

1848-007 SOUTHAMPTON COUNTY
CHANCERY PAPERS

PRESSON ^{vs} VS. PRESSON etal.

11/1848

Other surnames: Marshall

Prefson

n. } Papers.

Prefson Jr

1848 Nov. Decm

Prefson

To: } Stat. Rules

Prefson

Dft. Marshalls costs

Blk. -	\$ 3.01
Law. -	<u>16.66</u>
	\$ 19.67

Joshua Prepon in his own right as creditor and executor of the estate of
Joel Prepon dec^d and James H Prepon infant of Joel Prepon dec^d by Joshua
Prepon his next friend.

^{against}
Joshua Prepon and Mills Marshall

1848 Aug 10 Bill filed & injunction awarded
" " 17 Bond and Security given & Sp & Injon issued.
" Sept. R. Sp & Injon returned executed.
" Oct. 16 Answer of Deft. Marshall
1849 Nov 5 Bill dismissed

Prepar

~ { Bill

Prepar & d

1848 Aug 17 Bill fed. bond
executed & proc. sp?

(1515 words)

To the hon. Rich. H. B. J. J. - of the Court of Chancery, in the County of Southampton. Humbly represents in Chancery suit; humbly complaining
that the unto your honor, & your orator, between a person in his right as executor and
~~and your orator, James H. B. J. J.~~ ^{James H. B. J. J.} infant of said person, the P. J. J. J. J.
executor of the estate of said person, viz: That some time in the Spring 1847, your orator is the
cousin of said person, viz: instituted a suit in Chancery in this honorable court, against Catherine Person,
the widow of said person, and James & Mary E. Person, infant children of said said person,
to whom your orator had delivered according to the limitations and provisions of the last
will & testament of said said person, viz: (a copy of which deeded "W" is herewith filed &c.)
the real estate of said deceased; and the following negroes, to wit: Stephen, Lewis, Boston, & two
horses, and other chattel property: in which the said Catherine Person the widow of said said
person, by the said last will and testament, had a life interest, and remainder to the
said children whose legal guardian is one James Clayton of the said county.
That the object of said suit was a settlement of the estate of said deceased, and besides
other things, ~~that~~ to make liable for the debts which had come against the estate
of said said person, (including a considerable balance due your orator, for adv
ancements made to pay said debts, or some of them):- the property, both real &
personal in the hands & possession of Catherine the widow. By your orator further
shew, that a decree was pronounced by this honorable court, directing a settlement of
your orator's transactions as executor aforesaid; before a commissioner of Court,
and also an account of monies paid & what property delivered up to the said Catherine
& others entitled under said "last" will & testament." The return of said
Commissioner, shewed (in the most unfavourable view to your orator), a balance due him of
some seven hundred dollars, say £700.

Lewis, other debts outstanding to a large amount: and that the said negroes above
 mentioned & several articles of chattel property; and the land, belonging to the said
 Joel were in the possession of said Catherine the widow: & the said Clayton
 the guardian to the said children; all of which are barely sufficient to pay off
 the debts existing against the estate of said Joel Prepon &c. Your orator further
 charges as true that, since the said Catherine Prepon widow aforesaid, has learned
 that she will be forced to deliver up the negroes & other property to pay the debts
 of the deceased (the said Joel Prepon), she has, with the view of ruining & defraud-
 ing by her orator, as executor, and as creditor & with other creditors; and the children
 James, ~~Henry~~ Prepon James H. Prepon the infant of said Joel Prepon who lives
 by your orator's interest as his next friend - there is entitled in remainder to said property,
 & now ^{determined to make,} standing with said property & has determined to sell the said negroes

and other personal estate by and the control & jurisdiction of this Court, indeed by and the limits of the ^{state of Va} ~~estate~~; as though she had the full power in the same, with the person aforesaid, of disposing the said Child James H. Prepon infant of said Joel Prepon dec. who is entitled in Remainder thereto; and also the creditor of said Joel dec.; and to appropriate the proceeds of sale to her own use. Your orator charges that the said Catherine Prepon widow as aforesaid, has, already in execution of her purposes & schemes as aforesaid, sold Preston one of the slaves aforesaid belonging to the estate of said Joel Prepon dec., to a speculator in Richmond to be carried out of the state; and is now making preparations to sell away the other slaves, Lewis & Stepheny; ^{by and the authority of the} unless restrained by an injunction of this Honorable Court. Your orator, pray, that the said Catherine Prepon ~~be~~ ^{be} and one Miles Marshall may be made parties defendant to this bill; and be compelled to answer the same; that each & both the states to whom said Negro Preston was sold - if not to a speculator in negroes, & the price obtained: what has been done with the price - and that if he the said Marshall in selling said Negro, was not aware that he was the property of Catherine only for life, or that he belonged rather to the estate of said Joel Prepon dec.; ^{of what agency he has in the said sale of Preston} and your orator pray that this Honorable Court, by its restraining order, or order of Injunction, will inform & restrain the said Catherine Prepon from selling the said slaves ^{Lewis & Stepheny} by and the state of Va; and all the other personal property; that she be compelled to deliver up the same, or give security for the same, that the same may be subject to the final decision of this Court in the end aforesaid - and that she be further enjoined from using or parting with the price of the negro Preston sold as aforesaid; and that the said Miles Marshall, if the price of said negro Preston is in any form within his control, or possession, be likewise enjoined from parting with the same but to hold it subject to a decree of this Court; and grant all other & necessary relief as in the premises may be met & proper -

Joshua Prepon

John of right County to wit: Joshua Prepon as exor of Joel Prepon dec. and as the next friend of James H. Prepon an infant of Joel Prepon dec. personally appeared before me as justice of the peace for the County aforesaid & made oath that the facts in the bill

hereto annexed, are true to the best of his knowledge & belief - I give under my hand this the 9th day of Aug 1848

J. H. Jordan (Jp)

On the Complainant, or some one or more persons for them entering into a bond with sufficient security in the penalty of one hundred dollars, pay able to the defendant James H. Prepon conditioned for paying all such costs and damages as may be awarded or recovered against them or either of them, for suing out this injunction in case the same be dissolved, let an injunction issue to enjoin and inhibit the defendants, their agents, attorney, and all others concerned, from removing, or permitting to be removed or sent out of the limits of this Commonwealth, the slaves Stepheny and Lewis in the bill mentioned, until the further order of the Court; and the Sheriff of the County in which the said slaves are to be found is directed to take possession of the same, and if within ten days thereafter the said defendants or either of them shall not enter into bond with sufficient security, in the Clerk's office of the Circuit Superior Court of Law and Chancery of the County of Southampton pay able to the Complainant James H. Prepon in the penalty of five hundred dollars, conditioned to have the said slaves forthcoming to abide any future order or decree of the Court in relation thereto, then the said Sheriff is directed to hire out the said slaves from month to month or otherwise as to him may seem right until the further order of the Court.

Rich^d H. Baker

Augst 10. 1848.

To the Clerk of S.ampton
Circuit sup: Court

Wm. E. Marshall's

Answer

1848 Oct. 16 filed

Prentiss, p.d.

The answer of Mills E. Marshall to a Bill of Complaint exhibited against him and Catharine Prepon, in the Circuit Superior Court of Law and Chancery for Southampton County by Joshua Prepon in his ~~own~~ right as creditor and executor of the estate of Joel Prepon dec^d and James H. Prepon infant of Joel Prepon dec^d by Joshua Prepon his next friend -

This Respondent now and at all times, saving and reserving to himself all and all manner of exceptions, to the said Bill, for answer thereto, answers and says; - That he is ignorant of the rights of the parties and knows nothing of the facts and charges stated in the Bill, with the exception of the fact stated about the sale of slave Preston. That sometime in the month of June last he was asked by Mrs Catharine Prepon to take one of her slaves to Richmond for the purpose of selling him - That agreeably to her request he took slave Preston (believing him to be the property of Catharine Prepon) and carried him to Richmond, and made sale of him for the sum of Four hundred and ninety Dollars to a trader in the City of Richmond, whose name is ^{to purchase} unknown, that upon his return home in the County of Isle of Wight, on the 24th of June 1848, he paid her the amount of Sales after deducting the sum of thirty dollars for his expenses and trouble, and took her receipt for the same, as will appear by the said Receipt marked (A) and filed herewith and prayed to be taken as a part of his answer. - Your respondent before this suit was brought, did not know but that Catharine Prepon had a fee simple interest in said slaves, she having him in possession, and never having heard her title questioned - That he merely acted as a friend towards Mr. Prepon, not knowing or even suspecting that any other persons were interested in said slave Preston. That the Sales of Preston are now under his control he having paid the same over to Mr. Prepon as soon as he reached home in June last. - Your

Respondent having answered, prays hence to be dismissed
with his costs in this behalf so unjustly sustained &c

(Signed) M. E. Marshall

Before Me at County Court

This day Mills E. Marshall personally
appeared before me a Justice of the peace in and for the
County aforesaid, and made oath that the facts contained
in the foregoing ^{answer} are true. Given under my hand and
seal this 10th day of Oct. 1898

J. W. Duck (J. Seal)

Preper

Preper D. Marshall

To be entered

R. H. B

1848 Nov Term

Prepon

N -

Income in Chancery -

Prepon - On motion of the plaintiff it ordered that this suit be
dismissed; and the costs plaintiff pay to the defendant, "Marshall his
costs in this behalf expended -

To enjoin and inhibit the defendants their agents, attorneys, and all
 others concerned from removing or permitting to be removed or sent
 out of the limits of this Commonwealth the slaves Stephen & Lewis
 in the bill mentioned until the further order of the Court: And the
 Sheriff of the County in which the said slaves are to be found is directed
 to take possession of the same, and if within ten days thereafter the
 said defendants or either of them shall not enter into bond with
 sufficient security in the Clerk's Office of the Circuit Superior Court of
 Law and Chancery for the County of Southampton payable to the
 Complainant James St. Prepon, in the penalty of five hundred
 dollars conditioned to have the said slaves forthcoming to abide
 any future order or decree of the Court in relation thereto, then
 the said Sheriff is directed to have out the said slaves from month
 to month or otherwise as to him may seem right until the further
 order of the Court.

Teste L.R. Edwards Secy

Prepon

23 Sep: 1849

Prepon &c

1849 September Rules

on the 24th Prepon &c

the cause named in the above

claim taken in possession

Stephen not in the

County.

Robert St. Prepon

24th order 24th

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Leatharin Phipps & Mills Marshall*

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 the said Court on the first Monday in

September — next, to answer a Bill in Chancery exhibited against *them* in the said Court by *Joshua Phipps in his own right and as creditor and Executor of the estate of Joel Phipps dec^d and James H Phipps an infant of Joel Phipps dec^d by Joshua Phipps his next friend* —

And unless *they* shall answer the said Bill within ^{*two*}~~three~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *17* day of *August*. 184*8*, in the *73^d* year of the Commonwealth.

L R Edwards cly

[One Copy to be delivered each Defendant:]

To enjoin and inhibit the defendants their agents, attorneys and all others concerned from removing or permitting to be removed or sent out of the limits of this Commonwealth the slaves Stephen and Lewis in the bill mentioned until the further order of the Court. And the Sheriff of the County in which the said slaves are to be found is directed to take possession of the same; and if within ten days thereafter the said defendants or either of them shall not enter into bond with sufficient security in the Clerks Office of the Circuit Superior Court of Law and Chancery for the County of Southampton payable to the defendant Complainant James St. Pious in the penalty of five hundred dollars conditioned to have the said slaves forthcoming to abide any future order or decree of the Court in relation thereto then the said Sheriff is directed to hire out the said slaves from Month to Month or otherwise as to him may seem right until the further order of the Court.

Teste. J. R. Edwards Clerk

James St. Pious

vs. J. R. Edwards

James St. Pious

1848 September Rules

Delivered a copy
of the within into the
clerk's hands on the
25th day of August
1848 William Pious
is not in my County
as I. W. Adams
for J. R. Edwards
of the records

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ^{Isle of Wight} ~~Southampton~~ County, Greeting:

We command you that you summon

Catharin Prepon & Mills Marshall

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 the said Court on the first Monday in

September - next, to answer a Bill in Chancery exhibited against *them* in the said Court by *Joshua Prepon in his own right and as creditor and executor of the estate of Joel Prepon dec' and James H Prepon an infant of Joel Prepon dec' by Joshua Prepon his next friend*

And unless *they* shall answer the said Bill within ^{*two*} ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON

R. EDWARDS, Clerk of our said Court, at the Court-house, the ^{*17th*} day of

August.

1848, in the

73^d

year of the Commonwealth.

R. Edwards

[One Copy to be delivered each Defendant.]

Joel Prepsens Will

Prepsens Ex.

to } Exh't. with bill

Prepsens Jp

60 cents

In the name of God, Amen. I Joel Preeson of the County of Southampton Va. being of sound mind, make and ordain this as my last will and Testament; I leave to my wife the following ^{named} negroes Viz. Lewis (commonly called Long Lewis) Preston and Stepray, during her natural life time - and at her death to my children - also two of my best beds, with the best furniture for the same, during her natural life - I also leave to my wife that tract of land, with its improvements which may fall to me whenever a division of land takes place between my brother and self, during her life. Also I give to my wife two of my horses - such as she may choose, and my double gig - I also will and direct that she have support for herself and family out of my estate for one year -

I give to my son James my small gun -

I give to my daughter Mary my Bureau -

I desire that my negroes not disposed of as above, may be sold to the best advantage and the proceeds to be divided between my children with the exception of two hundred and fifty dollars, to be paid to my wife - and one hundred and fifty dollars which I give to Miss Nancy Whitney for her services to my self and family - The remainder of my land together with my personal chattels and other estate, not otherwise disposed off I direct and desire may be sold for the benefit of my children -

I hereby appoint Joshua Preeson and A. P. St. Burges executors of this my will and testament. In testimony of which I hereunto set my hand Seal and Seal this 20th April 1841.

Signed & sealed
in presence of }

Joel Preeson (Seal)

Jas. B. Urquhart

P. M. Bailey

James ^{his} M. Gwaltney.
marks

At a Court held for the County of Southampton the 20th day of December 1841
This last will and testament of Joel Preeson dec^d was proved by the oath of P. M. Bailey and James M. Gwaltney two of the witnesses thereto and ordered to be recorded and on the motion of Joshua Preeson one of the executors therein named who made oath and together with Benj. Griffin Esq. G. Council and P. M. Bailey his securities entered into and acknowledged a bond in the penalty.

of thirty thousand dollars conditioned as the law directs certificate is granted
him for obtaining a probat of the said will in due form. liberty is reserved for the other
executors therein named to join in the said probat when he thinks fit.

Teste J. R. Edwards C. C.

A. C. P. y

Teste. J. R. Edwards C. C.

Prison

To

}

Bond

Prison

I know all men by these presents that we Lutherian Presby

are held and firmly bound unto-

James H. Preeson in the sum of five hundred dollars: to be paid unto the said James H. Preeson his certain attorney, his executors administrators or assigns, and to the payment whereof well and truly to be made we bind ourselves our heirs executors and administrators jointly and severally firmly by these presents. Sealed with our seals and dated this day of 1841

The Condition of the above obligation is such that whereas Joshua Preeson in his right as creditor and Executor of the estate of Joel Preeson dec^d. & James L^d Preeson infant of Joel Preeson dec^d. by Joshua Preeson his next friend have obtained from the Judge of the Circuit Superior Court of Law and Chancery, for the County of Southampton to enjoin and inhibit Catharine Preeson and Mills Marshall, their agents, attorneys and all others concerned from removing or permitting to be removed or sent out of the limits of this Commonwealth slaves Stephen and Lewis in the bill mentioned. untill the further order of the Court. Now if the said Catharine Preeson & Mills Marshall shall have the said slaves forthcoming to abide any future order or decree of the Court aforesaid in relation thereto then the above obligation to be void or else to remain in full force -

Signature, Seal & delivery }
Impression of } 3

Genl

Seal

Deul

In the Clerks Office of the Circuit Superior Court of Law & Chancery for South-
ampton County, August. 1854

This day
to the above bond made oath before me Clerk of the said Court that
after the payment of all just debts worth the sum of five hundred
dollars the penalty of the above bond - Given under my hand the day & year
above written.

Catharine Prepon

To 3 Receipt for
\$490 -

Mills E. Marshall

June 24th. 1848 -

Exhibit (A)

1848 June 24th. Received of M^r. E. Marshall
Four Hundred and Ninety Dollars being the amt
of Sales of negro Preston sold by me in Richmond
at your Request

Catharine Person

Prepar
to } Bond
Prepar

Know all men by these presents that we
are held and firmly bound
unto James M. Prepsow in the sum of five hundred dollars to be paid unto
the said James M. Prepsow his certain attorney his executors, administrators or
assigns: to the payment whereof well and truly to be made we bind ourselves
our heirs executors and administrators jointly and severally firmly by these
presents. Sealed with our seals and dated this day of
1848.

The Condition of the above obligation is such that whereas Joshua
Prepsow in his own right as executor and executor of the estate of Joel Prepsow
de: and James M. Prepsow infant of Joel Prepsow de: by Joel Prepsow his
next friend have obtained from the Judge of the Circuit Superior Court of
Law and Chancery for the County of Southampton an injunction to enjoin
and inhibit Catharin Prepsow and Mills Marshall, their agents Attorneys
and all others concerned from removing or permitting to be removed or sent
out of the limits of this Commonwealth the slaves Stephen and Lewis in
the bill mentioned until the further order of the Court: and the Sheriff of
the County in which the said slaves were to be found was directed to take
possession of them, and if within ten days thereafter the said defendants or
either of them should not enter into bond with sufficient security in the
Clerks Office of the Circuit Superior Court of Law and Chancery for the
County of Southampton payable to the complainant James M. Prepsow in the
penalty of five hundred conditioned to have the said slaves forthcoming
to any future order or decree of the Court in relation thereto then the said
Sheriff was directed to have out the said slaves from month to month or
otherwise as to him might seem right until the further order of the Court.
And whereas the Sheriff of the County of Isle of Wight under the order
aforesaid hath taken into his possession the slave Stephen and the said
is desirous of entering into bond with security for the forthcoming of the said
slave Stephen. Now if the said said Catharin Prepsow and Mills
Marshall or either of them shall have the said slave Stephen forth-
coming to abide any future order or decree of the Court aforesaid in
relation thereto then the above obligation to be void or else to remain

in full force and virtue.
Signed Sealed & delivered
in presence of

Seal
Seal
Seal

In the Clerk's Office of the Honorable Superior Court of Law & Chancery for
Southampton County.

This day
to the within bond made with before me Clerk of the Court aforesaid that
securty
I shall after the payment of all just debts worth the sum of
five hundred dollars the penalty of the within bond. Given under my hand
the day and year above mentioned.

Prepaw

To } Injun land

Prepaw

Know all men by these presents that Joshua Prepon and Richard H Gwaltney are held and firmly bound unto James H Prepon in the just and full sum of One hundred dollars current money of Virginia to the payment whereof well and truly to be made we bind ourselves our heirs executors and administrators jointly and severally firmly by these presents sealed with our seals and dated this 17th day of August 1848.

The condition of the above obligation is such that whereas the above bound Joshua Prepon in his own right and as executor and administrator of the estate of Joel Prepon dec^d and James H Prepon infant of Joel Prepon dec^d by Joshua Prepon his next friend have obtained from the Judge of the Circuit Superior Court of Law and Chancery for the County of Southampton an injunction to enjoin and inhibit Nathaniel Prepon and Mills Marshall their agents, attorneys and all others concerned from removing or permitting to be removed or sent out of the limits of this Commonwealth the slaves Stephany and Lewis in the bill mentioned until the further order of the said Court. Now if the said Joshua Prepon shall pay all such costs and damages as may be awarded or recovered against him and the said James H. Prepon or either of them for bringing out the said injunction in case the same be dissolved, then the above obligation to be void or else to remain in full force and virtue.

Signed Seals & acknowledged
in presence of

Joshua Prepon (Seal)
Richard H. Gwaltney (Seal)

Southampton Circuit Superior Court Clerks Office Aug: 17. 1848.

Richard H Gwaltney the Security to the above injunction bond made oath before me Clerk of the said Court in my Office, that his estate after the payment of all his just debts is worth one hundred dollars the penalty of the above bond Given under my hand the day & year above written.

J R Edwards Clk