	20th	"	1/2 Do	Do 31	31
"	"	"	1/2 Do	Do 31	31
"	21st	"	1/2 gal whis	31	31
"	"	"	3/4 " Crackers	9	13
"	22nd	"	1/2 1/2 gal whis	31	31
		Carried over			$46.32

(379)

1857 A. J. Pleasants Dr to Cr

June	22nd	Amt	Brot over from 58	$4	6.32
"	23rd	To	1/2 gal Whiskey 3/		31
"	24th	"	1/2 Do Do Do		31
"	25th	"	1/2 Do Do Do		31
"	27th	"	1/2 Do Do Do.		31
"	"	"	1/2 Do Do Do		31
"	29th	"	1/2 Do Do Do		31
"	"	"	3 5/16 lb Sugar 15=		50
"	30th	"	1/2 gal whis 31 Feb 6—		37
July	1st	"	1/2 gal whisKey 31-		31
"	"	"	1 lb Crackers 9d		13
"	3rd	"	1/2 gal whisKey 81		31
"	"	"	1 Navy Cassia pod		88
"	4th	"	1/2 gal. whisKey 31-		31
"	9th	"	1/2 Do Do 31-		31
"	"	"	4 lb Sugar 15=		60
"	"	"	1/2 plug Feb 9		13
"	10th	"	1/2 gal whis 31-		31
"	11th	"	1 1/2 Do Do 3/9		94
"	"	"	5 lb flour 5=		25
"	14th	"	1/2 gal whis 31-		31
"	15th	"	1/2 gal whis 31-		31
"	16th	"	1/2 Do Do 31-		31
"	17th	"	1/2 Do Do 31-		31
"	"	"	1 lb Crackers 9		13
"	18th	"	1/2 gal whis 3/9		94
"	20	"	2 Do Do 3/9		1.25
"	"	"	1 lb Candles 24-		24
					57.33
			Ja Kin on Book		58,11

1857 Mrs Meriah E. Pleasants

Augt	5th	To	1/2 gal whisKey 31-		31
"	7th	"	1/2 Do Do 31		31
"	8th	"	1 qt whisKey 16		16
			Ja Kin on Book		78

Motions for Bailiff

to ft

Pleasants Co Ch.

Ca Le Dis Suspd by

motion of Plaintiff

R. Hubbard atty

Entered. 14

The deposition of Joseph B. Gale, taken at the office of W. H. Whitfield, in the town of Smithfield, on the 30 of September 1858, between the hours of Sun-rise & Sunset of that day to be read as evidence in behalf of the plaintiffs, in a suit pending in the Circuit Court of Isle of Wight County, in which David Matthews who sues pr benefit of Chas J. Wallis &c. are plaintiffs: & Jos. B. Gale adm of F. J. Pleasants, deceased & C. Jno H. & F. Franklin Pleasants are defendants=.

The deponent Joseph B. Gale having been first duly sworn on the Holy Evangelists deposes as follows.

Question: Look upon this exct. marked "A" filed with the bill - against F. J. Pleasants. and say what you know about it. and your means of knowing.

Ans. I was living with David Matthews in the county of Nansemond from the first time to about the middle of June 1857, Mr Matthews kept a store and F. J Pleasants traded at the Store, I have examined the a/c marked A, and believe the said account to be correct and proper; that Mr Pleasants traded there very constantly in the said month, and the articles charged were delivered and sold to Mr Matthews many of the articles charged to Pleasants in the said acct. and further the said Gale saith not.

Joseph B. Gale

The deposition of Barnabas Matthews taken
at the time and place and before
the Pltfs and defendants or aforesaid
to be read as evidence in the next aforesaid
Section by Pltf: Look upon the aforesaid
Copy, marked A purports to be an af-
fair of Matthews & Matthews aforesaid.
Q. If pleasant are you acquainted with the facts
about it, & how are you acquainted with
information?
Answer of Barnabas Matthews.
I believe the aforesaid account to be
just and correct. Mr Matthews kept a
store and long there pretty much all
the time entered in the account.
Pleasants was very frequently there to
whiskey and other articles and trade
them away. I sold & believe for the Matthews
a part of the articles stated in the af
and further this deponent says not.

Barnabas Matthews

State of Wright Co. Ga. On the 30th of
September 1858, at the office of R. Hodnett
Justice in Small for said County personally
the foregoing deposition of Barnabas Matthews
was personally before me, and
was sworn to & subscribed before me as a
Justice of the peace. Given under my
hand and seal as a Justice for the

said County this 30th September 1858

A. D. Williams JP

Matthews to Baltic
7 Days
Pleasant Ds!

Matthews for Baltic
M. 3 Days.
Pleasant Ds.

Rec'd 4 Oct. 1838
Feltes.

Mrs. Mariah Pleasants.

Take notice, that on the 30th day of September 1858, between the hours of sunrise and sunset of that day, at the Office of Robt Whitfield, in the town of Smithfield, Isle of Wight County Va I shall proceed to take the depositions of Joseph H Gale and Barnaby Matthews all. to be read as evidence in a suit pending in the Circuit Court of Isle of Wight County - in which David Matthews who sues for the benefit of Elias J. Batten is plaintiff & you & others are defendants - And if for any cause the said depositions shall not be completed on that day they will be adjourned from time to time until completed. Given under my hand this 20 September 1858 -

Elias J. Batten

Isle of Wight County to wit

This day James H Batten personally appeared before me & made oath that he had delivered a true Copy of the above notice to Mrs. Mariah Pleasants - according to law, given under my hand this 30th day of Septr 1858

Jas P Jordan I.P.

We acknowledge service of notice of the taking of the deposition named in the within notice

N. D. Young for self.
& Com

Josiah P. Gay adm.
of F. J. Clements

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Josiah P. Gray admr. of Francis J. Pleasants dec'd, Mariah C. Pleasants, John H. Pleasants & Franklin P. Pleasants (the last two minors) to appear at the clerks office of the Circuit of

~~to appear before the~~ ~~Court of~~ Isle of Wight county, at the Court-House of said County, on the first monday in March next to answer the Bill in Chancery of David Matthews, who sues for the benefit of Elias J Batten, filed against them.

: and have then and there this Summons. *Witness*, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this 20th day of February, 1858, in the 82d year of the Commonwealth.

N. P. Young c.

I acknowledge the service of the within
May 22 A. 1858 Jos. R. Gray adv.

May 23 1858 I deliver a true copy of
the within to Mary E Pleasants

Thos. Hummes Jr
for Jos. R Gray Sheff

Matthew for
Patton
Patton
by Deputy
C. Ely.

Pleasants adm.
&c
Pleas.

To March rules
Oct. Ct. 1858.
Whitfield & Co. Atty.

To the Hon Richard H Baker Judge of the Circuit Court of Law of Eight Counties, in Chancery sitting, humbly complaining sheweth unto your Honor, your Orator David Matthews who sues for the benefit of Mary Walton & Wm Thos Beaton of H. J. Pleasants dec'd, late of the County aforesaid who have come in and contributed to the expense of this suit; That the said H. J Pleasants in his life time was justly indebted to the said plaintiffs, upon account in the sum of $37.33, with Int in arrear from ... as will appear by the said acct, here with filed, and prayed to be taken as a part of this Bill. That administration on the estate of the said Pleasants was committed, by the County Court of Jackson at ... 1857, to Minrich P. Gay Sheriff of said County: But your Orator believes that in consequence of deeds of trust executed by the said deceased in his life time, and of a deed of Gift also, to his wife and children hereinafter mentioned, that assets have not come to the said Gay's hand sufficient to satisfy his debts That as just above intimated, the said H. J. Pleasants, in his life time and not very long before his death and doubtless in contemplation of it, by a deed bearing date the 2d of February 1857, (recorded March C. 1857) a copy of which is herewith filed, gave, without any valuable consideration, after his death, the several negroes, Malala & Nelson, Sam & Isaac, Amanda, Matilda, Mansfield & Laura & all of his stock hogs &c, and on all of his other personal & chattel property, to his wife, Hannah E. Pleasants for her life or widowhood, and thereafter to his two children, John H. & Franklin D. Pleasants, both of whom are infants under the age of twenty one:

Your Orator alleges that the said Deed of Gift is a legacy, or will in effect: and if not, being a voluntary Conveyance the, it is void as to Creditors; and in either aspect the property is liable to his debt against the deceased, especially as it was contracted before the said Deed was made or recorded - and he prays that it may be so made liable - and that the said Minrich Pleasant, and John H & Franklin Pleasants, be enjoined from making or making away with the same. In tender consideration whereof, and

for as much as your Orator is without adequate Remedy, save in this Hon: Court, he prays that Mack P. Gay Sheriff, & admr. & Committee of the estate of Jno J. Pleasants dec^{d}, and Mariah E. Pleasants, John H. Pleasants & Franklin P. Pleasants be made parties defendants to this Bill, and be compelled to answer the same: That the said Gay may be ~~ordered~~ before a Commissioner of this or a Court an account of his transactions as Committee &c; That the said Mariah E. Pleasants, and John H. & Franklin P. Pleasants, be restrained from making away with the property conveyed by Recited deed of Gift: And that the said parties be made liable for the payment of your rents &c, if there should not be a sufficiency of assets otherwise to discharge it: And grant all other and necessary relief which to Equity may seem right, and the nature of his case requires. & Grant Commonwealth subpoenaed

R. H. Whitehead p.q.

To the Hon. Rich^{d}. H. Baker judge of the Circuit Court of Isle of Wight Co. Chy. Court—

The joint and separate answer of John H. & Franklin P. Pleasants—& W. P. Young their guardian ad litem to a Bill exhibited against them by Mack P. Gay &c—

These respondents, & W. P. Young their said guardian ad litem for their answer to so much of said Bill as they are advised it is necessary for them to answer say, that they know nothing of the acts claimed and called for to prove—that the deed of the 24th of Dec^{r} 1874 to them by their late father is as stated, they believe to be true: but as they are of tender years they leave to the protection of this Hon. Court—and having answered prays hence to be dismissed.

W. P. Young g.a.l. & ad litem

Mathews for Ballou

~~to~~ Bitterness
~~of~~ Imprecations

Pleasants adm'rs

Whitfield &c

Matthews for Baldwin

vs. 3 Chy. Reps.

Pleasants Pals.

1858.

March rules 1858

Bill &c filed. Gen.

ad litem &c. for the

infts. their ans. filed

repl. and decree

pro. con. &c. &c.

April rules. Bill taken

for Complt. and set for

hearing.

Octo. 1858. Cont.

May 1859 — Cont.

Octo. 11 — Cont.

May 1860. Dismissed