

1875-012

Chancery Cause

Richard H. Holland & ux

vs Isaac Hedgbeth & al

Jos of Wright County

Other surnames: Watkins,
Outland, Butler, Rhodes,
Darden, Stephenson, Spivey,
Hedgbeth

Know all men by these presents, that whereas,
I, William N. Outland of the County of Dale & Wright
by my deed, dated on the 23rd day of January 1861, and
recorded in the Clerk's Office of said County on ^{the} same
day, did convey to my wife Martha Outland
during her widowhood, and at her marriage or death,
to my children Adolphus H. John G. Neverson N.
and Clara P. Outland, and their heirs forever, the
following property. To wit: all the land then pos-
sessed or owned by me, all the bonds, moneys
farming utensils, household and kitchen fur-
niture, stock of all kinds with their increase
and all rents and issues of all kinds, and where-
as, since the execution and recordation of said
deed (which is hereby referred to as a part of
this deed) my children Adolphus H. & John G.
Outland have died, and by their death, their interest
or remainderman have under the law, descend-
ed to me as their father and heir at law, Now
therefore in view of conveying out my original
intention as by the deed aforesaid expressed,
to convey all my interest in said estate of ev-
ery kind to my children at the death or marriage
of my said wife, I do by these presents convey
with general warranty to my said surviving
children Neverson N. Outland and Clara P. P.
Outland all right, title and interest whatsoever
in law or equity, that I may have acquired

to the property real or personal, herein
before mentioned, by the death of my said
two Children Adolphus and John G. and at
the death of either, remainder to the sur-
vivor and his or her heirs, and as I
reserve to myself my life interest
in said property by the said deed I now
hereby relinquish my said life right
to all of said property named in
the deed above referred to and reserve
to myself only the right and privilege
to remain upon the said land with
my family, and to manage the prop-
erty as trustee for my said wife and
Children during my life.

Witness my hand and Seal this 14th day of
May 1866,

William N. Outland Seal

On the Clerk's Office of the County Court of Cole of Wright
May 14th 1866, This Deed was acknowledged
by William N. Outland and admitted to record,

Teste. N. P. Young, Clk.,

Alepsy Tester.

C. H. Hart, D. C. for
N. P. Young, Clk.;

no. 2
W. N. Outland

W. N. Outland

W. N. Outland

Alepsy

The 20th page 3rd of 4th
page 3rd of 4th

This Indenture made this 23rd day of
January 1861. Between William N.
Outland of the one part, and Martha P. Outland
his wife, Adolphus. John G. Neverson N. and
Elara P. Outland, being my children now
living, & the said William N. Outland. for and
in consideration of the natural love and
affection which I have and bear towards
my said wife Martha P. and my children above
named. Do by these presents, grant, give and
convey with general warranty, unto my said
wife Martha at my death, for and during her
widowhood, ^{and} at her death or marriage, to my
said children above mentioned and to their heirs
forever, the following real & personal estate to
wit: all my land that I now possess, all my
bonds, moneys, farming utensils, household
and kitchen furniture, Stock of all kinds, and
all my negroes being now Seventeen in
number, and also all the increase of said
negroes; together with the increase of my
Stock, rents and issues of all kind (the ob-
ject of this Indenture) being the sole intent
of the said W^m N. Outland to convey unto his
said wife during her life or widowhood.
Should she survive her husband, the said W^m
N. Outland all his estate of every kind and
description whatsoever (with this condition)
that my said wife shall board, clothe and

educate my said children in the best manner that my estate will justify, Reserving however to myself my life interest in the above property only, and to do any and all acts and things that may be considered advantageous to my said children and wife, And in all other respects, do hereby ratify and confirm this instrument as my act and deed,

Witness the following signature and seal, this the 23rd day of January 1861,

Witness

Wm. W. Outland 

E. L. Eley

W. E. Vellines,

In the Clerk's Office of Essex Wight County Court, January 23rd 1861, this deed was received, and was acknowledged by William W. Outland to be his act and deed, and thereupon admitted to record,

Teste, N. P. Young, C. C.

Attest, Teste,

L. H. Hart, D. C. for
N. P. Young, Clerk.

Wm. W. Outland
(Mr. 1)

do } Deed of Gift

Martha P. Outland

Attest

Rec. at Essex Wight County Court
Jan 23 1861

Sale of property made by D. J. Watkins acting trustee in a deed of trust executed by Isaac Hedgefeth, and recorded in the Clerk's Office of the County Court of Isle of Wight, in March 6th 1857, for the benefit of Wm. N. Outland, this 22nd day of November 1873, Terms Cash to pay expenses of sale, Balance on credit of C. 12, & 18 months, Purchaser giving bond and security, and title retained until all the purchase money is paid.

The Tract of land on which Isaac Hedgefeth now resides sold for Four Hundred Dollars W. N. Outland being purchaser,
D. J. Watkins, act. Trustee

Comm^{rs} office,
March 2nd 1874,

Received, examined and approved
W. P. Young, Com^r of accounts
of Isle of Wight County Court,

In the Clerk's Office of the County Court of Isle of Wight County the 5th of March 1874, the foregoing account of sales &c, was received from the Commissioner of

'84
An account of Oakes
or the Real estate of
Isaac Wedgeboth, made
by D. J. Watkins, Clerk
of said Oakes

Heoppy

accounts, and admitted to record.
Teste, M. P. Young, Clerk;
Heoppy
Teste, C. H. Hart, Deputy Clerk;
M. P. Young, Clerk;

I am under the
impression that
the above is correct.
C. H. Hart

This Deed, made this 1st day of December 1866,
between Isaac Hedgbeth of the one part and Edith
Hedgbeth his wife, of the other part, Witnesseth: that
the said Isaac Hedgbeth in consideration of
the natural love and affection which he
has and bears to his said wife, Doth give
and convey to his said wife Edith Hedg-
beth during her life, and at her death to her
child or children begotten by said Isaac Hedg-
beth, and in the event of her death without
such child or children, then to revert to the
said Isaac Hedgbeth and his heirs - The fol-
lowing property to wit: The tract of land on
which the said Isaac Hedgbeth now resides,
Containing seventy two and two thirds acres,
more or less, also one horse, fifteen head
of hogs, all his household & kitchen furniture
of every description; all his farming uten-
sils, all his carts &c, thirty five barrels of
corn, Three thousand pounds of fodder, all
his potatoes, peas &c, - and the said Isaac
Hedgbeth covenants that he will warrant
generally the property hereby conveyed,
Witness the following signature and
Seal,

Isaac ^{his} Hedgbeth 
mark

In the clerk's office of Suffolk County
Court, the 1st day of December 1866,
This Deed from Isaac Hedgbeth to Edith
Hedgbeth, was acknowledged by said Isaac
Hedgbeth, and admitted to record,

Teste,

W. P. Young, clk:

✓ Copy

Teste,

C. H. Hart, Deputy for
W. P. Young, clk:

Isaac Hedgbeth
"C"

Go 3 Deed

Edith Hedgbeth —
Dec. 1st 1866. acknowledged
to record.

Copy

Recorded Deed Book
page 641 —

This deed made the nineteenth day of October in the year of our Lord one thousand eight hundred and sixty four, between Isaac Hedgebeth his wife of the first part & Margaret Hedgebeth of the other part, Witnesseth; that in consideration of the sum of Seventy five dollars to him in hand paid by the said Margaret Hedgebeth at or before the sealing and delivery of these presents, the said Isaac Hedgebeth doth grant unto the said Margaret Hedgebeth all of his right title & interest in and to a certain piece or parcel of land both at Law and Equity, lying and being in the County of Essex of Wight & State of Virginia, containing by estimation forty acres more or less, bounded as follows (Viz:) North by the lands of Morris Johnson & John S. Daughtrey, East by the Lands of Rawls & Whitehead, South by the lands of Isaac Hedgebeth, West by the lands of E. A. Culland thence to the first station above mentioned, the said Isaac Hedgebeth doth warrant generally the property hereby conveyed to the said Margaret Hedgebeth, this being forever, As Witnesseth the following Signature and Seal

Witness
W. R. Butler
Jonathan M. Lerney
Dempsey ^{his} Butler
(mark)

Isaac ^{his} Hedgebeth, Seal
(mark)

In the Clerk's Office of the County Court
of Essex & Wright County, the 22nd day
of February 1866, This Deed was proved
in part by W^m R. Butler, and on the
4th of February 1867, the same was
fully proved by Lempsay Butler
another witness and admitted to record,
The requisite Stamp being affixed and
Cancelled,

Teste,

N. P. Young, clk,

Heofy, Teste,

A. H. Hart, Deputy for
N. P. Young, clk,

18th
Isaac Hedgebeth

22nd Deed

Isaac Hedgebeth

c. Heofy

1901 1860
1867 1868
1869 1870

Recorded Deed Book
41. page 18

This Deed, made the 1st day of January in the year
One thousand eight hundred and fifty Seven, be-
tween Isaac Hedbeth of the one part, and Dempsey
D. Watkins trustee of the other part, Witnesseth: that the
said Isaac Hedbeth doth grant unto the said Dempsey
D. Watkins the following property to wit: the tract
of land which I now live on, containing seventy
two acres, be the same more or less, and bound-
ed by the lands of Norris Johnson, Anthony Per-
sons, Jesse D. Cornucell, Edward A. Outland & others,
together with other property, one horse, one Yoke of
Oxen, one Cow & calf, fifteen head of Hogs, corn
& fodder, peas and potatoes, two pair of carts &
wheels, one Sackful, two Guns, together with all
my household & kitchen furniture, with all my
farming utensils, to secure the payment of
five hundred dollars due to William W.

Outland by bond bearing date the 1st day of
January 1857, and payable on the mand.
and the said Isaac Hedbeth release to the
said Dempsey D. Watkins all his claims upon
said property and land therein mentioned,
and Covenants that he will warrant gener-
ally the property hereby conveyed.

Witness the following signature and Seal this
1st day of January 1857.

Teste,
George W. Cornucell

Isaac ^{his} Hedbeth Seal
mark

In the clerk's office of Superior Court, Wight County
Court, March 6th 1857. This deed was
received, and was acknowledged by
Laure Heddsbeld, to be his act and deed
and admitted to record.

W. P. Young, Clerk;

W. P. Young, Clerk;

W. P. Young,

W. P. Young,

W. P. Young, Deputy for
W. P. Young, Clerk;

"A"
Laure Heddsbeld.

Laure Heddsbeld

J. D. Watkins Trustee.

W. P. Young

1. Jan. 1857.

Holland wife

in

Hidgboth sal..

This cause came on this day to be heard on the Complainants original, ^{spanned} Bill taken for confessed as to the Defendants Isaac Hidgboth, Elisha Hidgboth, & Darius J. Watkins adms of Dempsey D. Watkins dec, on whom process had been duly executed & they were failing to appear and make defence & on Exhibits filed with the same, & on the answer of Aaron P. Outland & Martha P. Outland & Clara P. Outland, with general replication & said answer & Examination of witnesses, and was argued by Counsel. On consideration whereof the Court with advice given and decreed that the sale made by Darius J. Watkins adms of Dempsey D. Watkins dec, who was trustee in the deed of Trust executed on the 1st day of January 1857 by Isaac Hidgboth & said Dempsey D. Watkins trustee for Wm. Outland, as to the forty acres of land described in said Bill, and which was on the 19th of October 1864, conveyed by said Isaac Hidgboth to the Complainant Margaret Holland who was then Margaret Hidgboth, and described as bounded North by the Land of John Johnson & Mrs. S. Daughtry, East by the Land of Raily & Whitehead, South by the Land of said Isaac Hidgboth West by the Land of E. A. Outland, be and the same is hereby set aside & declared null & void,

and the Court doth further adjudge, order &
decree that the deed executed by said Isaac
Hidgboth to his wife Edith, on the 1st of December
1866, so far as it conveys the said forty acres,
of land, be also set aside & declared null
& void as to the same; and that the said Margaret
McLean (late Margaret Hidgboth) take & hold
the said forty acres of land as above described,
under the said deed to her while Margaret
Hidgboth as set forth above —

and the Court doth further adjudge
order and decree that the plaintiffs recover
of the said Abraham A. Outland, Martha A.
Outland & Clara P. Outland, the costs of this ^{cause} ~~case~~

and nothing further remaining to
be done in this cause, it is ordered that
the same be removed from the docket, with
leave to said complainants to have the same
reinstated for such relief as may be necessary
to have this decree executed, should the same
not prove effectual.

Holland snife

27

Hedgkott St.

1875

Oct. 21.

Decree

To be entered.

Geo. B. Con.

C. T. Con.

Final

To { Isaac Hedgloth, Arneron A. Outland, Edith Hedgloth,
Clara P. Outland, Martha P. Outland and Darden J.
Watkins, Adms. of Dempsy D. Watkins deceased.

Take notice that we shall on the 12th day of June 1875, next, at
Windsor, Isle of Wight County Virginia in

between the hours of 8 a. m. and 6 p. m. of that day, proceed
to take the Depositions of Meridith Butler, Thos Spiny, Jas. Butler and
Ely. Butler and others, to be read as evidence in our behalf, in a certain suit
in Chancery, depending in the Circuit Court of Isle of Wight
County, wherein we

are plaintiffs, and you

are defendants; and if from any cause the taking of the said
Depositions be not commenced on that day, or if commenced be not concluded on that day, the
taking of the same will be adjourned and continued from day to day or from time to time, at the
same place and between the same hours, until the same shall be completed.

Respectfully.

To the Sheriff of Se. District
County to execute.

} Richard H. Holland and
Margaret, his wife,
By attorneys.

Executed by delivering to the within
named Isaac & Deborah Edes, Deborah
N. H. Quintain, John P. Quet and Martha
P. Quetland a true copy of the within
notice - June 18th 1843 -

L. B. Edwards Secy

Isaac and wife

17

Quetland & Co

notice

3 shff. mtr

make return in this mtr

& enclose same -

Isaac

Holland

n

Hedgkoth's

Set Paper

to

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight—Greeting:

WE COMMAND YOU TO SUMMON

Mendith Butler, Thomas Spring,
James Butler, Elijah Butler and Demphsey Butler

to appear before ~~the~~ a Justice of Peace of the *County of Isle of*
Windsor Isle of Wight County
Wight, at the ~~Courthouse~~, on the *12th* day of *June* 187*5*, to testify and the

truth to say in behalf of *Richard H. Holland and wife*
in the Circuit Court
in a certain matter of controversy ~~in said Court~~ pending and undetermined, between *said Holland*

wife

Plaintiff, >

and *Isaac Hedgcock & Co.* Defendant, >

and this *they* shall in no wise omit, under the penalty of the Law. And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, this *17th* day of *May* A. D.
187*5*, in the *99th* year of the Commonwealth.

N. P. Young Clk.

Holland's wife

3 Spat.

Hedgboth et al.

To 12th Jan. 1875, at
Windsor.

Executed by delivering
to the within named
Mordith Butler
Thos. Sperry James
Butler Elijah Butler
and Dampier Butler
a true Copy of the
within Decree and
18th. 1875 -

A B Edwards
Shiff

(4)

Depositions taken at Windsor, in the County of Isle of Wight, State of Virginia on the 17th day of June 1875, between the hours of 8 a.m. and 6 p.m. of that day, to be read on behalf of the plaintiffs in a suit in Chancery now pending in the Circuit Court of the County of Isle of Wight aforesaid wherein Richard N. Holland & Margaret his wife, are plaintiffs, and Isaac Hedgkott, Neversom Outland & others, are defendants - Taken pursuant to the annexed notice -

Thos. Spivey being duly sworn, says as is set forth in the answers following.

1st Question by Thos. R. Kilby Jels. Atty.

How old are you? where do you reside? and are you acquainted with the parties to this suit?

Answer. I am going on in my fifty first year I reside in Isle of Wight County about four miles from Windsor and I am acquainted

2^d. Question by same.

State all you may know if any thing or may have heard Isaac Hedgkott or Neversom Outland, say about the sale of the Land made at Camsville by N. J. Watkins, Justice

Answer. I was at Camsville some two or three weeks before the sale and I heard some

Gutthman, reading the advertisement -
which was stuck up at the door of
Hawls store. when I turned to the said
Isaac Hodgketh who was over me and
asked him what this meant & alluding
to the sale) when he said it would
not hurt him if it were sold, that he
did not owe W & Outland anything
and that it was a game he and me -
outland (many persons outland the son
of Wm. & Outland died) was working
to get Dick Holland the plaintiff
off of the land and out of there that
he did not want him there any longer.
— I was not at the sale

I saw Mr Hodgketh again on the 13th of
April last at Gardner's mill on my return
home from Buckhorn to which place
I had him summoned as a witness in this
case but my deposition was not then
taken when Mr Hodgketh asked me what
I knew of the case, and I said to
him I know nothing but what you
have told me I then repeated to him
the conversation as above stated about
the sale when he said it might be
see but he did not recollect it I said
to him I thought he was giving away to
him no land. He replied that of course

Christians gains the suit - he should
get the again some way or other,
he asks me not to do him any
harm I reflect I should only tell what
I had heard him say. I then left - and went
on home

and further this defendant saith not
Thomas ^{his} Spivey
mark

Meredith D Butler being duly sworn says
as is set forth below

1st Question by John R. Kelly Jts: atty.

State all you may have heard Neverson
Cutland aforesaid, say, in reference to the
claim of Wm N: Cutland against Isaac
Hedgketh, for which said Land was sold
by D. J. Watkins, Justice - I then &
where said.

Answer in the month of October 1873 I went
Squirrel hunting with said Neverson Cutland
and after hunting a while we stopped to rest -
and while sitting down at the fork of the
path which runs between Jeremiah
Hollands and Jethro Butler I asked him
was not the gun he then had with him
the gun that belonged to Isaac Hedgketh
he said it was I then asked him

how he was getting a lorry with his
sale of the said Hedgbeeth's land, and
law matters — the said ^{land} being then
advertised for sale — or about to be
which I had hired — I remarked to him
at the same time that I thought the
debt due by said Hedgbeeth to his Foster
Wm or Oatland had been paid off. He
replied I will tell you all about it
if you will say nothing about it. I
made him no promise. He went
on then and said that the said Hedgbeeth
did not owe us any thing. I asked
him if he had seen the bond of
Hedgbeeth referred to in the deed of trust. He
replied he had never seen the bond in his
life. That he was hired to have the land sold
to get Dick Holland and his family away
from there. And that the said Hedgbeeth was
to give him fifty Dollars to do it. I told
him I thought it was a curious way to sell
the land without the bond. Which I
knew Hedgbeeth had paid off and had in his
possession. We then parted and I went
home.

2^d. Question by same.

are you acquainted with the 40 acres
of land claimed by the plaintiff. If so
~~the~~ no, it cleared & improved by so who

by:

answer. I am well acquainted with the land
referred to Stephen Hedgkoth the first
Husband of the said Margaret Holland
built several Houses cleared up a portion
and fenced it - and lived upon and occupied
the same from the time it was conveyed to the
said Margaret, they took possession til her
death and after he died was made to his
widow.

and further this Defendant saith not
other with Lt Butler

James H Butler after being duly sworn
sais as is set forth below.

1st Question by John R. Kilby p[re]s. atty.

How old are you? When do you reside
and do you know the parties to this suit
Answer I am going in my thirty six years of
age I reside in Isle of Wight County about
seven miles from Windsor and am well
acquainted with the parties

2^d. Question by same.

State any communications you may have
had with Isaac Hedgkoth about the debt
due by him to Wm N. Holland referred to
in the Deed of Trust mentioned in this case,
and about the sale & purchase of the Land under

said deed of Trust

Answer. In August 1872 I was at the said
Hedgkoth's House when he spoke of the
debt due by him to Wm. H. Oatman. When
he said he was glad he had got clear of the debt
at last. He said he had paid and paid
and they had sent to him so often for it that
he was tired of it - and that he had just finished
paying the debt in coin the balance being
five dollars - again the day after the
Land was sold at Carroville by J. J.
Watkins Trustee, I was at the said
Hedgkoth's in the field with him looking
at his potatoe Hops. I said to him I
suppose they sold your Land on yesterday
and if he attended the sale he said he did not
attend the sale I asked him then if he had any
by desire to buy his Land for him he said
he did that he had Mr. Benson Oatman
and that Mr. Oatman said he should buy the
Land if it did not sell for one one thousand
Dollars. I said to him I thought it was
very singular ^{that} the man who held the
deed of trust to buy the Land for him ^{and}
that I did not see how that settled the debt.
He replied he was all right that it was a
matter between them selves having reference to
him self and Benson Oatman as understood.
I then left him and went home
and further this defendant saith not -
James H. Butler

Elijah Butler being duly sworn said
as it is set forth below

1st Question by John R. Kelly Jcts. atty

How old are you? where do you reside
and do you know the parties to this suit
Answer. I am about Sixty three years of age
and live in Isle of Wight County about nine
miles from Windsor and I know the parties
to this suit,

2^d Question by same.

State anything you may have heard
Isaac Higginbotham or Wm. N. Outland say relative
to the debt secured by the deed of Trust to
Am. N. Outland -

Answer. Some time before the death of Wm. N.
Outland I heard Isaac Higginbotham say while
I was at his house, that he had paid Wm. N.
Outland all he owed him and had taken in his
bond and that Outland told him to have a
release and prepaired, that since the
said Outland's death I have frequently heard
him make the same statement and also
say he had failed to have the release prepaired
before Outland died, and that now he did
not know how to get the release, I said to
him that could make no difference if the debt
had bin paid and he had his bond,

Before the death of Wm. N. Outland I heard him
say that Isaac Higginbotham had paid him nearly all
he owed him

and

further this deponent saith not -

Elija ^{his} Butler

Dempsey Butler his duly sworn saith I am
fifty three years of age I live near
Buckhorn in Hanson County and I
knew the parties to this suit, I was at the
house of Isaac Hedges since the death of
Wm C Cuttman and heard him say that
he had sold ~~Mr. Hedges~~ ^{Wm C} Cuttman a calf
for fifty dollars in his life time and had
he Mr. Hedges Cuttman how a burning
corn which finished pay in all he owed
them, I asked him if he had gotten a
release and he said no but that
Hedges Cuttman had promised to give it to him
whenever he called for it, this conversation took
place soon after the death of Wm C Cuttman
and further this deponent saith not -

Dempsey ^{his} Butler
mark

Isle of Wight County to wit:

J. Benja. C. Roberts, a Justice
of the peace in and for said County, do
certify that the foregoing depositions were
taken at the place, on the day, and

between the towns, as set forth in the
annexed notice.

Given under my hand
this 12th June 1875

Benj C Roberts J.P.

Cost-

Ben Roberts J.P. 229 -

M D Butler one day

Thomas Spiby Esq

J H Butler Esq

Elijah Butler Esq

Dempsey Butler Esq

Holland wife

v. { Depos.

Hedgecock's als.

June 12th 1845.

Came to hand under
seal and filed.
/

To *Warden J. Watkins, adm^r of Humphry W. Watkins, decd.*

Take notice that *we* shall on the *5th* day of *February* 18*75*, next, at
Miles W. Holland's store at Buckhorn in *Southampton*
County Va between the hours of 8 a. m. and 6 p. m. of that day, proceed
to take the Depositions of *Mercy Butler*

_____ and others, to be read as evidence in *our* behalf, in a certain *suit*
in Chancery, depending in the *Circuit* Court of *Isle of Wight*
County, wherein *we*

_____ are plaintiffs, and *Isaac Hedgcock & others, &c*
_____ are defendants; and if from any cause the taking of the said
Depositions be not commenced on that day, or if commenced be not concluded on that day, the
taking of the same will be adjourned and continued from day to day or from time to time, at the
same place and between the same hours, until the same shall be completed.

Respectfully,

To the Sheriff of *Southampton*
County to execute.

}

Richard W. Holland
Margaret Holland
per att

Executed by delivering to J. J. Walker
a copy of the Sumner on the 20th day
of January 1875

W. W. Briggs, Clerk

Attest and file

W.

Attest to

20th Feb 1875.

To

*Isaac Hedgketh, Martha P. Outland, Neverson A. Outland,
Leiana P. Outland, & Edith Hedgketh*

Take notice that we shall on the *5th* day of *February* 18*95*, next, at
Mill, W. Hollands, str., at Buckhorn in *Hanseman*
County Va between the hours of 8 a. m. and 6 p. m. of that day, proceed

to take the Depositions of *Mercy Butler*

and others, to be read as evidence in *our* behalf, in a certain *suit*

in Chancery, depending in the *Circuit* Court of *Ile of Wight*
County, wherein *we*

are plaintiffs, and *Bym Atkins*

are defendants; and if from any cause the taking of the said
Depositions be not commenced on that day, or if commenced be not concluded on that day, the
taking of the same will be adjourned and continued from day to day or from time to time, at the
same place and between the same hours, until the same shall be completed.

Respectfully,

To the Sheriff of *Ile of Wight*
County to execute.

}

Richard W. Holland
Margaret Holland
per atty.

Executed by delivering to the within named
Socae. Hedgkith Mathias P. Coullan and Jurison
H. Coullan Clara. Cuttand & Edith
Hedgkith a true Copy of the within income
notice Jan. 22. 1875 -

L. L. Edward Dept
Hon A. B. Edward Shift

Steward &c

M

Hedgkith &c

Notice to Take Dep.

on 5 Feb 1875

Depositions of Meridith Butler, John H. Rhodes,
Miller, H. Holland, Jeremiah's Holland, John D. Anderson &
John C. C. Thompson
taken at the Store of Mully H. Holland at Buckhorn
in Lawrence County 2^d on the 5th day of February
1878, between the hours of 8 A.M. & 6 P.M. of that
day, to be read as evidence in behalf of Richard H.
Holland & Maryann Holland his wife, in a
suit ^{in chancery} pending in the Circuit Court of the
County of Bl. of Wight, wherein the said
Richard H. Holland & Maryann Holland his
wife are plaintiffs and Isaac H. H. &
others are defendants. Taken pursuant
to the annexed notices.

~~Meridith Butler~~ being duly sworn deposes, &
says, as set forth below

1st Quer. by John R. Kelly, plaintiff's attorney,

How old are you, where do you reside
and do you know the parties to this suit
answer I am about fifty seven years old in Holston
High County about thirty miles from Buckhorn
and I know the parties to this suit

2^d Quer. State all you may know as to a
settlement made between Isaac H. H.
and Wm. A. Holland in his life time, &
especially as to the payment of the debt of
\$500. referred to in the deed of Trust executed
by Isaac H. H. to Lemuel D. Walker,
Trustee for said Wm. A. Holland, which deed

is dated the 1st of January 1863
in answer; about 15th August 1863. I went with
Mr. Isaac Hedge both to Mr. Wm. N. Cuttans
house. I paid Mr. Wm. N. Cuttans seventy
five dollars, in Confederate money,
which amount was paid by Stephen Hedge
both to his father Isaac Hedge both for
the forty acres of land, which had been sold
by Isaac Hedge both to Margarette H.
both, then the wife of Stephen Hedge
both now Margarette Holland one
of the plaintiffs. Mr. Wm. N. Cuttans took
the money and thanked him kindly for it
saying he was really out of money
the Sd. Wm. N. Cuttans handed to Mr. Isaac
Hedge both the bond of five hundred
dollars a bond registered to, and some
other papers, saying to Mr. Hedge both
that he had not a scratch of a pen
~~the~~ against him; and saying further
that he would in a few days take
the deed and trust out of the office
and give him a release deed; Mr. Cuttans
remarked to Mr. Isaac Hedge both that he
was bound with him to Mr. Stein for forty
five dollars & about eighty cents, which
he must give him a due bill for,
and he Hedge both did so and I witnessed
it, Mr. Isaac Hedge both took the papers,
thus given him in company with my
self and started home,

3rd question

Have you ever seen said bond of five hundred dollars since the time you refer to above? answer, No.

4th question,

Have you ever heard Isaac Hedgesbeth say that the above debt of five hundred dollars was paid,
answer

I have repeatedly since then

5th question.

Did Stephen Hedgesbeth in his life time, build on the said forty acres of land, clear a portion of the same and cultivate it,
answer

He did build upon it clear the most of it, and cultivated it - he occupied the land from the time it was conveyed to his wife until he died; which was during the war;

6th question,

at this point - the attorney for Plff demanded the bond of Mr. Newson N. Outland who was present, and he refused to produce it;

6th question

Is Mr. Isaac Hedgesbeth a very poor man, and has he been so since the execution of the deed of Trust;
answer, he is and has been.

7th question

What are the relations, friendly or otherwise, between Mr. Isaac Hedge & the plaintiff Margarette Holland and her husband,

Answer

I can't say they are as far as I know, and further this deponent says not.
Ollivante Dutton

Jethro H. Rhoads, being duly sworn
Says; I am sixty five years old, I live in
Sleepingight County about five
miles from Buckhorn; and I am acquainted
with the parties to the suit.

2nd question

State all you may have heard, Mr. Wm.
H. Oulland in his life time say relative
to any settlement with Isaac Hedge
& the

answer. I was intimate with Mr. Wm.
H. Oulland; frequently had dealings with
him, and have frequently heard him
say, that he believed Isaac Hedge & the
was an honest man; and that he had
paid him (Oulland) up like a Gentleman.
I have frequently heard him say so up
to within one year of his death, which
happened since the war,
and further this deponent says not,

Jethro H. Rhoads

Wills, It Holland being duly sworn
Says: I am thirty seven years old, I live
in Hanswoud County near Buckhorn
and I know the parties, to this suit
question

State all you may have heard
Isaac Hedge both or Wm. H. Outland
Say in reference to any settlement
between them,

answer:

I never heard Mr. Outland say any
thing about the matter; but I heard
Mr. Hedge both say some years ago
that he had given Mr. Meredith Butler
some money to pay Mr. Wm. H. Outland
a debt - he did not say how much
a loo. while going to Solofwight
Court house several years ago. I
heard Mr. Isaac Hedge both say he
had paid Mr. Wm. H. Outland all he owed
him; and wished to see Mr. Watkins
the Trustee to get a release; and
and further this deponent says not,
Chas. H. Holland

Seremiah Holland being duly sworn
Says: I am sixty four years old I live in
Solofwight County about three half
miles from Buckhorn and I know all
the parties to the suit.

11
-the paper in his box: he said
he had all but the release deed and Dr.
Oatland told him he could get that
any time when he wanted it: (Mr.
Wm Oatland on one occasion at my
house since the war said Mr. Isaac
Hedgebeth had acted like a Gentleman
and had paid him all he owed him &
that he had given him all his paper
I have heard Dr. Oatland repeat
the substance of this more than
once: The houses built on the
forty acres of land by Stephen
Hedgebeth, were as follows, a
dwelling house built of logs; covered
with Slope four or five out houses
built mostly of logs; the fence
around the place mostly good all
the houses has been taken down and
moved off except one I don't know
of my own knowledge who did it
further than deponent says not.

John H. Darden
march

John W. Stephenson having been duly
sworn Says, I am twenty six years old
I live in Oansemound County near
Beckhorn I know all the parties
to the suit.

question Are you acquainted with the
forty acres of land on which Stephen
Hedge both lived if so. State what
improvements were on it and what
has become of the same.

Answer - I am acquainted with the
place: it had on it several good
log houses and a grange, as
I was passing these premises about a
week before last Christmas, while
I was hunting, I met about a quarter
of a mile from the premises I met
a Carry Log & Horse of Otter with a
Coloured boy loaded with house poles,
logs which had been used in a house.
The Otter & Carry Log belong to Thos
Darden: while talking with the boy
two carts were driven up by Black
boys, also loaded with house logs
one of which carts was Thomas Darden,
also the other Isaac Commins.
I went on through the premises: found
Thomas Darden & Isaac Commins
Ripping up the floor of the house
used as a dwelling and getting out
the nails. I sniped some of the house
-s, they having been moved.
Further this department says not.

John W. Stephenson

11
Newmont County Solicitor
J W R Butler a justice of the peace
in and for the said County do certify
that the foregoing deposition was
taken at the place and on the day
and between the hours as set forth
in the annexed notice

given under my hand this
5th day of February 1875
W R Butler J. P.
Time employed three hours

Holland v. ³ Deposition

Hedgboth 101.

Feb. 9th 1878. came
to hand under seal
and filed.

//

To Newcom N. Outland

You are hereby required to produce
and file in the cause, the Bond of Isaac Hedgcock
alluded to in your answer in the suit in Chancery
pending in the Circuit Court of Isle of Wight County
wherein we are plaintiffs and Isaac Hedgcock
& you & others are defendants.

Richard H. Holland

Margaret Holland

Watts

16 Jan'y. 1875

To the Sheriff of
Isle of Wight County
to execute

Holland &c

n

Hedgkoth &c

Notice

Printed by Colvering
to the within. named
N. N. Holland &c
Copy of the within
Notice Jan 22.

1876.

R. A. Colman & Co
For A. R. Colman & Co

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight—Greeting:

WE COMMAND YOU TO SUMMON

*Meredy Butler Jeremiah
Holland, Jethro Rhodes, Jno. Darden, Talbot
Harris, Dempsy Butler*

to appear before the ~~justice~~ of the peace at ~~Buckhorn~~ *Wansemond County*
Court of the County of Isle of
Wight, at the Courthouse, on the *fifth* day of *February* 1875, to testify and the

truth to say in behalf of

R. H. Holland wife
in a certain matter of controversy in ~~said Court~~ *County Court of Isle of Wight County* pending and undetermined, between *said R. H.*

Holland wife Plaintiff,

and *M. N. Oulland Jals* Defendant,

and this *they* shall in no wise omit, under the penalty of the law. And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, this *18th* day of *January* A. D.
1875, in the *29th* year of the Commonwealth.

N. P. Young Clerk.

Executed by delivering to the within named
 Jethro Rhodes, & John Darden a true copy
 of the within summons Jan. 22. 1870

A. A. Edwards Supt.
 for X. B. Edwards Esq.

Drakey Butler not found lives in
 Nausumom Co

R. A. Edwards Supt.
 for X. B. Edwards Esq.

Holland wife

3 Jan. for
 by Arthur

Chilled toady.

To the State: 1870,
 before after the at
 Buckhorn Meadows
 County

R. A. Edwards Supt.
 for X. B. Edwards Esq.

At the within named County Butler
 James L. Stitt and 1 other names at their
 several places of abode & given in the
 within by returning to each of their residences
 a true copy of the summons & explaining
 the same Jan. 22. 1870

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight—Greeting:

WE COMMAND YOU TO SUMMON

Dempsey Butler

to appear before the *a Justice* of the *peace at* *Buckhorn, Newsummond County* Court of the County of Isle of
Wight, at the Courthouse, on the *fifth* day of *February* 1875, to testify and the

truth to say in behalf of *V. H. Holland wife*
the Circuit Court of Isle of Wight County
in a certain matter of controversy in said Court pending and undetermined, between *said R. H.*

Holland wife Plaintiff,

and *M. N. Outland & Co.* Defendant,

and this *he* shall in no wise omit, under the penalty of the law. And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, this *18th* day of *January* A. D.
1875, in the *29th* year of the Commonwealth.

N. P. Young, Clk.
Copy - Teste
L. H. Hart, D. C.

Dan. J. Butler

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—GREETING:

We command you to summon Isaac Hedgkoth, Martha P. Outland,
Adolphus, John G. Stevenson & Clara P. Outland,
and Edith Hedgkoth and Dardney Watkin adm.
of Humphrey R. Watkin decd.

to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden

for the said Court, on the first Monday in September next to answer the amended
and original Bills in Chancery of Richard
H. Holland and Margaret his wife

And have then and there this writ.

Witness, NATHANIEL P. YOUNG, Clerk of our said Circuit Court, at the Courthouse,
 the 24th day of August 1894, in the 99th year of the
 Commonwealth.

N. P. Young Clerk

R. H. Holland wife

3
3 Sum. in
vs. } Clay.

Isaac Hedgcock sals.

11. Sept. Rules, 1844.

Kelly & Son fgs.

Created by decreeing to
the within named Isaac
Hedgcock Martha & Cuttans
Munson. & Cuttans
Flora & Cuttans and
Edith Hedgcock. each
a true copy of the within
Summons Aug. 4th
1844

R. A. Edwards Depy
for X. B. Edwards Shff

Colophon Cuttans & no. 9. Cuttans not
found. Copy. 29. 1844

R. A. Edwards
for & to be used
Sept

The Commonwealth of Virginia, *Southampton*
 TO THE SHERIFF OF ~~ISLE OF WIGHT~~ COUNTY—GREETING:

We command you to summon *D. J. Watkins agent of*
Dempsey D. Watkins Ltd.

to appear at the Clerk's Office of the *Circuit* Court of Isle of Wight County, at Rules, to be holden

for the said Court, on the first Monday in *September* next to answer *the amended*
and original Bill in Chancery of Richard
H. Holland and Margaret his wife filed
against him & others.

And have then and there this writ.

Witness, NATHANIEL P. YOUNG, Clerk of our said *Circuit* Court, at the Courthouse,
 the *24th* day of *August* 18^{*th*} *99*, in the *99th* year of the
 Commonwealth.

N. P. Young, Clerk

Executed by delivering A. J. Watson a
Copy of this Summons on the 31st day of
1874

W. C. Briggs Shl

Holland & wife

3 Sum. in
v. chq.

Watson adm. clg.

To J. P. R. 18th 4th
Kelly & Son fecg

clg. J. P. Kelly

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—GREETING:

We command you to summon *Isaac Hedgbeth, Stevenson & Outland,*
admrs. of Wm. K. Outland decd. and in his own right
Edith Hedgbeth wife of Isaac Hedgbeth and Darden J.
Watkins admrs. of Dampsey & Watkins decd.

to appear at the Clerk's Office of the *Circuit* Court of Isle of Wight County, at Rules to be holden

for the said Court, on the first Monday in *April* next to answer *The Bill in*
Chancery of Richard H. Holland and Margaret
his wife

And have then and there this writ.

Witness, NATHANIEL P. YOUNG, Clerk of our said *Circuit* Court, at the Courthouse,
 the *30th* day of *March* 18*74*, in the *9th* year of the
 Commonwealth.

N. P. Young Clk.

R. N. Holland & wife

3 Sums. in
3 Chq.

Hedgcock Salr.

To A. H. W. 1874.

Stulley & Son fgs.

Executed by delivering to
the within named Isaac
Hedgcock W. N. Outland
Edw. Hedgcock each
a true copy of the within
Summons April 18th

1874. — R. A. Edwards D.S.
for L B Edwards Att.

The Commonwealth of Virginia, *Southampton County*
 TO THE SHERIFF OF ~~ISLE OF WIGHT COUNTY~~—GREETING:

We command you to summon *Isaac Hedgbeth, Kresnan A. Outland*
adw. of W^m A. Outland decd. and in his own right,
Edith Hedgbeth wife of Isaac Hedgbeth & Darden
J. Watkins adw. of Decapsey A. Watkins deceased
 to appear at the Clerk's Office of the *Circuit* Court of Isle of Wight County, at Rules to be holden
 for the said Court, on the first Monday in *April* next to answer *the bill*
in chancery of Richard A. Holland & Margaret
his wife

And have then and there this writ.

Witness, NATHANIEL P. YOUNG, Clerk of our said *Circuit* Court, at the Courthouse,
 the *30th* day of *March* 18*74*, in the *98th* year of the
 Commonwealth.

N. P. Young Clerk.

Executed by delivering to Watkins
a Copy of this Summons on the 4th
day of April 1834.

Wm Briggs Shiff

P. H. Holland &
wife

3 Luns. in
ms. Chy.

Hedgketh sal.

To Apl. Rls. 18th 4.

Jos. W. Kelly & son p^{rs}.

Chy. for for service

to Jos. Kelly
1834

To the Honorable Judge of the Superior Court of said State, in and for the County of said High in Chancery sitting.

The joint and several answer of Vernon A. Outland, Martha Outland and Clara P. Outland to the bill of complaint in said Court exhibited by Richard H. Holland against them & als.

These defendants, ^{saving} ⁱⁿ regard of exception to the many errors and infir-
mities in said bill contained, for answer
thereto, or so much thereof as they are advised
it is material or necessary for them to
answer. Jointly and severally answering
say:

That William A. Outland in his life time
by two deeds bearing date respectively on
the 20th day of January 1861, duly recorded
in the Clerk's Office of the County Court of
the County aforesaid, subject to a release
of his life interest therein conveyed
of his property real and personal, inclusive
of his choses in action to his wife, of one
said defendant, Martha during her
life or widowhood, in trust for the
education and support of the children of
the said William A. and Martha, four

said defendant ~~Johnson~~ Johnson & and
Clara P.P. and on the marriage or
death of the said Martha, with renuncin-
der absolutely and in fee to the said
Johnson & and Clara P.P. the said
deeds with certificate of reconveyance
attached marked respectively, A & B, are
herewith filed and prayed to be taken
as a part of this answer.

2^d That the said William A. has departed
this life leaving surviving your said
defendants who by virtue of said
deeds are entitled to the whole interest
in the bond of Isaac Hedgebeth and
in the deed of trust securing the same
in the said bill of complaint mentioned.
3^d These defendants wholly and utterly
deny all and every allegation of said
bill, charging that the said bond
and deed of trust were originally
illegal and void, or have since been
paid off and discharged, and your
said defendants in the counterclaim
that the said bond, was originally
made for a full and valuable legal
consideration and that the said bond
is now wholly due and unpaid, and
that the said Hedgebeth has since the

date of said deed of trust the same further
inculcates to the said William S. Outland
and his wife, note, and open account.

^{1st} These defendants deny the allegation of
said bill that the bond in said bill men-
tioned of Isaac Hedgebeth for \$5000 is
not in existence, and also allege that
the said bond was found by these
defendants among the papers of the
said William S. Outland, and is now in
existence and in the possession of these
defendants.

^{2nd} These defendants utterly and entirely
deny all and every allegation of said
bill charging collusion ^{these defendants} between the said
Hedgebeth wife to defraud and wrong
the said complainants of that they are
under the said deed of trust was con-
junct or collective, and these defendants
in reference to said charges aver that
they had separately heard the said
Hedgebeth in the life time of the said
William S. Outland admit that the said
bond was due and unpaid—

that the said Hedgebeth made such
admission just before the death of
the said William S. Outland, and
has made such admissions since

this death and prior to the sale under
the deed of trust;

That said complainant Margaret, so far
from claiming title to the 40 acre tract
under the deed mentioned in her said
bill, set up no title thereto, admitting
that the said deed for the said 40 acre
tract was void and that the considera-
tion named therein had never been
paid, and the said Margaret repeatedly
offered to buy of those defendants (or
rather of the said Johnson or) the said
40 acre tract, and to pay therefor the price
named in said deed.

That on the said Johnson expressing his
inability to make a title to the said 40
acre tract while the said deed of trust
was outstanding on the same, she the said
Margaret urged a sale under the deed of
trust aforesaid, admitting that the said
Hedgebeth had not paid the bond, and
giving as a reason for closing the
deed of trust that the said Hedgebeth
must now pay the said bond.

That so far from objecting to the closing
of said deed, the said Margaret urged the
same and the said sale ^{was} made at the instance
of said complainants for the purpose of

making the said complainant Richard
H. to purchase the same,
That no place of sale or term being named
in said deed of trust, Barren & Wallin
the owner of the incumbrance in said deed,
reluctance. Carverille for the place of sale
as convenient to all parties; that the said
Trustee gave legal notice of the time
and place of sale which was had on a
public day, when there was a crowd
present. That the said complainant Rich-
ard Holland was present at the sale;
that there was competition in the bidding;
that the said person A, being the
highest bidder became the purchaser of
said land for the sum of \$2400⁰⁰, being
nearly six dollars per acre, a high price
for the land subject to the incumbrance
of Barren.

The owner of the trustee on being re-
quested to sell the General Property
annexed by said deed, gave as a
reason for not doing so that it could
not be legally done as there was no
more than the Court allowed.
That ^{since the sale} Heedgabeth rents a portion of the land
at \$400⁰⁰ per year and has paid the same
as it has fallen due. And that the

said complainant Richard H. Hall and
after the sale without protest or complaint
agreed to rent the balance of the land
including the said 40 acre tract at the
same rate, but failing to comply, the
same was rented on the same terms to
Harden

These defendants are informed that the
signature of the said Hedgcock to the
deed in the said bill, complaint men-
tioned, was obtained either by mistake or
by fraud and collusion and that
the protest against the execution of
the same at the time he made the
signature.

These defendants in answer to that por-
tion of said complainant's bill charging
that the balance of the 72 acre tract
conveyed by the said deed of trust
exclusive of the 40 acres, should have
first been sold, answering say:
that the disclaimer by the said
Margaret to all title under the Greer
and fraudulent deed conveying to
her the said 40 acre tract was a suf-
ficient excuse for not first selling the
remainder of the said 72 acre tract, even
if it had not been obvious that such

separate sale would have diminished
the value of the land, and that the
whole tract would be insufficient to
pay & be secured thereon.

These defendants having answered Gray
hence is the dismissed with their costs
in this behalf most unreasonably
expended. And they will ever Gray &c

Amos H. Outland

Martha Outland.

Eliza D. P. Outland.

Isle of Wight County:

This day I, ~~Thomas P. Outland~~
~~Thomas P. Outland~~
a Justice of the Peace for the County of
said in the state of Virginia, Amos H.
Outland, Martha Outland and Eliza
D. P. Outland whose answers are above
written, and made oath, that the state-
ments contained in the said answers, so
far as made of their own knowledge, are
true; and that such statements as are
made therein from knowledge or informa-
tion derived from others, they believe to
be true. Given under my hand this
5th day of September 1874

J. M. Murray. J. P.

Richard H. Holland &
Margaret his wife

r } answer

11th St. Outland answer
it all

answer of Amerson
St Outland, Martha
Cubana Delara PP
Cubana

To the Hon. Geo. Blow, Judge of the Circuit
Court of Isle of Wight County, Va.

Complaining shew unto the Court your
Complainants Richard H. Hollans & Marganthis wife,
Your Complainants respectfully rep-
resent to the Court, and say:

That at the April rules 1874 of
this Court. They filed their Bill in Chancery
against Isaac Hedgketh, Arson A. Outland admr
of Wm. Outland dec'd in his own right, and
Edith Hedgketh wife of Isaac Hedgketh & Darden J.
Watkins admr of Lemmy D. Watkins dec'd, having
first object the setting aside of a sale of land
made by said Darden J. Watkins as admr of
Lemmy D. Watkins dec'd, who was Trustee in
a deed of Trust executed by Isaac Hedgketh of record
to said Lemmy D. Watkins, Trustee for Wm. Outland,
for the reasons set forth in said original Bill
and to protect your Complainants in the possession
and enjoyment of 40 acres of land as therein set
forth, & to set aside a deed of gift from said
Hedgketh to his wife Edith, for other purposes.

and now your Complainants file
this their amended Bill, and say,

That they were mistaken in charging that
Arson A. Outland was the admr. of Wm. A. Outland
dec'd, and now say that the said Wm. A. Outland
has no admr. so far as the questions at
issue in this case are concerned, the admr.

of said Wm. A. Outland dec'd. need not be a party.

and your Complainants now say, that on the 23^d day of January 1861, the said Wm. A. Outland executed a deed of gift to his wife, Martha P. Outland, and children Adolphus; John G.; Nervon A. & Clara P. Outland, conveying unto said Martha, at his death, for and during her widowhood and at her death or marriage to his said children & to their heirs from the following real & personal estate, to wit: all his land that he then possessed, all his Bond, moneys, farming utensils, household and kitchen furniture, stock of all kinds, and all his negroes being then seventeen in number, and all the increase of said negroes, together with the increase of his stock, rents and issues of all kinds on certain conditions named in said deed - a copy of which deed is filed herewith & marked "No. 1"

That after the making of said deed, the said Adolphus & John G. Outland died & their father, the said Wm. A. Outland, became their heir & distributor, and thereupon to wit: On the 14th May 1866, the said Wm. A. Outland executed another deed conveying to his said wife & his two surviving children Nervon A. Outland & Clara P. Outland, so that the said Martha P. Outland, Nervon A. Outland & Clara P. Outland, are now the owners of

all the estate named in said Deed,
the said Wm. A. Outland having since died,
~~and~~ a copy of which last named Deed is
filed herewith & marked "No. 2"

Your Complainants say, that the
Bond of \$500, referred to in the Deed of Trust
executed by said Isaac Higginth to said Ousey
D. Watkins, Justice for said Wm. A. Outland
was paid & cancelled by said Isaac Higginth
to said Wm. A. Outland in his life time & the
Bond delivered up to said Isaac Higginth by the
said Wm. A. Outland, and that since the
death of said Wm. A. Outland, the said Reversion
N. Outland has obtained of said Isaac Higginth
the said Bond & now by his acts as set forth
in said original Bill, seeks to set up said
Deed as yet due & unpaid

Your Complainants again pray
that ~~this~~ sale made under said Deed of Trust
by Warden J. Watkins as & aforesaid
may be set aside, that they may be protected
in the possession of the Land purchased by your
female Complainant as set forth in said
original Bill, and that ~~this~~ Hon. Court
will direct all proper inquiries to be made
by some Court of this Court, as will enable
the Court to have the facts before it.

In consideration whereof & as this
Court has power to grant all adequate
relief, To the end your Complainants pray

47.12
 .63
 47.80

Kelly Comp. & Co.

Holland tribe

Amended

M. B. Rice

Attest: J. H. Rice

Sept. 1874-

and Bill filed. Sum.

exp. to them min.

Act. in Bill taken

for confessed & set for

hearing thereon.

Cr. cr. J. of W.

that the said Isaac H. Smith, Martha P. Outland, William H. Outland & Clara P. Outland, Edith H. Smith & Warden J. Watkins admit of Dempsey D. Watkins decd. may be made Defendants hereto and answer on oath the allegations in said original Bill & this amended Bill, and that the relief prayed for may be granted to your Complainants and that all other & further Relief may be granted consistent with equity &c.

Richard H. Holland

Margaret Holland

John R. Kelly Comp. & Co.

To the Hon. Geo. Blow, Judge of the Circuit
Court of the County of Wight County, Va.

Complaining shew unto the Court, your
Complainants, Richard H. Holland & Margaret
his wife -

Your Complainants respectfully represent to
the Court and say, That one Isaac Hedgboth of said
County, on the 1st day of January 1857, executed a deed
of Trust, conveying to Lemuel D. Watkins, the Trustee
named in said deed, the following property, to wit:
The tract of land on which said Hedgboth then lived, con-
taining seventy two acres, more or less, and bounded
by the lands of Norris Johnson, Anthony Persons, Leffe
D. Cornice, Edward A. Outland & others: also one
horse, one yoke of oxen, one cow & calf, fifteen
head of hogs, corn, & fodder, peas and potatoes, two
pair of carts & wheels, one barrel, two guns,
& all his household & kitchen furniture, & all his farming
utensils, In Trust, to secure to William A. Outland
\$500 or therein named, due by Bond dated the 7th day of
January 1857, payable on demand - a duly certified
copy of said deed is filed herewith marked "A", &
asked to be taken as part of this Bill - which deed
was recorded in the Clerk's office of the County of Wight County
Court on the 6th March 1857 -

That the said Isaac Hedgboth had
a son named Stephen Hedgboth, & whose wife,
your Complainant, ^{Margaret Holland} was, while she was the wife
of said Stephen Hedgboth & a daughter in Law

of said Isaac Hedgeth, to wit on the 19th of October 1864, he, the said Isaac Hedgeth sold to your Complainant (then Margaret Hedgeth) fifty (40) acres of land in said County, and bounded North by the Land of Norris Johnson, & Mrs. S. Daughtry, East by the Land of Rauls & Whitehead, South by the Land of said Isaac Hedgeth West by the Land of E. A. Outland - which forty acres are apart of the seventy two (72) acres, conveyed by the Deed of Trust aforesaid - That the sum of seventy five dollars was paid in cash to said Isaac Hedgeth for said Land - which deed was held by your Complainant (Margaret) till the war ended & on the 22^d. Feb 1866 lodged in the Clerk's office of said County, & partly proved by Wm R. Butler a subscribing witness there to, & on the 4th Feb 1867 fully proved by Humphrey Butler another witness there to & recorded a duly certified copy of said deed &c. is filed herewith as part of this Bill & is marked 'B' -

That notwithstanding the sale by said Isaac Hedgeth to your Complainant Margaret, as above set forth of 40 acres of land, yet the said Isaac Hedgeth did on the 1st Dec 1866, (over two years after her said purchase) convey by deed of gift to his own wife, the whole of said seventy two acres of land as will be seen by a copy of said deed filed herewith marked 'C' - That this last named deed was recorded in said Clerk's office on the 1st Dec 1866

about ten months after your Complainant's (said Margaret) deed was partly proved in said clerk's office, but about two months before the full proof of your said Complainant's deed —

Your Complainant, Margaret after the death of her said first husband married your Complainant Richard H. Holland and is now his wife —

Your Complainant's charge that the said Isaac Hedgcock said Edith Hedgcock his wife (who is his second wife) knew of the sale to your Complainant (Margaret) of the said 40 acres, when the deed of Gift aforesaid to said Edith was executed.

That said Stephen Hedgcock & your Complainant Margaret (then his wife) took possession of said 40 acres of land as soon as purchased & went on the same and built there a small house to live ⁱⁿ, & cleared a portion of the land to cultivate & that they lived thereon till said Stephen Hedgcock died, & has lived thereon ever since & is there living at this time, a period of over nine years —

That the said Wm. A. Outland to whom the said deed of Trust was executed lived near your Complainants, & never intimated to them or either of them that he had any claim on said 40 acres of land, sold as aforesaid, & without landing he was paid for money, & just

before a judgment was about to be rendered against him in said County, conveyed his estate to his ~~son~~ ~~son-in-law~~ ~~son-in-law~~ — wife and his children N. H. Outland & others. That said H. A. Outland died several years ago & his son H. A. Outland has qualified as his admor. in Sole of Wright County Court on the day of as will be seen by reference to a copy of the order of Court granting such administration filed herewith & marked 'D'—

That the said H. A. Outland as such admor. has had the whole of said Land of 72 acres sold by H. A. J. Watkins admor of Dempsey D. Watkins, now dead & who was the Trustee in said Decd of Trust and that said sale was made in the Fall of 1873 (only a few months since, & the Land purchased by said H. A. Outland for \$400, as will be seen by a copy of the account of sale, recorded in Sole of Wright County Court Clerk's Office, a copy of which is filed herewith marked "E"

Your Complainants, say that the original Debt of \$500, secured by said Baack Hildjeth was as they verily believe never due but was a fictitious matter, & that after the execution of said Trust the said Baack Hildjeth H. A. Outland had a settlement and said Debt, if ever due, was fully cancelled & paid, and was so considered by said Baack Hildjeth, when he

2

sold the 40 acres, offland to your Complainant
(Margaret) When he attempted to give
thesame afterwards to his wife as aforesaid.

That no such Bond for \$500, as is named
in said Deed of Trust is in existence, that
thesaid Darius J. Watkins made the sale aforesaid
without ever having seen any such bond, & that
said sale was made in a place, far from the
Court House & without competition -

Your Complainants say, that for some
cause, without reason, the said Isaac Hedgcock
has become offended with your Complainant,
Margaret, and now desires to deprive her of her
Land which was paid for as aforesaid, & in order
to do so, ~~affirms~~ affirms to the acknowledgment
of said Debt of \$500 as having been due & as now
due, so as to enable said A. A. Outland admr
of Wm A. Outland decd as aforesaid to make
said sale, thereby hoping to deprive your said
Complainant of her said Land, & for all which
inducements are held out to said Isaac Hedgcock
by assurances that he may remain on said Land
& keep his chattel estate.

Your Complainants further say, that
if said Debt of \$500 had been due, yet it would
have been was the duty of said Outland as
admr aforesaid to have first sold the Chattel
estate conveyed in said Deed of Trust, & the
residue of said Land, after cutting off the 40

acres aforesaid purchased by your Complainant
(said Margaret) —

Your Complainant prays that the sale
of said land as made by said Darden J. Watkins,
as admr of said Lemuel D. Watkins the
Trustee aforesaid, may be set aside & annulled —
That your Complainant may be protected in the
enjoyment of the said 40 acres of land as aforesaid
That the deed of gift from Isaac Higboth to his
said wife Edith, may be declared null & void as
to the said 40 acres of land —

In consideration whereof and as this
Court can grant all adequate relief — In the
End your Complainant prays that Isaac
Higboth, Anson A. Outland admr of Wm. A.
Outland decd. his own right, and Edith
Higboth wife of Isaac Higboth, Darden J.
Watkins admr of Lemuel D. Watkins and
may be made defendants hereto & be compelled
to answer the allegations herein on oath — & say
especially whether any such Bond as the one of
\$500 aforesaid is in existence — whether the
said debt if ever due was not paid to & settled
with Wm. A. Outland in his life time by the said
Isaac Higboth. whether the said Isaac Higboth
& Edith Higboth did not know of the execution
of said Bond from Isaac Higboth to your Com-
plainant (Margaret) & of its being in the
Clerk's Office & partly proved, when he, the said

Isaac Hodgkins made the deed of gift to said
Erick; and your complainants pray that
their rights may be protected as aforesaid &
that such other & further relief may be granted
consistent with equity &c.

Richard H. Holland

Margaret Holland

by
John R. Kilby Esq
attys.

Kelly Son

Richard N. Holland &
margaret his wife

" { Rice
Hedgboth,
Wm N. outland, admr
& al.

Apl. Rls. Bill t. filed - sent.
24d. on Hedgboth wife, N. N.
outland & working admr. &
de. nisi.

May 1894 - set for
morning.

Oct. /74 & Feb. 1895 - cond.

Oct. /75 - Final decree
1

Cir. et. J. of Ut.

For costs & expenses

Bill of costs.

att. for . . . 16.00

clk. " Co. et. . . 3.50

Do. Cir. et. . . 11.66

Shuff. J. O. Wright . . 4.90

Do. Southgate . . 1.06

B. G. Roberts J. P. . . 3.25

W. H. Butler " . . 3.25

Watkins, attnd. . **5.50** - (5.50)

\$ 47.12