1852-009 SOUTHAMPTON COUNTY CHANCERY PAPERS

SMITH VS. LITTLE, EXTX. of PETTWAY et al

SMITH Vs Barham et al

other surnames: Clements, Little, Pettway, Mason, Vasser, Coleman, McKinney, Jones, Allen, Blow, Ford, Wright, Wofford

~~24~~ ~~25~~ ~~14~~ ~~15~~ ~~14~~ ~~8~~ 6.

Smith

v. } Papers

Little &c

Smith

v. } Stat. Rules

Little &c

Polly Pittlepugh Smith wife of Charles Smith
against
Elizabeth Little formerly Pettway Executrix of Henry Pettway dec.d Richard W Smith Patrick H. G. B. Smith David W Smith Emeline P. Margaret and Charles T. Smith the last three of whom are infants by William J Sebrell their guardian ad litem & Jos H. Barham

1848 July 18 Subpoena Ex. in Chy issued
" Aug Rules Sup.a returned Executed on Elizabeth Little other Defts no inhabitants
Bill filed - answers of Defts Richard W & Patrick H. G B Smith also filed
" Oct. R. (~~first~~ monday) William J Sebrell assigned gd. ad litem to infant Defts - Ans. of infants filed. Gen. Rep. thereto - Cause set for hearing as to Defts Elizabeth Little Richd W Smith & Patrick H. G B Smith
" Nov T. Continued
1849 May " Leave to amend bill
July. Amended bill making a new party process awarded. Or. pub. v. Dft Richard W Smith -
" Aug: Sp.a ret.d executed.

1850 May T. Continued
" " 8 Depositions received
1851 May T. Continued
" Nov. Decree
1852 May Final decree

Pliffs Costs.	Clerks	ff	12.81
	Stiff		2.76
			1.00
	Paid up		17.41
			33.98
Retained for Clerks fees.			10.00
			43.98

Mr Barnhams Costs	Clerk	65	
	Paid	Clerks	17.31

Smith 208
v. Bill
Smith 28

1848 August Rules

To the Hon. Richard A Batten Judge of the Circ. Sup. court of law & chancery for the County of Southampton

Humbly complaining shewth your complainant Polly Littlepage Smith, wife of Charles Smith, both of the County of Limestone, state of Alabama, that sometime since Richard P. Clements formerly of Southampton County died having a will which was regularly recorded in the clerks office of said County on the 24th January 1828, bearing date the 16th July 1826, here with filed as a part of this bill; in which among other bequests, the said testator bequeathed to your complainant, to her sole and separate use and benefit ~~during her life~~ and at her death to be equally divided among her children, three negro slaves to wit Stephen, Amy and her child Peggy and their increase; and that prior to the date of said will and the death of said Clements, the father of your complainant, he the said Clements executed a deed bearing date the 2d Decbr. 1824, and recorded in the clerks office of the County of Sussex, in which said Clements makes a similar disposition of said slaves and their increase, which deed is also filed as part of this bill - That after the death of the said Clements one George Blow of the County of Sussex took upon himself the executive of the trust in favour of your complainant until he voluntarily resigned the same, and one Henry Pettiway of the County of Southampton was appointed in his stead and acted as such until his death in the year 1843, after which said slaves remained for some time in the hands of his widow and Executrix Elizabeth Pettiway, now Little wife of Jesse Little of said last named County, but are now hired out for the benefit of your complainant by order of the County Court of said County. Your complainant further states that many years since, she together with her husband and children, in consequence of their extreme poverty and inability to live in this country, removed from this state to Limestone County state of Alabama, where they are now residing in a very dependent condition with five children needing proper support and education - one of her sons making the sixth child, being now of full age, Richard W Smith. Your complainant further states that to the slaves already mentioned have been added by increase, five others, Mason, Bill, Martha, Emeline and Mary, all of whom cannot exceed in value the sum of $3.000 -

that she and her family are entirely dependent upon their own labor and the profits of said slaves for a support, the latter of which, in the County of Southampton, state of Virginia, where said slaves are now hired out, are but small and entirely insufficient to afford them a decent support. in proof of which she refers to the report of Comr. Cobb herewith filed as part of this bill, shewing the net amt of profits of said slaves for many years previous to this time. Your complainant is impressed with the belief that her father and benefactor intended the said above named slaves for her support, and to enable her to support her children, which end they entirely fail to accomplish in their present condition and locality, sometime since petitioned the General Assembly of Va. to authorize by law their removal to the County and state in which she and her family reside, where she is advised, they will afford a sufficient and comfortable maintenance & support to her and family, their labor being much more profitable there than in Va. and in compliance with the prayer of her petition in order to carry out the intention of the donation by her father the General Assembly of Va. passed March 10th 1848. "An Act for the relief of Polly Littlepage Smith and her children" filed therewith and prayed to be taken as part of this bill. In consideration of the facts above stated and to the end of Justice and equity, your complainant prays that Elizabeth Little formerly Pettway, Executrix of Henry Pettway decd. and her six children to wit Richard W. Smith, Patrick H. G. B. Smith, David W. Smith, Emeline P. Margaret and Charlotte Smith the last three of whom are infants, by some fit and proper person to defend them in this suit, be made defendants to this bill that they answer the same, and that your Honor will by a decree of Court appoint George Ford of Limestone County Alabama, or some other fit and proper person of said County and state, hereby for your complainant with authority to said trustee to take possession of said above named slaves, and remove them to the said last named County and state, for the purpose and upon the conditions specified in said above named act for the relief of your complainant and children. Your complainant also prays such other and general relief as the may in justice & equity require. And she will as in duty bound ever pray &c.

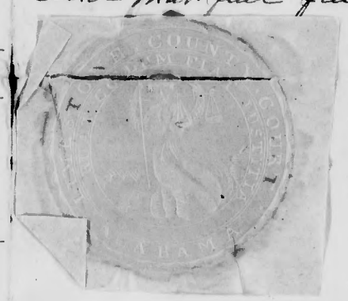
Priddy & Woodward Attys

State of Alabama
Limestone County, to wit:

This day personally appeared before me Henry Smith an acting justice of the peace for the County and state aforesaid, Polly Littlepage Smith who made oath that the facts stated in the annexed bill, filed in her name, are true to the best of her knowledge and belief. Given under my hand and seal this 20th day of June in the year 1848

Henry Smith J.P.

The State of Alabama } I Thomas G Tyus Clerk of the County
Limestone County } Court of the County aforesaid do Certify
that Henry Smith whose genuine signature appears to the foregoing Certificate is and was, at the time of signing the same an acting justice of the peace in and for the County and State aforesaid and that full faith and Credit are due to all of his acts as such



In Testimony Whereof I have hereunto set my Name and affixed the seal of said Court at Office in the Town of Athens this 20th day of June 1848 And 72nd year of American Independence

Thomas G Tyus Clerk, C.C.

State of Alabama
Limestone County } I William H Walker judge of the County Court of the County and State aforesaid, do hereby certify that Thomas G Tyus is Clerk of said County Court, and that his Certificate is in due form of law.

Given under my hand and seal this the 21st of June 1848

William H Walker

Smith

2 } amended bill

Pettiway Excors.

1849 July Rules.

Bals

To the Hon. Judge of the circuit Sup: court of law & Chancery for the County of Southampton

Humbly complaining, sheweth your complainant Polly Littlepage Smith, by way of amendment to her original bill of complaint filed sometime since in this court that Richard N. Smith, one of her children interested in the reversion of certain slaves before mentioned, held in trust for the benefit of herself and children, during her life, provided he is the survivor of his mother, some time since conveyed his interest in said slaves in trust for the benefit of one J. H. Borhow, by deed dated April 27th 1844, and filed as part of this bill - that the trustee in said deed, pursuant to the terms thereof, regularly sold said interest and the said J. H. Borhow became the purchaser - Your complainant also states that in the year 1846, she petitioned the Chancery court of the state of Alabama for the appointment of a trustee in that state to take charge of said slaves, if permited to be removed from the County of Southampton, state of Virginia to the former place, and accordingly the said court by decree appointed one George Ford, who entered into bond with Asa T Allen, Claiborne Wright and John W Offord his securities, in the penalty of ten thousand dollars (much more than double the value of said slaves) for the faithful performance of the trust - all of which will appear from a duly certified copy of the record of said court, herewith filed as part of this bill (marked A) - which said bond and copy thereof filed, and other proceedings of said court, your complainant avers are substantially and strictly in accordance with the act of Assembly, enacted for her benefit - and heretofore mentioned - In consideration of all which

your complainant prays that Jno. H. Borhow, Elizabeth Little Executrix of Henry Pettway, Richard N. Patriotis N. G. B, David N. Emaline P. Margaret and Charles T Smith be made defendants to this bill - that they answer the premises, that the usual order of publication be made against the said Richard N. Smith who is a nonresident of the Commonwealth and fails to answer. And that your Hon will grant a decree permitting said slaves to be removed to the County of Limestone State of Alabama, in the hands of said George Ford trustee for the benefit of your complainant & children - and that your Hon will grant such other general relief as she may require and seem proper, and she will as in duty bound ever pray

Ridley & Godcox

Attys

Polly L. Smith
vs } Answer

P. H. G. B. Smith et al

1848 August Rules

The separate answer of Patrick H. G. B. Smith, to the Bill of Complaint, filed against him, Elizabeth Little, formerly Pitts Gray, [redacted] of Henry Pettiway deceased, and others, in the Circuit & Sup Court of Law and Chancery for the County of Southampton, by Polly Little page Smith.

This respondent in answer to said Bill of Complaint, admits the death of Richard P. Clements, and the execution and recordation of his will as set forth in said Bill. The bequests of said will to said Complainant are as set forth in said Bill. Respondent answers that he is informed believes it to be true, and admits that a deed was executed by said Clements as alleged in said Bill, making a disposition of the property bequeathed by the will aforesaid. The terms of said deed are consistent with the will, and both were intended to answer the same ends. Respondent is informed, believes it to be true and admits that trustees were appointed, received the property mentioned in said bill, & managed it as is therein stated. Respondent answers that said Complainant is his mother and now resides in Limestone County Alabama, in needy circumstances, dependent on the

profits of the property mentioned in said Bill for a support. The ~~profits~~ after defraying the necessary expenses of the ~~property~~, were but small, and insufficient to meet the wants of his mother and her family. It is said in Virginia, where ~~[illegible]~~ for is not so valuable, as in Alabama, the residence of Complainant. If it were removed to Alabama the claim would yield an annual hire much greater than that now produced in Virginia, and thereby enable the Complainant better to provide for the wants of herself and family. Respondent admits that the General Assembly of the State of Virginia, passed the Act for the relief of Complainant mentioned in said Bill. And now this respondent having fully answered prays to be hence dismissed with his reasonable costs &c.

State of Alabama } Personally appeared before me
Limestone County &c } an acting justice of the peace in and for the county and State aforesaid, Patrick H. G. B. Smith who after being duly sworn deposeth and saith that the above answer is true to the best of his knowledge
Sworn to and subscribed before me June 20th 1848

The State of Alabama } I Thomas G Tyus Clerk of the
Limestone County } County Court of the County aforesaid do Certify that Henry Smith whose genuine signature appears to the foregoing Certificate is and was at the time of signing the same an acting Justice of the peace in and for the County and State aforesaid and that full faith and Credit are due to all of his acts as such

In Testimony Whereof I have hereunto set my hand and affixed the seal of said Court at Office in the Town of Athens this 21st day of June 1848 And 72nd year of American Independence
Thomas G Tyus Clerk C.C.

State of Alabama
Limestone County } I William H Walker Judge of the County Court of the Court of the County and State aforesaid, do hereby certify that Thomas G Tyus is Clerk of said County Court, and that this Certificate is in due form of law, Given under my hand and seal this 21st of June 1848. William H Walker

Polly L. Smith
vs } Answer
D. W. ~~P. Hyde~~ Smithwick

1843 August Rules

The separate answer of David W. Smith to the Bill of Complaint, filed against him, Elizabeth Little, formerly Pettiway, executrix of Henry Pettiway deceased, and others, in the Circuit & Sup. Court of Law and Chancery, for the County of Southampton, by Polly Littlepage Smith.

This respondent in answer to said Bill of Complaint, admits the death of Richard P. Clements, and the execution and recordation of his will as set forth in said Bill. Respondent answers that he is informed believes it to be true, and admits that a deed was executed by said Clements as alleged in said bill, making a disposition of the property bequeathed by the will aforesaid. The terms of said deed are consistent with the will, and both were intended to answer the same ends. Respondent is informed, believes it to be true and admits that trustees were appointed, received the property mentioned in said Bill, and managed it as is therein stated. Respondent answers that said complainant is his mother and is now resident in Limestone County Alabama, in needy circumstances, dependent on the profits of the property mentioned in said Bill for a support. The profits

of the property, after defraying necessary expenses are small and insufficient to meet the wants of his mother and her family. It is now in Virginia, where slave labor is not so valuable as in Alabama the residence of Complainant. If it were removed to Alabama the slave would produce an annual hire much greater than that now produced in Virginia, and thus enable the complainant better to provide for the wants of herself and family. Respondent admits that the General Assembly of Virginia passed the act for the relief of Complainant mentioned in said Bill. And now this respondent having fully answered prays to be hence dismissed with his reasonable costs &c.

State of Alabama } Personally appeared before
Limestone County } me
an acting justice of the Peace in and for the county and state aforesaid, David M. Cantrell who after being duly sworn, deposes and saith that the above answer is true to the best of his knowledge.
Sworn to & subscribed
before me June
20th 1848.

The State of Alabama } I Thomas G Tyus Clerk of
Limestone County } the County Court of the County aforesaid do certify that Henry Smith whose genuine signature appears to the foregoing Certificate is and was at the time of signing the same an acting Justice of the peace in and for the County and State aforesaid and that full faith and credit are due to all of his acts as such.

In Testimony whereof I have hereunto set my name and affixed the seal of said Court at office in the Town of Athens this 21st day of June in the year 1848 and of the 72nd year of American Independence

Thomas G Tyus Clerk &c

State of Alabama
Limestone County } I William H Walker judge of the County Court of the County and State aforesaid do hereby certify that Thomas G Tyus is Clerk of said County Court, and that his certificate is in due form of law given under my hand & seal, this 21st of June 1848

William H Walker

R. N. Smith
Assum

To the Hon Judge of the Circuit Court for the County of Southampton — Answer of Richard N. Smith to a bill of complaint exhibited by Polly L. Smith and others, against Jno. H Borland & others — This respondent in answer to said bill says. That he has no interest in the slaves in the bill mentioned, having transferred the interest which he formerly held under the will of R. P. Clements in a deed of trust for the benefit of Jno. H Borland, which was sold and purchased by Silas Borton — And having answered prays hence to be dismissed —

R. N. Smith

Smith et al.

i { Anson of
Infanto

Smith et al.

1848 October Rules

To the Hon. Judge of the Circuit Sup: Court of Law and Chancery for the County of Southampton — In Chancery

The joint and separate answer of Emeline P. Smith Morgan Smith and Charles S Smith infants by William J. Scott their g.d. ad litem, to a bill of complaint exhibited against them and others by Polly Littlepage Smith in the Circ. Sup: Court of Law & Ch: for the County of Southampton

These respondents saving to themselves all benefit of exception &c. to the said bill, in answer thereto or to so much thereof as they deem et material to make answer — say that they have no reason to doubt the facts stated in the bill and believe them to be true. That they have no doubt that the slaves mentioned in the bill would be much more valuable in the State of Alabama than they are in Virginia and that their removal to the first-named State would tend to the accomplishment of the object of their original donation to their mother and her children. These respondents placing implicit reliance on the Hon. Court to protect them in their rights; having answered, pray thence to be dismissed the Court with costs &c.

Wm J Scott
Guardian ad litem

Smith
vs
Smiths

Answer of
J H Barham

1849 November Term

To the Hon. Richard H. Bates Judge of the
Circuit superior Court of Law and
Chancery for the County of Southampton
The answer of Joseph H. Barham to a Bill
filed in this Court against him & others by
Polly L. Smith.

This Defendant saving &c. for answer to so much of the said Bill as he is advised it is material he should answer says. It is true as alleged by the Plaintiff, that he is the owner & in the sole stated of the interest of Richard W. Smith in the slaves, mentioned and he herewith files the receipt (W) of the Trustee Jesse S. Barham as full evidence of his title.

That the proceedings which are pending in this Court for the removal of the said slaves in which he is interested, if carried out according to the wishes of the Plaintiff, may have the effect of destroying this Defendants rights. It will remove the property beyond the limits of the commonwealth, and out of the jurisdiction of this court, to a distant State.

Your Respondent further states; that under the Law filed in this suit, "styled an act for the relief of Polly L. Smith & her children passed March 10th 1848" It is necessary for the Court to have full proof, that it is manifestly the interest of of the said Polly L. Smith & her children" to remove

the said slaves — and yr Respondent avers that his interest cannot be, in any way promoted thereby — That he is willing to do any thing in his power, to promote the wishes of the Plaintiff consistently with a just regard to his own rights, and to that end offers to accept such portion of the said slaves, now as will be equal to the value of his interest in remainder,

This respondent further answers. that the trustee, appointed by the County Court of Limestone, Alabama — was not appointed in pursuance of the act of assembly of Virg.a heretofore referred to. and of course, the bonds given by the said trustee, would afford no protection to the rights of any of the parties, interested in the slaves, which the Plaintiff is asking this court to place in his custody.

This respondent denies the various allegations in the pltffs. bill about the comparative advantages of slaves, in Virg.a and Limestone County Alabama — believing that it is more consistent with justice and the wishes of Rich.d P. Schermerhorn, the donor of this property that it should remain here for the present benefit of Polly L. Smith and the ultimate advantage of the remaindermen — & having answered prayer to be hence dismissed — &c.

Southampton County to wit.

This day Joseph H Barham personally appeared before me in the county aforesaid & made oath, that the facts contained in the forgoing answer are true to the best of his knowledge and belief. Given under my hand this 9th day of November 1859.

G. A. W. Brown J.P.

Smith
v 3 Decem
Little &c

To be entered
R H Baker
Nov. 20. 51

1851 November Term

Smith
v
Little &c

This day this cause came on to be heard on the original and amended bills, answers of the defendants, replications thereto, exhibits, examinations of witnesses and the transcript of the record from the County of Limestone, State of Alabama, "in the case of Polly Smith and others, ex parte" to gether with the act of the General Assembly of Virginia, for the relief of Polly Little page Smith and her children, passed March 10th 1848, and was argued by Counsel. On consideration whereof and by consent of parties, the Court doth order, adjudge and decree that Harrison P. Pope Benj. E Pope and Peter Edwards, who are appointed Commissioners for the purpose, divide the slaves bequeathed by Richard Clements for the benefit of Polly L Smith for life, and at her death to her children, to wit- Stephen, Billy, Mason, Margaret and child, Martha and child, Mary, Evelina, Francis and Eary and child, so as to allot to Joseph H Barlow purchaser of the interest "in said slaves" of Richard W Smith, one of the children of said Polly, one seventh in value, of said slaves-

And it appearing to the Court by the record from Limestone County State of Alabama, and satisfactory documentary evidence, filed in this cause, that George Ford has been duly appointed trustee for Polly L Smith and her children in said County and State, and executed bond and security conditioned as the said act directs; and the Court being of opinion that it is manifestly the interest of the said Polly L Smith and her children that the said slaves shall be removed to the County of their present residence and State aforesaid, and that all the requisitions of the said act of the General Assembly have been complied with, doth adjudge order and decree that Samuel B Kinney who has the said slaves in his possession, acting as trustee for Polly L Smith

and his children transfer and deliver the said slaves, to the said George Ford to hold the same according to the terms of the will of the said Richard Clements - And the court doth further order that a fair copy of the record of this suit duly certified, including a copy of the will of the said Richard Clements, be transmitted to the Court of the said Limestone County, State of Alabama and there recorded - And that the plaintiff and the said Jos. H Borton pay equally the costs of this suit -

Smith &c

v. Z decree

Little &c

To be entered

R. H. Baker

May 6. '52.

1852 May Term

Smith
v
Little &c

May Term 1852

Decree

This day this cause came on to be finally heard on the papers formerly read together with the report of Comrs: H. P. Pope, B. E. Pope and Peter Edwards, made pursuant to the order of Nov: Term 1851, to which no exceptions have been filed, and was argued by counsel, on consideration whereof the Court confirming said report, doth adjudge order and decree that the complainant, and the defendant J. H. Bottom, each pay their own costs incurred since the last order in this cause

Smith

vs 2/5 Or. Pub.

Pettingill exon.

A Copy posted at Ct House door

July 10 1849. DRC

At Rules holden in the Clerks Office of the Circuit Superior Court of Law and Chancery for the County of Southampton on the 2d day of July 1849.

Polly Gillespie Smith wife of Charles Smith Pltff

against

Elizabeth Little formerly Pettway executrix of Henry Pettway decd
Richard W Smith and others. Defts

} In Chancery

The defendant Richard W Smith not having entered his appearance and given Security according to the Act of Assembly and the rules of this Court and it appearing by Satisfactory evidence that he is not an inhabitant of this Country it is ordered that the said defendant do appear here on the first day of the next term and answer the bill of the plaintiff. and that a copy of this order be forthwith inserted in some newspaper published in the town of Petersburg for two months successively and posted at the front door of the Courthouse of this County.

Executed on Elizabeth Little by delivering a true Copy. Richard W. Smith, Patrick G. B. Smith, David W. Smith, Emeline P. Smith, Cache J. Smith and Margaret Smith No Inhabitants

Wm. Gilbert Deputy of
Jos. Hardin Sheriff

Smith
vs
Little

Fees
Serving Exec. 1.50

5.00

6-59

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon Elizabeth Gillis formerly Pelloway executrix of Henry Pelloway dec'd Richard D. Smith Patrick G. B. Smith David W. Smith Caroline P. Smith Carles J. Smith and Margaret Smith

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 August next, to answer a Bill in Chancery exhibited against them in the said Court by Polly L. Smith

And unless they shall answer the said Bill within ~~four~~ two 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 18 day of July 1848, in the 73 year of the Commonwealth.

L. R. Edwards c.c.

[*One Copy to be delivered each Defendant.*]

2

656

Smith

vs } Spec Cohy

Pettways exr

1849 August Rules

Executed on Elizabeth Little

Edward S Jones Deputy of Cephia Dandenoff

Executed on Joseph H Barham

Eard P Turner Deputy of Cepha Dandenoff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon Jos. H. Barham and Elizabeth Little executrix of Henry Pettway 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 the said Court on the first Monday in August next, to answer a Bill in Chancery exhibited against them & others in the said Court by

Polly Littlepage Smith

And unless they shall answer the said Bill within ~~four~~ two 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 2d day of July 1849, in the 73 year of the Commonwealth.

L R Edwards Cl

[*One Copy to be delivered each Defendant.*]

Southampton County, to Wit-

This day Edwd F. Turner Deputy Sheriff personally appeared before me one of the Justices of the Peace for said county and made oath that he executed this notice on Joseph H Barham on the 2nd Inst by giving him a true copy of the within notice. given under my hand and seal this 4th day of April 1850

E. B. Claud J.P.

Sworn to
&
Attest
Pulliam Exr.

Executed the 3d day of April by giving him a true copy of this notice
Edwd F Turner
Deputy of Alma Myrick
Shff

c

To Joseph H Bonham Esq:—

You will please take notice that I shall on Saturday the 13th day of April in the year 1850, at the Court House in the town of Athens, Limestone County and state of Alabama, proceed to take the depositions of John R. Mason & others, to be continued from day to day until completed, to be read in evidence in a certain chancery now depending in the Circ. Sup. Court of Law & Ch. for the County of Southampton in which I am plaintiff and you & others defendants, at which time and place you may attend

Polly L. Smith

Smith

vs } Depositions
respondents

Little & P

Came to hand Sealed May 8th 1850

S.R.C

PAID 10

AUG 25

L. R. Edwards
Clerk Superior Circuit Court of
Law and Chancery
Southampton County
Jerusalem Virginia

Smith
vs } Injunction
Smith et al

Comm'ls Hunt Justice office 8 1837
E.R.E

Filed

Smith

v } Commission

Little &c

The Commonwealth of Virginia: To any Justice of the Peace for the County ~~To~~ of Limestone State of Alabama who will certify himself to be such Greeting:

Know ye that we trusting in your fidelity and provident circumspection in diligently examining whatsoever witnesses on behalf of the plaintiffs in a suit in chancery depending in the Circuit Superior Court of Law & Chancery for the County of Southampton in which Polly Littlepage Smith wife of Colin Smith is plaintiff and Elizabeth Little formerly Pettway Executrix of Henry Pettway dec.d Richard W. Smith and others are Defendants –

John A. Pearson Clerk

command you, ~~or any two or more of you~~, that at such day and place as you shall appoint, you assemble yourselves, and the witnesses 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 distinctly and plainly without delay you send and certify enclosed, returning also this writ. Witness, ~~James Rochelle~~ Littleton R. Edwards, Clerk of our said Court, at the Courthouse this 22d day of January 1850 in the 74th year of the Commonwealth.

L R Edwards Clk

State of Alabama } By virtue of the annexed
Limestone County } Commission I John Lawrentine
an acting justice of the peace, legally commissioned
and duly qualified for the County of Limestone
and State of Alabama have caused John R Mason
John Wofford Asa L Allen Richard W Vaper
and Daniel Coleman Witnesses in behalf of the
plaintiff in a certain cause now pending in the
Circuit superior Court of Law and Chancery for
the County of Southampton in the State of Virgin-
ia, Wherein Polly Littlepage Smith, Wife of Charles
Smith is plaintiff and Elizabeth Little formerly
Pettway executrix of Henry Pettway decease
Richard W Smith and others are defendents, to
Come before me at the office of Henry Stanly Esq,
at the Court House in the town of Athens on this
the 13th day of April 1850 between the hours of
nine Oclock A M and four oclock P M and then
after being duly sworn on the Holy Evangelist
of Almighty God to speak the truth the whole
truth and nothing but the truth have deligent-
ly examined touching their Knowledge respe-
cting the maters in Controversy between the
parties aforesaid and the said John R Mason
being first examined deposeth and saith
as follows in answer to questions
1st are you acquainted with Mrs Polly L Smith
the wife of Charles Smith & with her family
ans. I am
2nd how may Children has she and what is the
Condition of her family
ans she has six Children and they are ready
3rd What are their means of support?
Ans. none except their own labor in
this country

4th What is the age of Mrs Smith's husband?
Ans. He is between fifty five and sixty I think
5th Are the family in a great measure dependent on his labor for a support
Ans. They are
6th How many children are living with Mrs Smith now? How many are daughters and what are their ages?
Ans. Four of her children are living with her now. Two of them are girls, the elder is about sixteen years of age, and the younger about ~~fourteen~~ eleven years of age.
7th. What are the probable expenses of supporting the family comfortably?
Ans. Three hundred and fifty dollars annually?
8th. Are the family healthy, or if any are afflicted, state how many, and the nature of their afflictions?
Ans. They are all healthy except one son, and he has had a white swelling, and been afflicted for a long time?
9th. What would be the probable income here of twelve negroes of the following ages viz: a girl 14 years of age, a woman of fifty years of age and her child of four years of age, a man of fifty years of age, a woman of thirty five, a woman of thirty, and her child of five, a woman of twenty five and a child of one year of age, a boy seventeen, a girl of twelve, and a girl of eight years of age?
Ans. If they are negroes of ordinary description, they would yield here by hiring, at least I should say the sum of four hundred and ten dollars annually
And further more this deponent saith not
Subscribed and sworn to before me April 18th 1850. } John R Mason
John Lorentine JP

And the said Richard W. Vasser being next examined, deposeth and saith in answer to questions:
1st. What are the means of Mrs Polly L. Smith's and her family for a support
Ans. They are dependent on Charles Smith her husband, and their own labor for a support: and he Charles Smith has but little property and labors for a support on his farm and at his trade. I speak only of their means of support here, of what means they may have ~~I know no~~ in Virginia I know nothing.
2nd. What would be the probable income of twelve negroes of the ages we mentioned in the ninth interrogatory to John R. Mason?
Ans. They would yield annually, by hiring about four hundred dollars if they are of ordinary description?
Sworn to and subscribed before me April 18th 1850 } R W Vasser
John Lorentine JP

And the said Daniel Coleman being next

examined, deposeth and saith as follows:

1st. What are the means of Mrs Polly L. Smith, and her family for a support?

Ans: They are dependant on Charles Smith and their own labor for a support, and he has but little property, and labors on his farm and at his trade for a support. ~~They~~ I speak of their means of support here. Of what means they may have in Virginia I know nothing

2nd. What would be the probable income of twelve negroes here, of the ages &c mentioned in the ninth interrogatory to John R. Mason.

Ans: They would yield annually about four hundred dollars by hiring if they are of ordinary description.

Sworn to and subscribed April 15th 1850 } Daniel Coleman

John Turrentine J.P.

The State of Alabama } I John Turrentine
Limestone County } an acting Justice of the peace in and for the county and State aforesaid duly elected commissioned and qualified do hereby certify that the foregoing depositions of John R Mason, Richard W Walser, and Daniel Coleman, were taken by me at the time and place in the caption mentioned, after the deponents had been legally sworn, and were by them fully approved and signed, and that said depositions have not been out of my possession until they were sealed up and directed to L R Edwards Clerk of the superior circuit court of Law and Chancery for the County of Southampton in the state of Virginia and deposited in the Post office at Athens Alabama Given under my hand and seal this the 24th day of April 1850

John Turrentine. J. P. (Seal)

Smith

vs } Depositions

Settle &c

Came to hand sealed March 12

1851. J.R.G

The Commonwealth of Virginia:

To Any Justice of the State of ~~Alabama~~ Greeting:

Know ye that we trusting in your fidelity and provident circumspection in diligently examining whatsoever witnesses on behalf of the plaintiff in a suit in Chancery depending in the Circuit court of Southampton County, in which Polly Little-page Smith, wife of Charles Smith is plaintiff and Elizabeth Little, formerly Pettway executrix of Henry Pettway, dec^d Richard W. Smith, Patrick St. G. B. Smith, David W. Smith, Emiline C., Margaret and Charles T. Smith, the last three of whom are infants by William J. Sebrell, their guardian ad litem, and Jos: St. Barham, Defendants —

command you, ~~or any two or more of you,~~ that at such day and place as you shall appoint, you ~~assemble yourselves~~ attend, and the witnesses 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 distinctly and plainly without delay you send and certify enclosed returning also this writ: Witness, ~~James Rochelle~~ Littleton R. Edwards, Clerk of our said Court, at the Courthouse this 11th day of November 1850 in the 75th year of the Commonwealth.

L. R. Edwards, C. C.

1st Monday January 1850

The State of Alabama
Limestone County ss By virtue of the annexed commission directed to any Justice of the Peace of the State of Alabama from L. B. Edwards Clerk of the Circuit Court of the County of Southampton Commonwealth of Virginia I John A. Pilmon an acting Justice of the Peace in and for the County and State aforesaid duly commissioned and sworn I have called and caused to come before me at the Court House in the town of Athens in the County of Limestone State of Alabama. Alexander L. McKinney, Clinton C. Jones, Asa G. Allen, James R. Jones

Witnesses in behalf of the Plaintiffs in a suit in Chancery depending in the Circuit Court of Southampton County Commonwealth of Virginia. Where in Polly Littlepage Smith wife of Charles Smith is Plaintiff and Elizabeth Little formerly Pettway executrix of Henry Pettway decd Richard M. Smith, Patrick H. G. B. Smith, Maria G. Smith, Emeline P. Smith, Margarette and Charles S. Smith the last three of whom are infants by William I. Bidwell their guardian ad litem and W. F. Barham are defendants and the said Alexander L. McKinney, Clinton C. Jones, Asa G. Allen, James R. Jones

being duly sworn on the Holy evangelists of Almighty God and charged by me to speak the truth the whole truth and nothing but the truth in the premises do depose and says

Alexander L. McKinney Sworn

Question 1st.
Are you acquainted with Charles Smith and Polly Littlepage Smith his wife

Ans. to 1st I am.

Quest 2d. Have they a family if you state how many children they have.

Ans. to 2d. They have a family five children living

Quest 3d. How many of said Children are daughters How many live with the said Charles and Polly

Ans. 3d. Two daughters, about grown, both living with the said Charles and Polly L. Smith. Four of the Children reside with the said Charles and Polly L. Two sons and two daughters

Quest 4th Are any of said Children afflicted or disabled if you state the nature of such affliction

Ans. 4th One of the sons David W Smith is afflicted having had the white swelling I have been in Company with the said David W frequently and saw his walk. I knew say he had a stiff ancle.

Quest 5th Are you acquainted with the Circumstances of the said Charles and Polly S Smith if yea. State what are their Circumstances

Ans to 5th I am acquainted with their circumstances they are poor, and have to labor for their support.

Quest 6th Are they advanced in years, and have they means of support apart from their own labor

Ans. to 6th They are advanced in years. They have no means of support apart from their own labor within my knowledge

Quest 7th State whether the said Polly S Smith and her daughters, have to perform the drudgery such as Cooking and washing for the family

Ans. to 7th They are unless they hire assistance which I have never known them to do

Quest 8th State what an ordinary negro Girls 14 years of age an ordinary negro woman 50 yr of age with a child 4 yrs of age, what a negro man aged 50 yrs of age. a negro woman 35 yrs of age a negro woman of 30 with a child 5 yrs of age, a negro woman 25 yrs with a child 1 yr old, a negro boy 17 yrs old, a negro girls 12 yrs and negro Girl 8 yrs of age annually each hire for annually, furnished with the ordinary clothing given hired negroes

Ans. to 8th a negro Girl 14 yrs of age, would hire for $40 a negro woman of 50 yrs and child 4 yrs old would hire hire for $35 a negro man 50 yrs of age, would hire for $60, a negro woman 35 yrs of age would hire for $60, a negro woman 30 yrs of age with a child 5 yrs old would hire for $45 a negro woman 25 yrs old with a child 1 yr old would hire for $30 a negro boy 17 yrs of age would hire for $75 a negro girl 12 years of age would hire for $25 a negro Girl 8 yrs of age would hire for $12, if they are ordinary likely and furnished with the usual clothing and taxes paid by the hirer

A. J. McKinney

Clinton C. Jones. Sworn

Quest 1st are you acquainted with Charles Smith and Polly Littlepage Smith his Wife

Ans. to 1st I am acquainted with them

Quest to 2d Have they a family if you state how many children they have

Ans. to 2d They have a family they have five children

Quest 3rd How many of said children are daughters How many live with the said Charles and Polly

Ans. to 3d Two of said children are daughters, both of whom are grown. Four children lives with them the two daughters and two sons,

Quest 4th Are any of said children afflicted or disabled if you state the nature of such affliction

Ans. to 4th David W Smith is disabled he has had the white swelling, and I have frequently heard him complain of a pain in his side, and he also has a stiff ancle having had the white swelling

Quest 5th Are you acquainted with the Circumstances of the said Charles and Polly S. Smith if yea what are their Circumstances

Ans. to 5th I am acquainted with their circumstances, they are poor and have no means of support apart from their own labor,

Quest 6th Are they advanced in years and have they means of support apart from their own labor

Ans. to 6th They are advanced in years and have no means of support apart from their labor,

Quest 7th State whether the said Polly S Smith and her daughters have to perform the drudgery such as Cooking and washing for the family

Ans. to 7th They do,

Quest. 8th State what an ordinary negro girl 14 yrs old an ordinary negro woman 50 yrs old with a child 4 yrs old, what a negro man aged 50 yrs. a negro woman 35 yrs a negro woman 30 yrs with a child of 5 yrs a negro woman 25 yrs with a child 1 yr a negro boy 17 yrs, a negro girl 12 yrs a negro girl 8 yrs old would each hire for annually, furnished with the ordinary clothing given hired negroes

Ans. to 8th A negro girl 14 yrs old would hire for $40. a negro woman 50 yrs & child 4 yrs old would hire for $30, a negro man 50 yrs old would hire for $65. a negro woman 35 yrs old would hire for $65

a negro woman 30 yrs old and child 5 yrs old owned hire for $50. a negro woman 25 yrs and child 1 yr old owned hire for $55 — a negro boy 17 yrs old owned hire for $70, a negro girl 12 yrs old owned hire for $20 and a negro girl 8 yrs old owned hire for $12 — if they were ordinary and likely negroes, and furnished with the usual clothing and taxes paid by the hirer

Clinton N. Jones Sr.

Asa F. Allen Sworn

Quest 1st, Are you acquainted with Charles Smith and Polly Lillepy or Smith his wife

Ans. to 1st, I am acquainted with them

Quest 2d Have they a family if you state how many children they have,

Ans to 2d. They have a family, they have five children

Quest. 3d. How many of said Children are daughters How many live with the said Charles and Polly

Ans to 3d, Two of said Children are daughters both of whom are about grown, they have four children living with them, Two Sons and two daughters

Quest 4th, Are any of the said Children afflicted or disabled if yes. State the nature of such affliction

Ans. to 4th. David W. Smith one of said Children has been afflicted with white swelling, and has a stiff ancle, and I have heard him complain of a pain in his side a great deal and I do not consider him sound

Quest 5. Are you acquainted with the Circumstances of the said Charles and Polly L Smith if yes State what are their Circumstances

Ans. to 5. I am acquainted with Circumstances of the said Charles and Polly L, they are poor people

Quest 6. Are they advanced in years and have they means of support apart from their own labor,

Ans to 6. They are advanced in years, they have none apart from their own labor,

Quest 7th. State whether the said Polly L Smith and her daughters have to perform the drudgery such as cooking and washing for the family

Ans. to 7. They do as far as I know

Turn over

Quest. 8th State what are ordinary negro girl 14 yrs old, an ordinary negro woman 30 yrs old with a child 4 yrs old a negro man 30 yrs old a negro woman 35 yrs old and a negro woman 30 yrs old & child 5 yrs old a negro woman 25 yrs old with a child 1 yr old a negro boy 17 yrs old a negro girl 12 yrs old, and a negro girl 8 years of age owned each hire for annually, furnished with the ordinary clothing given hired negroes,

Ans to 8th, a negro girl 14 years old owned hire for $40. a negro woman 30 yrs old and child 4 years old owned hire for $55, a negro man 30 yrs age, owned hire for $60, a negro woman 35 yrs of age owned hire for $60. a negro woman 30 years old and child 5 yrs old owned hire for $45, a negro woman 25 yrs old and child 1 yr old owned hire for $50. a negro boy 17 years of age owned hire for $75 — a negro girl 12 yrs old owned hire for $25. a negro girl 8 yrs old owned hire for $12 — if they were ordinarily likely and furnished with the usual clothing and taxes paid by the hirer,

Asa, F, Allen

James N. Jones sworn

Quest 1st, Are you acquainted with Charles Smith and Polly Lillepy Smith his wife

Ans to 1st, I am, acquainted with them

Quest 2d, Have they a family if you State how many children they have

Ans. 2, They have. They have five Children

Quest 3d, How many of said Children are daughters, How many live with the said Charles and Polly L,

Ans. to 3d, They have two daughters, they have four living with them Two Girls and Two boys

Quest 4th, Are any of said Children afflicted or disabled. if yes State the nature of such affliction

Ans to 4th, David W. Smith one of said Children had the white swelling, he has a stiff ancle and I have frequently heard him complain of a pain in his side I do not consider him sound

Quest 5. Are you acquainted with the circumstances of the said Charles and Polly L. Smith, if yes. what are their Circumstances

Ans to 5, I am acquainted with their Circumstances they are poor and have no means of support apart from their own labor

Quest 6th Are they advanced in years, and have they means of support apart from their own labor

Ans. to 6th. They are advanced in years and have no means of support upon from their own labor,

Quest. 7th. State whether the said Polly L. Smith and her daughters have to perform the drudgery such as cooking and washing for the family

Ans to 7th. They do.

Quest. 8th. State what an ordinary negro girl 14 yrs old, an ordinary negro woman 30 yrs old with a child 4 yrs old a negro man 30 yrs old. a negro woman 35 yrs old a negro woman 30 yrs old with a child 5 yrs old a negro 25 yrs with a child 1 yr old. a negro boy 17 yrs old a negro girl 12 yrs old and a negro girl 8 yrs old would each hire for annually, furnished with the ordinary clothing from hired negro.

Ans to 8th. A negro girl negro 14 yrs old would hire for $40 a negro woman 30 yrs old and child 4 yrs old would hire for $35 a negro man 30 yrs old would hire for $60. a negro woman 35 yrs old would hire for $60, a negro woman 30 yrs old and child 5 yrs old would hire for $45. a negro woman 25 yrs old and child 1 yr old would hire for $50. a negro boy 17 yrs old would hire for $75 — a negro girl 12 yrs old would hire for $25. and a negro girl 8 yrs old would hire for $12 — if they were ordinarily likely negroes and furnished with the usual clothing and taxes paid.

James Q Jones

I John A. Johnson an acting Justice of the Peace in and for the County of Limestone State of Alabama duly Commissioned and sworn do hereby Certify that the above depositions of Alexander L McSkimmer. Clinton C. Jones. Isa G Allen and James Q Jones. on Pages 1. 2. 3. 4. 5 & 6. were taken at the place mentioned in the Caption on this day, after the deponents had been sworn that the said depositions was read to them and heard throughout and by them fully approved and signed in my presence and that said depositions were not out of my possession until the same were sealed up and directed to Littleton W Edwards, Clerk of the Circuit Court of Southampton County Commonwealth of Virginia Given under my hand and seal this 3rd day of March being the first Monday in said Month as mentioned in the Commission in the year 1851.

John A. Johnson J. P. Seal Comm

The State of Alabama
Limestone County ss } I Thomas G Tyree Judge of the Probate Court of said County and ex officio Clerk of said Court do hereby Certify that John A Johnson Whose genuine signature appears to the foregoing Certificate is and was at the time of signing the same an acting Justice of the Peace in and for said County duly elected, Commissioned and qualified. And that full faith and Credit are due to all of his Official acts as such

In testimony whereof I have hereunto set my name and affixed the seal of said Court at My Office in the Town of Athens this 4th day of March AD 1851 and 75th year of American Independence

Thomas G Tyree Judge P.C.

Smith

v

Little

Filed by pltiffs counsel May 3
1857

7 3630
3-21

An Inventory and Appraisement of the Negroes belonging to Charles Smith wife and children taken this 28 day of December 1850 by Mark T Pate Mills D Sumner and James H Persons —

Stephen	$ 3 50
Billy	4 50
Mason scrofulous very bad	1 00
Margaretta & child	6 50
Martha & child	6 50
Mary - badly burnt in the side	3 00
Caroline	4 00
Frances	3.00
Easy & child	4 50

M T Pate
M D Sumner
Jas H Person

This day personally appeared before me Mark T Pate Mills D Sumner & James H Persons (who say they were requested to act as appraisers) and made oath that the above is a true appraisement of the negroes belonging to the wife & children of Charles Smith and ~~above~~ to the best of their belief

Given under my hand and seal this 28th day of December 1850

James D Bay Ord. J.P.

3 6.50.

Smith

v } Copy Decree

Little &c

1852. Jany. 28th. Report rct.

In Southampton Circuit Court, November Term, 1851.

Polly Littlepage Smith wife of Charles Smith Pltff
against
Elizabeth Little, formerly Pettway Executrix of Henry Pettway dec^d Richard W. Smith, Patrick H. C. Smith & others Defts

} In Chancery

This day this cause came on to be heard on the original and amended bills answers of the defendants, replications thereto, exhibits, examination of Witnesses and the transcript of the record from the County of Limestone State of Alabama in the case of Polly Smith & others ex parte, together with the act of the General Assembly of Virginia, for the relief of Polly Littlepage Smith and her children, passed March 10th 1848, and was argued by Counsel: On consideration whereof and by consent of Parties, the Court doth order, adjudge and decree that Harrison S. Pope, Benjn E. Pope and Peter Edwards, who are appointed Commissioners for the purpose, divide the Slaves bequeathed by Richard Clements for the benefit of Polly L. Smith for life, and at her death to her children, to wit: Stephen, Billy, Mason, Margaret, and child, Martha and child, Mary, Caroline, Frances and Cary and child so as to allot to Joseph S. Barham, purchaser of the interest in said slaves of Richard W. Smith one of the children of said Polly One seventh in value of said slaves.

And it appearing to the Court by the record from Limestone County State of Alabama and satisfactory documentary evidence filed in this cause, that George Ford has been duly appointed trustee for Polly L. Smith and her children in said County and State and executed bond and security conditioned as the said act, directs and the Court being of opinion that it is manifestly the interest of the said Polly L. Smith and her children that the said slaves shall be removed to the county of their present residence and State aforesaid, and that all the requisitions of the said act of the General Assembly have been complied with, doth adjudge, order and decree that Samuel P. Hines who has the said slaves in his possession, acting as trustee for Polly L. Smith and her children, transfer and deliver the said slaves to the said George Ford to hold the same according to the terms of the will of said Richard Clements and the Court doth further order that a full copy of the record of

this suit duly certified including a copy of the will of the said Richard S. Clements be transmitted to the Court of the said Limestone County, State of Alabama and there recorded. And that the plaintiff and the said Jos H. Barham pay equally the costs of this suit.

Pltffs costs.	$33.98	
Dft. J.H.Barhams costs.	17.31	$61.29
Retained for future Clks costs.	10.00	
Comrs. $5. pr day each.		

Teste. S.R. Edwards Clk

Under the directions of the annexed order as obtained in the Circuit Court of Southampton County at its November Term 1857 We the Commissioners named in said order to divide the Slaves bequeathed by Richard Clements for the benefit of Polly E Smith for Life and at her death to her Children have this 29th day of Decr 1857 Valued and divided the following Slaves, (To Wit)

Man Stephen Valued at		$325.00
Boy	Billy diseased	300.00
	Mason diseased badly	100.00
	Margaret & child	600.00
	Martha & 2 children	800.00
	Mary (Burk)	400.00
	Evelina	325.00
	Francis	325.00
	Tony & child	275.00
		$3450.00

Allotted to Joseph H Barham

Boy Billy badly diseased at		$300.00
Evelina		325.00
Joseph H Barham		$625.00
entitled to 1/7 in Value say		$492.86
		$132.14

Recd of Joseph H Barham the above amt of $132.14
and pd the same to Wm H Clarke agt for Polly E Smith and children as per his receipt Very respectfully submitted

Harrison P. Pope
Ben E Pope
Peter Edwards

Commrs.

(xx)

Received Apl 21. 1846 of Joseph H Barham One hundred & fifty eight 26/100 Dollars for sale of Richd W Smith's interest in the slaves held by his mother Polly Smith which interest was sold by me under a deed of trust from said Richd W Smith for the benefit of Joseph H Barham.

Jno. G. S. Barham

Rec'd January 27th 1852 from A. P. Pope
B. E. Pope & Peter Edwards Com'rs appointed
by the Court to divide the negroes bequeathed
to Polly L. Smith & children and allot to
Joseph A. Barham one seventh in value,
the sum of One Hundred & Thirty Two
Dollars & 14/100 being the over plus
allotted to said Barham

W. D. Clarke
Attorney

Richard B Clementi

Will

Copy

Smith
v. } Exhibit with bill
Pettmans Exr &c

In the name of God Amen I Richard Clements of Southampton county make and ordain this to be my last Will and testament revoking all other Wills or Conveyance made heretofore. Item I lend to my wife Polly Clements the use of the plantation whereon I now live during her Widowhood with all the stock of every kind thereon also all the household and kitchen furniture with the plantation utensils: I also lend her the use of my single Gig harness and the following negroes to to wit: Daniel, Jordan Lydia Charlotte, Clarke, Bob & Jack, It is my Will that my daughter Sally Clements live with my wife and be supported out of the estate so loaned free from any charge of board or clothing at the death of my wife, I lend the plantation with all the furniture and stock as above mentioned to my daughter Sally Clements, also the following negroes to wit, Daniel, Jordan, Lydia and Charlotte with her increase and then in fee simple to the lawful heirs of her body should she die without such heir I give the plantation with all the furniture & stock as above to my Grandson Richard Powell Clements and the four negroes with their increase. Item I lend my son Washington Clements the use of the plantation I bought of George Whitehurst also the use of the plantation I bought of Called Lane; with the use of all the stock of every kind household and kitchen furniture and plantation utensils: I also lend him the use of the following negroes to wit Jacob Davy and Jim: and at his death to be equally divided between his children except the land and furniture which Richd Powell Clements is not to have any part of the property then loaned Washington Clements is no part of it to sold rented or loaned or hired: but to remain on on the plantation for the express purpose of supporting himself wife and children, and at his death I give it in fee simple to his children" Item I give my daughter Polly Gilla Page Smith one feather bed and furniture six Winsor chairs one horse two cows & calves one

years of wear one Cart and wheels two Sows & piggs four
ewes six silver Spoons Cups Saucers plates dishes Coffee pot
tea kettle Iron pots and plantation utensils all of which
property she has received" I also lend her the use of
the following negroes to wit: Pupan Amy & her child Peggy
but never to be in the possession of or under the Controle
of Charles Smith: And at her death I give the said
negroes with their increase to be equally divided amongst
her Children: but should Charles Smith by any means what
soever either by hiring or becoming Guardian for his children
ever have them in his possession or under his controle I then
revoke the part of my Will and the negroes with the increase
return to my estate to be divided amongst my other Grand children
Item "I give my Grand son Richard Powell Clements my negro
boy Charles to be bound to some good trade from the age of
fifteen until he is twenty one years old And then he
is to receive it him" Item I give to my Grandson Richd
Williamson Smith my negro boy Bob to be bound to the
Black Smith trade from the age of fifteen until he is
twenty one years of age and then he is to receive him
Item "I give to my Grandson Wm George Thomas Clements
my negro boy Jack to be bound to the boot and saw
making trade from the age of fifteen until he is twenty one
years old then he is to receive him" my Will is that
Nancy Rose Harper live in my house until she marry or
think proper to leave it at which time I give her one
feather bed and furniture One Cow & calf one Sow & piggs
One ewe & lamb one Loom one spinning wheel and one pair
of Cards with Corn & pork sufficient for one year
Item I give my Dear Daughter Mary Joseph P. Clements
one negro girl named Maniah to her and her heirs forever
Should I leave my debts unsettled I wish my Executors here
after mentioned to sell my Carriage and harness and whatever
property can be best spared to satisfy the same And lastly
I appoint my friends Nathaniel Chambliss and Fielding
Rose of Sussex County my lawful Executors to this

my last Will and Testament signed sealed this
16th day of July 1836
Interlined & erased
before signed

Richd P Clements (Seal)

N. P. C:

Southampton County Court January 4th 1838
This paper writing purporting the last Will and Testament
of Richard P Clements was produced in Court and it
appearing to the satisfaction of the Court that the said
Will is wholly in the hand writing of the said Richard
P Clements it is therefore Ordered that the same be
Recorded as and for the last Will and Testament of the
said Richard P Clements dec'd.

Teste James Rochelle C.C.

A Copy Teste. J.R. Edwards C.C.

Clements

To } Decd
Smith

Smith

v. } Exhb. with bill

Pettmans Ex ors

45 ¢

This Indenture made & entered into this Second day of December, One thousand eight hundred & twenty four, between Chs. Smith of the County of Sussex of the one part & Richard P. Clements of the County of Southampton and State of Virginia: Witnesseth that the said Richard P. Clements having some time since permitted three negro Slaves the One named Steven and the other Nancy and her child Peggy to remain on the plantation of the said Clements in the County of Sussex for the purpose of aiding in the maintaining the daughter of the said Clements who had previously intermarried with the said Charles Smith, & whereas the said Clements is still willing that the said Slaves should under her own control be still held the proceeds of the services & profits of them be applied to the maintenance and support of the said Polly Smith formerly Clements during her life, and after her death to go to her children or such of them as shall be then living and their heirs, but to be at all times subject to be controlled in such way as in the opinion of the said Clements may be best calculated to afford the best possible maintenance and support to the said Polly Smith: And the said Clements doth hereby covenant to and with the said Charles Smith that he will at all times apply the proceeds of the said Slaves and their increase in such manner as in his opinion is best calculated to afford the use thereof in the manner most comfortable to his said daughter Polly, And at her death that he will assent to the title in fee simple in the said Slaves to the Children of the said Polly. And the said Charles Smith for himself doth covenant that he will assent to the claim and management of the said Clements for the purposes aforesaid in such manner as in the opinion of the said Clements shall be calculated to the convenience, ease maintenance, and support of the

said Polly for life, and enjoyment in fee simple of the Children of the said Polly and the said Clements doth further agree that the stock, crop and plantation utensils on the farm at this time he will not claim but permit the said Smith to dispose as he may think proper. In testimony whereof the parties have hereunto set their hands and seals the day and date first above written

Signed, sealed and acknowledged
before me
Geo. Blow
Augustin Claiborne

Chs. Smith (Seal)
Rich P. Clements (Seal)

Polly Smith mother
Richard W. Smith
Patrick H. C. B. Smith
David C. Smith
Emeline P. Smith
Margaret Smith
Charles T. Smith
} children

On the 9th day of December 1824. This Indenture was acknowledged by Charles Smith and Richard P. Clements parties thereto to be their act and deed and recorded in the Clerk's Office of Sussex County Ct.

Teste
L. Lanier C.C

A Copy
Teste Saml. L. Raines D.C

Copy of Act.

Smith

v. } Exhd. with bill

Pettwings Esq

(B)

fee $1.00

An Act
for the relief of Polly Littlepage Smith and her children.

Passed March 15th 1848.

Whereas it is represented to the General Assembly that Richard P. Clements dec.d by his last will and testament, bearing date the sixteenth July eighteen hundred and twenty six, which is duly recorded in the Clerks office of the County Court of Southampton, bequeathed on loan unto his daughter Polly Littlepage Smith as her separate estate free from the control of her husband Charles Smith three negro slaves, that is to say, Stephen, Amy & her child Peggy, for and during the natural life of the said Polly L. Smith, and at her death the said slaves and their increase to be equally divided amongst the children of the said Polly - that after the death of the said Clements and recordation of his will, one George Blow of Sussex took upon himself the execution of the trust in favour of said Polly, until he voluntarily resigned the same, and one Henry Pettway of the County of Southampton was appointed in his stead, and acted as such up to his death which happened in the

year eighteen hundred and forty three, since which time the possession of the said slaves has remained with his widow and executrix - and that in her possession the said slaves after satisfying physicians fee bills produce but little well nigh; and whereas the said Polly Smith has at this time many children needing support and education, and little estate other than the said slaves, and that in consequence thereof, some years ago, she with her husband and children were compelled to remove from this Commonwealth to Limestone County State of Alabama where the necessaries of life are more abundant and where the said slaves (now almost valueless to her) would greatly enhance the comfort of all interested: therefore,

Be it enacted by the General Assembly that it shall and may be lawful for the said Polly Littlepage Smith, in her own name, as if she were a feme sole, to file her bill with an affidavit thereto, in the Circuit Superior Court of law and chancery for the County of Southampton against the Executrix of the said Selloway, and against her children averring the facts set forth in the Preamble of this act, and praying the Court to appoint some fit and proper person residing in the said County of Limestone and State of Alabama, to be designated by her to take possession of the said slaves and their increase and to remove them to the said County and State last aforesaid, and in all respects in the premises to act as trustee for the said Polly L. Smith.

The suit shall be proceeded in upon the bill and the answers of the adult defendants upon oath and of the infant defendants by guardian ad litem to be appointed by the Court, and if it appear by evidence that it is manifestly the interest of the said Polly L. Smith and her children that the said slaves shall be removed to the County of her present residence and State aforesaid, the Court shall enter up its decree accordingly: Provided however that before the said decree shall take effect, and the said slaves and their increase be removed from this Commonwealth, the trustee to be appointed as aforesaid shall procure himself to be appointed trustee for said Polly and enter into duplicate bonds with sufficient security before the Court of Limestone County State of Alabama, in a penalty equal to double the value of the said slaves, to be ascertained by the Virginia Court aforesaid, with conditions as follows: that he will in all things faithfully and truly act and perform the duties of trustee for said Polly L. Smith touching the subject aforesaid for and during her natural life, and at her death, that he will cause the said slaves and their increase to be equally divided amongst the children

of said Polly according to the will of the said Richard P. Clements.

That in order the better to guard the rights of the remainder men, one of the said duplicate bonds shall be filed amongst the papers of the cause, and the other remain with the Clerk of said Pittsylvania County, and a full copy of the record of the suit hereby authorized duly certified including a copy of the Will of said Richard P. Clements, shall be transmitted to the Clerk of said Pittsylvania County and there recorded.

This act shall commence and be in force from and after the passage thereof.

State of Virginia }
City of Richmond } to wit.

I, Geo: W. Munford Clerk of the House of Delegates and Keeper of the Rolls of the Commonwealth of Virginia do hereby certify and make known that the foregoing is a true copy of an act passed by the General Assembly of Virginia on the tenth day of March eighteen hundred and forty eight - Given under my hand this 21st March 1848.

Smith
To } Deed
Barhams heirs

Recorded page 226

Examined

has to assume title
& make other proofs

27 April 1841

fee paid (559 words)

This indenture made this 27 day of April in the year of our lord one thousand eight hundred and forty four between R. W. Smith of the first part and Jesse S Barham of the second part and Joseph W. Barham of the third part, whereas the said R. W. Smith is justly indebted to the said Joseph W Barham in the sum one hundred and fifty dollars by bond due the 27 of April 1844 which debt with the legal interest thereon accruing the R. W. Smith is willing and desirous to secure now this indenture witnesseth that for and in consideration of the premises and also for the further consideration of one dollar lawful money of Virginia to the said R. W. Smith in hand paid by the said Jesse S. Barham at and before the sealing and delivering of these presents the receipt whereof is hereby acknowledged he the said R. W. Smith hath given, granted, bargained, sold, _____ and confirmed and by these presents doth give, grant bargain sell _____ release and confirm to the said Jesse S. Barham his heirs and assigns forever all right and title and interest he hath in and to the following slaves Negro man Stephen Woman Amy, Mason, Peggy, Martha, Emiline and Bill and Girl Mary also all his interest in all the slaves, now held by a trustee for the benefit of the said R.W. Smith's mother & her children by the ~~belong to his mother~~ will of his grandfather Richard P Clements — to have and to hold the said

slaves herein before and their future increase mentioned, to be hereby, granted with their future increase ~~them and any of their appurtenances~~ unto the said Jesse S Barham his heirs Executors administrators and assigns forever, upon Trust nevertheless that the said Jesse S. Barham shall as soon as he shall be thereto requested by the said Joseph H Barham his Exors Admors or assigns make sale of the interest of the said R. W. Smith in the slaves herein before mentioned & referred to and their increase having given reasonable public notice of the time & place of such sale and out of the monies arising from such sale first pay & discharge the Costs & expenses of this deed and the sale then pay & satisfy the debt herein before mentioned due the said Joseph H Barham with the interest which may have accrued thereon & the balance if any pay over to the said R W Smith his Exors Admors or assigns —

In Testimony whereof the parties have hereunto set their hands and affixed their Seals the day & year first before written.

Witness

L R Edwards

R. W. Smith (Seal)

Jesse S. Barham (Seal)

Joseph H. Barham (Seal)

Southampton County in the Clerks office the 27 day of april 1844 This Deed of Trust between R W. Smith of the first part Jesse S. Barham of the second part & Joseph H Barham of the third part was acknowledged by all of the parties thereto and admitted to Record

Teste L R Edwards Clk

Exhibit

(A)

Copy of Record

24 august 1846

The State of Alabama
Limestone County. } We, John P. Irwin, and Henry Smith, two acting Justices of the Peace in and for said county and state, do hereby certify that Geo. F. Orr, Asa F. Allen, Claiborn Wright, and John Wright, with whom we are well acquainted, are men of property and well able to pay the sum of three thousand dollars, the penalty in a bond, signed by them, and given under an order of the Chancery Court of Alabama, held for the thirty-first District, in the case of the Petition of Polly Smith, and others, her children.

Given under our hands and seals, this 3rd day of August, A. D. 1846.

John P. Irwin (Seal)

Henry Smith (Seal)

The State of Alabama Limestone County; I Robert Austin Clerk of the County Court of said County do hereby certify that John P. Irwin and Henry Smith whose names are subscribed to the above certificate, are and was at the date of the same acting justices of the peace in and for said County duly commissioned and sworn as such and that full faith and credit is and of right should be given to all their official acts and deeds as such and that the bond and certificate purporting to be their is genuine -

In Testimony Whereof I have hereunto set my name and affixed the seal of said County Court at my office in Athens this 24th day of August in the year of our Lord 1846 & 71st year of American Independence

Test Robert Austin Clerk
C. C.

State of Alabama, Limestone County, I Frederick R. Pearson Judge of the County Court of said County do hereby certify that Robert Austin whose name appears to the foregoing certificate is and was at the date of the same, Clerk of the County Court of the County of Limestone State of Alabama, and full faith and credit is due to all of his official acts as such, and that his said certificate is in due form of law, Given under my hand and seal this the 24th day of August 1846

F. R. Pearson (Seal)

22 august 1846

(50)

The State of Alabama;

Pleas had at a Chancery Court begun and held for the 31st Chancery District of the Northern Division of the State of Alabama at the Court house in the town of Athens County of Limestone in said District On the fourth Monday being the twenty fifth day of May in the year of Our Lord One thousand eight hundred and forty six and 70th year of American Independence Before the Honorable David G Sigon Chancellor.

Be it remembered that the following petition was filed in said Court, to wit, "The Honorable the Chancellor of the northern Chancery Division of the State of Alabama sitting for the 31st District thereof,

Your Petitioners, Polly Smith, Richard W Smith, Patrick H. G. B. Smith, David W Smith, Emeline D Smith, Margaret Smith and Charles T Smith, of the County of Limestone and State of Alabama, respectfully show your Honor that the Petitioner first named, is the mother in lawful wedlock, & the other petitioners and daughter of Richard P Clements, deceased late of Southampton County in the State of Virginia, and that she is now wife of Charles Smith, of the first mentioned County & State. That her, the said Polly's, said husband and father about the 2d of December, 1824, made a deed, by which it was stipulated that the negroes slaves, Stephen, and Amy and her Child Peggy should remain in possession of her said father, for the benefit of the said Polly, during her life, and at her death, to go to her said Children, that her said father afterwards made his last Will and testament which was duly admitted to probate in the said last mentioned County & State, in which he made a devise of the same purport as that provision mentioned in said deed, (all of which will more fully appear by reference to said deed & Will, Copies of which are herewith submitted) To the slaves before mentioned there have been added by increase, Mason, Bill, Martha Emeline & Mary; all of which are now held in the last mentioned County and State in trust for Petitioners as, aforesaid. And as the trustee has died they are held under

the special charge and superintendance of the Honorable the County Court thereof. Your Petitioners would further show that a late act of the Legislature of Virginia provides for the removal of property in the situation of this, to other States of the Union there being first a trustee duly appointed and qualified in the State to which it is proposed to remove it. Petitioners further show they have been for many years residents of this County and State, and believe that it would add greatly to their interest and advantage to have said property removed to the place of their residence.

In Consideration whereof your Petitioners pray that a suitable trustee may be appointed and qualified to remove said property to this County and State and to hold the same in trust as aforesaid.

E. S. Jones
Sol. for Comp.

And afterwards towit On the 25th day of May 1846 being day of the term of said Court begun and held On the 4th Monday in said month and year, the following entry was made upon the minutes of said Court, "No. 46. Polly Smith & others Petitioners Ex parte, Came the Petitioners by their Solicitor. Cause submitted for Order. It is therefore Ordered that it be referred to the Register & master to report to the Court a suitable trustee." And afterwards, towit, On the 26th day of May 1846 being a day of the same term of said Court begun and held On the 4th Monday in said month and year the following entry was made upon the minutes of said Court, "No. 46 Polly Smith et al Pet. Ex parte; The master made his report as directed by the Court in this Cause which is received and Ordered to be filed And it is further Ordered that George Ford be appointed Trustee to take Charge of the trust property in the petition mentioned and that he enter into bond payable to the beneficiaries of said trust property in the penalty of ten thousand dollars with good and sufficient sureties to be approved of by the Register" – Copy of Bond taken agreeably to the above Order. "Know all men by these presents that we George Ford, Asa F. Allen, Claiborne Wright & John Wofford are held and firmly bound unto Polly Smith, Richard W. Smith, Patrick H. G. B. Smith, David W. Smith, Emeline P. Smith, Margaret Smith and Charles T. Smith in the penal sum of Ten thousand dollars for the payment of which well and truly to be made to the said Polly Smith, Richard W. Smith, Patrick H. G. B. Smith, Emeline P. Smith, Margaret Smith, and Charles T. Smith their heirs executors administrators & assigns we and each of us do bind ourselves our heirs executors and administrators jointly and severally firmly by these presents Witness our hands and seals this 27th day of May A.D. 1846 –

The Condition of the above obligation is such that whereas the above bounden George Ford hath been duly appointed by the Chancery Court holden for the 31st District of the Northern Division of the State of Alabama Trustee to take the Charge and management of Certain trust property willed to the above named Polly Smith, Richard W. Smith, Patrick H. G. B. Smith David W. Smith, Emeline P. Smith, Margaret Smith and Charles T. Smith by the late last Will and Testament of Richard P. Clements late of the County of Southampton and State of Virginia deceased – Now if the said George Ford shall well and faithfully perform all the duties required of him as trustee as aforesaid by law or may be, and the Orders and decrees of said Court of Chancery with regard to the management and disposition of said Trust Estate then the above Obligation to be void else to remain in full force and effect –

Geo. Ford (Seal)
Asa F. Allen (Seal)
Claiborne Wright (Seal)
John Wofford (Seal)

Approved of by me this 27th day of May 1846
Robert Austin R. & M.
in Chancery

The State of Alabama;

I Robert Austin Register of the Chancery Court holden for the 31st Chancery District of the Northern Division of said State do hereby Certify that the foregoing three pages contains a true Copy and Correct transcript of the record and proceedings had in said Chancery Court in the appointment of George Ford trustee of Certain property belonging to Polly Smith and others left them by R. P. Clements dec'd and of the

bond given by said Geo. Ford as Trustee, taken from the records and proceedings of said Court of Chancery now in my Office, Also I do further Certify that the sureties given by said Ford as trustee as aforesaid on his bond are amply sufficient and good for the amount of the penalty of said Bond –

In testimony whereof I have hereunto subscribed my name and affixed my private seal (there being no public seal of said Court yet provided) at Office in the town of Athens in said District this 28th day of July in the year of Our Lord eighteen hundred and forty six 71st year of American Independence –

Teste Robert Austin R. M. D. [seal]

The State of Alabama S.S.

I, David G. Ligon, Chancellor of the Northern Division of the State aforesaid, do hereby certify that, Robert Austin whose name is subscribed to the foregoing certificate is, and was at the time of making the same, Register and Master of the 31st district of said Division, that full faith and credit are due to all his official acts as such; and that the foregoing certificate purporting to be his is genuine, and in due form of law.

Given under my hand this 22nd day of August in the year of our Lord 1846.

D. G. Ligon
Chancellor.

Athens Ala. Octr. 24. 47

Mr W S Goodwyn

Dear Sir

Having seen your letter of the 14 August last and having been requested by Mr Chas Smith to write you in reply to a portion of the same, feel no hesitation in stating what I know to be true as regards his situation &c &c. First then as regards his situation, he is a poor man and entirely dependant on his own exertions to make a living for his family; he has worked hard for many many years is now getting old and has been infirm for a number of years past Mr Smith has had to encounter great difficulties in this State; besides his own infirmity one of his sons (David) was confined with white swelling for several years and this too at the time when his two older sons had left him, and are yet working for themselves so you see Mr Smith had 4 small children to work for or do worse. I know nothing

about what Mr Smith may have stated to you, but what I say I know to be true

As regards the removal of the Negroes to Ala. there cannot be a doubt but that it would greatly to the interest of every member of Mr Smith's family: Every one must know that the owner of little Negroes pay greatly better attention to them than those that have no interest in them longer than the one year they may have hired them for

If the Negroes were in this County Mr & Mrs Smith would take a woman & children instead of paying some one to keep them. The Negroes too would in all probability live for a much larger amount here than they do in your State, which would enable Mr Smith to educate his young children. This I consider the most important consideration and should be so with all.

Mr Smith is (as you probably know) a steady man and would not in my opinion spend any part of the property even if he had the power

I am Sir very Respectfully
Your ob. Servt
John R Mason

I concur fully with Capt Mason in opinion & know his statements to be literally true
Geo Ford
Henry Smith

Ho. of Reps.
17. Dec 47.

Sir

Enclosed herewith I send you a letter from Jno R Mason, Concurred in by Dr George Ford and Henry Smith Esqr I am well acquainted with all of them and also with Mr Chas Smith and know the truth of the most of the Statements made by them, Mason, Ford and H. Smith are the immediate neighbors of Chs Smith, live near to him & I am had opportunities to know his true Situation, they are men of the first respectability, men of undoubted veracity and you may rely with every Confidence upon anything they may say, I am known them long and intimately & I am no doubt of the truth of their Statement

I have the honor to be
Very respectfully
Yr obt Servt &c
Geo L Hanston

Hon.
W. S. Goodwyn
Richmond
Va

October 1850

The State of Alabama

Thas had at a Chancery Court begun and held for the thirty first Chancery District, Northern Chancery Division of the State of Alabama for Limestone County at the Court house thereof in the Town of Athens, on the 4th Monday being the twenty fifth day of May, in the year of our Lord one thousand eight hundred and forty six. And seventieth year of American Independence. Present the Honorable David G Sigum Chancellor

Polly Smith & others
Petitioners Exparte } Be it Remembered that on this 25th day of May 1846 it being a day of the Term of said Court, the Petition of Polly Smith & others, Exparte, was filed in the words and figures as follows to wit.

The Honorable the Chancellor of the Northern Chancery Division of the State of Alabama, Sitting for the thirty first District thereof.

Your Petitioners Polly Smith, Richard M Smith, Patrick H G B Smith David M Smith, Emeline P Smith, Margaret Smith, and Charles T Smith of the County of Limestone and State of Alabama, Respectfully Shews Your Honor, that the Petitioner first named, is the Mother in lawful Wedlock of the other Petitioners and Daughter of Richard P Clements, deceased late of Southampton County in the State of Virginia, and that she is now wife of Charles Smith of the first Mentioned County & State, that her the said Polly & said husband & Father, about the 2nd of December 1824. Made a Deed by which it was stipulated, that the Negro Slaves, Stephen and Ciny and her Child Peggy, should remain in possession of her said father for the benefit of the said Polly during her life, and at her death to go to her said Children, that her said Father afterwards, Made his last Will and testament, which was duly admitted to probate in the said last Mentioned County and State, in which he made a devise of the same purport, as that provision Mentioned in said deed (all of which will more fully appear by reference to said Deed and Will) to the slaves before Mentioned, there have been added by increase, Mason Bill, Martha, Emeline and Mary, all of which are now held in the last Mentioned County & State, in Trust for petitioners as aforesaid And as the Trustee has died, they are held under the Special Charge and Superintendence of the Honorable the County Court thereof.

Your Petitioners would farther shew, that a late act of the Legislature of

Virginia provides for the removal of property in the situation of this to other States of the Union, there being first a Trustee duly appointed and qualified in the State to which it is proposed to remove it.
Petitioners further shew, they have been many years residents of this County and State. And believe that it would add greatly to their interest and advantage to have said property removed to the place of their residence.
In consideration whereof your Petitioners pray that a suitable Trustee may be appointed an qualified to remove said property to this County and State, and to hold the same in Trust as aforesaid

E. J. Jones Sol for Compts.

And on the same day of the Term of said Court the following order was made in this Cause

Polly Smith & others Petitioners Exparte

Came the Petitioners by their Solicitor, Cause submitted for order.
It is therefore ordered that it be referred to the Register & Master to report to the Court a suitable Trustee.
And afterwards to wit on the 26th day of May 1846 it being the 2nd day of the Term of said Court the following order was made in this Cause.

Polly Smith & al. Petitioners.

The Master made his Report as directed by the Court in this cause which is received and ordered to be filed, and it is further ordered that George Ford be appointed Trustee to take Charge of the Trust property in the Petition mentioned, and that he enter into bond payable to the beneficiaries of said Trust property, in the penalty of Ten thousand dollars, with good and sufficient Sureties to be approved of by the Register

Know all men by these presents that we George Ford, Asa F. Allen Claiborne Wright and John Mofford, are held and firmly bound unto Polly Smith, Richard W. Smith, Patrick H. G. B. Smith, David W. Smith, Emeline F. Smith, Margaret Smith and Charles T. Smith in the penal sum of Ten thousand dollars. for the payment of which well and truly to be made to the said Polly Smith, Richard W. Smith Patrick H. G. B. Smith, David W. Smith, Emeline F. Smith, Margaret Smith and Charles T. Smith their heirs, Executors, administrators and assigns, We and each of us, do bind ourselves, our heirs, Executors and administrators jointly and severally, firmly by these presents Witness our hands and seals this 27th day of May A.D. 1846

The Condition of the above obligation is such, that whereas the above bounden, George Ford, hath been duly appointed by the Chancery Court holden for the 31st District of the Northern Division of the State of Alabama, Trustee to take the Charge and Management of certain Trust property, willed to the above named Polly Smith Richard W. Smith, Patrick H. G. B. Smith, David W. Smith, Emeline F. Smith, Margaret Smith and Charles T. Smith by the last will and testa=ment of Richard F. Clements, late of the County of Southampton and State of Virginia deceased
Now if the said George Ford shall well and faithfully perform all the duties, required of him as Trustee as aforesaid by law or may be and the orders and decrees of said Court of Chancery, with regard to the Management and disposition of said Trust Estate, then the above obligation to be void Else to remain in full force and effect

approved of by me this	Geo Ford	(Seal)
27th day of May 1846	Claiborne Wright	(Seal)
Robert Austin R & M	John Mofford	(Seal)

in Chancery

And ~~[illegible]~~ afterwards to wit on the 28th day of September A.D. 1850 came George Ford Trustee of Polly Smith, Richard W. Smith, Patrick H. G. B. Smith, David W. Smith Emeline F. Smith, Margaret Smith and Charles T. Smith, and filed with the Register & Master of the Chancery Court of the Thirty first Chancery District Northern Chancery Division of the State of Alabama, his resignation of said Trust, in the words and figures as follows to wit
To the Register & Master of the Chancery Court of the 31st Chancery Dis=trict, Northern Division of the State of Alabama.
The Subscriber was at the May Term 1846 of your Honorable Court appointed Trustee for Polly Smith wife of Charles Smith and Richard W. Smith, Patrick H. G. B. Smith, David W. Smith, Emeline F. Smith, Mar=gret Smith and Charles T. Smith, Children of the said Polly and Charles Smith, all of whom reside in this Chancery District, your

Petitioner further States, that he has never received any Money, property or effects, by virtue of his appointment as Trustee, He tenders this as his Resignation of said Trusteeship, and prays that it may be received and filed

Septbr 28th 1850 — Geo Ford.

And now afterwards to wit on the 11th day of October A D 1850. the following entry was made by the Register & Master in this cause.

The State of Alabama Limestone County.

Ex parte — Northern Chancery Division

Polly L Smith et. al } At Rules held by the Register & Master of the Chancery Court of the Thirty first Chancery District, Northern Chancery Division of the State of Alabama. At his Office in the Town of Athens on Monday October the 14th A D 1850. Came the Petitioners Polly L Smith, Richard W Smith, David W Smith, Emeline P Smith, Margaret Smith and Charles T Smith, by their Solicitor and George Ford, in his own proper person, Who was at the May Term 1846. of the Chancery Court of the 31st Chancery District of the Northern Division of the State of Alabama appointed Trustee upon the application of the Petitioners to take Charge of Certain Slaves the property of Petitioners. And files his Written Resignation as such Trustee, And no objection being made thereto, And the Statuary Notice being Waived by the Petitioners. It is ordered that said Resignation be received, filed and recorded, And that the said George Ford, be discharged, from all further and future liability by reason of his Trusteeship. And the said Petitioners here applying for the appointment of a Trustee, in the place of the said George Ford, Who has resigned as aforesaid. And the said George Ford expressing his Willingness to act as such Trustee. And the Register and Master, being satisfied that he is a suitable and Competent person to act as such Trustee, doth hereby appoint the said George Ford, Trustee for said Petitioners to take Charge of and receive Certain Slaves, the property of the said Petitioners Bequeathed by Richard P Clements late of Southampton County State of Virginia to Polly L Smith during her Natural Life, And at her death, to be equally divided Among her Children, And farther to apply the hire of said Slaves, to the support and Maintainance of the said Polly L Smith during her life, And at her death, to cause said Slaves, to be equally divided, between the Children of said Polly L Smith. It is further ordered that the said George Ford, enter into duplicate bonds in the Penalty of Fifteen thousand dollars, each, Conditioned that he will in all things faithfully and truly act and perform the duties of a Trustee for the said Polly L Smith, touching the subject aforesaid for and during her natural life, And at her death, that he will Cause said Slaves and their increase to be equally divided among the Children of said Polly L Smith according to the Will of said Richard P Clements. Thereupon Came the said George Ford, with John Moffett, Equilla Brooks and Asa F Allen, and executed duplicate bonds, as aforesaid which being approved of. It is ordered that one of said bonds be filed in the papers of this Cause, And that the other be transmitted with a Transcript of all proceedings herein to the Circuit Superior Court of Law and Chancery for the County of Southampton in the State of Virginia

Thomas G Tyus Register & Master

The State of Alabama }
Limestone County } I Thomas G Tyus Register & Master of the Chancery Court of the Thirty first Chancery District Northern Chancery Division of the State of Alabama do Certify that the foregoing Contains a true Copy and Correct Transcript of the proceedings had in the Matter of the Appointment of George Ford as Trustee for Polly L Smith and others in said Chancery Court. together with a duplicate bond of said George Ford thereto attached

In testimony Whereof I have hereunto set my name and affixed my private seal (there being no seal of Office) at Office in the Town of Athens this 25th day of October A D 1850 And in the 75th year of American Independence

Thomas G Tyus Regt & Master (Seal)

Know all men by these presents that We George Ford John Wofford, Eguillar Brooks and Asa F. Allen are held and firmly bound unto Polly Smith, Richard W Smith David W Smith Emeline P Smith Margaret Smith and Charles T Smith, in the penal sum of Fifteen thousand dollars for the payment of which, well and truly to be made to the said Polly Smith, Richard W Smith, David W Smith, Emeline P Smith, Margaret Smith and Charles T Smith, their heirs, Executors, administrators and assigns we and each of us do bind ourselves our heirs Executors and administrators jointly and severally firmly by these presents Witness our hands and seals this 14th day of October AD 1850

The Condition of the above obligation is such that Whereas the above bounden George Ford hath been duly appointed by the Chancery Court holden for the Thirty first Chancery District, Northern Chancery Division of the State of Alabama, Trustee to take the Charge and Management of Certain Trust Property, willed to the above named Polly Smith Richard W Smith, David W Smith, Emeline P Smith, Margaret Smith and Charles T Smith by the last will and Testament of Richard P Clements, deceased, late of the County of Southampton and State of Virginia

Now if the said George Ford shall well and faithfully perform all the duties which are or may be required of him as Trustee as aforesaid, by law and the orders and decrees of said Court of Chancery, with regard to the Management and disposition of said Trust Estate then the above obligation to be void else to remain in full force and Effect.

Geo. Ford (Seal)
John Wofford (Seal)
Eguillar Brooks (Seal)
Asa, F, Allen (Seal)

Approved by me this 14th day of October 1850.
Thomas G. Tyus Regt's Master in Chancery

The State of Alabama }
Limestone County } Chancery Court Thirty first Chancery District

I Thomas G Tyus Register & Master of the Chancery Court Thirty first Chancery District Northern Division of the State of Alabama do hereby certify that the within Bond was signed in my presence, and a Duplicate thereof signed in my presence, is retained on file in my Office, and that the securities are Solvent and responsible for the penalty thereof

In Testimony Whereof I have hereunto set my name and affixed my private seal, ~~belonging to my office~~ there being no seal of Office, this 25th day of October A D 1850. And 75th year of American Independence

Thomas G Tyus Regt & Master (Seal)

The State of Alabama S S

I, David G. Ligon, Chancellor of the Northern Division of said State do certify, that, Thomas G. Tyus whose name is subscribed to the foregoing certificate of attestation, is, and was at the time of making the same, Register and Master in Chancery for the 31st District of said Chancery Division, that his said certificate is in due form of law – his signature thereto is genuine, and that full faith and credit are due to all his official acts as such Register & Master.

Given under my hand this 26th day of October 1850

D. G. Ligon
Chancellor

30 January 1852

Know all men by these presents that I, George Ford, of the County of Limestone and State of Alabama, trustee for Mrs Polly Smith, and Children, under the last Will and testament of Richard P. Clements, appointed and duly qualified by and under the authority of the Chancery Court of the 31st District of said State, have this day constituted and appointed and by these presents do constitute and appoint Charles Smith, of the said County and State, my true and lawful attorney for me and in my name, to demand and receive from J. D. Massenburg, or any commissioner or agent of Court, or any other person acting as agent, trustee, Executor, or in any other capacity, under the said last Will and testament, or under the authority or direction of any Court in the County of Southampton, or any other County, in the State of Virginia, or any other State, any and all property which they, or any one or more of them may hold in trust, or otherwise, for the use and benefit of the said Polly Smith and Children, or any of them, or the possession of which may rightfully belong to me as such trustee, and the property when so received, of what character soever, to move and bring, in such way as to my said attorney may seem best, to the said County of Limestone and State of Alabama.

And in order to the full and proper execution of the power herein conferred on my said attorney, I hereby invest him with full and unlimited power in the premises — to execute and deliver all needful and proper receipts and acquittances — to appoint sub-agents and the appointments to revoke at pleasure — to institute and prosecute any suit or suits, and the same to dismiss or discontinue at pleasure.

I hereby ratifying and fully confirming all the acts of my said Attorney done and performed in the premises in pursuance of the authority herein delegated.

In testimony whereof I have hereunto set my hand and seal, this the fifth day of January eighteen hundred and fifty two.

Geo. Ford (Seal)

The State of Alabama }
Limestone County ss } I John Turrentine an acting Justice of the Peace in and for the county and state above written do hereby certify that the foregoing Power of Attorney to Charles Smith was signed sealed and delivered in my presence for the purposes therein mentioned Given under my hand and seal this 5th day of January 1852

John Turrentine
Justice of the Peace

The State of Alabama }
Limestone County ss } I Thomas G Tyree Judge of the Probate Court and keeper of the records of said Court of said County do hereby certify that John Turrentine whose genuine signature appears to the foregoing Certificate is and was at the time of signing the same an acting Justice of the Peace in and for said County duly commissioned and sworn, and that full faith and credit are due to all of his official acts as such. I further certify that said Court is a Court of record.

In testimony whereof I have hereunto set my name and affixed the seal of said Court at my Office in the Town of Athens this 5th day of January A.D. 1852 And 76th year of American Independence

Thomas G Tyree Judge P.C.

Whereas at a Circuit Court held for the County of Southampton on the 7th day of November 1851 in a Suit therein pending between Polly Gillespie Smith wife of Charles Smith plaintiff and Elizabeth Little formerly Pettway & others Defendants it was among other things decreed and ordered that Harrison P Pope, Benj. E Pope and Peter Edwards who were appointed Commissioners for the purpose, divide the slaves bequeathed by Richard Clements for the benefit of Polly L Smith for life and at her death to her children to wit Stephen, Billy, Mason, Margaret & child, Martha & child, Mary, Evaline, Frances Eva & child so as to allot to Joseph H. Barham purchaser of the interest in said slaves of Richard W Smith, one of the children of said Polly one seventh in value of said slaves. And it was further adjudged ordered & decreed that Samuel B Hines who has the said slaves in his possession, acting as trustee for Polly Smith and her children, transfer and deliver the said slaves to George Ford to hold the same according to the terms of the will of the said Richard Clements.

Now therefore I Charles Smith attorney in fact for the said George Ford under a power of attorney duly executed by the said George Ford and which is hereto annexed have this day received of Samuel B Hines the slaves to wit Stephen, Mason, Margaret & child, Martha & two children, Mary, Frances & Eva & child being the slaves bequeathed by Richard Clements for the benefit of Polly L Smith for life and at her death to her children except those allotted to Joseph H Barham purchaser of the interest of Richard W Smith. To be held by the said George Ford as trustee for the said Polly L Smith & children according to the terms of the will of the said Richard Clements. Witness my hand and seal this 30th day of January 1852.

Witness
W. D. Clarke
L R Edwards

Chas Smith Atty (Seal)
Infact for
George Ford Trustee

Gen
G. Houston
M.C.

Hon. M. S. Goodwyn
Richmond
Virginia