

1814-087

SOUTHAMPTON COUNTY
CHANCERY PAPERS

WILLIAMSDN

vs. WILLIAMSON

5/18/4

other SURNAMES: Tyus,
Bailey, Harriss, Boykin,
Branch

No 55

Williamson

2nd Edition
Williamson's New

Amesbury

1808 February leave to account
bill

1814 May continued

To the Honorable Court of South Carolina ^{County} in Charleston sitting
humly complaining shew to y^e. Worths your order Absalom Williamson
That sometime in the year of ¹⁷⁸⁴ your order Father,
Isaac Williamson ~~deceased~~ life having first made & duly
executed by last Will and testament an attested copy of which
is hereto annexed shew'd to be considered a part of this will -
That in said Will the testator devised a tract of land situate
therein mentioned to y^e Orator and his Brother William Williamson
to be equally divided between them - That soon after the
death of y^e testator, your order and his Brother ~~joined~~ themselves
of said land - ~~It was further~~ That his mother being and
her Son agreed in y^e said tract, your order &
his Brother agreed to view themselves, a dividing line
merely to serve a temporary purpose and ~~not~~
~~a permanent~~ ~~confer~~ ~~made~~ in conformity to which ~~idea~~
several trees were chopped ~~down~~ with little or no
attention to strict accuracy, or equal division
That altho, your order frequently urg'd by said
Brother to have the land afterwards properly &
fairly divided, according to law, y^e order avers
that, he never would positively consent that the
same should be done but generally evaded such
division - That the said William sometime after
departed this life such division not then having
taken place - That John Williamson is son their to
y^e William & is possessor of the y^e land - ~~That altho, y^e~~
~~is~~ ~~pres^y~~ a debt to this will - That altho, your order has
frequently urg'd to y^e ~~deft~~ the propriety of dividing
y^e land conformable to the line of y^e testator, yet the
y^e ~~deft~~ has hitherto declined, and now absolutely refuses
that said land should be divided otherwise than as before

All which conduced. Proceeding is by it rather desired highly
inequitable and oppressive in as much as the improvements
and the better part of said land is now they constantly
been in the possession of the def^d & his Father -

~~In that~~. The old marks have never been improved
The line of course nearly obsolete & entirely confused & uncer-
tain. - In tender consideration to the end that the

def^d may acquire the premises on his Corp^d Call -

& being remedied at Com Law. - Your Compt^d presys

That the land in question may be fairly & properly divided:

equally between the def^d & Compt^d in the manner usually

done in such cases, that y^r worship's will

extend to y^r estate & that it be in the premises -

with the best of judgment of Subj^r & his

N^o 55

Williamson

2^d this
Williamson's Rev

Amey

1808 Febry leave to amend
bill

1814 May continued

Williamson }
25 } Answer
Williamson }

1857. 11. 17. 1859

The answer of John Williamson to the bill of complaint exhibited against him in Southampton court by Abraham Williamson.

This Respondent saving to himself all right of excepting to the various errors contained in the said bill, for answer thereto or to so much thereof as he is advised is material for him to answer, Says that it is true that Joseph Williamson did leave such a will as is stated in the bill that in consequence thereof a division of the land of which he died seized was voluntarily made between the Comptt and William Williamson the father of your Respondent. That the said land lies between two branches where the division was made it only required a line from one branch to the other. That this line was made and several trees marked in the usual ~~style~~ way. That Burrell Williamson their elder brother made the division ^{with} their consent as y^r. Respondent has been credibly informed. He does not believe that any question was ever made about the validity & permanency of the said division in the life time of his father, nor does he think that such a question would be now agitated was his father alive. He adds that the aforesaid division was made twenty five or thirty years ago, and that his portion has been much improved since, by putting out an ^{on it} orchard. This Respondent is willing now to exchange his land with the Comptt for the part he holds but he objects to a new division. He states that the bounds laid off as aforesaid were not for temporary ~~for~~ purposes as stated in the bill, but that they were intended to be permanent. He adds that the aforesaid marked trees are yet to be seen.

He lastly prays to be hence dismissed with his costs in this behalf expended.

1805. 17. Sept.^r Sworn to before me
J. Ruffin

Williamson } Spec
or } in
Williamson } Chy

To Mark 1804

Executed
by D. J. Douglas
for
W. Goodwin

The Commonwealth of Virginia to the Sheriff of
Southampton county greeting you are hereby com-
mended to summon John Williamson son and
heir of William Williamson dec^d to appear be-
fore the justices of our said county court at the
court house of the said county on the third
Monday in March next to answer a bill in
Chancery exhibited against him by Absalom
Williamson and this he shall in no wise omit
under the penalty of \$100 and have then there
this writ witness Sam^l Kello clerk of our said
court at the Office the 19th day of January
1804 and in the 28th year of the Commonwealth

Sam^l Kello

Exemption Sec

The commonwealth of Virginia to
John Triggant Henry Brown & William Parham
Gentlemen, greeting. Know ye that we
trusting to your fidelity and prudent
circumspection in diligently examining
Elizabeth Tyus a witness, as well on
behalf of Absalom Williamson as of
as on behalf of John Williamson Deft.
and do command you to call and cause to
come before you the witness aforesaid when
and where you shall appoint & diligently
examine her on the holy Evangelists of
Almighty God and her examination so
taken unto our of our said County that
you send without delay enclosed return
ing to us also this writ. Witness Samuell
Clerk of our said Court at the Chancery
this 21st of Oct: 1803 & in the
30th year of the Commonwth Samuell

To Mr. John Williamson,

Please to take notice that on the 14th day of this month between the hours of 9 O'clock ~~in~~ in the Morning & 2 O'clock in the Evening of the same day at the House of Pinky Tyus in the County of Sussex. I shall proceed to take the deposition of Elizabeth Tyus who is a witness for me in a cause depending in the Court of Southampton in which I am Plaintiff, and you are defendant

Abraham Williamson

Novemb^r. 14th 1805.

Williamson

W

Williamson

Sound

Earl

Southampton County (S.D.)

The Commonwealth of Virginia to James Jones &

Samuel Butler

Gentlemen Justice of the peace & sitting; Know ye that we are directing
to your present Circumspection in diligently examining what
ver Witness

William Schaff of John Williamson ^{defendant} ~~defendant~~ on behalf

of Abraham Williamson ~~Compt~~ Do command you to call and

come to come before you the Witness to come before you when and
where you shall, and diligently examine them on the Holy Evan-
-gelist of Almighty God, and their examination so taking in

to our County Court of Southampton, so that you send without delay

underd also this writ, Witness Samuel Kells clerk of our said

Court at his Office the 16th day of September 1806 and in the

31st year of the Commonwealth

Samuel Kells

Agreeable to a Commission to us directed, being dated

We have proceeded to take the deposition of George Branch, between the hours of twelve & four P.M. at the Store House of John Urquhart) in a suit in Chancery now depending & undetermined in the County Court of Southampton, Between Absalom Williamson, ~~Pltff.~~ & John Williamson ~~Def.~~ who being of Lawfull age, & first sworn on the Holy Evangelist in Almighty God Deposeth & sayeth —

That he the deponent knows that there is a dividing land mark line; between the ~~Pltff.~~ & ~~Def.~~ having seen it the said line running from the source of the Meadow Branch to the source of the Pond Branch — & further the deponent sayeth not — Given under our hands this 13th day Dec^r 1806.

Will Bailey

Sol^r Holmes

George Branch

The Commonwealth of Virginia to Simon Boykin
and Solomon Holmes Gentlemen justices of the peace

know ye that we trusting
to your prudent circumspection in diligently examining
~~Edward Bailey~~ & John Harris -

Witnesses as well on behalf of Solomon Williamson plaintiff
as on behalf of John Williamson Defendant
and we do command you to call and cause to come
before you the witnesses aforesaid when and where
you shall appoint and diligently examine them on
the holy Evangelist of Almighty God and such
examinations as later that you send without delay
returning also this writ inclosed. Witness Myself
Clark of our said Court at his office this 17
day of February 1804

Sam. Wells &
Clerk

To Mr John Williamson -

Please to take notice that on the 4th Day of
April next between the hours of 10, O'Clock in the
Morning and 6, O'Clock in the Evening of the
Same Day at the house of James Foul in the County
of Sussex I shall proceed to take the deposition
of Elizabeth Tyus who is a Witness for me
in a cause now depending in the Court of
Southampton in which I am plaintiff and you
are Defendant —

Absalom Williamson
March 26th 1807

John Harris this day came before me, & made oath
that he delivered John Williamson a Notice, of which
the within is an exact Copy —

Wm Bailey
March 27, 1807.

20

To
" Warrington County, Va.

The Court of Virginia to John Cargill Geo. Lillard
and Daniel Nease

Wenttman justices of the peace
Greeting, know ye that we trusting to your provident cir-
cumpection in diligently examining Elizabeth Tyus a
witness as well on behalf of Abraham Williamson App
as on behalf of John Williamson def^t and we do command
you to call and cause to come ~~you~~ before you the
witness aforesaid when and where you shall appoint and
diligently examine her on the holy Evangelist of Almighty
God and her examination to return that you send without
delay returning to us also this writ Inclosed, Witness
Sam Kello clerk of our said Court at the Office the
31st day of March 1804 and in the 31st year of the
Commonwealth

Sam Kello

Mr. Asahel Williamson (Jr.)

you will please
to take notice that I shall on Monday the 16th
Inst. at the House of Mr John Frenchlow, in the
town of Sarusalew, and the County of Southampton
between the hours of 10, A. M. and 4 P. M. proceed
to take the depositions of Mr Thadreck Boykin
Mr John Harrijs and Mr Elias Williamson
which is to be read, as testimony in the County
Chancery, Court of Southampton, where there
is a suit depending between yourself as Plff
and myself as Dft. and you may attend to this
notice, if you please,

John Williamson

July 10th 1808

This is to Certify that I did on this day deliver
a Copy of the within notice to ~~Mr. at~~
Mr. Ab. Williamson Esq. Pitman his mark +

July 8. 1808

The Deposition of Elizabeth Tyus of Sussex County
of Lawrence and first sworn in a suit now
depending in the County Court of Southampton
wherein Abraham Williamson is ~~Plff~~ and John
Williamson ~~Def~~.

This Dependant states that she heard her two
Brothers Abraham Williamson and William
Williamson say that they had made a division
of the Land given them by their father Joseph
Williamson; by lines which was agreed on between
them, except the parts which was given up
by them to their mother Hannah Williamson as
her Dower in the said Land, which this depo-
= nant further states that she always understood
by her two Brothers that the parts allotted
their mother was at her Death to be Equally
Divided between them agreeable to the Tenor
of their father's will.
And further this Dependant saith not

Eli^a ^{her} Tyus
^{mark}

The above Deposition taken at the House of Pink
Tyus by us On Thursday 14th Nov^r 1805
between the Hours of Nine in the morning and two in the
Evening.

Henry Brown

William Tatham

Williamson

in 3 Dispositions

Williamson

Sampton County Fee

Agreeable to a Commission
to us directed from the Worshipful Court of Sampton
beginning ^{the 16th of Sep. 1800} We have caused ~~John~~ ^{John Harrison} ~~Williamson~~ ^{Williamson}
to appear before us at the House of John Bruckner
who being of full age and first sworn on the Holy
Evangelists of Almighty God, the truth to say in a
matter of Controversy now depending (in Chancery) and
undetermined between Abraham Williamson & John
Williamson in S^r Court Deposeth and Saith —
that Abraham Williamson has oftentimes forsworn
John Williamson of ever sending or letting his negroes
get Lightwood across the line leading from the head
of the Pond Branch A straight direct course to
the Meadows Branch; Also there is A short line of
Marked Trees from the Head of the Aforesaid Branch
to the Meadows Branch which has Governed the
two frontiers ever since My Remembrance;
Also that S^r John Harrison Deposeth & Saith: he was
called upon at the time of Proceßioning the Lands
of Abraham & John Williamson, & that M^r Abraham
Williamson Objected to the lines being proceßioned
John Williamson ask'd Abraham Williamson why his
reply was because he did not consider it to be a line
then John Williamson ask'd ~~Abraham~~ ^{Abraham} Williamson how
long these Trees had been Chopped there —

Abraham Williamsons reply to it was .38 years
as well as he could recollect; John Williamson
asked him to that he had been waiting for all this
time; Abraham Williamsons reply was because he
did not conceive it to be a line, and also was waiting
for him to become of age, the S^r John Williamson
made answer that he was forty year old; —
also the S^r Shadrach Boykin Depoeuth & Smith,
that he saw a line of Markers Trees

James Jones, Jun^r.

Sam^l Hunt

Edward Baileys
Certificate

To the Clerk of Southampton
11/11

Edward Bailey
Clerk

Southampton County, S.C.

Aquatic to a Commission to us directed by
The Worshipful Court of Southampton Dated the
17th Day of February 1807. - We have proceeded
to take the depositions of Edward Bailey, and
John Harris at the Storehouse of John Urquhart
between the hours of one or two O'Clock, they
being of full age and first sworn on the Holy
Evangelists of Almighty God the Truth to say in a
Matter of Controversy now Depending (in Chancery)
each deposed and sayeth, -
Edward Bailey being one of the procession Master
about three years ago, and Abalom Williamson
his colleague was called on by John Williamson to
procure a line between himself and Abalom William-
-son - Abalom Williamson made answer what
Sini Johnny, - John's reply was. The line between
you and my self - Abalom Williamson's answer was,
There is no line between us - John Williamson insisted
for us to go with him, and see if there was a line.
The procession Master, went, Edward Bailey, and
Abalom Williamson, John Williamson found a
Post Oak, Chopped with 4 Chops, on each Side, -
which appeared as if it had not been procured
since it was Chopped - Altho it had the appearance
of a live tree, - I asked John Williamson if I
should procure the same, he answered in the
positive Yes, Abalom Williamson Demurred to it &
said that it should not, In consequence of which
Abalom Williamson being one of the procession Masters
with my self we Retired. -

Since I went to view the said line, finding therein only
two trees one was a Turkey Oak with three chops on
one side and five on the other. And the other tree was
the above named (Coast Oak) and as nigh as I can
say these trees appears to be. About 300 yards apart,
They also appear to be, intended for fast trees,
But they do not correspond with each other and
further the deponent sayeth Not -

At the request

John Harris sayeth. At the request of Absalom
Williamson he went to examine the line between him
and John Williamson. and found only two trees in
the said line, one was a Turkey Oak with three
chops on one side and five on the other. & the other
tree was a ^{with 4 chops on each side} Coast Oak, and as nigh as I can say these
trees appears to be. About 300 yards apart. They also
appear to be intended for fast trees, but they do
not correspond with each other, and further the deponent

sayeth Not -

Edw. Bailey

John Harris

J. Boykin

S. Holmes

The deposition of Elizabeth Lyus (of Sussex
County of lawful age) in a suit now de-
-pending in the County ^{Court} of Southampton where
-in Absalom Williamson is p^l and John
Williamson is def^t. - This deponent being first
sworn deposes and says, That there was
no improvements on the part of the land
allotted to Absalom Williamson by the line
agreed on as stated in a deposition of
this deponent dated the 14th day of Novem-
-ber 1805 and that there was on the other
part which was partly possessed by
Hannah Williamson (the mother of William
and Absalom Williamson) and William
Williamson the following improvements
viz. one dwelling house lathed and plai-
-tered below and lathed above stairs, one
kitchen with a partition and plank floor
for a lodging room, one quarter, one barn
with an eight feet shed on one side, one crib
and one small dairy together with a tolera-
-ble orchard of Apple and Peach trees and
further this deponent saith not.

Ch^r
Elizabeth Lyus

Mark

The above deposition taken at the House
of James Bowle on Saturday 4th of April
1807 agreeable to the enclosed notice
Given under our hands the date
above written
John Carjill
Geo. Dillard
Daniel Niles