1806-065
Augusta County

Chancery causes. Heir of David Thompson vs John Kent etc

26

Johnson, James, Reasoner, Jones, McCarty,
Kaiseadden, Hollenback, Lease, Vandiver, Dowden
Roseboom, Calmes, Cowan

1 PLAT

Wills: 1777, David Thompson, Hampshire County

Thompson v. Kent (filed 15 May 1798), Index No.: 1806-065, Original Case Number: 26, Plaintiff(s): Heirs(s) of David THOMPSON, Defendant(s): Jesse KENT, Okey Johnson, Rodham James, John Reasoner, Surnames: CALMES, COWAN, DOWDEN, HOLLENBACK, JAMES, JOHNSON, JONES, KAISEADDEN, KENT, LEASE, McCARTY, REASONER, ROSEBOOM, THOMPSON, VANDIVER, Will: 1777, David THOMPSON, Hampshire County Court of Chancery, Hampshire County, Virginia, case recorded with Augusta County Clerk, 6 East Johnson Street, Staunton, Virginia 24401-4403, Phone: (540) 245-5321, "Chancery Records Index," digital image courtesy of Library of Virginia, <http://www.virginiamemory.com/collections/chancery/>.

NOTES of case:

References Lots No. 5 and 6 on Pattersons Creek. The map submitted to the court has Jno. Thompson as having 123 acres, John Reasoner 110 acres and Jesse Kent 117 acres. Each parcel of land was on both sides of Patterson Creek.

The will of David Thompson dated 28 November 1774 copied. Mentions wife, Mary Thompson, sons: John Thompson, David Thompson, Francis Thompson, Abraham Thompson, Isaac Thompson, Jacob Thompson, and daughter, Mary Thompson, perhaps more.

19 August 1800 - James Reasoner had an interest in the land September 1797, per his statement made to court on this date.

September 1797 – - John Jones, Fielding Calmes and Edward McCarty given consent for division of the land, report to be given to court on 12 November 1797.

June 1798 – Okey Johnson added as defendant.

October 1801 - Okey Johnson attests that he purchased Jesse Kent's title to the land.

November 1802 - Rodham James stated he is the proprietor of the land formerly owned by Jesse Kent.

1802 - Information was conveyed to court from Jesse Kent through Rodham James.

19 April 1803 - Jesse Kent was not present at a court hearing.

June 1804 - Rodham James is declared dead, his son Thorton Basey James and daughter Elizabeth James are mentioned (both children are under the age of 21). Huldah James is the widow.

15 March 1804. Thomas Hollenback (signed with his signature), Andrew Lease testified that the land held by Rodham James was the least valuable (signed with "his mark") and William Cowen (signed with his signature) gave depositions. William Cowen was age 20 and testified that Rodham James' land was the least valuable.

22 Aug 1805 - Lewis Vandiver is appointed guardian to James' children.

28 October 1805 - Depositions taken at home of Gershom ADAMS.

- Thomas KARSEADER [KAISEADDEN?] testified that if he were to make a purchase, he would make a difference of one hundred pounds in favor of that part allotted to Jesse Kent.
- Hendrich ROSEBOOM testified that the land in question was of unique quality and Jesse Kent had a disadvantage of land.
- John DOWDEN testified that it appears that Thompson has an advantage of the bottom lands in the division exclusive of the twelve acres which Thompson says he is entitled to.
- Lewis VANDIVER testified that Thompson has an advantage exclusive of the twelve acres, which Thompson says he is entitled to.

The decision is unclear but it appears that Okey Johnson appealed the decision of the local court (Johnson v. Thompson) in 1806. The higher court affirmed original decision with court costs.

(1)

Hampshire County Sct.

Be it remembered that heretofore to wit that is to say on the 15th day of May in the year of our Lord 1798. came John Thompson by Charles Magill Gent his attorney and sued out of the court of the said county his certain Subpoena in chancery against Pope Hunt and John Reasoner which said Subpoena is in the words and figures following to wit

The Commonwealth of Virginia To the Sheriff of Hampshire County Greeting You are hereby commanded to summon Pope Hunt and John Reasoner to appear before the Justices of our court of our said county at the courthouse thereof on the Monday after the second Tuesday in June next to answer a bill in chancery exhibited against him by John Thompson and this they shall in no wise omit under the penalty of £100 each and have then there this writ witness Andrew Lockhart Clerk of the said court at the Courthouse aforesaid the 15th day of May 1798 and in the 22d year of the Commonwealth

Ad Lockhart

on which Subpoena is endorsed the following Return - "Executed by me

Henry Harvey D.S. for Jas. Monroe D.S."

June Rules 1798. Time for bill and leave to make Obey Johnson a deft in this suit -

July. Continued for bill

August Continued

September Rules 1798 (2) continued
October " " " " Same

And at Rules held in the Clerks Office of the court of the said County in November 1798. Came the pltf by his attorney and filed his bill of complaint against the defts in the said Cause which said bill is in the words and figures following to wit —

To the worshipful Court of Hampshire County now sitting in chancery humbly complaining shewn unto your worships your orator John Thompson heir at law of David Thompson dec'd also devisee named in and by the last will and Testament of the said David Thompson - That on the 28th day of November in the year 1774. the said David being seized in his demesne as of fee of and in a certain Tract or parcel of land within the said County containing hundred and acres did duly make and publish his last will and Testament thereby disposeing of the said Tract or parcel of Land (being the only real estate the said David was seized of) in the words and manner following that is to say. "I give and bequeath to Mary my dearly and well beloved wife the third part of my real Estate during her natural life and likewise the third part of my personal estate to be disposed of at her death to whom she thinks proper Also I give to my Son John Thompson 100 acres of the land I now live on - Item I give to my son David Thompson 200 acres of the said Tract and likewise I give to my Son Francis Thompson 100 acres out of the said Tract to be equally divided between the said three brothers both in quantity and quality after the decease of my wife Item I leave and bequeath to my wife and my son John Thompson the other two acres of land that lies most convenient to the said dwell towards the support and maintenance of my five youngest children vizt Abraham Thompson Sarah Thompson, Mary Thompson, Jacob Thompson and William Thompson until such times as the said five children comes of age" which by the said bill to which your orator refer and prays that the same may be taken as a part of this bill of complaint more fully appears Your orator further sheweth unto your worships that the said David Thompson at an early period after making and publishing the said will departed this life without altering the disposition of the property therein contained and that subsequent to his death the twelve acres of Land lying most convenient to the said mill pursuant to the bequest of the said dwell were cut off together with the said mill in the manner and for the purpose in the said will expressed and that the intention of the said David relative thereto was fulfilled until his first children before named came of age and then Mary the Mother of your orator and wife of the said David Thompson took possession of her third part of the said Tract of land pursuant to the said will and continued said possession

(3)

and your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1795 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1796 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1797 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1798 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1799 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1800 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1801 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1802 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1803 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1804 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1805 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1806 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1807 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1808 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1809 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1810 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1811 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1812 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1813 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1814 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1815 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1816 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1817 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1818 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1819 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1820 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1821 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1822 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1823 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1824 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1825 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1826 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1827 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1828 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1829 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1830 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1831 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1832 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1833 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said 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possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1838 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1839 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1840 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1841 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1842 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1843 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1844 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1845 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1846 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1847 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1848 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1849 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1850 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1851 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1852 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1853 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1854 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1855 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1856 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1857 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1858 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1859 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1860 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1861 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1862 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1863 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1864 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1865 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1866 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1867 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1868 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1869 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1870 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1871 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1872 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1873 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1874 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1875 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1876 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1877 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1878 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1879 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1880 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1881 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1882 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1883 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1884 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1885 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1886 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1887 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1888 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1889 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1890 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1891 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1892 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1893 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1894 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1895 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1896 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1897 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1898 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1899 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1900 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1901 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1902 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1903 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1904 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1905 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1906 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1907 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1908 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1909 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1910 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1911 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1912 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1913 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1914 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1915 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1916 when your orator 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the taxes thereon until the year 1928 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1929 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1930 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1931 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved 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his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1956 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1957 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1958 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1959 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1960 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1961 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1962 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1963 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1964 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1965 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1966 when your orator was of the age of twenty years and upwards and then your orator and his brothers and sisters continued in possession of the said Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1967 when your orator was of the age of 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Tract of land and dwell house and mill and improved the same and paid the taxes thereon until the year 1999 when your orator was of the age of

and the enjoyment thereof (4) together with with
whom she intermarried, until her decease which happened
on or about the day of in the year of our Lord
179 Your Orator further sheweth that the other
devisees named in the said last will Davis Thompson
and Francis Thompson disposed of their interest in the
said tract of Land proceeding out of the will of the
said David Thompson and in consequence thereof the
said Davies part lies in and is occupied by one
Seth Kent and Obey Johnson and that part of the said
Tract of Land to which the said Francis was entitled
lies in and is occupied by John Parsons and that after
the decease of the said Mary it was agreed by your Orator
and the said that the Court of the said County
of Hampshire should be requested to nominate and appoint
Edward McCauley John Jones and Reading Colmes or any two
of them to divide the part of Land devised by the Sd
David Thompson as aforesaid agreeable to his will the meeting
and twice acres excepted, assigning to your Orator and
the said their respective parts of the said tract
which said division was to be as conclusive & binding
upon your Orator and the Sd as if it had been
made by a deed of Partition with the usual legal
solemnities and that in consequence of said agreement
at the September term of the said Court at the request
of your Orator and the said an order was made appointing
the persons aforesaid to transact the Business aforesaid
a copy whereof is here annexed as part of this bill
and that a division of the said tract of Land
was made pursuant to the said order returned to

the court of the said county of Hampshire who ordered the same to be recorded to which your orator begs leave to have reference and prays that the same may be taken as a part of this bill complaint your orator further states that after the said division had been made he trusted that the said defts would have been satisfied therewith which would have been the case had Equity and Justice influenced the said the said division having been fairly and justly made but now so it is may it please your worships the said who your orator prays may be made defendants to this bill of complaint combining and confederating with each other and also with divers persons unknown to your orator who when discovered he prays may be made defts hereto under various pretences refuse to abide by the division aforesaid and encourage that the said division is not obligatory on them all which actings and doings are contrary to Equity and good conscience in under consideration whereof and forasmuch as your orator is remediless by the strict rules of the Common Law and can only be relieved in a Court of Chancery To the end therefore that the said defts may be compelled on their corporal oaths full true and perfect answer make to all and singular the premises as fully as if the same were herein again repeated and interrogated and that the said division may be established agreeable to the report & decree

thereof hereto annexed as aforesaid by the decree of this court and possession of that part of the land withheld by Lepe Kent and those claiming under him delivered to your Orator and such further and other relief extended unto your Orator as may be agreable to Equity & good Conscience may it please your worships to grant unto your Orator the ever mostly writ of Subpoena to the said defts directed —

Tho. one of the said defts Lepe Kent hath possessed himself of a part of the land to which your orator is entitled by said division and refuseth to deliver up possession thereof —

Whereupon time was given the defts until the then next rule days to answer to the said bill —

December Rules 1798 continued for answer
January " — 1799 — Same
February — " — " — Same

And at Rules held in the said Court in March 1799. on the motion of the said compl (The Defts still failing to answer to the said bill) an attachment was awarded him against the said defts returnable to the next quarterly court — which was issued in the usual form and returned in these words "Executed on Olly Johnson Esq. Thos. Mullady DS for Thos. Collins". And at rules held in the Clerks office of the court of the said County in June 1799. The said defts still having failed to file their Answers to the said bill on the Motion of the said Compl by his counsel another attachment with proclamation was awarded & issued against the said defts returnable to the then next Court — which was accordingly issued, and returned in these words to wit

Not found Thos. Mullady DS for Thos. Collins"

And at rules held in the Clerks office of the Court in August 1799. The attachment with proclamation issued in the said cause not having been executed as aforesd on the motion of the said Compl an alias attachment was awarded against the said Defts returnable to the next Quarterly Term which was accordingly and returned in these words

"Ex.d on Inq. Reasoner Thos. Mullady DS for Thos. Collins"

And at rules held in the Clerks office of the said Court in November 1799. The alias Attachment aforesd having been only partially executed as aforesaid a pluries attachment with proclamation was awarded against the said Defts returnable to the then next Quarterly Term which was issued accordingly and returned in these words to wit "Not found and made proclamation according to law. Jno. Carson DS for F. White"

March Rules 1800. Con.d on Rule
April " — " Same
May " — " Same
June " — " Same

July Rules 1800 Continued on Rules
August " " Same
September " " Same
October " " Same
November " " Same
December " " Same
January " 1801 Same
February " " Same
March " " Same
April " " Same
May " " Same
June " " Same
July " " Same
August " " alias pltt attachment with proclamation
November " " Continued
December " " Same
January " 1802 Same
And at a court held for the said County the 15th day of February 1802 on the motion of the Sd Compltt by his counsel It was ordered that Rodham James should be made a deft in the said Suit

And at rules held in the Clerks office of the court of the said county in March 1802 came the said compltt by his counsel and filed his amended bill in the said cause which said Amended bill is in the following words and figures viz.

To the worshipful court of Hampshire County now sitting in Chancery the amended bill of Complaint of John Thompson heir at law of David Thompson decd. also devisee named in and by the last will and

Testament of the said David Thompson respectfully complaining showeth unto the Court that the at the period of time mentioned in the bill heretofore filed by your orator in this cause he said David being seized of the tract of land as therein mentioned situated as therein mentioned did duly make & publish his last will and Testament thereby disposing of the said tract of land in the manner and words expressed in said bill to which &c. bill your orator begleave to have reference as a part of this bill of complaint praying that it may be received as such. Your orator further states to the court that all the different matters things facts and allegations contained and stated in the said bill of complaint are correct just and true with this exception to circumstance that hath been lately come to the knowledge of your orator that is to say that by manuvers calculated to stifle or giving the most favourable construction that charity can admit of to the machinations of two of the defts to the said bill of complaint Rowedy of Thos Johnson and Jesse Hall for the purpose of impeding and delaying the administration of justice a part of the said tract of land conveyed by the said Thos to Johnson they the said Johnson to Rowe which Information hath been collected by your orator from the answer filed by the said Thos Johnson to the said bill of complaint to which your orator hath reference & that the court will refer thereto of necessary for

information hath formerly been conveyed by the said Sent. to a certain Rodham Lewis who gave evidence together with all the other defts in the said bill mentioned prayed may be made defts to this bill Commencatory thereof that the said defts may that they may —

Whereupon the said cause was continued until the then next rule day for the defts to file their answers to the said bill

April Rules	1802.	Continued for answer
May "	"	Same.
June "	"	Same
July "	"	Same
August "	"	attachment
September "	"	Continued
October "	"	Same

And At rules held in the Clerks office of the court of the said county in November 1802 came the parties aforesaid by their counsel and thereupon the defts filed their respective Answers to the compts bill of Complaint in the said cause which answers are in the words and figures following to wit

To the worshipful court of Hampshire County sitting in Chancery The separate Answer of John Reasner to a bill of Complaint exhibited against him and others by John Thompson — This respondent answering saith that true it is that he became entitled to that part of the land mentioned in the Complaints bill which was devised to —

Davis Thompson that at a Court held for said County in the month of September 1799 an order was made by the consent of the Complaint and the other parties concerned that John Jones Fleming Palmer and Edward McCarty should make a division of the Land in Question and make a report thereof to the court of said County That on the 19th day of November 1799 the S.d persons appointed as aforesd to make the said division did make it and have returned their report thereof to the said court which report is recorded Among the records of the County court aforesd which said records are made a part of this answer. This Respondent further saith that the said compltt was perfectly satisfied as this Deft believes with the division made by the three persons appointed to make the same as aforesaid and this Respondent prays to be hence dismissed with his reasonable costs by him in this behalf expended —

Sworn to in Court. aug.t 19th 1800

Ad Woodrow Clerk

The Answer of Riley Johnson to a bill of Complaint exhibited against him and others in the court of Hampshire County by John Thompson. This deft saith the usual exceptions & Generations in answer to the said bill as so much thereof as he is advised it is material or necessary for him to answer unto he answereth & sayeth that he purchased —

the Deft Kents title to the Land in the bill mentioned for a valuable consideration and a deed now of Record in this court was made by Kent to him for the same, since this Transaction Rodham Lacey hath became the owner of the said Land by a purchase from Kent this Deft having previous thereunto sold it again to Kent and at his desire conveyed the same to Lacey by deed now also of Record in this court. This Deft knows nothing of his own knowledge of the division mentioned in the bill except that Kent has informed him that he was dissatisfied therewith having now no title to the land he refers for a full defence to Rodham Lacey who being interested he is advised thereto make a Defe by himself this Deft denies all combination &c without that &c all which matters &c he is ready to prove as the court shall direct and prays to be hence dismissed with his costs in this behalf sustained &c

Sworn to in open court
Octr Term 1807.

Andrew Crowe Clk

The Answer of Rodham Lacey to a bill filed against him and others by John Thompson in Hampshire County court. This defendant with the usual exceptions and reservations answer to the said bill or to so much thereof as it is material or necessary for him to answer unto he answereth and saith that he is now proprietor of the Land formerly owned by Lepe Kent and mentioned in the bill and became so by fair purchase this deft charges that the division mentioned in the bill

is inequitable and of course integrous then from as this court he is advised meaning the same things and as the same was made in a manner not warranted by strict Law as he is informed equity to whom as a court is now made will not confirm it or supply defects without construing the party applying to do Justice he prays a new division by Man disinterested and being willing to do equity he hopes to obtain it he denies all combination &c without that that &c all which matters and things he is ready to aver and prove as this court shall direct he prays to be hence dismissed with his costs in this behalf sustained &c.

Humphrey &c

Sworn to in Court

Andrew Crowell

November Term 1852.

Whereupon the said complt saving to himself all advantages of Exception to the insufficiency of the answers aforesaid for Replication thereunto says that all and every the matters and things in and by his said bill of complaint already said he willing stoutly maintain and prove to be good and sufficient in the law to be answered unto in such manner as the same are therein and thereby set forth and declared &c that the answers of the said defendants unsure and insufficient in law to be by the said Replicant replied unto for divers manifest imperfections and uncertainties therein contained The Benefit of exception whereunto being then and at all times saved to the said Replicant, for further Replication said that &c and that the matters

contained in the said bill of complaint were altogether
relevable in this worshipful Court & without that that any
any other matter or thing in the answers aforesd of the said Defts
contained materials or effectuals in the law to be replied
unto and thereby not well and sufficiently replied unto
Confessed or avoided traversed or denied was true all
which matters and things the sd Replicant was ready to aver
maintain and prove as the Court should award and
humbly prayed as in and by his said bill he had already
prayed and by consent of the said parties one or more
commissions were awarded them for taking the deposition
of their witnesses in the said suit giving each other
reasonable notice of the time and place of executing the
same –

December Rules	1802	continued for depositions
January "	1803	Same
February "	"	Same
March "	"	Same
April "	"	Same
May "	"	Same
June "	"	Same
July "	"	Same
August "	"	Set for hearing by complaint
November Court	"	Con.d Compt.n Pltf commission for commissions
March "	1804	continued

At June Court 1804 abated as to James he being dead
and it was ordered that Subpoena issue against Hudson
James and Thornton Bazey James devisees of the said
Roxham James dec.d to cause them to appear and

answer a bill of Review to be exhibited against
them in the said court and the said cause was
continued as to the other defts until the then next
Court – Which said Subpoena was accordingly
served in the usual form – On which is endorsed the
following return viz.t "Executed John Blair D.p for Ahnis
July Rules 1804 continued for bill v James
And at a Court held for Hampshire County aforesd
the day of August 1804 the said suit was –
continued against the Defts Johnson and Reasoner
until the November then next following
August Rules 1804 continued ag.t James
September " " Same
October " " Same
November Court " Con.d ag.t Johnson & Reasoner
November Rules " Continued ag.t James
Dec.r " " Same
January Rules 1805 Same
February " " Same
March " " Same
April " " Same

And at Rules held in the Clerks office of the court
of the said county in May 1805 came the said
Complt by his Counsel and filed his bill of
Review in the said cause which sd bill is in the
following words and figures viz.t "To the Court of
Hampshire County now sitting in Chancery The bill of
complaint of John Thompson respectfully sheweth –
That several years ago he commenced a suit in

against a certain Jesse Hart and others to establish a partition (or division) of a certain tract of land lying in the County of Hampshire bequeathed by the last will and Testament of his deceased Father to The proceedings had in which said suit your orator prays that this bill may be annexed and considered as a part. That Roxham James a deceased thereto lately departed this life having previously made his last will and Testament whereby his Interest (if any he hath) in a part of the land in the bill mentioned hath been bequeathed to Rucah James his widow Thornton Basey James his Son and Elizabeth James his Daughter Infants under the age of twenty one years who your orator prays may be made defts to this bill and that the proceedings aforesaid may stand revived against the said defts so that they may answer the premises as fully as if herein again interrogated to answer thereunto the deft Thornton Basey by a guardian to be appointed by this court that the partition aforesaid may be established and such other relief afforded to your orator as may be agreeable to Equity & Good conscience may it please &c.

and thereupon time was given the said defts until the then next rules to answer to the S.d bill of revivor

June Term 1805. Ord.d against Johnson &c
June Rules " continued against James's
July " " " Same

At a Court continued and held for the County aforesaid the 22.d day of August 1805. Lewis Vandewier was by the court appointed Guardian to the said Thornton B. James & Elizabeth James. for the purpose of managing their defence in the said

Bill — & cont. against the other defts
September Term 1805 — cont. for answers of Lamy &c
October " " " " Same

And at a court held in the Clerks office of the said Court in November 1805. Came the said Deft Hulda James & Lewis Brewer Guardian to the said Defts Thomson Barry James and Elizabeth James by their counsel and filed their answers to the said bill which Answers are in the following words and figures to wit

The Answer of Hulda James widow and Relict of Rodham James dec.d to a bill filed against her and others by John Thompson in Hampshire county court

This Deft saving all exceptions to said bill in Answer thereunto says that she is ignorant of the matters stated in the bill but is aware and believes the division sought to be established is a most unequal one and therefore hopes a division founded on equitable principles will obtain she denies all combinations &c without that &c all which &c and prays to be hence dismissed with costs &c

Hulda her + mark James

Hampshire Set.

Personally appeared Hulda James — before me a Justice of the Peace for said County & made oath that the foregoing answer to the above recited bill contains the truth so far as she knows or believes —

Given under my hand this 22.d Novem.r 1805

John Snyder

The answer of Thornton James and Elizabeth James children of Rodham James decd. infants under the age of twenty one years by Lewis Bauserman their Guardian for that purpose appointed by the court of Hampshire County to a bill filed against them &c by John Thompson in the court of Hampshire county aforesaid —

These defts saving all exceptions to the Bill in answer thereunto by their said Guardian say that they are ignorant of the matters stated in the bill and being infants of tender years they throw themselves under the protection of the Court and pray that their interest may be attended to they by their Guardian say all combinations &c without that that &c all which &c and pray to be hence dismissed with their costs &c

Hampshire County Court

Lewis Bauserman made oath before the subscriber a Justice of the peace in and for said county that the statements in the above answer is true to the best of his knowledge and belief Given under my hand this 19th Nov. 1815.

John Snyder

March Court . 1816 . . . Continued

June " . . " . . . Same

And Now At this Day to wit at a court continued held for the county aforesaid the 21st day of August 1816. This cause came on this day to be heard upon the bill demurrer bills, bills of Review answers & Exhibits and depositions filed thereon whereupon the court after hearing the arguments of counsel and deliberating thereupon are of opinion that the division of the land devised by the last will and testament of David Thompson decd. as in the bill prayed for ought to be established agreeably to the plant of survey made by the persons in the said bill mentioned said plant being a part of said bill / and the said division is accordingly established and do order and decree that the defts Hannah James Thornton Barey James and Elizabeth James the two latter by their Guardian if such they have do deliver up to the Plff. peaceable possession of all and every part of the land to which he is entitled by the said division / and this decree establishing the same / of which the said defts are now possessed upon being served with a copy of this decree and it is further decreed and ordered that the said plff shall recover his costs expended in the prosecution of this suit of the Ds defts the defs Reasoner excepted saving to the Infant Defendants all such privileges and rights as they are entitled to by the laws of this commonwealth and are consistent with Equity and good conscience

From which decree and order of the court the defts prayed an appeal to the next Chancery District court to be holden at Staunton and they having entered into bond with sufficient security conditioned as the law directs the same is granted. —

The Exhibits filed in the said Suit are as followeth —

In the Name of God Amen the 28th day of November one thousand seven hundred & seventy four I David Thompson of Hampshire County & Colony of Virginia Farmer being very sick and weak in body but of perfect mind & memory Do &c. and as touching such worldly Estate wherewith it hath pleased God to bless me in this life I give devise and dispose of the same in the following manner and form First I give and bequeath to Mary my dearly and well beloved wife the third part of my real estate during her natural life and likewise the third part of my personal Estate to be disposed of at her death to whom she thinks proper Also I give to my Son John Thompson one hundred acres of the Land I now live on Item I give to my Son David Thompson one hundred acres of the same tract and likewise I give to my Son Francis Thompson one hundred acres out of the said tract to be equally divided between the said three Brothers both in Quantity and Quality after the decease of

my wife. Item I give and bequeath to my wife and my
son John Thompson the Mill and twelve acres of land. that lies most
convenient to the said Mill towards the support or maintainance
of my five youngest children viz. Abraham Thompson
Isaac Thompson Mary Thompson Jacob Thompson and
William until such time as the said five children
comes of age I order that none of the said children
shall be bound out by my Executors and that my waggon
is to be kept on said Plantation towards the further support
of the said five children and not to be sold or appraised and
likewise that my Son David Thompson and Francis Thompson
shall have an equal share in said Waggon towards their
improvements on each of their plantations Item I leave to
my son Abraham a yearlin mare colt Item I leave
to Jacob a yearlin mare colt and to William a yearlin
mare colt if it should please God to call any of the said
five mentioned children before they have issue lawfully
begotten then their part of persons is to be equally
divided among the surviving children of the five
above named children Item I leave to my wife the old
black mare and her sucking colt without bandaging or
appraising the same Item I order and desire that all
my personal Estate shall be sold and equally divided
among all my children I likewise constitute and
ordain Mary my wife Executrix & my son John
Thompson Executor of this my last will and Testament
hereby utterly disallowing revoking and disannulling
all and every former by me made &c

David Thompson (Seal)

Signed sealed & delivered
in presence of us
Nicholas Scaver
John Colson

his
Margaret + Colson
mark
John Jones

Item I leave to my son David Thompson two yearlin Heifers
four and a Rifle Gun to be purchased for him out of my
personal Estate and to my Son Francis my own
Rifle Gun and likewise the Pattrons to be taken out
of my personal estate towards the Schooling of my
five youngest Children which I order my Executors to give
the said five Children this part to a Schoolmaster I promise
appoint will order to be as binding as that I have mentioned
of the within last Will and Testament &c &c

Signed sealed &c
In presence of us &c
Nicholas Lewis
John Colson
Mengues his + Colson
mark
John Jones

David Thompson (Seal)

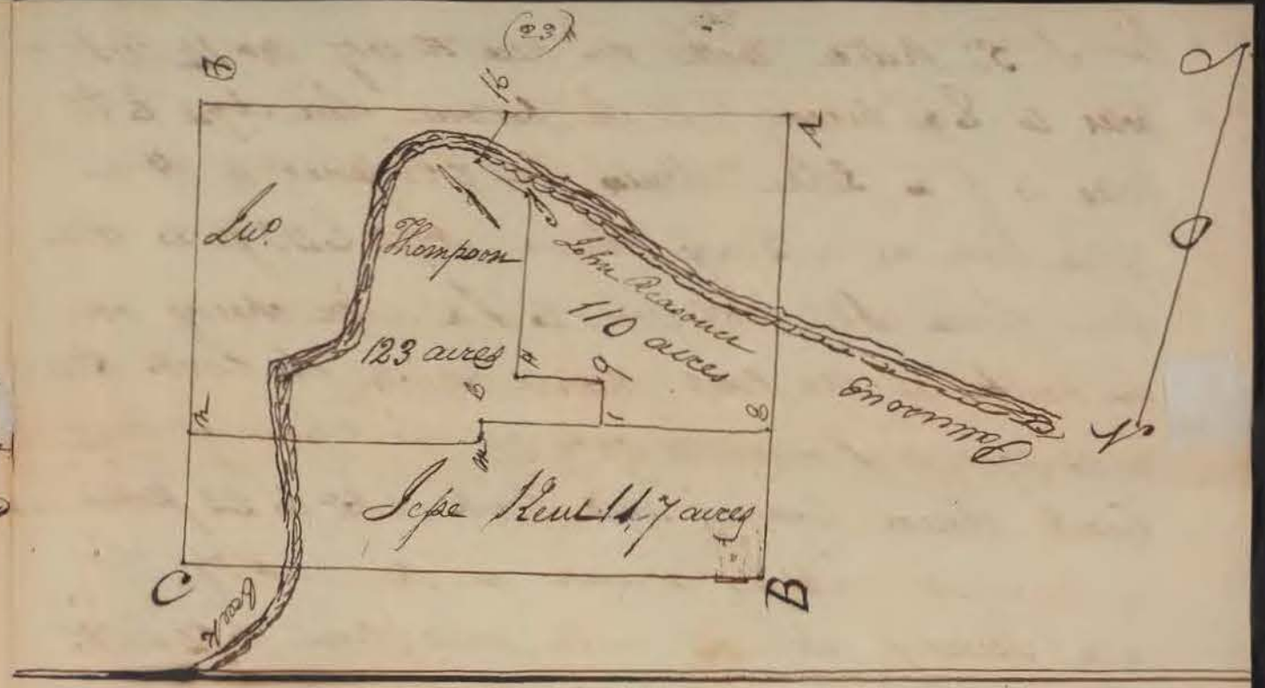
At April Court 1797 this Will was duly
proved according and the Executors qualified thereto
according to Law -

Copy Teste Archd Drennon Clk

Hampshire County Sct September Court 1797

Ordered that Edward McCarty John Jones and
Tolivar Balmes or any two of them divide the lands of
David Thompson amongst the devisees or their legal
Representatives according to his will (except twelve acres
therein particularly excepted by Consent of the
parties interested in the same, and that they do not
in any manner intermeddle with the said twelve acres
and make report thereof to the court

A Copy Teste Archd Drennon Clk



Novr. 12th 1797.

In Obedience to an order from the worshipful court
of Hampshire County to us directed we have divided
the lands of David Thompson decd between John
Thompson devisee of the said David John Reasoner
assee of the said David Thompson Junior devisee
and Sepe Rent assee of Francis Thompson devisee
&c being a tract or Lot of Land lying on
Patterson's Creek distinguished by Lot No 6 -
Beginning A a white oak corner to Lot No 5 thence
with the line thereof N 14 W 218 poles to B a
white oak corner to Lot No 7 thence with the
line thereof N 74 E 272 poles to C two black oak
Sumps in a fence corner to said Lot No 7 thence
leaving it S 14 E 218 poles to D a hickory in a
fence thence S 74 W 272 poles to the Beginning
Containing 359 acres. The plat now in the
possession of John Reasoner is bounded as follows
to wit Beginning at A a white oak corner to

Lot No 5. thence with the line thereof No 14 W 147 poles to B a hickory in the bottom then N 74 E 80 poles to J a stake thence S 14 E 20 poles to H a white oak on a Ridge thence N 74 E 40 poles to a pine thence S 14 E 88 poles to I a wild cherry on the bank of the creek thence down the creek S 74 E 20 poles to J a white oak in the banks of said creek thence bearing said creek S 15 W 24 poles to a white oak by a run in the line of the new survey thence with said line S 74 W 133 poles to the Beginning containing 110 acres —

The part in possession of John Thompson is bounded as follows. to wit Beginning at K a small white oak corner to John Reasoner thence N 74 W 139 poles to B a hickory in a field thence N 14 W 150 poles to a stake thence S 74 W 136 poles to M a stake in a field thence S 14 E 6 poles to L a stake by a pine stump thence S 74 W 56 poles to a post corner to Reasoner thence with Reasoners lines and corner S 14 E 20 poles to a white oak on a Ridge thence N 74 E 40 poles to a pine thence S 14 E 88 poles to a wild cherry on the creek bank thence down said creek S 74 E 20 poles to a white walnut thence bearing the creek S 15 W 24 poles to the Beginning containing one hundred & twenty three acres including the house acres more or less conveyed to the mills The part in the possession of Geo Kent is bounded as follows to wit Beginning at B. a white oak corner to lot No 7 thence S 14 E 74 poles to a hickory in the bottom corner to John Reasoner thence with his line N 74 E 136 poles

to a stake by a pine stump corner to Thompson thence N 44 W 6½ to a stake in a field thence N° 74 E 136 poles to a post corner to John Thompson thence N° 14 W 68 poles to two black oak stumps corner to Lot N° 7 thence with the line thereof S 74 W 272 poles to the Beginning containing 117 acres

Teste Wm Lynch
Mag. bar 1-15 E
Var on the line 4 degrees

Geo. W. Prue } CBS
Wm Spilman }

John Jones
Fleming Barnes
Edward McCarty

At a Court held for Hampshire County the 19th February 1798. This Plat and report of the division of the lands of David Thompson decd was returned and is ordered to be recorded

Teste

Archibald K. Lee

Hampshire Sct.

Personally came before me the Subscriber John Jones of lawful age and first being duly sworn deposeth and saith that some time in the fall of this present year he the dept was called upon by John Thompson to ascertain the quantity of land held by Lefe Kent and his aforesd from him which the said John Thompson was entitled to agreeably to a division of the land devised by David Thompson decd to his three eldest sons and after having measured the same I found that there

was mine and a half acres which the said John Thompson was kept out of the possession by the said Lyle Kent and his agt the whole of which was and still is tillable land and I suppose is worth about eight shillings the acre

one acre with the other and further saith this deponent that he has been Lyle Kent and Oatham in the possession of said Land since the time the division took place which was made by this deps. bro. Edward McCarty and Fleming Balmes Quest. by the depe

Did you include in the 9 pr as the breck —

answer. I did not

Quest. 2d In running the first line of Lyle Kents part of the land did you not pass over an old line formerly made in a former division

ans. I do not no anything about an old line

Q. 3d When you started from the second corner in the division did you not intend it to be a straight line

ans. I did until I came to the next corner

Quest 4. do you think I have as much bottom land as Mr. Thompson —

ans. Sure thou you have not but I think it is a great deale better

quest 5. do you think John Rawson has more bottom land than I have

ans. do not no exactly the number that either of you have — Quest 6. is the land you measured that is in dispute within the fence —

ans. Yes the 9 pr acres before mentioned is within the fence —

Sworn and subscribed to before me this 19th day of September 1803 at the house of John McMechan by consent of Parties both parties being present

Wm Fox

Pursuant to a dedimus to us directed from the County court of Hampshire we have this 19th day of April 1803 met at the dwellinghouse of Thomas Hauser in the town of Romney between the hours of ten o'clock in the morning and four o'clock in the Evening to take the deposition of sundry witnesses to be read in evidence on behalf of John Thompson in a suit in Chancery depending in said County court of Hampshire wherein said Thompson is compt. and Lyle Kent Abey Johnson &c. are defendants: The said John Thompson and Abey Johnson being present. whereupon John Jones one of the said witnesses of full age appeared and being duly sworn deposeth and saith that he was appointed by the county court of Hampshire together with Fleming Balmes and Edward McCarty to divide the lands of David Thompson dec.d — amongst his heirs that pursuant thereto he assisted in making a division of the said Lands and returned to the clerks office of s.d county a correct

plat and report thereof to which he offers to refer that he at the time of making the division thought and still thinks they made a just and equitable division of the said land

Quere by Deft Johnson - did not Jesse Kent soon after you made the division and before you returned the plat thereof to the court express to you his disapprobation of the division and request you not to return the the report thereof to the then next court answer Mr Kent was dispatisfied with the division and did request me not to return the report and I either told him I would not or that I should not attend the court - but that I returned the plat at the February court following

John Jones

Freeling Calmes deposeth and saith that he agrees with the above exposition except with respect to three poles in a short line running from letter M to C

Quest by Kent - did you not think they run too much of the pine hill in -

Answer. No.

F. Calmes

Sworn to before us

John Jack
James Dailey

Edward Moberly being of full age first sworn deposeth and saith that the division made

between John Thompson John Reasoner and Lefe Kent was a just and Equitable division without favor or affection to any person or persons whatsoever. Sworn before us this 16 day of August 1803 ~

Question by Deft. did you not intend when you laid off the land to Lefe Kent now in dispute when you run the first line from the black oak corner to Mrs Breeze to a hickory in the bottom corner to John Reasoner did you not intend the next line to be a strait one ~

answer. that the first line was strait to the first corner

Question by the deft. did you intend at the Beginning of the second line of this division to make an offset in the division line

Answer yes for intended to make as many offsets as would make an equal division

Question by the deft. did you not carry off more bottom in John Reasoners part than you did on Kents part ~

Answer I believe that Lefe Kent if there was any difference had more good land agreeable to the well than either of the other two

Thomas Collins

Francis Pollins

Hampshire Sct

Pursuant to a dedimus from the worship-
-ful the County court of Hampshire to us directed We
have taken the subscribers Depositions to be read as
Evidence in a suit in the said court in chancery
depending wherein John Thompson is plt and
Key Johnson & others defts

Thomas Shascarden of lawful age first sworn
deposeth and saith that in case the division
between Thompson Reasoner and Kent is
confirmed and this deponent was desirous to pur-
-chase he would make a difference of one hundred
pounds in favor of that part allotted to Seth
Kent and now in the occupancy of the widow
James and further saith not

Enoch Osborn of lawful age and first sworn
deposeth and saith that in his opinion the Partition
and division of the land between Thompson Reasoner
and Kent is unequal in quality and the disad-
-vantage on the part of Kent or in that part in
the occupancy of the widow James and further
saith not -

John Dowden of lawful age and first sworn depo-
-seth and saith that in the partition of the lands
between Thompson Reasoner and Kent the bottom
lands does not appear to be equally divided &
and Thompson appears to have an advantage
in the division exclusive of the twelve acres
which he is said to be entitled to and further
saith not

Lewis Vandever of lawful age and first sworn
deposeth and saith that in his opinion the Partition
between Thompson Reasoner and Kent is unequal
and that Thompson has an advantage exclusive
of the twelve acres which he is said to be entitled to
and further saith not

Taken at the House of Gersham Adams
agreeably to Notice in presence of John Thompson
in the County of Hampshire commonwealth of
Virginia this 28th day of October 1805

Before us

Wm Vance

John Snyder

Hampshire Sct

The depositions of Thomas Bloomback
andrew Lane Holleman Cowan taken before me the Subscriber a
Justice of the peace for s.d Cty in virtue of a dedimus by consent
of the parties to be read as evidence in a suit in the county court
of Hampshire in Chancery depending wherein John Thompson is
Plt & Rodham James & others defts

Thomas Bloomback of lawful age and first sworn being
questioned by Rodham James deposeth as followeth. Question
Do you suppose that agreeably to the lines I showed
to you this day that I have the true quantity
of land which I ought to have having due regard
to the quality and do you be of opinion that
the division of the lands between myself John Thompson

and John Reasoner is such as it ought to be. Answer, I cannot undertake to say, that the division is proper or improper neither can I say any thing as to the quantity or quality of the land from a mere view of it and further saith not —

Andrew Lare of Lawfie age and first sworn deposeth and saith on being asked by Rodham James as followeth. Question, do you suppose that I have the just quantity of land which I ought to have having due regard to Quality Have you an opinion that the division of the Lands between myself John Thompson and John Reasoner is such as it ought to be —

Answer think the part of land held by you, Rodham James the least valuable of the three and further saith not —

William Bowen aged 22 years and first sworn being asked by Rodham James as followeth. Question. do you suppose that I have the just quantity of Land which I ought to have having due regard to quality. and do you suppose the division between myself John Thompson and John Reasoner is such as it ought to be answer — Agreeably to the lines shewn to me by yourself I am of opinion that your Lands are the least valuable of the three tracts as divided and further saith not

Thomas Hollenback
Andrew his + mark Lare
William Bowen

Sworn to and taken before me this 15th day of March 1804

John Snyder

Appellees costs taxed
Fees - - - $ 29.27
Appellants costs including fees $ 19.08

Johnson &c
v
Thompson
&c

No 18
appeal

21 Aug. 1816

22 Nov 1816

Decree affirmed with
costs -