

Question 1st How do you understand, that Martha Dwyer became heir to the said formerly owned by ~~Mathew~~ ^{Matthew} Watts and ^{She} Watts now in dispute?

Answer I understood that Martha Dwyer became heir to these lands at the death of her brother James Priest, who died under age.

Question 2nd Did you ever understand, that Samuel Watts the father of the present Plaintiff claimed the said formerly owned by ~~Mathew~~ ^{Matthew} & ^{She} Watts?

Answer As I understood, by Samuel Watts agent, that the said James Dwyer kept him out of his right to these lands. And further this Dependent saith not.

Robert Post

Chy City County

We do hereby certify that Robert Post appeared before us Justices of the Peace for this said County and made oath to the truth of the within Deposition given under our hands and seals this thirtieth day of March in the year One thousand eight hundred and five.

We further certify that Miles King & Samuel Watts the parties in this suit were both present at the taking this deposition.

Robert Armistead

William Brough

The Commonwealth of Virginia

To Wm. Westwood and Robert Armistead Justices &c.

Now ye that we trusting to your fidelity and prudent circumspection in diligently examining Ann Allen a maternal witness on behalf of Miles King in a suit now depending between Sam^l Watts Plaintiff and Miles King Defendant. And we do therefore command you that at such certain days and places as you shall appoint, you assemble yourselves and the witness aforesaid you call and cause to come & her diligently examine on the Holy Evangelist of Almighty God, and her examination into our County Court of Chy City distinctly and plainly said without delay also to us this Writ Witness the Clerk of our said Court this eighteenth day of February in the year One thousand eight hundred and five in the twenty ninth year of the Commonwealth.

Wm. Westwood Esq. Clerk

Ann Allen Deposition

The deposition of Ann Allen of Chy City County about twenty three years of age, and being sworn on the holy Evangelist of Almighty God, deposes and saith that she was well acquainted with ~~Mathew~~ ^{Matthew} Watts & ^{She} Watts who owned the lands in Dark River, now in the possession of Miles King, that she saw ^{the} ~~said~~ ^{Matthew} Watts & ^{She} Watts separate this life without being married or having any lawful issue, and that she has heard her Uncle ^{the} Priest say that he married the sister of ^{the} ~~Matthew~~ ^{Matthew} Watts and by her he had two children viz James & Martha Priest, wherein the said sister of ^{the} ~~Matthew~~ ^{Matthew} Watts and that the said James was under age and without issue. His sister Martha Priest inherited the said lands at his death also afterwards intermarried with a certain W^m Dracey who sold the said lands to a certain W^m Smith who then lived in Norfolk County, and that she has heard say that the said Martha was joint in the conveyance of the said lands. And the Dependent further saith that she has never heard of any person claiming the said lands till within these two years past. further this Dependent saith not.

Question by W^m Watts & Did you know Judith the sister of the late ~~Mathew~~ ^{Matthew} & ^{She} Watts?

Answer I do not.

Question by Miles King & Did you not hear your Uncle ^{the} Priest say that he married the sister of ~~Mathew~~ ^{Matthew} & ^{She} Watts?

Answer by W^m Allen I did hear him say so.

Question by Miles King & Did you not know James Priest & Martha Priest & that they were the son & daughter of her Uncle Thomas Priest?

Answer by W^m Allen I did know them.

Ann Allen

This within Deposition taken this fourth day of March in the year One thousand Eight hundred and five present Miles King & J. Watts before us and sworn to before us.

Wm. Westwood

Robert Armistead

Affidavit

Eliz City County to wit

Wiles King personally appears before me a Justice of the Peace for the said County & made oath that Mary Whidson was a material witness for him in the last Wills act. King adds that he apprehends that the said Mary Whidson cannot attend the Court of Eliz City from age and infirmity gives under my hand this twenty sixth day of Novemb^r in the year one thousand eight hundred and eight sworn to before me Novemb^r twenty sixth in the year one thousand eight hundred and eight.

Charles Jennings

Commission

The Commonwealth of Virginia

To Robert Drough and Thomas Lee Gent^l Greeting

Know ye that we trusting to your fidelity and prudent circumspection in diligently examining Mary Whidson a single witness on behalf of Wiles King Defend^t in the last Wills act King commands you that at such certain days and places as you shall appoint you assemble yourselves and the witness aforesaid before you or any two or more of you you call and cause to come and diligently examine in the Holy Evangelist of Almighty God and in examination into our Court of Eliz City County distinctly and plainly without delay you shall send and certify in writing returning also this Writ Witness Writest^r Clerk of our said Court at the Court House of the said County the twenty sixth day of November in the year one thousand eight hundred & eight in the thirty third year of the Commonwealth.

Robert Ammend & C^o

Notice

On the twenty sixth day of November in the year one thousand eight hundred & eight at the House of Mary Whidson in the County of Norfolk we shall take the Deposition of the said Mary Whidson to be read and used as evidence in a last now depending in the Court of Eliz City in which last Sam^l Watts is Plaintiff or Demandant & Wiles King Defend^t or Tenant Novemb^r twenty fifth in the year of our Lord one thousand eight hundred & eight.

Robert Saunders

Samuel Watts

Esq^r

Robert Nelson

W. Drough & Counsel

for
Wiles King.

Certificate

Eliz City County &c

I do certify that Rob^t Drough came before me and made oath that he delivered a copy of the within notice to Samuel Watts on the twenty fifth day of Novemb^r last given under my hand this sixth day of Decemb^r in the year one thousand eight hundred and eight.

W^m DroughDeposition of Mary
Whidson

The deposition of Mary Whidson of lawful age taken at the house of the said Mary Whidson in the County of Norfolk on the twenty sixth day of Nov^r in the year one thousand eight hundred and eight to be read and used as evidence in a last now depending in the Court of the County of Eliz City in which last Sam^l Watts is Plaintiff or Demandant and Wiles King Defend^t or Tenant. This deponent being duly and legally sworn deposeth and saith that she knew Eliz Smith & Matthew & Th^o Watts her Son who both were and were never married, was at the funeral of Th^o who was engaged to be married at the time of his death. This deponent further saith that she was well acquainted with Martha and James Priest who were as this deponent always understood and believes the Grand Children of Eliz Smith & Nicc^o & Nephew of Matthew and Th^o Watts the said James Priest died when about sixteen & perhaps in his seventeenth year and was never married. Martha lived some time after and married a certain Samuel Drough and had a child as this deponent heard. This deponent also heard and believes that Martha Drough formerly Martha Priest and her Husband Samuel

Samuel told the said wife in presence of a certain R.^m Smith further this Depo^{nt} saith that she has often seen Martha Priest afterwards Martha Bishop at the house of Eliz.^a Smith with whom she said Martha Bishop then Martha Priest usually lived, and understood, and this Depo^{nt} does believe that the said Martha Priest was the grand Daughter of the said Eliz.^a Smith

Mary Whidden

We the undersigned Justices of the Peace in and for the County of Norfolk do certify that at the place and on the day named in this Depo^{nt} the said Depo^{nt} was signed and sworn to before us by the Depo^{nt} Mary Whidden given under our hands and seals this twenty ninth day of Nov^r in the year one thousand eight hundred and eight

Robert Brough

Thos. Lee

And now at this day to wit the fourth day of September in the year of our Lord one thousand eight hundred and nine came the Parties by their Attornies and thereupon the transcript of the Record and proceedings aforesaid and also came a Jury to wit John S. Westwood, George Hope Jun^r, Hope Rich^d, B. Servant, Ezekiel Kears, Eagle Savage, Thomas Skinner W.^m Pace, Roe Salmer, William Proby, John Peil and John Herbert who being elected tried and sworn to say the truth whether the Tenant hath more right to hold the Demise^{nt} premises against him by the Claimant in his Writ of Right or the Claimant as he demandeth upon their oath do say that the Tenant hath more right to hold than the Demandant hath to demand or have the same in the Court mentioned — Therefore it is considered by the Court that the Demandant take nothing by his Count but for his false claimer be in mercy &c. and the Depo^{nt} go thereof without pay and recover against the Demandant his costs by him about his defence in this behalf expended

Plaintiffs costs in Superior Court

£. in Superior Ct.

\$ 9 55
55 67 \$ 65 22

Defendants costs in Superior Court

£. in Superior Ct.

\$ 10 28
32 08 \$ 42 36

Teste

Robert Annistead. clk

At a Superior Court of Law held for the County of Elizabeth City the 7th day of May 1823.

Josiah Cole and Mary his wife, Elizabeth Leary and Saml F Bright infant son and heirs of Samuel Bright deceased by the said Josiah Cole } Demandants.
his next friends

against
Thomas Watts an Infant deceased and one of the heirs of Thomas Watts deceased. } Tenant.

Pleas at the Court house in the County of Elizabeth City on the seventh day of May in the year of our Lord one thousand eight hundred and twenty three in the forty seventh year of the Commonwealth before the first court allotted to the Superior Court as noted by law to be holden for the said County of Elizabeth City -

Be it remembered that heretofore to wit, at a Superior Court of Law held for the County of Elizabeth City the 17th day of September in the year 1821 was sent forth from the County Court of Elizabeth City pursuant to the act of the General Assembly, in such case made the transcript of the return of a certain appeal in these words:

"Pleas at Elizabeth City County Court house in the County of Elizabeth City on the 26th day of August in the year of our Lord one thousand eight hundred and twenty one in the forty sixth year of the Commonwealth before the Worshipful the Justices of the said Commonwealth by the County aforesaid

Be it remembered that heretofore to wit, the 3rd day of May 1817, was issued out of the said Court, a writ of Right, which with the return thereon is in these words: "The Commonwealth of Virginia to the Sheriff of Elizabeth City County Greeting, Command Thomas Watts an Infant deceased and one of the heirs of Thomas Watts and that he justly and without delay render unto Josiah Cole and Mary his wife, Elizabeth Leary and Samuel Francis Bright infant son & heirs of Samuel Bright and by the said Josiah Cole his next friends one mortgage and conveyance containing by estimation one hundred and fifty acres of land lying in the County of Elizabeth City with the appurtenances, which they claim to be their right, and whereof they complain that the aforesaid Thomas Watts with withholds the possession, and unasked shall as so then summon the said Thomas Watts that he appear before the Justices of our said County Court at the Court house of the said County on the fourth Thursday in May to shew wherefore he hath not done it. And have then shewn this writ to Messrs Westwood & Son Attorneys at Law of our said County Court at the Court house aforesaid the 3rd day of May 1817 in the 21st year of the Commonwealth.

Sheriffs return

Records.

Dismissed with

Dismissed D. Ky for Charles M Collier's Sheriff And at rules held in the clerks office of the said Court in the month of May and June in the year 1817 the said cause was continued And at rules held in the clerks office of said Court the 25th day of July 1817 came the Demandants by Robert M Condit their attorney and filed their Count in these words: "Elizabeth City County to wit Josiah Cole and Mary his wife Elizabeth Leary and Samuel Francis Bright infant son and heirs of Samuel Bright and by the said Josiah Cole his next friends by Robert M Condit their attorney demand against Thomas Watts an Infant deceased and one of the heirs of Thomas Watts and one conveyance containing by estimation one hundred and fifty acres of land with the appurtenances in the County of Elizabeth City and bounded on the North East by the land of Thomas Watts, on the

At a Superior Court of Law held for the County of Elizabeth City the 7th day of May 1823.

Josiah Cole and Mary his wife, Elizabeth Leary and Saml F Bright infant son and heirs of Samuel Bright deceased by the said Josiah Cole } Demandants.
his next friends

vs
Wm F Bright

against
Thomas Watts an Infant deceased and one of the heirs of Thomas Watts deceased. } Tenant.

I Pleas at the Court house in the County of Elizabeth City on the seventh day of May in the year of our Lord one thousand eight hundred and twenty three in the forty seventh year of the Commonwealth before the first court allotted to the Superior Court as noted by law to be holden for the said County of Elizabeth City -

Be it remembered that heretofore to wit, at a Superior Court of Law held for the County of Elizabeth City the 17th day of September in the year 1821 was sent forth from the County Court of Elizabeth City pursuant to the act of the General Assembly, in such case made the transcript of the return of a certain appeal in these words:

"Pleas at Elizabeth City County Court house in the County of Elizabeth City on the 26th day of August in the year of our Lord one thousand eight hundred and twenty one in the forty sixth year of the Commonwealth before the Worshipful the Justices of the said Commonwealth by the County aforesaid

Be it remembered that heretofore to wit, the 3rd day of May 1817, was issued out of the said Court, a writ of Right, which with the return thereon is in these words: "The Commonwealth of Virginia to the Sheriff of Elizabeth City County Greeting, Command Thomas Watts an Infant deceased and one of the heirs of Thomas Watts and that he justly and without delay render unto Josiah Cole and Mary his wife, Elizabeth Leary and Samuel Francis Bright infant son & heirs of Samuel Bright and by the said Josiah Cole his next friends one mortgage and conveyance containing by estimation one hundred and fifty acres of land lying in the County of Elizabeth City with the appurtenances, which they claim to be their right, and whereof they complain that the aforesaid Thomas Watts with withholds the possession, and unasked shall as so then summon the said Thomas Watts that he appear before the Justices of our said County Court at the Court house of the said County on the fourth Thursday in May to show wherefore he hath not done it. And have then there this writ to issue Westward

S Committed clerk of our said County Court at the Court house aforesaid the 3rd day of May 1817 in the 21st year of the Commonwealth.

Sheriffs return

Wm F Bright

Records.

S Committed Clerk for Charles M Collier's Sheriff

And at rules held in the clerks office of the said Court in the month of May and June in the year 1817 the said cause was continued And at rules held in the clerks office of said Court the 25th day of July 1817 came the Demandants by Robert M Condit their attorney and filed their Count in these words: "Elizabeth City County to wit Josiah Cole and Mary his wife Elizabeth Leary and Samuel Francis Bright infant son and heirs of Samuel Bright and by the said Josiah Cole his next friends by Robert M Condit their attorney demand against Thomas Watts an Infant deceased and one of the heirs of Thomas Watts and one conveyance containing by estimation one hundred and fifty acres of land with the appurtenances in the County of Elizabeth City and bounded on the North East by the land of Thomas Watts, on the

West by the land of Johnson Mallery and Miles Long, on the South by the land of Thomas Watts and on the East by Long creek to the place of beginning, and thence upon the said Josiah Cole and Mary his wife, Elizabeth Long, and Anne Francis Bright infant son and heir of Samuel Bright and by the said Josiah Cole his next friend south that they have right to have the tenement aforesaid with the appurtenances and offer proof that such is their right. And at rules held in the clerks office of said Court from month to month till June 1818 the said cause was continued.

And at rules held in the clerks office of said Court the 26th day of June 1818 came as well the demandants by their attorney aforesaid, as the respondent Thomas Watts by his attorney, and thereupon the said Thomas Watts filed his plea in the words following. And the aforesaid Thomas Watts by B. B. Poyer his attorney avowed and defended the right of the said Cole & Mary his wife, & Henry & Samuel T. Bright when and where it behoveth him, and all that concerneth it, and whatever he ought to expend, and chiefly the tenement aforesaid with the appurtenances as of right, namely the tenement containing one hundred and fifty acres of land in the County of Elizabeth City, and bounded on the North East by the land of Thomas Watts West by the land of Johnson Mallery and Miles Long, South by the land of Thomas Watts and East by Long creek to the beginning place, and putteth himself upon the afore- and prayeth recognition to be made whether he hath greater right to hold the tenement aforesaid with the appurtenances as he now holdeth it, or the said Josiah Cole & Mary his wife, Elizabeth Long & Anne T. Bright infant son and heir of Samuel Bright are by said Josiah Cole his next friend to have it as they now demand it, and the cause was continued.

And at another day to wit at a Court held for the said County of Elizabeth City the 27th day of November 1818 untill which day the cause aforesaid remained undetermined and was continued by virtue of the act of the General Assembly in such case made, came the parties by their attorneys, and on the motion of the Plffs it was ordered that this cause be continued till the next Court at their costs.

And at another day to wit at a Court held for said County the 26th day of March 1819 came the parties by their attorneys, and on the motion of the Plffs it was ordered that the Surveyor of the County do survey the tract of land which Thomas Watts conveyed to his son Samuel Watts in the year 1727 according to the Courses and distances set out in the will of the said Thomas Watts, and also survey the land conveyed by Samuel Watts to his son Littleton Watts by deed dated the 16th day of September 1782, and also the land conveyed by Littleton Watts to Robert Bright in 1778 on the 23rd of July, and also the land devised by the will of Samuel Watts to his son Thomas Watts the 26th December 1797 and also the lands devised by the will of Thomas Watts to his son Thomas Watts the 27th September 1815 and the surveyor is hereby directed to return three plain platte and reports of the said lands to the Court.

And at another day to wit at a Court held for said County of Elizabeth City the 22nd day of March 1821 till which time this cause was continued generally, from Court to Court, came the parties by their attorneys, and on the motion of the Plaintiffs it is ordered that the order of Survey made in this Cause at March Court 1819 be set aside and the cause continued till the next Court at their costs.

And now at this day to wit at a Court held for the said County of Elizabeth City the 24th day of August 1821 untill which day the cause aforesaid remained undetermined and was further continued by virtue of the act of Assembly in such case made, came the parties aforesaid by their attorneys aforesaid and thereupon came a Jury to wit Kemmer Whiting, John Cowper, Robert Moreland, Henry Wood, Thomas Ladimer, James W. Wallace, Edw. King, Wm. C. King, Howard Baptist, Henry H. Elliott, Michael King and John Gormly who being elected Ours and sworn to say the truth whether the Tenant hath more right to hold the tenement demanded against

against him by the claimants in their writ of Right, or the claimants as they demand, upon their oath saying "that one Thomas Watts was seized and possessed of the tenement in the County of the Demandants mentioned as tenant in fee simple, that the said Thomas Watts by his wife acted on the 30th of April 1726 and duly re-recorded on the 21st September 1727 - conveyed the same tenement to Samuel Watts his only child, in tail by virtue of which devise the said Samuel Watts, held the said tenement as tenant in tail. That the said Samuel Watts by deed of bargain and sale acted the 16th day of September 1752 and duly re-recorded on the 21st of September 1753, conveyed the same tenement to his son Lilliston Watts in fee simple. That the said Lilliston Watts by deed of bargain and sale acted the 2^d December 1777 and duly re-recorded on the 25th of June 1778 conveyed the same tenement to one Robert Bright in fee simple. That the said Samuel Watts survived his son Lilliston Watts and died in the year 1797 having first made his will, which was duly re-recorded on the 28th of July 1798 in which he devised the same tenement (before conveyed to his son Lilliston Watts in fee simple) to his son Thomas Watts in fee simple. That by virtue of the said devise the said Thomas Watts entered into the said tenement and held the same till the year 1815 when he died having first made his will, which was duly re-recorded by which he devised the same tenement to the present tenant or defendant, who now holds the same. We further find that the present Demandants are the lawful heirs of the said Robert Bright to whom Lilliston Watts conveyed in the year 1777 as aforesaid, and that the said Robert Bright died testate in 1788 and that the Demandants are his sole devisees also - If upon these facts the law be for the Demandants, then we of the Jury find for the Demandants the tenement in the County of the Demandants mentioned, and \$25 damages for withholding possession of the same. But if upon these facts the law be for the Defendant then we find for the Defendant. And thereupon the matters of law arising upon the special verdict in this cause being argued, it seems to the Court here that the law is for the Defendant. Therefore it is considered by the Court that the Plffs take nothing by their Count, but for their false clamors be in mercy & that the Def^t go hence without day and recover against the Plffs his costs by him about his defence in this behalf expended from which judgment of the Court the Plffs prayed an appeal to the next Superior Court to be holden for this County, which is granted them upon their entering into bond and security in the sum of fifty dollars according to law.

Plffs costs \$19.96

Def^ts costs 5.52

Moreover seen by these presents that one Mary S. Jones and Robert M. Condit are here and being bound unto Thomas Watts of the County of Elizabeth City in the just and true sum of fifty dollars to be paid to the said Thomas Watts his certain attorney his executors administrators or assigns for the payment whereof well and truly jointly and severally firmly by these presents sealed with our seals and dated this 26th day of August 1821.

The Condition of the above obligation is such that whereas at a Court held for the County of Elizabeth City the 24th of this instant in an action of Writ of Right depending in the said Court between

Josiah Cole and Mary his wife, Elizabeth Leary and Samuel Francis Bright
indent son and heir of Samuel Bright and Phyllis and Thomas Watts Respondents
it was considered by the Court (the matters of law arising in the special verdict
in this cause being argued) that the law was for the Respondent and that the
Pliffs take nothing by their Count but for their false claimer be in mercy of
and that the Jy^t go hence without day and recover against the Pliffs his
Costs, from which judgment the said Josiah Cole & have appealed to the next
Superior Court of law to be holden for this County - If therefore the said
Josiah Cole & shall prosecute the said appeal with effect, or pay and satisfy
the costs recovered by the judgment aforesaid, and also all such costs and
damages as shall be awarded against them in case the judgment aforesaid
shall be affirmed, then the above obligation to be void or else remain in
full force and virtue.
Signed sealed and delivered
in presence of The Court

Carry S. Jones

R. McConduick

And at a Superior Court of law held for the County of Elizabeth City the 17th
day of September 1821. came the parties aforesaid by their attorneys and heard
the Court there with advice of and upon the premises before it renders its
judgment thereof, day is given the parties aforesaid here until the next term
and at another day to wit At a Superior Court of law continued and held for
said County of Elizabeth City the 9th day of May 1822, came the parties aforesaid
by their attorneys and thereupon the transcript of the record of the judgment
aforesaid being seen and inspected by consent of the parties it is considered by
the Court that the judgment be reversed and annulled, and the special
verdict in this cause be set aside, and a new trial be had upon the issues
joined, and that the cause be retained upon the docket in this Court for
trial to be had of the issues joined therein and thereupon came a Jury
to wit William F. Westwood Gilbert Leary, James L. Brett Jr. Senten's Kennor
Whiting, James Powell, Henry B. Cooper, Jr. J. Wood Mr. T. Smith, Docty
Kettler Wm Jennings Jr. and Shadrach W. Outten who being duly tried and
sworn to say the truth, whether the tenant hath more right to hold the tenement aforesaid
against him by the claimants in their writ of Right, or the claimants as they
demand Upon their oath do say that one Thomas Watts was seised & possessed of
the lands in the count of the claimants mentioned as tenant in fee simple
that the said Thomas Watts by his sole deed on the 30th of April 1726, and as
remained on the 21st September 1727 devised the same lands to Samuel Watts his
only child in tail, by virtue of which devise the said Samuel Watts entered upon
the said lands and was seised and possessed thereof as tenant in tail, which will
of the said Thomas Watts we find to be in the following words and figures to
be in the name of God Amen, I Thomas Watts of Elizabeth City County being very
sick and weak but thanks be to God in perfect sense and memory do constitute
and appoint this my last will and testament in manner and form as followeth
First I commend my soul into the hands of Almighty God from whom first I
derive breath hoping in & through the merits of our Lord and Saviour Jesus
Christ to receive eternal life at the day of the resurrection, and my body to
the ground to be buried in a Christian like manner as my executor shall
think fit, and as for my worldly estate which it hath pleased God to bestow
upon me, which is far above my wants, I give and bequeath in manner
and form following. 1st I give and bequeath unto my well beloved son
Samuel Watts one hundred and fifty acres of land lying and being in Elizabeth
City County, and bounded in manner as followeth. Eastward on Long Creek, and
Southwardly on the land of Richard Roulum & Westwardly on the land of
Mr. Joseph Elden and the land of John Annistead, and Northwardly on the re-
maining part of my land and likewise give unto my Son Samuel half my
Archaud, I give the said hundred and fifty acres of land to him and the heirs of
his

this body lawfully begotten. I likewise give unto my son Samuel four negroes named as followeth, Coney Black, Samson, Peter & Dick. I give them to him and the heirs of his body lawfully begotten. I likewise give unto my son Samuel half of my personal estate to him and the heirs of his body lawfully begotten. And my will is that my son shall be at age to receive his estate at the year of Britain if please God my wife should die in that time, or marry a man that is criss to my s^d son or may be thought to waste his estate, if not he shall not be of age while he comes to the years of one and twenty, and if my wife should die before my child or children come to age I desire my mother or son Sam^r Bloodworth shall take my child or children under her jurisdiction while he or they shall come to age, and my will is that she may take his or their parts Estates under her jurisdiction immediately after my wife's decease. And if my son Samuel should die without issue, my will is that my wife shall possess his estate both Real and personal during her natural life. but if please God my wife shall be with child, and my will is that he, she, or they shall be heir to my son Samuel. And I give and bequeath unto my loving wife Mary Watts all my land and ornaments except the hundred and fifty acres before given to my son Samuel during her natural life, and after her death to my son Samuel. Likewise I give to my wife Mary a negro man called old Black and a negro woman called Bess, a negro woman called Pegg. but if please God my wife be with child now, I give to that child the two first children the aforesaid Pegg shall bear, and after my wife's death I give the three negroes, Black, Bess and Pegg to the child she now goes with and to his or her heirs for ever. And if my children should die without issue, I give all their estate to my wife during her natural life, and after her death I give to my mother or son Sam^r Bloodworth my negro Samson and Pegg, and all the rest of my estate I give to my Brother Samuel Watts children to be equally divided between them after my wife and children's decease if my children die without issue. And likewise I give unto my loving wife Mary half my personal estate during her natural life & after her death to the child she now goes with, and to his or her heirs of his or her body lawfully begotten. and if he or she die without issue I give it to my son Samuel and his heirs for ever. And likewise I ordain and appoint my loving wife Mary Watts my whole and sole executrix of this my last will and testament &c. witness my hand & seal this 30th of September 1726.

Thomas Watts

Liquid sealed & delivered in presence of
Baldern Sheppard, Fra. Mafsentury
The Jurer.

Elizabeth City County at a Court held 21st Sept 1727. The last will and testament of Thomas Watts sen^r was proved by the oaths of Baldern Sheppard and Tho^s Jones two of the witnesses thereto, and ordered to be recorded. Mary Watts the wife having taken the oath of an executor and given security certificate is therefore granted her for obtaining a probat thereof in due form.

Teste Tho^s Mifflinham C^o.

that the said Samuel Watts by and dated the 16th of September 1752 and duly recorded on the 11th of April 1753 conveyed the same lands to his son Littleton Watts in fee simple which and from the said Samuel to the said Littleton Watts we find to be in the following words & figures to wit.

This Indenture made this sixteenth day of September in the year of our Lord 1752 between Samuel Watts of the County and Parish of Elizabeth City of the one part, and Littleton Watts of the same place, son of the said Samuel Watts of the other part witnesseth, that the said Samuel Watts as well for and in consideration of the natural love and affection which he hath and beareth unto the said Littleton Watts his son, as also for the better maintenance and preferment of the said Littleton Watts hath given, granted, aliened, conveyed and confirmed, and by these presents doth give grant, alien, convey and confirm unto the said Littleton Watts all that Messuage or tenement of land situate by and being on Long Street in the County aforesaid, beginning on the South side of the same branch issuing out of the said Long Street taking in the orchard and Barn and running thence a straight course

through the land on which the said Samuel now lives, to a house near the main
road where one Andrew Bully now lives. Thence according to the terms of the land as
as to take in ~~the~~ the South part of the said lands from the first mentioned
line with all and singular its appurtenances, and all houses, out houses
lands &c. Containing by estimation one hundred and fifty acres, and the reversion
and reversions, remainders and remainders rents and services of the said premises, and
all the Estate right title interest property claim and demand whatsoever of him
the said Samuel of or and to the said Mesnage or Tenement of land and premises
and of or and to every part and parcel thereof with the appurtenances To have
And to hold the said Mesnage or Tenement lands and premises hereby given
and granted or mentioned, or intended to be given and granted unto the said
Littleton Wattle his heirs and assigns to the only proper use and behoof of him.
the said Littleton Wattle his heirs and assigns for ever. And the said Samuel
Wattle for himself and his heirs exec. and admor. doth covenant and grant
to and with the said Littleton Wattle his heirs and assigns by their presents, that
the said Littleton Wattle his heirs and assigns shall and lawfully may im-
mediately on the death of the said Samuel Wattle from thenceforth forever
thereafter peaceably and quietly have hold occupy possess and enjoy the said
Mesnage, Tenement, lands, hereditaments, and premises hereby given and
granted or mentioned or intended as to be with their appurtenances free
clear and discharged of and from all former and other gift, grants, feoff-
ments, Similitures, Leases and all other encumbrances whatsoever. In witness
Whereof the said Samuel Wattle hath hereunto set his hand and affixed his
seal the year and day first above written
Signed Seal & acknowledged in presence of
Baldern Sheppard, Bay Alder
John Sheppard

Samuel Wattle (Seal)

At a Court held for Edge City County April 4th 1753 This Indenture was acknow-
ledged and read to be record.
York W. Wager clk.

That the said Littleton Wattle by deed of bargain and sale dated the 2^d December 1777 and
 duly recorded on the 25th of June 1778 conveyed the same land in fee simple to
one Robert Bright who died in 1788 which and from the said Littleton to the said
Robert we find to be in the following words and figures to wit:

This Indenture made this second day of December in the year of our Lord one thousand
seven hundred and seventy seven Between Littleton Wattle of the County and Parish of
Edgeboth City in the Commonwealth of Virginia of the one part and Robert Bright
of the same place of the other part Witnesseth that the said Littleton Wattle
for and in consideration of the sum of one hundred pounds to him in hand paid
the receipt whereof he doth hereby acknowledge as well as other divers good causes
him thenceforth moving hath given granted, bargained, sold, aliened, conveyed and confirmed
and by their presents doth give grant bargain sell, alien, convey and confirm unto
the said Robert Bright one tract or parcel of land lying and being in the County
of Edgeboth City or Long Creek it being the piece or parcel of land given to him
by and from his father Samuel Wattle as by deed recorded in the County Court of
Edgeboth City will more fully appear. The reversion and reversions, remainders &
remainders and all the right title interest, property claim and demand what-
soever of any person or persons claiming through, by from and under him the
said Littleton Wattle for ever to the said Robert Bright and his heirs begotten
by my sister Mary Bright for ever. To have and to hold the said piece or
parcel of land with its appurtenances immediately after the death of the said
Littleton Wattle and Samuel Wattle his father to him the said Robert Bright
and Mary his wife unto either of them Mary again, and then to their heirs
which shall proceed from the said Robert and Mary Bright forever and
the said Littleton Wattle doth promise and agree for himself his heirs
executors and admors. with the said Robert Bright that he the said Robert
Bright and Mary his wife Mary Bright immediately after the death of
the said Littleton Wattle and Samuel Wattle his father, may & shall take
full possession, have, hold, use, occupy, possess and enjoy the said given
and granted premises, without the let suit, hindrance, disturbance or
molestation

in testimony of any person or persons whatsoever until either of them marry again, then their heirs which shall proceed from the said Robert & Mary Bright for ever. In witness whereof the said William Watts have hereunto set his hand and affixed his seal the day and year first above written.

William Watts

Signed sealed & delivered in presence of us

Joseph Cooper, George Latimer Robert Selken

Recorded December 2. 1777 of Robert Bright the consideration money within mentioning
Tale Joseph Cooper.

William Watts

At a Court held for the City County Towne the twenty fifth 1778. This indenture was then and proved by the oaths of Joseph Cooper, George Latimer and Robert Selken which is noted to be recorded, and at the same time Joseph Cooper made oath that he saw William Watts sign the receipt Tale being before him

That the said Samuel Watts survived his son William Watts and died in the year 1797 having first made his will, which was only recorded on the 28th day 1798 in which he devised the same lands (before conveyed to his son William in fee simple) to his son Thomas Watts in fee simple, which will of the said Samuel Watts we find to be in the following words and figures: "In the name of God amen I Samuel Watts son of Elizabeth City County and State of Virginia being weak in body but thanks be to God in perfect senses and sound memory calling to mind the uncertainty of this life, and certainty of the next do constitute and remain this my last will and testament in manner following - Item I give and bequeath unto my son Thomas Watts One hundred acres of land where I now live to him and his heirs for ever. I also give and bequeath unto my son Thomas Watts One hundred and fifty acres of land joining the said land where I now live, and the piece of land I purchased of Daniel Rotten. I give the said lands to him and his heirs for ever. also I give and bequeath unto my son Thomas Watts fifty acres of land I purchased of Daniel Rotten to him and his heirs for ever. Item I give and bequeath unto my son Samuel Watts One hundred and fifty four acres of land whereon my said son Samuel Watts now lives which said lands were purchased by me of George Walker & Son Williams. I give the said land to him and his heirs for ever. Item I give and bequeath unto my son Thomas Watts two negroes namely John and Lucet. Item I give and bequeath unto my Daughter Mary Bright two negroes Piz and Agnes and their increase for ever. Item I give and bequeath unto my Daughter Susanna Haynes one negro woman named Senah and her increase for ever. Item I give and bequeath unto my son Thomas Watts one negro fellow named Peter provided the party Miles King the price value of the said negro fellow Peter or part to discharge a bond which the said Miles King has of mine. Item I give and bequeath unto my Daughter Ann Jennings two negroes John Matthews & Sue. Item I give and bequeath unto my Daughter Sarah Williams one negro fellow named Ned. Item I give and bequeath unto my Daughter Elizabeth King two negroes James and Belle. Item I give and bequeath unto Mr Charles Jennings one negro woman named Ann and her increase. Item I confirm to my son Samuel Watts a right to a negro man Sam which he sold some years ago. Item I give and bequeath unto my son Samuel Watts all the remainder of my Estate both real and personal after the payment of my just debts. I give him all the remainder of my Estate real and personal which is not any other way devised in any of the foregoing parts of this my last will and testament. I give it to him and his heirs for ever. And lastly I nominate and appoint my two sons Thomas Watts and Samuel Watts sole executors to this my last will and testament. In witness whereof I have hereunto set my hand and affixed my seal the 26th day of December 1797. The word live, interlined as sufficient in the first clause

and the words "of his my last will and testament, in the last clause" intended before signing or sealing thereof.

Signed sealed and published as the last will and testament of Samuel Wattle sen. in the presence of

Samuel^{his} X. Wattle sen. Esq.
witness

James X. Cooper, Thomas Latimer

Thomas Lamy, & John Beer

Elizabeth City County Court July 28th 1798. This will was produced in Court and proved by the oath of two of the witnesses thereto and ordered to be recorded.

Teste W. M. Woodcock J. Clerk

That by virtue of the said devise the said Thomas Wattle entered into the said lands and held the same till the year 1815 when he died having first made his will which was duly proved and recorded and which we find to be in the following words and figures to wit: "In the name of God Amen I Thomas Wattle of

Elizabeth City County do constitute and ordain this to be my last will & testament in manner and form following - Item I give to my son William Wattle the plantation I purchased of Jeremiah Lam containing seventy four acres, I likewise give to my said son William one negro man named Billy - Item I give to my son Thomas Wattle all that tract or parcel of land lying on Long Creek whereon I formerly lived and which was given to me by the will of my deceased father Samuel Wattle containing about three hundred acres be the same more or less. I likewise give to him one negro man named Tom and one female girl named Maria and one bed & furniture and one desk and one old woman named Violet.

Item I give to my son Samuel Wattle the plantation whereon I now live which I purchased of Thomas Latimer containing about one hundred acres, be the same more or less. I likewise give to him one negro man named Robin and one woman named Phillis one bed and furniture, desk, one walnut table, & half doz stick chairs - Item I give to my Daughter Jane Wattle one negro woman named Mary one girl named Lory and one boy named Leulca.

Item I give to my Daughter Barbara Cooper one negro man named London two girls namely Andy and Rachel - Item I give to my Daughter Eliza T. Wattle three negroes by name John Dinah and Fanny.

Item I give to my son George W. Wattle fifty four acres of land adjoining Bucke Roe tract Johnsons Millary, Whittington White and Thomas Leuten be the same more or less. I likewise give him three negroes namely Sam Peter and Jonathan also

all the money due to me from James Benthall. Item I give the remainder of my Estate not before devised in any of the foregoing parts of this my last will and testament to be equally divided between my four children namely Jane, Barbara, Eliza T. and George W. Wattle and lastly I nominate and appoint my Brother Samuel Wattle and my son in law William B. Cooper executors to this my last will and testament, and it is my will and desire that they may not be held to give security - In witness whereof

I have hereunto set my hand and seal this 27th day of September 1815.

Signed sealed & acknowledged

Thomas Wattle Esq.

in presence of
Samuel Wattle, Whiting Latimer

Ann W. Robinson

At a Court held for the County of Elizabeth City the 26th of October 1815.

This will was proved by the oath of Samuel Wattle, Whiting Latimer and Ann W. Robinson witnesses thereto, and ordered to be recorded.

Teste W. M. Woodcock J. Clerk

by which will the Testator devised the same lands to the present tenant, the Defendant who now holds the same. We further find that the present Plaintiff or claimants are the lawful heirs and sole executors of the said Robert Knight to whom Littleton Wattle conveyed in 1777 as aforesaid. If upon these facts the law be for the claimants, then we of the Jury find for the claimants the sum of one hundred and twenty pounds in the County of the claimants' demand and one penny damages for withholding possession of the same, but if upon these facts the law be for the Defendant or Tenant then we find for the Defendant.

It is agreed between the parties in this cause that Littleton Wattle was the eldest son of Samuel Wattle, that Littleton died before Samuel and that after the

Pleas at the Court house in the County of Elizabeth City before the Superior Court of Law for said County on Tuesday the 19th day of September in the year of our Lord one thousand eight hundred and twenty six

Be it remembered that heretofore to wit. At a Superior Court of Law held for the County of Elizabeth City the 19th day of September 1825 came John Doe of Servant Jones his attorney and filed his declaration against Richard Roe of a plea of trespass and Ejectment which declaration and the note and affidavit thereon enclosed are in the words following "First Judicial Circuit Superior Court of Law for Elizabeth City County to wit. John Doe Complainant of Richard Roe in Custody &c of a plea that he the said Richard Roe with force and arms to wit sticks, staves, swords, guns, & pistols entered into two messuages, two kitchens, two Cottages, two Barns, two Stables, two Coach houses, two out houses, two yards, two gardens, two orchards and one hundred and twenty five acres of arable land, ten acres of meadow land, ten acres of pasture land, fifty acres of wood land, ten acres of land covered with water, and ten acres of other land with the rights members and appurtenances therunto belonging situate and being in the Parish of _____ and County aforesaid and within the jurisdiction of this Court, and bounded by the lands of Samuel Watts on the North, Saml. Tidens estate on the East, Kerly. Meddons land and the said Soldens estate on the South and on the West by Back River with common of pasture therunto belonging and appertaining which George Cooper had demised to the said John Doe for a term which is not yet expired, and ejected him from his said farm, and other wrongs to the said John Doe there did to the great damage of the said John Doe against the peace and dignity of the Commonwealth and against the act of assembly in such cases made and provided, and therefore the said John Doe by Servant Jones his attorney Complainant that whereas the said George Cooper heretofore to wit on the first day of January in the year of our Lord 1822, at the Parish and County aforesaid, and within the jurisdiction of this Court, had demised the said tenements with the appurtenances to the said John Doe to have and to hold the same to the said John Doe and his assigns from the first day of January in the year aforesaid for and during and unto the full end and term of seven years from thence next ensuing and fully to be completed and made. By virtue of which said demise the said John Doe entered into the said tenements with the appurtenances and became and was thereto possessed, for the said term so to him thereby granted as aforesaid. And the said John Doe being so thereby possessed, the said Richard Roe afterwards to wit on the second day of January in the year last aforesaid, at the Parish and County aforesaid and within the jurisdiction of this Court, with force and arms to wit sticks, staves, swords, guns and pistols entered into the said tenements with the appurtenances in which the said John Doe was so interested, in manner and for the term aforesaid, which is not yet expired, and ejected him the said John Doe out of his said farm, and other wrongs to the said John Doe, there and there did to the great damage of the said John Doe against the peace and dignity of the Commonwealth and against the act of assembly in such case made and provided, wherefore the said John Doe saith that he is injured, and hath sustained damage to the value of \$2,000 and therefore he brings his suit

S. Jones sg.

John Doe
& Richard Roe { delays of prosecution

To Mr. Edmund Melson

Sir I am informed that you are in possession of, or claim title to the premises in this declaration mentioned, or to some part thereof, and I being sued in this action as a casual ejector only, and having no claim or title to

to the same, do advise you to appear at the next Superior Court of law for this County either in person or by some attorney of that Court, and then and there, by rule of the same Court, to cause yourself to be made defendant in my said, otherwise I shall suffer Judgment therein to be entered against me by default, and you will be turned out of possession. You will therefore be pleased to take notice accordingly. and this 22nd day of June 1820 I am Sir

very respectfully

Your Obedt. Servant.

Elizabeth City County to wit

Richard Roe

This day Thomas S. Moring Deputy for Edward Ironmonger Sheriff of the said County, personally appeared before me a Justice of the peace in and for the said County and made oath that in August 1825 he the deponent delivered a true copy of the foregoing declaration and notice to Edmund Melson the tenant in possession of the premises, and at the same time told him that it was a declaration in Ejectment, and that unless he did appear in person or by some attorney of the Superior Court of law for the said County at the next term of that Court, and on the first day of the term, and then and there cause himself to be made defendant, there would be a Judgment thereupon against the Defendant by default, and he the said Edmund Melson would be turned out of possession. Given under my hand this first day of September 1825.

Rob^t. Lively J.P.

And it appearing by the affidavit of Thomas S. Moring Deputy for Edw^d. Ironmonger Sheriff that Edmund Melson, tenant in possession of the premises, hath been duly served with a copy of the Writ declaration, and the note thereunder written, and he not appearing the solemnly called, it is ordered, unless he, having legal notice of this order, or those under whom he claims, or some or one of them do appear here at the next Court and make himself herself or themselves defendant or defendants in this suit in the room of the said Roe, plead the general issue, Confess the lease entry and cotes in the declaration supposed and enter into the common rule to insist on the title only at trial. Judgment shall be given for the Writ and a writ of possession awarded him.

And at another day to wit at a Superior Court of law held for the County of Elizabeth City the 3rd day of May 1826 came the Writ by his attorney aforesaid and Edmund Melson on his motion is admitted Defendant in this suit in the room of the said Roe, and thereupon by his attorney comes and defends the force and injury when so pleads the general issue, Confesses the lease entry and cotes in the declaration supposed, and agrees to insist on the title only at trial, and thereupon came a Jury to wit Sam^l. Willford, Sam^l Pearson, Nath^l. Samuel Thomas Maysburg, Robert Wood, James K. Cooper, James Shelton, Antoinette Bellair, Edw^d. B. Parrish, Robert Copping, Jas^l. Sandrum and Henry Whiting who being duly sworn and sworn the truth to speak upon the issue joined, upon their oath do say "That John Cooper died in the year 1812 having first made and published his last will and testament which is in the words and figures following. 'In the name of God Amen, I John Cooper of sound mind and memory do make this my last will and testament in manner following. First I will only say the property I have given to my daughter Ann Herbert has been his portion which is all I am able to give them. Secondly I give to my daughter Elizabeth

Cooper, Mary and all her children on his complaint, one Ann and Cooper and
and his my neys Mary Jack during her single life, and then to my son William
am for ever. Thirdly I give to my son William B Cooper the plantation I
live on, one negro boy Miller, the young bay mare, ten sheep Ram and two
swine of the broad tail, two Steers, two cows & calves, one of the best sows, one
bed complaint to him and his heirs for ever. In case he should die without
a son and not sell the land I give the land to my son George and if he
should die under age then the land to be sold by John Harbut and divide
the money among all my children then alive or their children that may
be alive at that time. If Elizabeth should die and leave no child the
property that she may have my wish is to go to her sister Ann, and her bro-
ther William equally not for my young children to have any part of her
property, the negro Jack lent to Elizabeth in either case of her marriage or
death in that instance I give the said Jack to my son William. Fourthly
I leave my Brother William and my wife Anne my executors authorizing them
to pay all my just debts, sell any part of the property that I have not given
away as they may think proper, to have no public sale, to qualify and give
security, sell the land I bought of Nancy or any thing else they please, and
the balance I leave to my wife and at her death to be equally divided among
her children to wit George, Martha Ann, Mary Eliza, and Susanna, my wish
is for my wife to have one half of the yard garden lotte and buildings
during her single life on this land or can agree, whatever may be due Rebecca
and Thomas Wornum which my books will shew I hope will be paid first -
Given from under my hand and seal this twenty seventh day of January one thousand
eight hundred and thirteen. I give to my son George one negro boy Belle to be
sent to a trace to him and his heirs for ever.

John Cooper

Signed Sealed & published

in presence of

Saml. Watts

John Medham

Geo. McIntyre

at a Court held for the County of Elizabeth City the 24th day of June 1813
this will was proved by the oaths of Saml. Watts and John Medham witnesses
therein and ordered to be recorded.

Teste *Wm. Ministead* Clerk

that the said will was duly recorded in the County Court of Elizabeth City, where the
land or plantation the right to which is contested in this suit is situated, on
the 24th of June 1813. That the testator died in possession of the plantation
therein devised. That the Sefor of the Wt. is the George Cooper the son
of the said testator mentioned in the said will, and that the tenant in
possession claims under the William B. Cooper in the said will mentioned.
That the said William B. Cooper the devisee did without leaving or ever
having a son during his life time or since, and never having sold the
plantation or land in the said will devised to him, which is the subject
of contest in this suit. That the said William B. Cooper arrived to the age
of twenty one years. That he married and left an only child a daughter
now alive. We further find the lease entry and ouster in the declaration
as mentioned. If upon these facts the law be for the Wt. we find for
the Wt. his term yet to come in the premises in the declaration mentioned
and one penny damages - But if the law be for the Defendant or Tenant
we find for the Defendant. But because the Court
is not yet advised of its judgment to be given in the premises, time is
taken to consider thereof. And now at this day twost. At a Superior
Court

Court of law bids for the County of Elizabeth city at the Court house aforesaid the day and year first herein mentioned to wit the 19th day of September 1820 came the parties aforesaid by their attorneys and the Court having maturely considered the matters of law arising upon the special verdict in this cause and the arguments of Counsel thereupon is of opinion that the law is for the Plaintiff. Therefore it is considered by the Court that the Pl. recover against the Defendant his terms yet to come of and in the mesuages and lands with the appurtenances in the declaration mentioned together with his damages in form aforesaid aforesaid and his costs by him about his suit in this behalf expended and the said exp. may be taken & from which judgment of the Court the Defendant by his attorney prayed an appeal to the Court of appeals, which is granted him upon his entering into bond with security in the penalty of one hundred dollars conditioned according to law, which was accordingly entered into with Robert Dwyer his security.

Know all men by these presents that we James Phillips
and Robert Living of the County of Elizabeth City are hold and firmly
bound unto George Cooper of the County aforesaid on the first and full
sum of one hundred dollars to be paid to the said George Cooper his
certain attorney his executors, administrators or assigns for the pay-
ment whereof will and truly to be made, we bind ourselves our heirs
executors and administrators jointly and severally firmly by these pre-
sents, sealed with our seals and dated this 19th day of September 1828.

The Condition of the above obligation is such that whereas at a Superior Court held for the County of Elizabeth City on the 19th day of September 1820 in an action of trespass and Ejectment depending in said Court between John Roe Lessee of the above named Group Cooper M. and Edmund Melton Defendant, it was considered by the Court that the M. should recover against the Defendant his term yet to come of the messuages and lands with the appurtenances in the declaration mentioned with one penny damages and costs, from which Judgment the said James Phillips hath appealed to the Court of appeals. If therefore the said James Phillips shall prosecute the said appeal with effect, or pay and satisfy the costs and damages recovered by the judgment aforesaid and also all such costs and damages as shall be awarded against him in case the said Judgment shall be affirmed then the above obligation to be void or else to remain in full force and virtue

James Phillips 

Signed Sealed & delivered
in presence of — — —

James Phillips

Robert Lively

Mfg. cont. \$ 10.42
 Less 20 10.15

a copy sent

Wm. W. Lathrop