

1835-008 SOUTHAMPTON COUNTY
CHANCERY PAPERS

UNDERWOOD VS. UNDERWOOD'S ADM'R.
Underwood vs Underwood's Extor + al

UNDERWOOD

11/1835

other SURNAMES: Bryant,
Briant, Pope, Williams,
Reese, Rochelle

Underwood

or { Papers

Bryant

1833. Spring Bill filed -

" May. Answer GR & Co

" Sep. set for hearing &c.

1834 July - Leave to amend bill and
cause sent to the Rules -

" Aug. Amended bill filed & sp^{er}

" Dec. set for hearing &c.

1835 April - Continued.

" Nov. Bill dismissed with costs &c.

Defendants costs

Call \$1.70

Shff 30

Law 16.66

\$18.86

To pay

Underwood
N } Bill
Bryant }

January 9th 1833-

(Gray)

To The Honorable Robert B Taylor judge of the circuit
superior court of Law & Chancery for the county of
Southampton in chancery sitting - J. Crator

Samuel Manwood Respectfully complaining sheweth
unto yr Honor That his Father ^{Wiley Manwood} died sometime in
the year 1814 leaving yr Crator an infant of tender
age, and yr Crator says That at the time of his
Father's death in the county of Southampton he was
in possession of a negro man a Slave named
^{of the value of \$500.} Larry which said Slave he had retained quiet &
uninterrupted possession of for a great while previ-
ous to his ^{death} to wit for more than five years and
yr Crator says That he is credibly informed that
the said Slave was given to his Father Wiley Man-
wood by his Grand Father John Manwood who sup-
plied his Son Wiley Manwood to retain uninterrupted
possession of him for six or seven years & the said
Wiley being married & living apart and separate from
his Father's family on his own Plantation and being
thus seized & possessed the said Wiley Manwood
since and a claim was set up by John Manwood
the father of Wiley to the said Slave and previous
to the estate of the said Wiley having any representative

and yr. Orator further says, That a certain ^{Bryant} Bailey
Waller was about to take the Representation
of the said Bailey's estate but on being informed that
John Manwood the Father of Bailey & Grand Father
of yr. Orator laid claim to the said negro Larry
he declined doing so and alleged as a reason that
he could not give possession of said slave to John
Manwood and as he wished to avoid all litigation,
on that account declined taking the administration
of the said Bailey Manwood's estate and yr.
Orator says that a certain ^{Bryant} Bailey being in posses-
sion of all the facts aforesaid set. That the slave
Larry was the property of the said Bailey Manwood
deceased and finding him on the premises of the
said deceased as part of his estate and nevertheless
takes out letters of administration on the said
Bailey Manwood, and ^{obtains a copy of which is herewith filed and a prayer to} having done so, and
^{as a part of this Bill.} action on the said slave Larry or suffer the said
John Manwood to obtain & retain possession
of him although in the said Bryant was advis-
ed to the contrary and told that the said
slave was the property of Bailey Manwood deceased
and yr. Orator says that before the death of the
said Bailey the said Bryant had intercourse
with one of the daughters of the said John

Manwood and yr. Orator says that the said
Bailey Bryant wholly failed to account for the
said slave Larry to the estate of the said Bailey
Manwood but craftily intending to ingratiate
himself in the good opinion of the said John
his Father-in-law and to deprive & defraud yr.
Orator of his patrimony or that part of it set
the slave Larry aforesaid as a contrary to Law
give up the same to the said John Manwood
or otherwise make way with the said slave
to the great injury of yr. Orator, and as he is
advised that this court has full jurisdiction of
such fraudulent practices and yr. Orator being
without remedy in a court of Law as he is a civil
sui, The said John Manwood being long since
dead. & the slave Larry also, & the act of limitation
bars the action of Trow for the same, for
in consequence of the promise yr. Orator prays
that the said Bailey Bryant ^{as aforesaid} may be made a defendant ^{with apt}
and proper words to charge him as such and
be compelled to answer the allegations of this bill
on his oath and for such further & general
relief as to the court may seem of precedent in
this behalf & for which he interposes prayer &c.

Grav. p. 9.

Knammood
V3 amended
Bryant Bill.

July 31/1884

To The Honorable Richard A Baker Judge of The Circuit
Superior Court of Law & Chancery for The County of So.
ampton in Chancery sitting -

Jr. Crator Samuel Wham-
wood (in this his amended bill) Respectfully complaining
sheweth to yr. Honor, That his Father Wiley Wm-
wood departed this life ^{Intestate} some time in the year 1814
leaving yr. Crator an infant and his only child
& yr. Crator says That his Father left a considerable
personal estate and That a certain Bailey Bryant
ant qualified as his Administrator, and found
among the slaves of said Intestate a certain slave
of the value of five hundred dollars, named
Dary, which said slave the said Bailey Bryant
admits as aforesaid, did not account for as part of
said Wiley Wm-wood's estate nor has he account-
ed for him in ^{any} other way, That he advised
him to a certain John Wm-wood the father
of Wiley & Grand father of yr. Crator and yr.
Crator shews to yr. Honor That the said John
was not entitled to the said slave ~~slavery~~ as he
had given him to his son Wiley Wm-wood & suff-
ered him to carry him home with him when he
(Wiley) left his Father after having married and
was about settling himself, and yr. Crator says
That his Father remained in quiet possession of
said slave to the time of his death which was
six or seven years after he was put in possession of him
& yr. Crator further shews unto yr. Honor That John
Wm-wood the Father of Wiley was a man of wealth
& this slave was but a small advancement to Wiley
when he was about settling (for he John Wm-wood gave
his son Wiley no other slaves at that time) and That
it was his John Wm-wood's practice when his chil-
dren married & left him to give them a negro

when they left him and that when the said Bailey Bryant intimated with the daughter of John Unanwood he gave him a Negro slave in the same manner & under similar circumstances that the slave Lary had been given to the Father of yr. Orator which slave thus given the said Bailey Bryant retains possession of yet (if she is living) and never did return the said slave given up to him to the said John Unanwood in his life time or to his Rep. since his death but yr. Orator says that the said John Unanwood his Grandfather & the said Bailey Bryant the son in law of John & Rep of yr. Orator's Father fraudulently intending to cheat and defraud yr. Orator an infant child & in the custody of the said B. Bryant as his guardian, & unjustly to deprive him of the slave belonging to his Father estate did suffer the said John Unanwood to take possession of the said ~~slave~~ Lary contrary to law & to the just interest of yr. Orator for & in consideration of the premises he prays that James Rochell Executor of John Unanwood deed & Bailey Bryant a trust of Wiley Unanwood deed be made defendants to answer the allegations of this bill and yr. Orator prays that Bailey Bryant a trust of Wiley Unanwood be made by a decree of this court to account for the said slave Lary to the J. Plaintiff in this cause as him at law of Wiley Unanwood and for such other relief as to the court may seem fit & for which he relies on prayer &c

Gray. p. g.

The Answer of Baley Briant Defendant to the
Bill of Complaint of Edmond Underwood. Compet,

This Defat saving and reserving to himself
now and at all times hereafter, all and all
manner of benefit and advantage of exception
that can or may be had or taken to the many
errors, uncertainties & insufficiencies in the said
bill of complaint, for answer thereto, or unto so
much thereof as this Defat is advised, it is in
any wise material or necessary for him to make
answer unto, Unswerving, Says - that he is informed
and believes it to be true, the said Willie Under-
wood died intestate as to his estate, and that
the said Plff was the child and legatee of the
said Willie Underwood - This Respondent
admits that letters administration was gran-
ted him, and he avers that he faithfully
executed the same, In regard to the negro
slave in the said bill mentioned he says,
that during their joint lives John Underwood
the father of the said Willie placed the said
slave in the possession of the said Willie on
loan, liable to be returned at his the
said John's pleasure - That after his qualifica-
tion, the said John demanded the return
of the said slave of your Respondent, who
being satisfied of the truth of the statements
that it had been in fact a loan and not a
gift, and being advised, that such a contr-
act was binding between the parties & their
Representatives notwithstanding the possession
of his Testator, your Respondent admits, that
he did redeliver the said slave to the said
John Underwood as far back as the year 1814
That the estate which came to his hands for
administration was sufficient for the pay-
ment of his debts, which having paid, he duly
accounted for the residue to those entitled -

He is advised and contends before the Court, that the Plff claiming as the Legatee of Willie Underwood has no right to compel your Respondent to make good the value of the said slave as a part of the said Testator's estate, and denying all fraud and combination, he prays that the said bill may be dismissed, & he hence discharged with his costs by him, in this behalf most unreasonably expended &c &c.

Ridley for Defot.

Southampton County, Sc.

Baley Briant made oath before ~~me~~ a justice of the peace in & for the County aforesaid, that the matters contained in the foregoing answer, so far as they are stated to be of his own knowledge are true, and so far as he has heard them from others and declares his belief of them, he does believe them to be true.
Given under my hand this 15th day of April 1833.

N. M. Salwell J.P.

Apr. 15/1833

(Ridley)

Apr. 15/1833.

Underwood }
vs }
Briant }
Chancery.

Wilderwood

" E. Deane

Boyant

Mundwood vs Bryant whilst as to the def^t Lewis Richelle is dismissed

This cause, came on this day to be heard
on the bill, the answer of the def^t Bryant answer, t. of
Miles Mundwood, and replication thereto, together with
the depositions of witnesses, ^{& the exhibit referred to in the original bill} and was argued by counsel, on
con: whereof, the court making all right to a decree for
a settlement of the said Bryants transactions as afores.
as afores: otherwise there in respect to the above
day in the bill mentioned, the court doth ad: or:
& decree ^{that} the bill of the court be dismissed & that
the pl^{ty} pay to the said def^t his costs -

Underwood

2 { Sp. in Chy

Bryant

January Rules 1833.

Gray

Executed by delivering a
true copy January 5th 1832
Jas Brown atty
Garr Bowles sth

THE COMMONWEALTH OF VIRGINIA:

To the Sheriff of Southampton County--Greeting:

We command you that you summon

Baily Bryant administrator of Wiley Underwood dec'd.

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery, for the County of Southampton, at the Rules to be holden for said Court, on the first Monday in *January next* — to answer a bill in Chancery, exhibited against *him* in the said Court, by *Edward Underwood* —

And unless the said Defendant shall answer the said bill within four months thereafter, the Court will take the same for confessed, and decree the matter thereof accordingly; and this *he* shall in no wise omit under the penalty of 100l.

And have then there this writ: Witness, JAMES ROCHELLE, Clerk of our said Court, at the Courthouse, this *19th* day of *December* — 1832, and in the *57th* year of the Commonwealth.

James Rochelle

Underwood

as {Grove

Dry ant

135	155
63	15
3.00	20
	15
498	15
18	
20	
15	

554

John
Bryant

Harvey Harris

The Commonwealth of Virginia: *To Nicholas M. Smith*
Gentlemen ~~the~~ *Justices of the Peace for the County of Southampton* **Greeting:**

Know ye that we trusting in your fidelity and provident circumspection
in diligently examining whatsoever witnesses as well on behalf of *Edmund*
Munderwood in a suit in Chancery now depending in the Circuit Superior
Court of Law & Chancery for Southampton County in which the said *Ed-*
mund Munderwood is plaintiff and *Bailey Bryant* admor. of *Abel Munder-*
wood deft—

command you, or any two or more of you, that at such day and place as you
shall appoint, you assemble yourselves, and the witness as aforesaid before you,
you call and cause to come, and diligently examine on the Holy Evangelist
of Almighty God, and their examination into our said Court dis-
tinctly and plainly without delay you send and certify enclosed returning also
this writ. Witness, **James Rochelle**, Clerk of our said Court, at ~~the~~
Courthouse this 15th day of May 1833
in the 57th year of the Commonwealth.

James Rochelle clk

I acknowledge service of ~~the~~ within notice
Bailey Bryant

Southampton County to wit

This day personally appeared before me
J. P. Devany of Carr Brown & Co
and made oath that Bailey Bryant
acknowledge service of the within notice
June 13/1833 given under my hand this 14th
day of June 1833

Benj Devany J. P.

Mr. Bailey Bryant

Southampton.

May the

1833

Mr. Bailey Bryant

Sir This will inform you

that I shall on the ~~15th~~ ^{16th} day of June next at the
Tavern of Henry B. Weyburn in the Town of Geneva
between the hours of 9 o'clock a.m. & 5 o'clock
P.M. proceed to take the depositions of Joseph
Besser, Emory M. Allen, Jacob Williams & others
to be read as evidence in a suit now pending
in the circuit Superior court of Law & Chancery
for the county of Southampton in the chancery
side of said court in which I am plaintiff
& you as administrator of Wiley W. Woodward
an defendant at which time & place you
may attend if you think proper

Yrs
Respectfully

E. Anna Woodward

Deceased large service of the within
notice

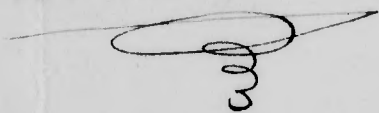
Barley Bryant

1834
The Sheriff will please
his notice & summons
Barney & John Lamman
the time & place within
1834
Barney Bryant
Deceased

Mr Bailey Bryant

Sir

Take notice That I shall
on the 19th of October next between the hours of
9 o'clk a.m. & 5 o'clk P.M. proceed to take the
deposition of Edwin Barnes & others at the Town of
H. B. Naughton in the town of Jerusalem county of
Southampton to be read as evidence in a suit
now pending in the Circuit Sup. court of Law
& Chancery for Southampton in which I am
plaintiff & you as a ^{Witness} ~~party~~ underwood
and an agent of ~~you~~ ^{at} which time & place you
may attend the
Sept 19. 1833.

Edwin Underwood


c

656

Bryant

and Spoor

Underwood

To 24 December 1833 at
Vaughans Tavern—

Executed

Superior Drury ap of

Carr Brown & Co

The Commonwealth of Virginia:

To the Sheriff of Southampton County---Greeting :

We command you that you summon *Nathan Pope*

two
to appear before ~~the~~ Justices of our County Court of Southampton, at the
House of Henry B. Laugham in Southampton County
~~Courthouse~~ on the 14 day of December next ~~1832~~

to testify and the truth to say in ~~behalf~~ his deposition then and there to be
taken to be read as evidence ~~in behalf of Bailey Bryant admr of~~
~~Wiley Underwood?~~ *Servant. Supr. Court of Law & Chancery*

in a certain matter of controversy in our said Court, before the said Justices
depending and undetermined between *Edmund Underwood*

Plaintiff and *said Bryant* ~~admr.~~

Defendant And this he

shall in no wise omit under the penalty of £100.

And have then there this writ: Witness, James Rochelle, Clerk
of our said Court, at the courthouse this 25th day of November
1833 in the 58th year of the Commonwealth.

James Rochelle CC

acknowledged service of the within

was received Dec. 12/1833

Edmund Underwood

Underwood

to J. Asher

Brynant

To December 14/1833.

January 6/1834 (No dep.
accompanied it)

Mr. Edmund Underwood

Take notice that on the 14th day of December
next, at the Tavern of Henry W. Claughton in the Town of Jerusalem in the
County of Southampton between the hours of nine O'clock in the morning
and Sun set of the same day, I shall proceed to take the deposition of
Nathan Pope and perhaps others to be read in evidence in a suit in
chancery now depending in the Circuit Superior Court of Law and
Chancery for the County of Southampton in which you are plaintiff
I am defendant -

November 25/1833 -

Barley Bryant atty. of
Wiley Underwood and -

Underwood

in Spain City

Bryant &

September Rules 1834

Executed on Bailey

Bryant, by delivering
a true copy Aug^t 12^g
and on James Rochelle
by delivering a true
copy Aug^t 30 / 1834

Pipe Drawing asp of
Bing - Quany skf

THE COMMONWEALTH OF VIRGINIA:

To the Sheriff of Southampton County--Greeting:

We command you that you summon *James Rochelle Exor. of John Underwood dec'd*
and Bailey Bryant assigns of Wiley Underwood dec'd

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery, for the
County of Southampton, at the Rules to be holden for said Court, on the first Monday in
September next to answer ^{*an answered*} a bill in Chancery, exhibited against *them*
in the said Court, by *Edmund Underwood*

And unless the said Defendants shall answer the said bill within four months thereafter, the
Court will take the same for confessed, and decree the matter thereof accordingly; and this
they shall in no wise omit under the penalty of 100l.

And have then there this writ: Witness, JAMES ROCHELLE, Clerk of our said Court, at
the Courthouse, this *24th* day of *August* 1834, and in the
39th year of the Commonwealth.

James Rochelle Clk

and further this Defendant Say the Mt. Sum. Co. and
Subscribed before us the 18th day of June 1833.

Jacob Williams

David Harris 1/23

H. de Selva 2/23

Justices of the peace
for the county of
Southampton

To, the clerk of the superior
court of chancery for southern
the county.

Born to Henry and Jane 18th
1833.

Thyants

" { Depositions

Whitcomb

Pursuant to the annexed commission and notice we
have proceeded to take the Deposition of Jacob
Williams ^{at the town of H.B. on the 18th of June before the house of goods} to be read ~~as~~ evidence in a suit now
pending in the circuit Superior Court of Law &
Chancery ^{in which same was argued in pt. & Wiley Bryant against Wiley Underwood is off.} and the Chancery side of said court
The Dependant Jacob Williams being duly sworn

Deposeth as follows. That a negro man named
Davy was sent by John Underwood many years
since to his daughter Delilah Porter (widow of
James Porter) at the time the said negro Davy
was sent to Delilah Porter, Wiley Underwood
was living with his sister Delilah and super-
intending her business. Some time after this the
said Wiley Underwood intermarried with Martha
Butler and removed to his own plantation and
carried the said negro Davy along with him, and this
was in the year 1817 and the said Wiley remained in
quiet possession of the said negro Davy until the year
1844 in March, at which time he the said Wiley died,
and the said John Underwood the father of Wiley
Underwood afterwards obtained possession of the said slave
by what means this Dependant can't say.

Question by Plaintiff's Counsel - How far did Wiley
Underwood reside from his father at the time of
acquiring possession of said slave Davy - answer
about 8 miles.

Question by same - Did he continue to reside at the same
place until his death - answer he did.

Question by the same - Did you or did you not hear of
during the life of said Wiley Underwood of any claim being
set up by John Underwood the ~~father~~ father of
the said slave Davy - answer I never did.

Question by same - Did you reside at the time the said
slave Davy was in possession of the said Wiley Underwood in
the neighbourhood of the said John Underwood ^{the} said Wiley
answer I lived about 6 miles from Wiley Underwood and
about 2 miles from John Underwood.

Question by same - Did you ever know of the said slave
being in the possession of John Underwood after the said
Wiley had removed him home with him -
answer I did not nor did I ever hear of John Under-
wood claiming any title to him until the death of Wiley
Underwood.

Question by the same — Was John Underwood a man of wealth — Answer — he was possessed of a good deal of property.

Question by same — Did he or did he not leave a large unencumbered estate at the time of his death — Answer — He did.

Question by same — Was this negro considered the property of Wiley Underwood or not in the neighborhood and would you if offered to you by the said Wiley Underwood hesitate to have purchased him of him — Answer — he was considered the property of Wiley Underwood — But I do not think I should have bought him of him.

Question by same — What are your reasons for saying that although the negro was considered the property of Wiley Underwood you would have hesitated to have purchased him of Wiley Underwood —

Answer — because I did not know that great popularity would give a title and although I was sure the old man would if he had not given him to Wiley yet I should have hesitated for a bill of sale or a deed gift from the father to the son.

~~Question by same — Was it not generally supposed in the neighborhood that this was a mere~~

Question by Duffin Council — How many children did John Underwood have at the time of Wiley Underwood's marriage with Martha Butler — Answer — Six.

Question by same — Did John Underwood make any provision for any of his children previous to his death — Answer — He did.

Question by same — Did he make any provision for Wiley Underwood previous to his death — Answer — Not that I know of.

Question by same — Did you ever hear John Underwood say that he intended the provision he had made for his children to be as a part or full provision of his estate —

Answer — I never did.

Question by same — Did John Underwood leave a will — Answer — I believe he did.

Question by same — Do you say the said slave Dary was sent by John Underwood to Delilah Porter —

Answer — He was.

Question by same — For what purpose was said slave Dary sent to Delilah Porter —

Answer — There was a slave in possession of the said Delilah Porter who was not satisfied to be under the control of Wiley Underwood who was then living with his father — and the old man John Underwood sent the boy Dary in his place & took the other home to his house.

Question by same — Was the negro ever sent back to Delilah Porter that was exchanged for the negro Dary — Answer — he was not — he died in possession of John Underwood.

Question by same — Was it not generally supposed in the neighborhood that this was a mere exchange between the parties to ~~under the situation of Wiley Underwood~~ —

Answer — My opinion was that the exchange was made because the negro that was in the possession of Delilah Porter was not satisfied to be under the control of Wiley Underwood.

Question by same — Was it or was it not the opinion in the neighborhood that this was a temporary exchange and that the parties were to exchange afterwards —

Answer — Not as I know of.

Question by same — Did you ever hear John Underwood say whether this delivery of this said Dary to his daughter Delilah Porter was intended as a gift or loan —

Answer — I never heard him say anything about it.

Question by same — Did Wiley Underwood die solvent or not — Answer — I never heard that he died insolvent.

Question by Duffin Council — Did the slave received by John Underwood in exchange for the slave Dary die in possession of John Underwood — Answer — He did.

Question by same — In whose possession was the slave Dary at the death of the slave received by John Underwood for him in exchange — Answer — I think he was in possession of Delilah Porter.

The deposition of Joseph Reese & Levy Waller taken pursuant to the annexed notice & commission to us directed, at H. B. Chambers Tavern in the town of Jerusalem between the hours of 8 o'clock P.M. & 5 o'clock P.M. on the 18th day of June 1833 to be read as evidence in a suit depending in the circuit Superior Court of law & chancery for the county of Southampton where in which Edmund Underwood is Plaintiff & Bailey Bryant adm^r of Underwood is def^t. — The deponent Joseph Reese being duly sworn deposes as follows — That he went to live at Delilah Porter in the month of January in the year 1807 and taught school in the neighbourhood (being at Delilah Porter) and the deponent says that when he first went to live at Delilah Porter in January 1807 Wiley Underwood was then living with his sister Delilah Porter & the said slave Dary was also then living at Delilah Porter and the deponent further says that in the spring of the year 1807 Wiley Underwood intermarried with Martha Butts & continued to live with his sister until the end of that year and then removed to his own plantation & carried the said slave Dary along with him and further states that the said slave remained in the possession of Wiley Underwood until his death, which was in March 1814 & that the said slave continued on the plantation of the said Wiley after his death & after the decease of the property of said Wiley by his adm^r Bailey Bryant.

Question by J. H. Council what was John Underwood's (the father of Wiley) situation in life at that time? —
Answer — He was exactly —
concerning his estate — Answer — He was exactly —
Question by same — Did you ever hear of any claim set up by John Underwood to the said slave Dary during the life of Wiley Underwood —
Answer — I never did & considered the slave Dary as the property of Wiley Underwood.

Question by same — Did you intermarry with Delilah Porter the daughter of John Underwood & sister of Wiley Underwood & at what time —
Answer — I did & on the 26th of January 1809.

Question by same — Did you ever consider or do you now consider that you ever had or have now any claim or interest in the said slave Dary on account of any exchange of negroes from Delilah Porter (sister of John Underwood) —

Answer - No.

Question by Same. Did you or did you not then believe and do you or do you not ^{now} think the Slave Dary was the property of Wiley Underwood.

Answer - I did & do think so.

Question by Same. Have you always since 1807 resided in the neighbourhood of Wiley Underwood and John his father.

Answer - I lived about 6 or 7 miles from Wiley and about 3 from John Underwood. ^{except one year I lived in Suffolk}

Question by Same. Did you ever hear either from John Underwood or by report in the neighbourhood of any claim that the said John set up ^{for} the Slave Dary prior to the death of Wiley Underwood.

Answer - I never did.

Question by Dep't. Court. How long after the sale of Wiley Underwood's property did the negro Dary remain on the plantation of said Dec't.

Answer - I do not know, but he was there at the sale.

Question by Same. At the time that Wiley Underwood settled how many negroes did he have in his possession besides the Slave Dary.

Answer - None.

Question by Same. Did Wiley Underwood get any negroes by his wife & how many.

Question by Same. Did Wiley Underwood get any negroes from the estate of his grandfather. Baring.

Answer - One negro girl.

Question by Same. Do you know by what authority, from Delilah Porter or John Underwood, Wiley Underwood got possession of the Slave Dary.

Answer - I do not. When Wiley Underwood went to live from Delilah Porter he carried the Slave Dary & a horse named Spot with him & after I intermarried with Delilah Porter we claimed the horse & he was returned to us but we laid no claim to the said Slave Dary.

Question by Same. Have you been intermarried with Delilah Porter & often that marriage been creditably informed that John Underwood had sent the Slave Dary to Delilah Porter in exchange for a negro belonging

to the estate of James Porter her said husband being in possession of this information would you have suffered Wiley Underwood to carry the Slave Dary away with him.

Answer - I would not.

Question by Same. How long after the death of Wiley Underwood was it before John Underwood got possession of the Slave Dary.

Answer - I do not know but in 1815. Dary was at work at John Underwood's.

Question by Same. Did Dary live long after the death of John Underwood.

Answer - Three or four years.

Question by Plaintiff's Counsel. Were you ever informed by or your wife after your marriage of any change of a negro belonging to her dec'd husband's estate with John Underwood or did you consider your self or do you now lay any claim to the negro Dary or his value.

Answer - I do not. And further this deponent deposes that he sworn to and subscribed before us this 15th day of June 1833.

N. A. Selwell JP

Harv Harris JP

Justices of the Peace for the County of Southampton

Doz Reese

Deposition of
Nathan Pope, to
be read as evidence
in suit, Underwood vs
Bryant Admstr of
Willie Underwood -

1834 March 18th

b7c

Underwood

{ Depo. of Nathan
Pope

Bryant

Handled in by b7c Counsel
March 18th 1834

The deposition of Nathan Pope, taken at the Court-
house in the town of Jerusalem, to be read as evidence
in a case now pending in the Superior Court of Law
and Chancery for the County of Southampton,
Plaintiff and Reley Bryant Const of Willie
Underwood is Defendant

= The deponent, states, That when Willie Under-
wood left his father, that the negro in question
was delivered to Willie, by his father, that he
knows not wheather it was a gift or a loan,
but after this the negro was guilty of
misconduct, whereupon he applied to Willie
Underwood to permit him to correct ^{the negro} him,
he stated that I must apply to his father
John Underwood, for permission, as the negro
was not his property, whereupon I took out
a warrant against the negro as the property
of John Underwood, after the death of
Willie Underwood the negro was taken into
the possession of John Underwood, who exer-
cised an ownership over him until the death
of John Underwood

Nathan Pope

Taken by consent of parties, before us
Justices of the Peace -

J. Myrick
Vernon, Va.

Underwood

~ {

Bryant

January 9th 1833.

Southampton Court November 21st 1914.

On the motion of Bailey Bryant who made oath and together with Nathan Pope and Jacob Williams his securities entered into and acknowledged a bond in the penalty of two thousand dollars conditioned as the law directs, certificate is granted him for obtaining letters of administration on the Estate of Wiley Underwood dec^d in due form.

Attest
James Rockwell Clk