

1857. 01

Southampton County Circuit Court. Urquhart, Anselm B. vs Newton, Mary Ann et al
(adm.) et al.

division of slaves &
their descendants

Urquhart, R. A. (decd)
" , James B.
" , " G
" , Whitman H. (decd)
" , Charles F.

Spivey, Exum
" , Catherine
" , Jesse
" , Margaret
Drewry, Joseph
" , Sallie
Stephenson, Caroline
Turner, James,

To Henry D. Howard

2

Commissioner in the Circuit Court of Southampton -

Respectfully represents, your petitioner, and also in his own right, & as representative of N. A. Luzzatt
and, James N. Luzzatt in his own right & as representative of James N.
Luzzatt and, & of Whitcomb H. Luzzatt and, and Charles H. Luzzatt
in his own right & as representative of Jas. N. Luzzatt and, N. A. Luzzatt
and, that they have been informed, and so state, that the following
persons, viz, also Mary Ann Newton, Exum Spivey & Catharine his wife
Lepe Spivey & Margaret his wife, Joseph Brown & Sally his wife, Caroline
Stephenson & James Turner, pretend to claim, & assert an interest or
title to certain slaves, which originally, or whose ancestor, belonged
to one Henry Adams & Mary ^{and} his wife of the County of Southampton
and which, or those slaves that, were purchased by the late John Luzzatt
and, or the descendants of such as were bought as aforesaid: and
whereas there being at this time no suit pending to assert the
claims & right of the parties aforesaid, your petitioners are
desirous of perpetuating the testimony of ^{viz: Mary Brown, Exum Spivey, Catharine his wife, Lepe Spivey, Margaret his wife, Joseph Brown, Sally his wife, Caroline Stephenson, James Turner} witnesses, relative
& touching the interests & title of the claimants aforesaid
to the said slaves or their descendants, they therefore pray
that a time & place may be appointed the said Commissioner
and due notice given thereof, to said claimants & all others
who may be affected by the testimony then & there to be taken -
March 20. 1857

R. H. Whitfield atty

for Petitioners

Commissioner's Office

Jerusalem, March 21st 1857

To Mrs Mary Ann Norton, Exors & Adms of Catharine his wife,
Isaac Spruce, his wife Margaret, Joseph Drury, Sally his wife
Caroline Stephens of James Turner.

You are hereby notified that I shall on the 23rd day of April
1857, at the residence of Mr. A. B. Urquhart in this County
(Southampton) proceed, upon the petition of Asael B. Urquhart adm^r
of John Urquhart dec^d. and in his own right & as representative of R. A.
Urquhart dec^d. James B. Urquhart in his own right & as representative
of Jas. B. Urquhart dec^d & of Whitwell H. Urquhart dec^d. and
Charles F. Urquhart in his own right & as representative of Jas B.
Urquhart dec^d. R. A. Urquhart dec^d. setting forth that they have been informed
and so state that you pretend to claim a part or interest or title to certain
slaves which originally or whose ancestors belonged to one George Adams of
Mary dec^d. his wife of the County of Southampton and which are those
slaves that were purchased by the late John Urquhart dec^d or the
descendants of such as were bought as aforesaid in respect to
which there is at this trial no suit pending to assert your claims or
rights, the petitioners aforesaid are desirous of perpetuating the testimony
of witnesses viz: Benj. Brumelt, Jas Clayton & others relative to
touching the interests & title of you, the claimants to the said slaves
or their descendants and that you are the persons who may be affected
by such testimony, to take in writing the evidence of any witnesses
adduced in respect to the said matter by the said petitioners, or by
your selves; at which time and place you are required to attend.
Given under my hand as Commissioner in Chancery in Southampton
Circuit Court, at my office, the day and year first aforesaid.

Henry S. Howard Com^r.

To the Sheriff of Isle of Wight
County to execute

Henry S. Howard Com^r.

Wigwags adm. 2^d
Vim's notice to
as I Dep. Testimony
New York

So April 23^d 1857.

Executed by delivering a true copy of the
within to James C. Garrison April 22^d 1857.
J. P. Gay, Shk

Executed, by delivering Copies of the within
 Notice, to each of within named Parties do withy
 do. Mary A Newlon on the 15th of January 1857. and
 to Edwin Spry wife to Edgar Spry wife Joseph
 Avery wife & Caroline Stephen on the 10th
 day of April 1857. Daniel Sykes to
 of the County

Wm W. Briggs
 1995 St. St.

Thughent's adm. of als
 vs. Lewis Notice to
 Dependent Testimony
 Newton of als

Dec April 23rd 1857.

Executed.
 George W. Vick
 Wm for Wm Briggs of

Commissioners Office
Jerusalem March 26th 1857

To Mrs Mary Ann Newton, Essem Spiry & Catharine his wife,
Jeph Spiry and his wife Margaret, Joseph Henry & Sally his wife,
Caroline Stephenson & James Turner.

You are hereby notified that I shall on the 23^d day
of April 1857 at the residence of Mr A B. Ingham in the County
(Southampton) proceed, upon the petition of Amos B Ingham adm^r
of John Ingham dec'd & in his own right & as representative of R
A Ingham dec'd James B. Ingham in his own right & as representative
of James B. Ingham dec'd & of Whitwell H. Ingham dec'd and Charles
F Ingham in his own right & as representative of Jas B. Ingham dec'd
R A. Ingham dec'd setting forth that they have been informed, and
state, that you pretend to claim & assert an interest or title to certain
slaves which originally or whose ancestors belonged to one Henry Adams
& Mary dec'd his wife, of the County of Southampton and which are
those slaves that were purchased by the late John Ingham dec'd or the
descendants of such as were bought as aforesaid, in respect to which
there is at this trial in suit pending to assert your claims or right,
the petitioners aforesaid are desirous of perpetrating the testimony of
witnesses viz: Panya Branch Jas Clayton & others relation to & touching
the interests & title of you, the claimants, to the said slaves or their
descendants, and that you are the persons who may be affected by
such testimony, to take in writing the evidence of any witnesses
adduced in respect to the said matter by the said petitioners,
or by yourselves, at which time and place you are required
to attend -

Given under my hand, as Commissioner in Chancery in
Southampton Circuit Court at my office, the day and year first
aforesaid.

Nancy S. Howard, Com.

To the Sheriff of Southampton
County to execute.

Nancy S. Howard, Com.

Commissioner's Report upon the
petition of A. B. Ingraham &
others to perpetuate the testi-
mony of witnesses -

Revised filed May 1st 1857

Commissioner's Office

Jerusalem, April 27th 1857

Upon the petition of Anselm B. Nugent adm^r of John Nugent dec^d. & in his own right & as representative of R. A. Nugent dec^d. James B. Nugent in his own right & as representative of James B. Nugent dec^d. & of Whitwell St. Nugent dec^d and Charles E. Nugent in his own right & as representative of Jas. B. Nugent dec^d, R. A. Nugent dec^d. setting forth that they have been informed, and so state, that the following persons viz: Mrs. Mary Ann Newton, Exm^r Spring & Catharine his wife, Jesse Spring & Margaret his wife, Joseph Drury & Sally his wife, Caroline Stephenson & James Turner pretend to claim & assert an interest or title to certain slaves which originally or whose ancestors belonged to one Henry Adams & Mary dec^d his wife of the County of Southampton and which are those slaves that were purchased by the late John Nugent, or the descendants of such as were bought as aforesaid, in respect to which there is no suit pending to assert their claims or right. & the petitioners aforesaid are desirous of perpetuating the testimony of witnesses viz: Benj. Branch, Jas. Clayton & others relative to & touching the interests and title of the claimants aforesaid to the said slaves or their descendants, and that the claimants are the persons who may be affected by such testimony, the undersigned commissioner reports, that, on the 26th day of March 1857 he issued notices against the said Mrs. Mary Ann Newton Exm^r Spring & Catharine his wife Jesse Spring & Margaret his wife Joseph Drury & Sally his wife, Caroline Stephenson and James Turner the claimants aforesaid, notifying them, that on the 23rd day of April 1857, at the residence of Mr. A. B. Nugent, in this County, (Southampton) he should proceed to take in writing the evidence of any witnesses adduced in respect to the said matter by the said petitioners or themselves, at which time and place they were required to attend. That the said notices were returned by the Sheriffs

duly executed upon the said Mrs Mary Ann Newton, Exam
Spence, of Catharine, his wife, Jesse Spence, Margaret
his wife, Joseph Drury, Sally his wife Caroline Stephenson
and James Turner and that in obedience thereto James
Turner appeared before the Commissioner at the time and
place aforesaid. That the Commissioner aforesaid
thereupon proceeded to take in writing the evidence
of Benjamin Branch the witness adduced in respect
to the said matter, by the said petitioner, which with the
petition and notices aforesaid are herewith returned
to the Clerk's Office of Southampton Circuit Court.
Given under my hand as Commissioner of the Circuit
Court of Southampton County, this 29th day of April
A.D. 1854.

Henry S. Howard, Comm^r

The Deposition of Benjamin Branch a witness of lawful age taken on this 20th day of April 1857, before Henry S. Howard one of the Commissioners in Chancery of the Circuit Court of Southampton County, at the residence of Mr. A. D. Miquhart in the said County of Southampton, (pursuant to the annexed notices to Mrs. Mary Ann Newton, Exr^{or} & S^{er} of Leatharine, his wife, Jesse Sprigg and his wife Margaret, Joseph Drury & Sally his wife, Caroline Stephenson & James Turner) upon the petition of Abraham D. Miquhart adm^r. of John Miquhart dec^d and in his own right & as representative of R. A. Miquhart dec^d. James D. Miquhart in his own right & as representative of James D. Miquhart dec^d. & of Whitwell H. Miquhart dec^d. and Charles F. Miquhart in his own right and as representative of Jas. D. Miquhart dec^d. R. A. Miquhart dec^d filed with the said Commissioner writing forth that they have been informed and so state that you, the said Mrs. Mary Ann Newton, Exr^{or} & S^{er} of Leatharine, his wife, Jesse Sprigg and his wife Margaret, Joseph Drury & Sally, his wife, Caroline Stephenson and James Turner, pretend to claim a part and interest or title to certain slaves which originally or whose ancestors belonged to one Henry Adams & Mary dec^d his wife of the County of Southampton and which are those slaves that were purchased by the late John Miquhart dec^d or the descendants of such as were bought as aforesaid, in respect to which there is no suit pending at this trial to assert your claims or right, the petitioners aforesaid are desirous of perpetuating the testimony of witnesses, viz: Benjⁿ. Branch, Jas. Clayton & others relative to touching the interests & title of you (the claimants) to the said slaves or their descendants, and that you are the persons who may be affected by such testimony.

The Dependent Benjamin Branch being sworn first deposes and says:

Question by petitioner. How old are you Mr. Branch?

Answer. "I was sixty six years old, the 2nd day of this month April 1857."

Question by petitioner. Where do you reside, and how long have you lived there? Answer. "I reside in the fork of Roundhill, lightwood of Seacock Swamp in Southampton County, Virginia, and have lived in the said County all my life."

Question by petitioner. Did you know Henry Adams, and when did he die?

Answer. I know Mr. Adams a short time before he died and I think he died in the year 1799.

Question by petitioner. What was the condition of his (Mr. Adams') estate?

Answer. He had a good deal of property around him - a farm, negroes &c and a store at Roundhill.

Question by petitioner. Was he insolvent or not?

Answer. It was reported that he was so; - and how they sold off all his property that is, Mr. Tyler the adm^r. or Ex^r sold it.

Question by petitioner. Do you know of any sale of his, Henry Adams' slaves for the payment of his Debt?

Answer. Yes I know of a sale by Mr. Tyler the ex^r or adm^r. of the said Adams of two negroes named Lurkey Ariana for the payment of a debt due to Mr. Hunt by the said Adams as I was told by Mr. Tyler himself, or rather Mr. Tyler said so in my presence.

Question by petitioner. Do you know whether the negroes loaned to his widow were sold by Tyler the Ex^r or not for the payment of Debt?

Answer. I was not at the sale but I heard Mrs. Adams say at my father's afterwards that her down negroes were sold & that she bought two of them, and she had afterwards to sell one of them to pay the purchase money of the two, as she told me herself.

Question by petitioner. How old was Julia & Martha Adams when they married? Were they over twenty one years of age or not?

Answer. I do not know how old either of them was, whether either was twenty one or not.

Question by petitioner. When did Mary Adams die?

Answer. I am not positive about the time, but I reckon she died between the years 1821 and 1824.

Question by petitioner. When did Julia Stephenson die?

Answer. I cannot say when she died, she did not die in my neighborhood.

Question by petitioner. How long has it been since Tyler left the State?

Answer. He left the State either the last of September or the first of October 1808.

Question by petitioner. Is he (Tyler) dead?

Answer. He was not dead in 1821 & I have not heard any thing from him since and therefore do not know whether he is dead or not.

Question by petitioner. Was Beck one of the slaves sold by Mr. Tyler?

Answer. She was. And she was the mother of the slaves purchased by Mr. John Uguhart of Mrs. Adams. Mrs. Adams purchased her Beck at the Ex^r's sale.

And further this deponent saith not.

Benjamin Branch

Sworn to and subscribed before me one of the Commissioners in Chancery of the Circuit Court of Southampton County, this 23rd day of April 1857.

Henry S. Howard Com^r.

Urguhart J.

vs } Subpoena

Newton J.

To April 23rd 1857

Executed April

21st Inst

Geo W Vick Deputy
for Wm W Briggs S^{ts}

The Commonwealth of Virginia

To the Sheriff of Southampton County, Greeting.

Now an hereby command to summon James Delavert & Prussia
Branch
to appear before the undersigned one of the Commissioners in
Chancery of the Circuit Court of Southampton County
at the residence of Mr. A. B. Urquhart in this County
(Southampton) on the 23rd day of April 1857, to
testify and the truth to say on behalf A. B. Urquhart
and others in a certain matter of controversy pending
before the said Commissioner between the said A. B.
Urquhart and others plaintiffs and Mary A. Norton
and others defendants. And this they shall in no
wise omit under the penalty of \$100. And have
them there this writ. Given under my hand as
Commissioner in Chancery of the Circuit Court of the
County of Southampton this 9th day of April 1857,
in the 81st year of the Commonwealth.

Henry S. Howard, Comm.