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SOCIETY OF UTAH

THOUSE HAMPTON, VA.

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LAND

CAUSES

1809-1813

At a Superior Court of Law held for the County of Eliz City the 4th day of September 1809.

Samuel Watts Demandant
against
Wiles King Tenant.

Writ of Right.

Pleas at the Court house in the County of Eliz City on the fourth day of September in the year of our Lord one thousand eight hundred and nine in the thirty fourth year of the Commonwealth before the Judge sitting in the Superior Court of Law directed to date 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 aforesaid before the Judge allotted to the same on the first day of April last a Writ of Certiorari was awarded to remove hither the Record and proceedings in an action of Writ of Right depending in the County Court of Eliz City between Samuel Watts Demandant and Wiles King Tenant which Writ is in these words -

The Commonwealth of Virginia

To our Justices of our County Court of Elizabeth City Greeting -
We say that you or one of you under your or one of your Seal the Record and proceedings in a certain action of Writ of Right between Samuel Watts Plaintiff and Wiles King Defendant with all things touching the same as fully and wholly as the same is before you now residing in our Judge of our Circuit Superior Court to be holden at the Court house in the County of Eliz City on the first day of September next do send and certify enclosed returning also this Writ which Robert Armistead clerk of our said Circuit Superior Court the twelfth day of May 1809 in the thirty third year of our said Commonwealth.

Robert Armistead Clerk

By virtue of this Writ we William Dring, Augustine Mene, John Cooper, and Miles Cary Justices of the Court of Eliz City County do certify that the Schedule annexed hereto contains a true copy of all the proceedings and Record in the Action of Writ of Right brought by Samuel Watts against Wiles King in our said County Court of Eliz City given under our hands and seals this twenty fifth day of May 1809.

Wm Dring
Aug Mene
Jn Cooper
Miles Cary

the transcript of which said Writ is in these words to wit.

Pleas at Eliz City Court House in the County of Eliz City on the twenty fifth day of November in the year of our Lord one thousand eight hundred and three in the twenty eighth year of the Commonwealth before the Writings the Justices of the said Commonwealth for the County aforesaid.

Be It remembered that heretofore on the thirtieth day of July one thousand eight hundred and three a Summons was issued out of the Court of the said County by Samuel Watts demandant against Wiles King the Tenant of a certain Tract containing three hundred and nine Acres with the appurtenances in the County of Eliz City on the North side of Back River beginning at the said River adjoining the land in possession of Edward Allen thence on the line of Edw Allen to a piece of land in possession of Wiles King thence on the said things line to the land of Elizabeth Armistead orphan of Robert Armistead thence on the said Armistead line to the land of Edw Allen thence on the said Allen line to the land of Wm Westwood thence on the said Westwood line to the land purchased by Wiles King from Armistead Bay legs first thence on the said things line to the land of Charles Maltony from thence to the said Back River and along the said River to the beginning which said summons is in these words to wit.

The Commonwealth of Virginia

To the Sheriff of Eliz City County Greeting

Command Wiles King that he justly and without delay render unto Samuel Watts one Tract containing three hundred and nine Acres of land with the appurtenances in the County of Eliz City which he claimeth to be his right and whereof he complaineth that the aforesaid Wiles King withholds the possession and unless he shall do so then summon the said Wiles King that he be before the Justices of our County Court of Eliz City at the Court house on the fourth Thursday in August next to show wherefore he hath not done it and leave you then there this Writ which Wm Westwood

Watts
King

Writ of
Certiorari

Summons

Watts
King

Whole Westwood clerk of our said Court the thirtieth day of July one thousand eight hundred and three in the twenty eighth year of the Commonwealth.

executed by Samuel Selden Sheriff.

Whole Westwood Jun. Clerk.

where said summons being duly returned executed by Samuel Selden Sheriff of the said County at a Court held for the said County on the twenty seventh day of August one thousand eight hundred and three the said Samuel Watts by Robert Sommers Gent. his Attorney filed his Count in this Court which said Count is in these words to wit.

Elizabeth County to wit.

Samuel Watts by his Attorney demands against Miles King one Tenement containing three hundred and nine acres of land with the appurtenances in the County of Elizabeth in the North side of Back River beginning at the said River adjoining the land in possession of Edw. Allen thence on the line of Edw. Allen to a piece of land in possession of Miles King thence on the said Kings line to the land of Elizabeth Armistead sister of Robert Armistead thence on the said Armisteads line to the land of Edw. Allen thence on the said Allen line to the land of Whole Westwood thence on the said Westwoods line to the land purchased by Miles King from Armistead Bayleys Esq. thence on the said Kings line to the land of Charles Mallory from thence to the said Back River and along the said River to the beginning and whereupon the said Samuel Watts saith that he hath right to have the Tenement aforesaid with the appurtenances and offereth proof that such is his right and the said Miles King being thereupon solemnly called came not whereupon on the motion of the said Demandant by his said Attorney it is ordered

At a Quarterly Court cont. and held for Elizabeth County the twenty seventh day of August one thousand eight hundred and three Samuel Watts agt. Miles King.

The summons in this cause being returned executed and the Tenant the said defendant failing to appear on the motion of the Demandant by his Counsel who files his Count in this cause. It is ordered that unless the said Miles King the Tenant do appear at the next Quarterly Court to be holden for this County and then cause why he hath not rendered unto the Demandant one Tenement containing three hundred and nine acres of land in this County of which he holds possession that then Judgment shall be entered against him for the same and a Writ of Habere facias possessionem shall be awarded to the Demandant to give him seizen and possession thereof.

Teste Whole Westwood Jun. Clerk.

Personally appeared before me Samuel Selden who made oath that he delivered to Miles King a copy of the within order in the month of September in the year one thousand eight hundred and three given under my hand this twenty third day of November in the year one thousand eight hundred and three.

executed by Sam. Selden Shf.

William Lowry Justice of the Peace
for Elizabeth County.

at which day to wit at a Court of quarterly session held for the said County on the twenty seventh day of August in the year of our said one thousand eight hundred and three came the Plaintiff by his Attorney aforesaid and thereupon the said Defendant Miles King by Robert Nelson his Attorney came and defended the force and injury where and for plea saith, which plea follows in these words.

And the aforesaid Miles King by his Attorney cometh and defendeth the right of the said Samuel Watts when and where it behooveth him and all that concerneth it and whatsoever he ought to defend and chiefly the Tenement aforesaid with the appurtenances as of right namely one Tenement containing three hundred and nine acres of land in the County of Elizabeth in the North side of Back River and bounded as follows beginning at the said River adjoining the land of Edw. Allen thence on the line of Edw. Allen to a piece of land in possession of Miles King thence on the said Kings

Things line to the Land of Elizabeth Ammstead Esq^r of Robert Ammstead thence on the said Ammstead line to the Land of Edw^d Allen thence on the River of Edw^d Allen to the Land of Wmth Westwood — thence on the said Westwood line to the Land purchased by Miles King from Ammstead Bayleys Esq^r — thence on the said Kings line to the Land of Charles Mallory from thence to the said Back River and along the said River to the beginning 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 Samuel Watts to have it as he now demandeth it and if thus he put himself upon the Country and the Plaintiff likewise by his replication which Replication follows in these words

Replication

Watts } And the aforesaid Samuel Watts in like manner putteth himself upon the afore and —
King } prayeth recognition to be made whether he hath greater right to hold the Tenement aforesaid as he demandeth in the said Miles King or he holdeth it.

Therefore let a Jury come at the next quarterly Court according to the Act of assize to recognize and the same day was given the parties — there for from which day till this day to wit the twenty eighth day of May in the year one thousand eight hundred and eight the impaunelling the Jury aforesaid was repelle and the plea aforesaid continued by the mutual consent of the parties and with the assent of the Court.

Affidavit

Elizabeth County to wit
Samuel Watts personally appeared before me a Magistrate of the County aforesaid and made oath that Thomas Baker Ammstead of said County is a material witness and is the proper person to prove important facts in a cause now depending in the County Court of Elizabeth County between said Samuel Watts Plaintiff and Miles King Defendant, and that the said Th^{os} B. Ammstead was and is sworn given under my hand this first day of January in the year one thousand eight hundred and four.

Comm^o

Which Westwood
The Commonwealth of Virg^a
To Which Westwood and William Brough Gent Justices
Know ye that we trusting to your fidelity and provident circumspection in diligently examining Th^{os} B. Ammstead a material witness on behalf of Samuel Watts in a Suit now depending between said Watts Pl^t and Miles King Defend^t. And we do 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 and examine on the holy Evangelist of Almighty God and his examination into our County Court of Elizabeth County distinctly and plainly certify us thereof under your hands and seals sending them thence to us this what also returns the Clerk of our said Court this second day of January in the year one thousand eight hundred and four in the twenty eighth year of the Commonwealth.

Subsc^o

Which Westwood Esq^r Alty. Sp^o
Miles King Esq^r
In you will please to take notice that I intend to take the Deposition of Th^{os} B. Ammstead in a Suit now depending in the Court of Elizabeth County on Thursday the twelfth Inst^o at the Court House of said County between the hours of ten o'clock in the morning and four o'clock in the evening in which suit I am Plaintiff and you defendant at which time and place you may be present if you please second of January in the year one thousand eight hundred and four.

Samuel Watts
This day came before me Charles Jennings and made oath that he gave Miles King a copy of the within notice second of January in the year one thousand eight hundred and four Elizabeth County twelfth of January one thousand eight hundred and four.

Which Westwood

Deposition of Th^{os} B. Ammstead

The deposition of Thomas Baker Ammstead being of lawful age having been first sworn on the holy Evangelist of Almighty God deposeth and saith that he knoweth Samuel Watts and Th^{os} Watts Brothers as he believes they owned the Land on the North Side of Back River called Watts's old Land is now in dispute in the County of Elizabeth between Samuel Watts Pl^t and Miles King Defend^t which Land is bounded as follows beginning at the River on the Land of Edw^d Allen thence on the said

Said

Deposition 1st

said Allen line to Miles Kings line, thence in the said Kings line to Ely Armisteads
Ephraim of Robert Armisteads son, thence in the said Armisteads line to Ely Allen line, from
thence to Wileh Westwoods line, from thence to my own land, from thence to Miles Kings
land purchased of Armisteads Bayleys Great, thence in the said Kings line to Charles Hattings
line, thence in the said Hattings line to the River, from thence down the River to the be-
ginning place. And this deponent further saith that Matthew Watts was the elder brother
who died some years before his brother Thos. Watts and that he believes that Thos. Watts was
between sixty six and sixty eight years of age, and that he knew Samuel Watts the elder
father of the present Samuel Watts and that he believes that he was near related to the
above Matthew and Thos. Watts in the Fathers side, and that he never knew or heard of any
relation in the Fathers side but Samuel Watts father of the present Samuel Watts, and
further this deponent saith not. Ely City county twelfth of January one thousand eight
hundred and five
Thos. B. Armistead
The above deposition was sworn to before us Wileh Westwood, William Brough
Ely City County to wit.

Affiant.

Samuel Watts appeared before me a Magistrate for said County
made oath that Thomas Baker Armistead, Ely Jennings and John Allen are material
Witnesses for him in the Writ of Right brought by him against Miles King in the Court
of Ely City County, and now depending therein, and that the said persons are sick and infirm
and he is fearful they will be unable to attend the Court on the third thereof given under
my hand this third day of Dec^r in the year one thousand eight hundred and five
The Commonwealth of Virg^a Charles Jennings

Commiss^{rs}

To Samuel Selden and Robert Armistead Gent Greeting
Know ye that we trusting to your fidelity and provident circumspection in diligently ex-
amining Thos. B. Armistead, Ely Jennings and John Allen material Witnesses on behalf of
Samuel Watts in a Suit now depending in our County Court of Ely City between said Watts
Plaintiff and Miles King Defendant, and we do therefore command you that at such cer-
tain days and places as you shall appoint you assemble yourselves, and the Witnesses aforesaid
you call and cause to come, and then diligently examine in the holy Evangelist of Almighty
God, and their examinations into our Court send and certify without delay as aforesaid to us this
Writ, Witness the Clerk of our said Court this thirteenth day of December in the year one
thousand eight hundred and five in the thirtieth year of the Commonwealth.

Wileh Westwood Clk. C.

The execution of this Commission appears by the depositions of Ely Jennings and Thos. B.
Armistead annexed hereto, given under our hands this thirteenth day of December in the year
one thousand eight hundred and five.

Robert Armistead
Samuel Selden.

Notice.

To W. Miles King

Be pleased to take notice that I shall proceed to take the depositions of
Thos. B. Armistead, Ely Jennings and John Allen to be read de bene esse under a commission
to be awarded for that purpose in the Writ of Right brought by me and now depending in
the Court of Ely City County against you. The depositions aforesaid will be taken on
Friday the thirteenth Inst^l (Decem^r) in the Town of Hampton at the House of Ely Jennings
between the hours of ten in the forenoon and five in the afternoon of that day, the third day
of Decem^r in the year one thousand eight hundred and five.

Samuel Watts.

Ely City County to wit.

James Davis personally appeared before me a Magistrate for
said County and made oath that he delivered to Miles King a copy of this notice on
the third day given under my hand this third day of December in the year one thousand
eight hundred and five.

Charles Jennings

Deposition of
Thos. B. Armistead

The deposition of Thos. B. Amistead aged now sixty one years taken pursuant to a Commission and notice hereto annexed at the House of Eliz. Jennings in the Town of Hampton on Friday the thirtieth day of December in the year one thousand eight hundred and five to be read in the Court brought by Samuel Watts in the County of ^{County} Eliz. City against Miles King, the said Defendant being sworn on the holy Evangelist of almighty God and being interrogated saith.

Question 1st are you well acquainted with the land now in dispute between the present Plaintiff and Miles King and its boundaries?

Answer Yes I am well acquainted with the said land, and ever since I have known it it has been called Watts land, and the boundaries which I have heard read in the pleadings of this suit, are those by which I have always known the said land.

Question by Miles King. Do you know the number of acres of land claimed by Matthew and Thomas Watts and the boundaries claimed by them?

Answer I do not know the number of acres claimed by Matthew and Thos. Watts as to the boundaries such as are before prescribed by me are those by which I have always understood they claimed the said land.

Question by the Plaintiff. Did you know Matthew and Thos. Watts the former owners of the land now in dispute?

Answer Yes I knew them perfectly and that they both lived and died on the said land.

Question Did you know the Mother of the said Matthew and Thomas Watts?

Answer I knew the wife of a Mr. Thos. Smith who was reputed to be the mother of the said Matthew Thos. Watts.

Question Did you know that Thomas Smith aforesaid and his Wife lived on the said land at any time during the life of the aforesaid Matthew and Thomas Watts?

Answer I think they did a considerable time.

Question Was Mrs. Smith aforesaid living at the time of the death of the said Matthew and Thos. Watts?

Answer She was not.

Question Was the said Matthew and Thos. Watts ever married?

Answer No they never were.

Question Which of the two Brothers Matthew or Thomas Watts died first?

Answer Matthew Watts died first.

Question When did Thos. Watts the surviving Brother die?

Answer Thos. Watts aforesaid died a little upwards of forty years ago.

Question Were you perfectly acquainted with the Father of Saml. Watts the present Plaintiff?

Answer Yes.

Question Do you know whether or not there was any person bearing the name of Watts after the death of Matthew and Thos. Watts except the Father of the present Plaintiff and his family?

Answer I do not know that there was any such person left bearing the name of Watts after the death of the aforesaid Matthew & Thos. Watts except the Father of the present Plaintiff and his family.

Question by Miles King. Did you not understand that Martha Priest was the reputed Mother to Thos. Watts aforesaid and that she intimated with a certain man by the name of Joseph?

Answer I have understood so.

Question by Miles King } Did you know or understand that the said Degrue who married the aforesaid Martha
Priest did sell the said land now in dispute to William Smith son of the aforesaid Thos.
Smith who intermarried with the Mother of the aforesaid Thos. Watts?
Answer } I understood that to be the case, and that William Smith aforesaid, held the land
untill he sold the same to Wilson Miles Esq.

Question by Miles King } Did you ever understand that Samuel Watts the Father of the present Plaintiff
or any other person, ever claimed the said land sold by Degrue to Wm. Smith aforesaid?
Answer } I understood that Samuel Watts aforesaid the Father of the present Plaintiff
claimed the said land.

Question by Miles King } Did you not go to School with Martha Priest aforesaid and did you not understand
that Thomas Watts aforesaid was her Uncle?
Answer } I did go to School with Martha Priest and understood that there was some relation
ship between them but I do not know what that was.

Question by the Plff. } During your acquaintance with the said Martha and Thos. Watts did you ever
know or understand that they ever had either a Sister or Brother?
Answer } I did not know neither did I ever hear that there ever was any such person as a
Sister or a Brother of the said Martha and Thos. Watts.

Question by Miles King } When did Samuel Watts the Father of the present Plaintiff die?
Answer } I understood that the said Samuel Watts died in February in the year one
thousand seven hundred and ninety eight and further this deponent saith not.
Thos. D. Armistead

Eliz City County to wit:

We do hereby certify that Thos. D. Armistead appeared before us Justices
of the Peace for the said County and made oath to the truth of the above deposition given
under our hands this thirtieth day of Decemb^r in the year one thousand eight hundred and five.

Robert Armistead
Samuel Wilson

The Commonwealth of Virg^a

To Wm. Wethered and William Brough Gent Justices greeting
Know ye that we trusting to your fidelity and prudent circumspection in diligently
examining John Allen and Ann his Wife material Witnesses in behalf of Miles King in a
suit now depending between Samuel Watts Plaintiff and said King Defendant, and we do therefore
command you that at such certain days and places as you shall appoint you assemble yourselves
and the Witnesses aforesaid you call and cause to come and them diligently examine in the holy
Congress of Almighty God, and their examination into our County Court you distinctly and
plainly certify us under your hands sending also to us without delay this Writ: Witness the date
of our said Court this twentieth day of December in the year one thousand eight hundred and five
in the thirtieth year of the Commonwealth.

Wm. Wethered Jst Clerk. C.

To M^r. Samuel Watts

Be pleased to take notice that I shall proceed to take the Depositions of
John Allen and Ann Allen himself to be read de bene esse under a Commission to be awarded for
that purpose in the Writ of Right brought by you and now depending in the Court of Eliz City
County against me. The depositions aforesaid will be taken on Saturday the fourteenth day of Dec^r
in the year one thousand eight hundred and five at the House of John Allen on Longs Swamp
between the House of ten in the forenoon and five in the afternoon of that day. Dec^r the third
in the year one thousand eight hundred and five.

Eliz City County &c.

Miles King

John Harper appeared before me and made oath he delivered on this
day a true copy of this Notice to Samuel Watts given under my hand this third day of
Decemb^r in the year one thousand eight hundred and five.

Wm. Wethered

The deposition of John Allen aged about seventy eight and upwards taken agreeable to a commission awarded whereunto annexed and taken agreeable to return in the Writ of Right brought by Samuel Watts Plaintiff against Miles King Defendant and sworn on the holy Evangelist of Almighty God, so help me and so forth

Question by Miles King } Did you know a Thos. Priest when he was you when you were first acquainted with him?
Answer } I did know him, and I was about fifteen when I first knew him.

Question by Miles King } Who did you understand Thomas Priest married and from did you understand it?
Answer } I did understand from the talk of the neighbours that he married a Judith Watts but I did not know her nor did I ever hear him say so.

Question by Miles King } Did you know whether Thomas Priest had any children by the above marriage?
Answer } I did not know nor have I ever heard.

Question by Mr. Watts } Did you know Matthew and Thomas Watts and where they lived?
Answer } I knew them perfectly well, and they lived on the land now in dispute.

Question by Mr. Watts } Were you acquainted with Samuel Watts the Father of the present Plaintiff?
Answer } I was, and he and his family was the only persons of that name living at the death of Matthew Watts and Thos. Watts deceased.

Question by Miles King } At the death of Matthew and Thomas Watts who got the land they lived on?
Answer } I understood that a Mr. Bracie and his wife sold it to William Smith, and I also understood that the maiden name of the Mother of Matthew and Thos. Watts aforesaid, was a Bracie. And further this deponent saith not.

John X Allen
marked

Sworn to before us this fourteenth day of December in the year One thousand eight hundred and five.

Wm. W. W. W.
William W. W.

The deposition of Ann Allen aged about twenty three years is taken agreeable to a commission awarded, agreeable to return in the Writ of Right brought by Samuel Watts Plaintiff against Miles King Defendant and now depending in His Majesty's County Court, she being sworn on the holy Evangelist of Almighty God, so help me and so forth that she was well acquainted with Matthew Watts and Thos. Watts who owned the land in Back River now in dispute and the title died without ever being married.

Question by Miles King } Did not you understand that Thos. Watts and Matthew Watts had a sister by the name of Judy Watts?
Answer } I did understand so from several and particularly my Mother.

Question by Miles King } Was you well acquainted with Thomas Priest?
Answer } Yes I was he was my Uncle.

Question by Miles King } Did not you hear your Uncle the Priest say he married Judith Watts the sister of Matthew Thos. Watts?
Answer } Yes I did hear him say so.

Question by Miles King } Did not you understand that Thos. Priest had three children by his wife Judith by the following names James, Thomas, and a daughter named Martha?
Answer } I heard my Mother say they were the children of that marriage but I do not recollect I ever heard my Uncle say so.

Question by Miles King } Did not James Priest and Thos. Priest brothers of Martha Priest, die when age 4 without being married?
Answer } Yes.

Question by Miles King } Who possessed the land of Thomas Watts and Matthew Watts after their death?
Answer } Martha Priest who intermarried with a Mr. Bracie, she died to a Mr. William Smith who took possession of it, and she said William Smith's Father, Thos. Smith who lived on the land now died there.

Question

Ann Allens deposition

Question by

Miles King

answer

Did you ever hear that Samuel Watts the Father of the present Plaintiff or any other persons were claimed the dower in papers except Martha Priest?

I never did until the claim of the present Plaintiff.

Question by

Miles King

answer

Did not the Mother of Matthew Watts and Thos. Watts intermarry with the Father of William Smith who purchased the dower of M^{rs} Dracy and Wife?

yes she married Thomas Smith the Father of William

Question by

Miles King

answer

Did not Martha Priest live with Thos. Watts & Matthew Watts after the death of her first husband?

I do not know but I understood so from my Mother and many other people

Question by

Miles King

answer

Did not Martha Priest call Thos. Watts and Matthew Watts Uncle and were not they considered as such?

I never heard her call them so, but I understood from my mother and others she called them Uncle, and I verily believe they were her Uncles and my reason for believing so was, my Mother & others told me so.

Question by

M^{rs} Watts

answer

Was you well acquainted with the mother of Matthew and Thos. Watts?

No I was not.

Question by

M^{rs} Watts

answer

Did Matthew Watts and Thos. Watts live with their Mother, and was you ever in the family while they lived with her?

I understood they lived with their Mother, but never visited the family.

Question by

M^{rs} Watts

answer

How old was you when you was acquainted first with Matthew & Thos. Watts?

I do not know, but I believe I was a girl and continued to know them until they died.

Question by

M^{rs} Watts

answer

Did you ever know any person who was said to be the sister of Matthew & Thos. Watts?

I never did know any such person.

Question by

M^{rs} Watts

answer

How old was you when you was acquainted with Thos. Priest?

I do not know, but I was a small girl when I first knew him, & continued to know him until I was married.

Question by

M^{rs} Watts

answer

Was Thos. Priest a married Man when you first knew him?

I do not know whether he was married or had lost his wife.

Question by

M^{rs} Watts

answer

When you first knew Thomas Priest had he any children?

I do not know but if he had not children then, he had children afterwards by the names of James, Thomas and Martha.

Question by

M^{rs} Watts

answer

Were you acquainted with any wife of Thomas Priest?

I was acquainted with one and her name was called Ely Smith who had no children by the said Priest. This respondent further saith not.

Ann Allens
deposition

The within deposition was sworn to before us this fourteenth day of December in the year one thousand eight hundred and five at the House of John Allen

Walter Westwood
William Brough

Affidavit

Chief City County is not

To the Clerk of Chief City County Court. This day Samuel Watts of Chief City County personally appeared before me Charles Jennings a Justice of the Peace for the County aforesaid, and made oath that he verily believes his claim a material point thereof in a suit now depending in the Court of Chief City County between the said Sam^l Watts & Miles King Esq. reports on the testimony of

Mr. Eliz Jennings, who is old and infirm, and is a single Witness to that fact given from under my hand, the seventh day of May in the year one thousand eight hundred and four.

Charles Jennings

The Commonwealth of Virg.

To Samuel Selwin and John S. Westwood, Justices

Now ye that we trusting to your fidelity and prudent circumspection in diligently examining Eliz Jennings a material Witness on behalf of Samuel Watts in a suit now depending in our County Court of Eliz City between said Watts Plaintiff and Ables King Defendant. And we do 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 and her diligently examine on the holy Evangelist of Almighty God and when you have examined her as ained that you distinctly and plainly certify us thereof under your hands and seals sending them thence the deposition and this Wit. Witness the Clerk of our said Court this seventh day of May in the year one thousand eight hundred and four in the twenty eighth year of the Commonwealth

Ables King Esq.

To Ables King Esq.

Please to take notice that on the seventh day of May next between the hours of ten in the morning and six in the evening of the same day at the House of Mr. Eliz Jennings in County of Eliz City I shall proceed to take the deposition of Mr. Eliz Jennings who is a witness for me in a cause now depending in the Court of Eliz City County in which Samlth and you Defendant: the twenty sixth day of April in the year one thousand eight hundred and four

Samuel Watts

Personally appeared before me Charles Jennings a Justice of the Peace for the said County of Eliz City Charles Jennings Esq. and made oath that he gave Ables King Esq. a copy of the within Notice April twenty seventh in the year one thousand eight hundred and four

Charles Jennings

Eliz City County viz

The deposition of Eliz Jennings of the said County being of lawful age that is to say the age of twenty five and upwards in a suit now depending in the County Court of Eliz City between Samuel Watts Plaintiff of the said County and Ables King at present of the County of Norfolk Defendant, and being first sworn on the holy Evangelist of Almighty God, deposed & saith

That she was well acquainted with Matthew and Thomas Watts, and has frequently heard the said Matthew and Thomas Watts call Samuel Watts the Father of the present Plaintiff. ~~Watts~~ Cousin and that she always understood and believed that they were first Cousins and that they were Brothers children, that is to say that the said Matthew and Tho^s Watts being brothers were the sons of Samuel Watts, and that Samuel Watts the Father of the present Plaintiff, was the son of Tho^s Watts, and that the said Samuel Watts the son and Thomas Watts were now Brothers

Interrogatory by Sam^l Watts } Was not your Mother Mr. Baker well acquainted with the mother of the aforesaid Matthew and Tho^s Watts?
Answer } She was that she frequently when a small Girl went with her mother to see Mr. Watts

Interrogatory } Did not Matthew & Tho^s Watts live with their Mother when you visited their Mother Mr. Watts?
Answer } They did and that they were small boys when she first knew them

Interrogatory by Sam^l Watts } Did not my Father Samuel Watts live with your Father when you first knew the aforesaid Matthew and Tho^s Watts?
Answer } He did, and my Father was Guardian to the said Samuel Watts your Father and that he lived with my Father untill he was married

Interrogatory } Did you ever see the aforesaid Matthew and Thomas Watts at your Father's and did you ever hear them claim relationship with the said Samuel Watts my Father?
Answer } They frequently came to my Father's to see your Father Samuel Watts and his younger Brother and that they always called each other Cousin

Interrogatory

Query

Did you ever know or hear that the said Matthew and Thos. Wall had any nearer Relation than my Father Samuel Wall and his younger Brother or that the said Matthew and Thos. Wall were married?

Answer

I never knew or heard of any nearer Relation, nor did I ever hear or do believe that either Matthew or Thos. Wall were married further this open and saith not

Elizabeth ^{the} Jennings

mark

The above sworn to and subscribed this twentieth day of May in the year One thousand eight hundred and four before us

Samuel Selden

John S. Westcott

Deposition 2. of
Ely Jennings

The Deposition of Ely Jennings aged twenty eight years and upwards taken pursuant to a subpoena and note thereto annexed at the House of Ely Jennings in the Town of Hampton on Friday the thirtieth day of Decemb^r in the year One thousand eight hundred and five to be read in the Suit brought by Samuel Wall in the County Court of Ely City against Miles King, the said Defendant being sworn in the Holy Evangelist of Almighty God and being interrogated saith

Question

Were you personally and intimately acquainted with the Father of Samuel Wall the present Plaintiff?

Answer

Yes as well acquainted as with my own self

Question

Were you personally and intimately acquainted with Matthew & Thos. Wall who were living in the said suit in dispute between Sam^l Wall the present Plaintiff and Miles King?

Answer

Yes that I was as well as my own children

Question

What do you suppose was the age of Matthew and Thos. Wall at the time you first knew them?

Answer

They were Boys I suppose about nine or ten years old

Question

Were you particularly acquainted with the Mother of Matthew & Thos. Wall?

Answer

Yes that I was well acquainted with her and was in the habit of visiting her frequently

Question

Were you acquainted with the Father of Matthew & Thos. Wall?

Answer

No I was not acquainted with him for M^r Wall was a Widow when I first knew her and never her the said M^r Wall

Question 6th

Did you ever know or have you ever understood that there ever was a Sister of Matthew and Thos. Wall or whether the Mother of Matthew & Thos. Wall ever had a Daughter?

Answer

I do not know neither have I ever understood that Matthew & Thos. Wall ever had a Sister or that their Mother ever had a Daughter

Question 7th

Was there any person living with the Mother of Matthew & Thos. Wall at the time you first knew and visited her that was ever called Sister by the said Matthew and Thos. Wall or that was ever acknowledged as the daughter of M^r Wall's father?

Answer

There was no such person known or acknowledged but there was a woman living with M^r Wall's father in the capacity of House-keeper she might have been the daughter of M^r Wall but I do not believe she was

Question 8th

Did you continue to be acquainted with the aforesaid Matthew & Thos. Wall until their death?

Answer

Yes

Question

- Question 19th Do you know whether the aforesaid Matthew and Thos. Watts were ever married?
- Answer I am well acquainted with the said Matthew and Thos. Watts that I am authorized positively to say that they never were married.
- Question 10th Was the Father of the present Plaintiff living at the death of the aforesaid Matthew and Thomas Watts?
- Answer Yes.
- Question 11th Did the Mother of the said Matthew and Thos. Watts intermarry again during the lifetime of the said Matthew and Thomas Watts and with whom?
- Answer I understand that she intermarried again with a certain Thos. Smith by whom she had children but I cannot say positively whether it was before or after the death of the said Matthew and Thomas Watts.
- Question 12th Did you ever know a person called Randolph Dreyer?
- Answer Yes at the time I first knew and visited Mr. Watts the mother of Matthew & Thos. Watts this said Randolph Dreyer was then living in the family as the reputed son of the said Mr. Watts by a former husband bearing the name of Dreyer and was acknowledged by her the said Mrs. Watts as her son.
- Question 13th Did you ever understand that Mr. Watts the Mother of Matthew & Thos. was a widow at the time she intermarried with the Father of the said Matthew & Thomas Watts?
- Answer Yes I always so understood.
- Question 14th How did you understand the connection to be between the Father of the present Plaintiff and the said Matthew and Thos. Watts?
- Answer I understood the Father of the present Plaintiff was cousin to the said Matthew & Thomas Watts I know of this ~~connection~~ circumstance no other way but by their calling each other Cousins.
- Question 15th Did you ever understand at the death of Matthew and Thos. Watts that there was any other relation except the Father of the present Plaintiff?
- Answer I never understood that there was any relation any where except the aforesaid Father of the present Plaintiff and I have often heard him say that he had a claim to the said now in dispute as the Son of the said Matthew and Thos. Watts and thus I have heard him repeat in conversation frequently.
- Question 16th Did you ever hear the Father of the present Plaintiff say that there was any person who could set up a claim beside himself to the said now in dispute?
- Answer No but on the contrary that there was not any such person and that he should not trouble himself with it in his life but should leave it to his Children to have the trouble of suing for it and further this respondent saith not.

Elizabeth County

We do hereby certify that Elizabeth Jennings appeared before us Justices of the Peace for the said County and made oath to the above statement given under our Hands this thirtieth day of December in the year one thousand, Eight hundred and five.

Robert Armistead
Samuel Selvon