

See upstairs

Superior Court of
Chancery Records 2

1819-1822, pp. 370-377

John Thompson vs

Thompson & others

✓ 1823-48, S. C.

I Isable Thompson do hereby make
known to all to whom it may concern
That at the time ~~Richard~~ Thompson my
father will'd his Estate real and person-
al to me there was a verbal agree-
ment between my said father and
my self That in consideration of the
said will I should give out of the
said estate as much to my mother
as in my opinion would be a decent
maintenance for ^{any} ^{during} her natural life
and further after satisfying myself
for my trouble I should make an
equal divide of the whole estate
with my brother ~~Alvin~~ Thompson
and my sister Nancy Hubbard
Given under my hand and
Seal this 4th day of June 1810

Iste
S. W. H. my

Isabel Thompson 


Andrew Cadwell

against
John Thompson decd, defendant } a Chancery

This cause came on this 6th day of June in the year of our Lord 1821 to be finally heard on the bill of the Complainants and exhibits, the answer of the defendant, and the depositions of witnesses and was argued by Counsel. And it appearing to the satisfaction of the Court, by an attested copy of the decree of the Superior Court of Chancery at Weythe Courthouse, from which there has been no appeal prayed or granted, that the will of Richard Thompson deceased, exhibited in this cause, is established to be the true last will and testament of the said Richard deceased, under which, and the agreement of the complainant Isabella, also exhibited in this cause, the Complainants Isabella John Hibbard and Nancy his wife late Nancy Thompson and Abner Thompson are equally interested in the estate of the said Richard deceased, viz that the said Isabella, Nancy, and Abner, being the only children and heirs of the said Richard, are so interested; and it also appearing to the Court that the said Richard in his lifetime, bought of the defd John, the land in the bill mentioned, and fully paid him therefor; therefore it is ordered adjudged and decreed by the Court, that the said defd John Thompson, within six months from the rendition of this decree, convey the land in the bill mentioned to the Complainants Isabella, Nancy, and Abner, with Covenants of general warranty against all persons whomsoever; and that he pay to the Complainants their costs in this behalf expended. And it is further ordered adjudged and decreed by the Court, that as to the other matters in the bill alleged, that the said bill be dismissed without prejudice to the rights of either party, which, they may hereafter pursue at law.

From which decree the defendant prayed an appeal to the Superior Court of Chancery held at Weythe Courthouse, which is granted on his entering into bond with good security in the penalty of \$2,500 with the clerk of this Court or with the Clerk of the said Superior Court of Chancery, or before the first day of the next term of the said Superior Court of Chancery.

a Copy

Teste

James J. Carrell D.C.

of Chancery, holder at Wythe Court House.

The Bill of complaint of John Thompson, humbly represents -

That your orator being the owner of a tract of land in the County of Russell, upon which some attempts had been made to procure salt water, on the 18th day of March 1814, entered into the following agreement with his brother Richard Thompson and one John Hibbard, to wit; your orator authorized his said brother & Hibbard to work at a well (on said land) laid off and erected by Christopher Rappaman for the purpose of obtaining salt water, and the said undertakers obliged themselves to make a speedy & sufficient effort

very of the same, and if they succeeded in water, sufficient to support good works, the said

hard was to pay your orator fifteen hundred dollars, worth of salt and said Hibbard was to pay your orator two thousand dollars worth of salt, to be paid and delivered in the County of Claiborne, State of Tennessee near Logansport at the customary selling price, there. To be paid and delivered as follows. To wit; \$500. worth to be paid within the first year that the works commenced, and the other \$3000. worth to be paid and delivered in three annual payments, next succeeding and your orator was then to relinquish all right claim, and title to the aforesaid premises when the above was complied with - The premises to be divided between the said Richard & said Hibbard as they should thereafter agree - for the performance of which agreement the parties thereto, bound themselves their heirs &c. in the

sum of \$7000 - as will more fully and at large appear by
the said agreement reduced to writing and sealed
with their seals on the date aforesaid, a copy of which
is herewith exhibited as part of this Bill - the original
being deposited in the hands of _____ for safe keeping

Your Orator would further shew, that during the year 1814 -
the said Richard Thompson and Hibbard, done some work at
said Well - but did not find salt water - Since that
time nothing has been done, your Orator has often
implored them to pursue the said work in the spirit of the
agreement; and finding that they would not do any
thing, has requested them to Cancel said agreement
and pay him for the loss which he has
in not having the use of his property, with
plantation, but they have refused to go on with
the work or relinquish their claims under said agreement.

The said Richard Thompson some time in the year 1816
departed this life, leaving a last will & Testament, whereby
he gave (after the payment of his just debts) all singular
his goods & Chattels lands & slaves to his daughter Isabella Tho-
pson, to be by her fully possessed and enjoyed and disposed
of as she may think proper. Which will was admitted
to record in the County Court of Russell and the said Isabel
and Henry Dickenson took out letters of administration thereon
with the will annexed;

Your Orator would further shew, that since the death of
said Richard, he has made repeated applications to
the said Isabella & said Hibbard to carry on the business

or pay your Orator his 3500 bushells of salt
or give up their claims and pay such damages as he
has sustained, but they refuse to do any thing, some
times alledging that they have their whole life, to perform
this undertaking, at other times, saying that, they consider the said
land their own, at all events - and threatening your Orator
to set up their claims, if he should dig himself and
get salt water - now so it is may it please your Honor
that your Orator, fully believes, that salt water might
be obtained in said Well, by some exertions, and your
Orator is anxious to make those exertions himself or
for those who will, but he is deterred
from getting any thing, consequence of the pretension
of the said Stebbard and said Isabella Thompson, nor
will others purchase until their claim is finally
disposed of, In tender consideration whereof, and in as
much as your Orator is remediless at law, and can
only obtain redress in a Court of equity, where contracts
are specifically decreed and when deemed proper, cancelled
and justice done. To the end therefore that the said John
Stebbard, Isabella Thompson, devisee of Richard Thompson
deceased and the said Isabella Thompson & Henry Dickinson, are
and admit to the Bill annexed of Richard Thompson deceased, may be
made defendants to this Bill, and answer the same upon
their Corporal Oath - that the said agreement may be cancelled
or the defendants Compelled to pay the 3500 bushells of salt
for the said Land; and that an account be taken of the

time of making said contract, until your Orator shall get
possession thereof, and if necessary that an issue may be
directed to be tried to ascertain what damages your Orator
has sustained in consequence of the failure of the cists.
and the said Richard Thompson to execute said agreement
that the cists may be compelled to pay, such rents & profits
and damages and surrender up possession of said
land to your Orator; and that he may be quieted in his
said possession: And that your Honor may grant such
other and further relief as your Orator case may require
and belong to justice. May it please your Honor
the contrary writ of spa &c

Thompson

John Thompson

Bill

Thompson Brothers

1821. June Bill filed. July dis-
by order of Bth as to all the
Defts except J. Thompson, John
Hillins, Eliza S. Habeler, Philip
and the Dickinsons and of
J. Thompson and Habeler for
their answer - August, Lane
Sept. Quinn - October and
of Habeler & Thompson, King
in Court Genl. Sept. 17. Court
aton. Court - Dear Sir.
1822. January, February,
March Lane - Advice sent
for hearing by Bth -

Contract to be cancelled, &
not delivered Ptt - Bth.

But that occasion for
of. of realty & property
or what evidence of fact
sustained by Ptt.?

written after or per receipt

Bth Costs

Tax	1.30
cc	16.67
C	12.72
m	9.94
Com	3.12
Wash	4.24
\$	48.19
	70
m	17.01
	65.00

by the district. The answer of Isabella Thompson
of the County of Russell.
to the bill of Complaint of John Thompson exhibited
in this Honorable Court against her and others.

This deft answering all benefit of exception to the said
bill answering verily. That she knows ^{not} what plan
of the Complot ^{which} was ever in the possession of this deft's
father and John Hibbard on lease. The Complot had a
small entry perhaps of 50 acres unimproved, upon
which one of those impostors called water witches
named Reynesson, had shewed him where to dig for
salt water, with the assurance of success usually
given by such persons, to their employers. The father
of this deft was seduced by the representations of his
brother the Complot in whom he had great confidence
to engage in sinking ~~together~~ with Hibbard, at the place
marked by Reynesson, for salt water, and they in
good faith at considerable expence prosecuted their
researches for salt untill the death of Richard Thom-
pson the father of this deft, which happened in June
1816. at the death of Richard Thompson Hibbard
and himself had dug and bored at ^{the} well 200 feet
in depth without meeting with those appearances
and indications of success which would have induced
a reasonable man to have made further expence in
the search: and this deft contends that this experi-
ment is all that her father was bound to make and

his agreement with an order the court; saying one
has no doubt that from his mistaken Confidence in the
Compt. he would have bored the well deeper, as he was
engaged in so doing the day preceding his death. But
his debt is confident that all attempts to procure salt
water in that place sufficient to be valuable will
prove abortive. At the death of the said Richard the
deft offered his will for probat in the County Court of
Russell and although the Compt was one of the
witnesses thereto he contested the probat thereof alleging
that the ~~children~~ ^{children} of Richard Thompson were illegitimate
and that he ^{was entitled to the whole estate under} ~~was entitled to the whole estate under~~
~~former will.~~
~~proposed~~ ^{was} ~~his~~ ^{will.} The said County Court suffered
the will to be proved and granted administration
with the will annexed to Henry Deckerston and the
deft from which decision the Compt ~~appealed~~
appeal but filed his bill in this Honorable
court to Contest the probat of said will and to set
it aside on the ground aforesaid, which was
pending for some time and finally dismissed.
During the pendency of these suits, the deft ~~brings~~
~~the illegitimate children of Richard Thompson~~ ^{Richard Thompson}, could not
tell whether she would inherit any part of the estate
devised to her and did not feel bound to carry her
father's Contracts into execution until that fact
was

as ascertained; indeed she had not the means if those suits
had been decided against her: so that she contends she
was prevented by the Complt from making further
researches, if further researches had been necessary
which she contends after the sufficient effort made by
her father & Hubbard it was not. This deft never refused
to deliver possession of the said well nor to Cancel the
said agreement. She was never spoken to on the sub-
ject by the Complt and she never had the well in pos-
session nor claimed any title to it under the said
agreement or otherwise. In fact the Complt claims
it and all the property of which Richard Thompson
did seized and possessed ~~wrongfully~~ ~~which was not~~
that this deft always since the death of her father con-
sidered the said well & land in the Complt's possession.
The moment it was ascertained that this deft held the
property of her father as his devise she wrote to the
Complt living in Tennessee 120 miles from her re-
sidence offering him the free possession of the well and
said ^{and to Cancel the Contract as far as she might be supposed to be bound} and announcing that she had no claims to it, so
that that part of the Complt's bill which charges that
she refused to give up the well or to abandon the
agreement is utterly untrue. This deft has heard and
believes that whilst the Complt was contending for the
property of Richard Thompson he applied to Hubbard
to sink the well deeper, and that Hubbard told him
that as he claimed the whole estate of Richard Thom-
son under a former will if he would assist in sinking
the

well he would bore deeper which the Compt. refused.
This debt never had any plantation of the debt in her
possession nor had her father or Hubbard except the
plantation her ^{father} purchased from Compt and which he
compelled this debt to recover by suit in the County Court
of Russell from which the Compt has appealed to this Court.
There is no improvement on the 50 acres on which the well is
and it is not worth \$100 unless salt should be obtained of which
there is no reasonable expectation. This debt nor Hubbard as far
as she knows or believes never prevented the Compt from
prosecuting researches for salt at the well aforesaid nor from
making sale of the land to others. This debt supposes that for
some reason why the Compt has not sold the said land if
ever offered it for sale is, that he could find no person for
enough to purchase it being steep hills and worth nothing
except for timber. This debt prays to be hence dis-
missed with her Costs &c.

Estelle for
Debt

Washington County Town

This day Isabella Thompson made oath
before me the undersigned a justice of the peace for
the County aforesaid that the statements in this answer
made as of her own knowledge are true. and that
those made on the information of others she believes
to be true Given under my hand this 29th
day of Sept 1891 - Arthur Campbell.

To the Honorable John Brown Chancellor of the May the
district. The answer of John Hibbard of the County of
Russell, to the bill of Complaint of John Thompson of the
County of Claiborne and State of Tennessee exhibited in
this honorable Court against him and others. This deft saving
all exceptions answering saith.

That one of those impostors, called water witches,
with which the Country abounds, Christopher Rynerson by
name, being employed by this deft and Richard Thompson
to find salt on the lands of the Complt where there were
in the opinion of this deft some indications of salt, and he
some previous trifling researches; the said Rynerson marked
a spot as the most suitable of any on the land to sink a
shaft, stating that good salt water would be found at the
depth of 128 feet from the surface. By the agreement
exhibited by the Complt no particular depth is mentioned
which this deft and his partner Richard were to explore the
earth, but it was the understanding of the parties that the
reasonable depth, ~~and the deft~~ strong appearances and in-
dications of salt presented themselves, this deft and his par-
ner Richard Thompson were not bound to expend further
labour in the business viz that they would be very much
regulated by the appearances which the earth presented
in their descent, as to the depth to which they would per-
sist. The said Richard and this deft went on in good
faith according to their agreement with the plt to search
for salt, and ^{at great expense & trouble} penetrated the earth to the depth of 200 feet
through a solid hard rock, commencing within three feet
of the surface of the earth, and intended to have made
further research when the said Richard departed this
life; shortly before which this deft had entered into a
written agreement, with his partner Richard Thompson
to make the further researches contemplated, himself &
Immediately after the death of said Richard the plt commences
this deft means that Richard Thompson was to make them vide his depositions dep.
This is no part of the answer but is added by me as an explanation. B. 2nd still.

that course of litigation to set aside the last will of the
said Richard and to establish a former will of his, and
claiming with others to be heirs of said Richard in ex-
clusion of his children which he alleged were illegit-
imate, which finally ended about the year in
this Honorable Court, by the affirmance of the judgment
of the County Court of Russell establishing the said Rich-
ard's last will by which his whole estate was devised to
his daughter Isabella, and which she afterwards equally
divided with her brother & sister the wife of the deft.

During the pendency of this suit, this deft. was prevented there-
from making any arrangement with Isabella and the other
children of Richard Thompson to carry on the researches
for fact, not knowing ~~whether~~ they would eventually obtain
any part of Richard Thompson's estate. During this controversy
the Complt. resided in Tennessee, and was seldom seen by the
deft. but the first time he saw the Complt. after the said
controversy was determined, he told him he abandoned the
said Contract, being satisfied with the researches already
~~and~~ successfully made; and has never set up any claim or
any manner prevented the Complt. from disposing of the
premises since. This deft. denies that the Complt. frequently
required of this deft. and Richard Thompson to make further
researches; he did once apply to this deft. shortly after the
death of Richard Thompson, to go on with his researches.
This is the only application of the kind ever made by the
Complt., and this deft. then informed him that he could not go
on by himself, that if Complt. would procure another per-
son to take the place of Richard Thompson, he would make
further researches, but that Complt. by disputing the will
of said Richard and claiming to be his heir had prevented
any of Richard's children from either assisting him to
explore the earth, or to give up the Contract, as until
the decision of the Cause they did not know whether they
had any interest in the Contract of their father & this

deft with Complt. ^{our depts are answered}
Isabell and Abner the two children of Richard Thompson
have never since the termination of the dispute about their
father's will, set up any claim to ^{the} lands or contract of
oresaid which the Complt well knew and need not have
applied to his honorable Court to enforce a relinquishment
of claim which the defts never set up. This deft knows
not what the Complt means by his statement, that he has
been prevented from occupying his valuable farm. The lands
to which the Contract aforesaid relate are wood land without
any improvement and being all hills are worth nothing
for cultivation, and since the unsuccessful experiment
made for salt by Richard Thompson and his deft, they are
not sell in the opinion of this deft for any thing nor are
they worth any thing. This deft contends that Complt has
sustained no injury whatever, that a full and satisfactory
experiment has been made on the lands of Complt in the
true spirit and meaning of the said agreement, and even
if such experiment had not been made that it was owing
to the wrong of Complt which prevented it, and that neither
he nor others are disposed to hazard money in further ex-
periments for salt on those lands. This deft having fully
answered ^{and denying all fraud.} ~~prays to be~~ hence dismissed with his costs &c.

Estill for deft

Russell County Tourist

This day John Hilford made oath before me that
undersigned a justice of the peace for the County aforesaid
that the statements made in the above answer as of his own
knowledge are true, and that those made on the informa-
tion of others he believes to be true. Given under my
hand this 11th day of April 1822.

Williams Price Jr

Virginia,—to wit:

AT Rules holden in the Clerk's Office of the Superior Court of Chancery holden at Wythe Court
House for the District of Wythe the 28th day of September 1891

John Thompson -

against

John Hibbs, Salina Thompson widow of John Thompson
son and the said Salina Thompson Hilary Thompson and Doyle
adversely with the wife and heirs of John Thompson and

The Subpoena awarded in this cause, being returned executed on the Defendant

AND three months since filing the bill and the service of the subpoena having elapsed, and
they still failing to file their answer, the bill of the Plaintiff is taken for confessed, and the

Court at a future day will proceed to, decree the matter thereof, unless the said Defendants on or
before the 3^d day of the term next after they shall have been served with a copy of this
Order, shew cause to the contrary.

at Large

J. B. Brown C.C.

THE COMMONWEALTH OF VIRGINIA,

TO

Gentlemen, GREETING:

KNOW YE, that we, trusting to your fidelity and circumspection, in diligently examining whatever witnesses may be brought before you on behalf of William de Klee & Edward de Greenway Bills against Francis de Camp Dieff

in a certain cause depending in our Superior Court of Chancery, holden at WYTHE Court-House, we command you or any one or more of you, that at such certain days and places as you shall appoint, you assemble yourselves, and the witnesses aforesaid, before you or any one or more of you, you call and cause to come, and diligently examine on the Holy Evangelists of Almighty God, and then examination into our Superior Court of Chancery aforesaid, distinctly and plainly, without delay, you shall send and certify inclosed, returning also this writ.

WITNESS JAMES E. BROWN, Clerk of our said Court, at WYTHE Court-house, the 6th day of October 1823, in the 48 year of the Commonwealth.

J. E. Brown

John Thompson has,
us.
Thompson's Heirs & Admin. } Appell.
} Appell.
~~John Thompson has.~~

The Court without deciding on the merits, gives to the
Appellants till the next term, to produce evidence of the transfer of a portion
of the right of the Appellee ^{in the land here} ~~Isabella~~ to the other appellants, & And
reserving the question of costs, directs that the cause be continued -

The Commonwealth of Virginia,

TO

Gentlemen, GREETING:

KNOW YE, that we, trusting to your fidelity and provident circumspection, in diligently examining whatever witnesses *may be brought before you on behalf of John Thompson & Co vs John Thompson & Isabella Thompson* *deceased of Richard Thompson decd. and the said Isabella Thompson Henry Dickerson admors. & Co.* *with the wife & minor of Richard Thompson decd.* in a certain cause depending in our Superior Court of Chancery, holden at WYTHE Court-house, we command you, or any one or more of you, that at such certain days and places as you shall appoint, you assemble yourselves, and the witnesses aforesaid, before you or any one or more of you, you call and cause to come, and diligently examine on the Holy Evangelists of Almighty God, and *their* examination into our Superior Court of Chancery aforesaid, distinctly and plainly, without delay, you shall send and certify inclosed, returning also this writ.

WITNESS, JAMES E. BROWN, Clerk of our said Court, at WYTHE Court-house, the *1st* day of *October* 1822, in the *17th* year of the Commonwealth.

J. E. Brown

THE COMMONWEALTH OF VIRGINIA, to the MARSHAL of the *Wythe*

Chancery District Court, Greeting.

You are hereby commanded to summon *Isaac Bibb, Isabella Thompson, & John Johnston, Betsey Johnston Thompson Johnston, John Robinson & Anna his wife formerly Anna Johnston, William Robinson & Rebecca his wife, formerly Rebecca Johnston, and Leanna Johnston Children of William Johnston dec'd by Luanna Johnston formerly Luanna Thompson and Henry Dickinson adm. with the will annexed of Richard Thompson dec'd* to appear before the Judge of *our* Superior Court of *Wythe* County, to be at Wythe Court house, on the *first day of the next term* to answer a bill in Chancery exhibited against them by *John Thompson*

And this they shall do on pain of £100. And have then these things writ.

Witness *James E. Dixon*, Clerk of our said Court, at Wythe Court house, the *15th* day of

February 1821 and in the 4th year of the Commonwealth

J. E. Dixon

Infant 567 (62) 21

Thompson

as J. Co. Deviser

Held on 1st

Executed on John
Hibbard & Leabella

Thompson April 1822
~~Harold Smyth~~ ~~Mass.~~

an Henry Dickinson

Feb. 3. 1824

Attornies to J. Co
for

Harold Smyth. M. & C. C.

I acknowledge the service of
the within copy decrea nisi
this 11th day of October 1821

Henry Dickinson Sm

Washington County (To wit)

This day

Thomas M. Tate personally appeared
before me James Taylor a Justice
of the peace for said County and
made oath that Henry Dick-
inson acknowledged the service
of the within decrea on his pre-
sented. Given under my hand
this 19th day of Oct. 1821

James Taylor

Granville Henderson esq.

Sir You as Counsel for John Thompson in the suit depend-
ing in the Superior Court of Chancery holden at New York the
court house ~~will please to take notice~~ wherein John Thompson
is Complainant and we ~~are~~ ^{are} ~~clerk~~ ^{are} ~~clerk~~ will please to take
notice, that as John Thompson your client is not an inhabitant
of this Commonwealth, security is required of him by
us for the costs of said suit. and this notice is given you
that a rule for security for costs in said suit may be entered
at rules in the clerk's office of said Court of Chancery
against the said John Thompson upon this suggestion

Very Respectfully yours &c.

John Hibbard
Isabelle Thompson
Abner Thompson
19th June 1822

Washington County Clerk.

This day Thomas Webster made oath before me the
undersigned a justice of the peace for the County aforesaid
that on this 19th day of June 1822 he delivered to Granville
Henderson esq. a true copy of the above notice. Given under
my hand this 19th day of June 1822.

Thomas Webster

If the rule for Cots has not been entered
in the southern Case 1101 Brown will
please enter it on the enclosed affd,
B. White

Thompson
v. affd
Thompson v.

Mr Henderson will see from
this copy of an agreement between
Dr. Colley & Richard Thompson
that Colley risked considerable
labour, and that therefore he
must have had high hopes of
obtaining salt water.

John Thompson

Thompson
Colley
d. Colley

March 18th 1814

A covenant made & Entered into Between John
Thompson of the County of Claiborne & State of Tennessee
of the one part & Rich^d Thompson & John Hebard of the
other part both of the State of Virginia & County of
Rappahannock that he said John Thompson doth
authorize the said Thompson & Hebard to work at a
well laid off & directed by Christopher Reynerson for
the purpose of obtaining salt water & said undertakers
obliges them selves to make a speedy & sufficient effort
for the recovery of ~~salt~~ the same & if said undertakers
succeed in getting salt water sufficiently to support good
works said Rich^d Thompson is to pay ^{to} John Thompson
fifteen hundred dollars worth of salt & said Hebard is to
pay said Thompson two thousand dollars worth of salt
to be paid & delivered in the County of Claiborne & State of
Tennessee Near Tarzwell at the customary selling price
there the above salt to be paid & delivered as follows (To wit)
five hundred dollars worth to be paid within the first year
that the works commence & the other three thousand dollar
worth to be paid & delivered in three equal payments as
above next succeeding & he said John Thompson is to
relinquish all right claim & title to the aforesaid piece
scarc when the above is complied with the above to be divided
Between ^{to} Rich^d Thompson & Hebard as they may hereafter
agree Of which performance we bind our selves our
Heirs &c in the just & sum of seven thousand dollars Lawfully
money of this Commonwealth in witness whereof we have
hereunto set our hand & seals the day & date above
written

Enter bind before signed
A true Copy of the Original

The Commonwealth of Virginia to the Sheriff of
Rupell County Greeting: We command you to
summon John Whitlocke, William Combs, Alex.
Merrick, William Owens, David McClenahan

to appear before me at the Courthouse of Rupell
County on Friday the 4th day of this month to
testify & the truth to speak ~~in a suit depending~~
~~on~~ on behalf of John Hubbard Vothers in a suit
depending in the w^yth Chancery Court between
John Thompson plt & the said Hubbard Vothers dfts
& this they shall in no wise omit under the penalty
of \$16 each & have then & there this writ.

Witness James P. Canell Commissioner for taking
depos: in the w^yth Chancery Court this 13th day of
October 1822, in the 47th year of the Com'1s

James P. Canell



To John Hubbard,, and Isabella Thompson and Henry
Dickenson — please to take notice, that at the Courthouse
of Russell County in the town of Lebanon on the 14th
day of ~~September~~ next, I shall proceed to take the
depositions of John Colley and others, and shall continue
from day to day till all are taken; which depositions
are to be read as evidence in a suit depending in the
superior Court of Chancery held at Wythe Courthouse
wherein I am plaintiff and you are defendants, when
& where you may attend and cross-examine if you please

September 16th. 1822

John Thompson sen.

Virginia

Russell County to wit
personally appeared before me James
Wallis a Justice of the peace in and for
Russell County, James Fletcher and
made oath that he delivered to Henry
Dickenson & John Hibbard (H said Hibbard
handed it to Isabella Thompson which ^{she} acknow-
ledged to this deponent) a copy of same.
Given under my hand this 7th day of Oct. 1822

James Wallis

Isabella
Thompson
" "

Know all men by these presents that we John Thompson and John Thompson jr & Jas Fletcher are held and firmly bound unto Isabella Thompson widow of Richard Thompson and John Hickord and the said Isabella Thompson and Henry Dickenson adm^{rs} of said Richard Thompson and in the full and full sum of \$2000.00 to which payment well and truly to be made to the said Isabella Thompson John Hickord and Henry Dickenson their heirs assigns their heirs Executors ~~and~~ administrators and assigns we their Executors our heirs Executors administrators jointly severally firmly by these presents sealed with our seals and dated this 15th day of Sept. 1821.

The condition of the above obligation is such that if the above bound John Thompson who has instituted suit in the High Court of Chancery holden at W of the Court House - against the said Isabella Thompson widow of Richard Thompson and ~~and Henry~~ John Hickord and the said Isabella Thompson and Henry Dickenson adm^{rs} of said Richard Thompson doth or do shall well and truly from time to time pay all such costs as he shall incur in the prosecution of the said suit and shall moreover well and truly pay unto the said Isabella Thompson John Hickord and Henry Dickenson - all such legal costs as they may incur in their defence thereto in case he the said John Thompson shall be cast therein and condemned to pay the same. Then this obligation to be void else to remain in full force.

Signed sealed & delivered
in presence of

James S. Carroll

John Thompson (Seal)
John Thompson jun (Seal)

James Fletcher (Seal)

Gentlemen, GREETING:

WITNESS, JAMES E. BROWN, Clerk of our said Court, at WYTHE Court-house, the 25th
day of Sept. 1822, in the 47th year of the Commonwealth.

J. H. Brown & Co

Gentlemen, GREETING:

KNOW YE, that we, trusting to your fidelity and circumspection, in diligently examining whatever

witnesses may be brought before you on behalf of John Hibbard and
Isabella Thompson, Helen Johnston, Mary Johnston, Thompson Johnston, John Robinson
and his wife, formerly Anna Johnston, William Robinson & Rebecca his wife
formerly Rebecca Johnston & Leanna Johnston, children of William Johnston deceased
Mary Susanna Johnston formerly Susan Thompson & Mary Anderson now
with the will annexed of Richard Thompson deceased. Dated at WYTHE Court-house, we

command you, or any one or more of you, that at such certain days and places as you shall appoint,
you assemble yourselves, and the witnesses aforesaid, before you or any one or more of you, you call
and cause to come, and diligently examine on the Holy Evangelists of Almighty God, and their

examination into our Superior Court of Chancery aforesaid, distinctly and plainly, without delay,

you shall send and certify inclosed, returning also this writ.

WITNESS, JAMES E. BROWN, Clerk of our said Court, at WYTHE Court-house, the 15th

day of September 1822, in the 4th year of the Commonwealth.

J. E. Brown 1822

THE COMMONWEALTH OF VIRGINIA, the MARSHAL of the *County of Wythe*

Chancery District Court, Greeting.

You are hereby commanded to command *John Hilton, Rebecca Thompson & John Johnston, (Belief Johnston) Thompson Johnston, John Robinson & Anna his wife, formerly Anna Johnston, William Robinson & Rebecca his wife formerly Rebecca Johnston, Abram Owens & Leana his wife formerly by Johnston decd. by Susanna Johnston decd. formerly Susanna Thompson and Henry Dickenson adm. with the will annexed of Richard Thompson decd.*
 to appear at the Clerk's Office of our Superior Court of Chancery, holden at Wythe Court house, on the *first Monday in January* next to answer a bill in Chancery exhibited against them by John Thompson

And that they do it in no wise omit, under the penalty of £100. And have then the bill writ.
 Witness James E. Brown, Clerk of our said Court at Wythe Court house, the 24 day of November 1830 and in the 115. year of the Commonwealth.

J. E. Brown

Petry Johnston Dec

Wm Robinson & wife
live in Louisiana

Leanne Johnston
married Abram
Davis.

1821. deagmelle
to file bill.

Q.B. ft. mth 7m. C
8:10-

Thompson

15 2 1/2

Hobbs &

January 1821

Emancipated in John
Hobbs, John John-
ston, Thompson John-
ston, John Robinson
& Anna his wife,
Isabella Thompson &
Abram Davis & Leanna
his wife Dec 5. 1820

in Henry Dickson
Dec 8. 1820

Petry Johnston is said
to be dead & Wm Rob-
inson & wife live in
Louisiana.

Harold Ingham
Mr. W. C. B. C.
(Chh) 11

Mr. John Thompson senr. of Claiborne County, Tennessee, Sir,
please to take notice that we shall on the 4th day of October
next at 12 O'clock of that day at the Courthouse of the County
of Russell in the town of Lebanon, proceed to take the deposi-
tions of John Whitlock & others and continue from day to
day until all are taken, which depositions when taken are
to be read as evidence on the trial of a suit in the Superi-
or Court of Chancery held at 10th the Courthouse depending, wherein
you are plaintiff and we are defendants, when & where
you may attend and cross examine if you please

September 16th 1822

~~John Thompson~~
John Hibbard
Deputy Thompson &
Henry Dickerson

Russell County, to wit; This day came James C.
Barrell before me John Colley a justice of the
peace in and for said County and made oath, that
on the 16th day of Sept. 1822 at the Courtroom
of Russell County he delivered to John Thompson
a copy of the within notice. Given under
my hand ~~the~~ 16th day of September 1822

John Colley

Hilbert Vothens

as
Notice

Thompson

The Commonwealth of Virginia,

TO

Gentlemen, GREETING:

KNOW YE, that we, trusting to your fidelity and circumspection, in diligently examining whatever

witnesses may be brought before you on behalf
of John Hibbard Isabella Thompson devised by
Richard Thompson dec'd & the said Isabella Thompson
& Mary Richardson admors. & others, to the will
annexed of said Richard Thompson dec'd. left to Mrs. Thompson
in a certain cause depending in our Superior Court of Chancery, holden at WYTHE Court-house, we
command you, or any one or more of you, that at such certain days and places as you shall appoint,
you assemble yourselves, and the witnesses aforesaid, before you or any one or more of you, you call
and cause to come, and diligently examine on the Holy Evangelists of Almighty God, and their
examination into our Superior Court of Chancery aforesaid, distinctly and plainly, without delay,
you shall send and certify inclosed, returning also this writ.

WITNESS, JAMES E. BROWN, Clerk of our said Court, at WYTHE Court-house, the 1st.

day of October 1822, in the 4th year of the Commonwealth.

J. E. Brown Secy.

In obedience to a Commission from the Superior Court of Chancery held at Wythe Courthouse to take depositions on behalf of John Thompson in a suit depending in said Court between the said John Thompson plaintiff and John Hubbard, Isabella Thompson devise of Richard Thompson deceased, and the said Isabella Thompson & Henry Dickerson admr. & admr. with the will annexed of the said Richard Thompson deceased, defendants, I James P. Canell Commissioner for taking depositions in said Court have caused John Colley

to come before me at the Courthouse of the County
of Russell on Friday the 4th. day of October 1822
who being first duly sworn on the Holy Evangelists
of almighty God:—

John Colley deposes and swears that some years ago he was employed by Richard Thompson to bore, in partnership with John Hibbard, for salt water on the lands of John Thompson to the depth of 120 feet, which was accordingly done, and for which said Richard Thompson paid this witness \$13 that he afterwards at various times worked at the same business for said Thompson without compensation unless salt water should be obtained, in which event said Thompson was to pay him at the rate of \$5.00 per foot or thereabouts. They progressed in boring till they descended to the depth of about 200 feet when further operations were retarded by the death of the partner Richard Thompson, who was to have met with witness at the well a day or two after his death happened. ~~Richard Thompson had before his death promised this witness to pay him for his services~~ ~~this witness was~~ witness being necessarily absent a few days

~~few days before the death of said Richard Thompson~~ He further deposed that Richard Thompson usually manifested a determined resolution to pursue his researches by providing for the work hands at the well and encouraging them to progress, in which the defendant Hibbard equally participated till sometime (but how long witness cannot recollect) before the death of Richard Thompson, when by a written agreement between the said Hibbard & Richard Thompson which is now in the possession of this witness, said Thompson was ^{entirely} to superintend the boring for salt as before stated.

Questions by the plaintiff

Did it ~~not~~ often happen that there were but few hands at work, as I have understood you sometimes depended on the neighbours working grates?

Answer. Whilst we were boring the above depth of 120 feet we had hired hands - afterwards the neighbours assisted grates; and then we had sometimes 8, 10 or 12 hands, at other times fewer; but whatever our assistance was, we went on as fast as possible according to the number. If we had few hands we went on slower that if there were many as in the latter case they could relieve one another. We could work with four hands, but six or eight were preferable. Richard Thompson frequently had his own servants there at work with us.

2. Do you know who employed the Water-Witch, Reynesson to designate the place for sinking the shaft?

Ans. I was told by Richard Thompson that he

3
Richard Thompson had sent for Reyneson, but
witness was not informed whether he was sent for
by the direction of the plaintiff or not. plaintiff
was not there when Reyneson came.

ally
Question. What proportion of time was lost
after commencing work at the well?

Ans. I cannot recollect. There was a good
deal of time lost at different periods after we
had paped the 120 feet and after I had ^{regularly} ceased,
to superintend the work; which, ^{loss of time} was caused partly
from the pressure of business on our farmer; bas-
ness of weather; and devising methods to construct
our works for boring.

Question After paping the 120 feet did it
frequently happen that on attending at the well
to find there was a deficiency of hands.

Answer. At some few times there was, from
the disappointment of the neighbours who had
promised to assist but failed coming.

Question You have been in the habit of searching
for salt water; do you consider that there is a
good prospect of obtaining salt water at the place
on my lands where you had bored?

Answer - I have assayed in digging for
salt at various places; and desired to hope for
salt water at this place, and was therefore anxious
to pursue the researches made: but I never felt
sanguine in my expectations, as there were certain
indications in opposition to there being plenty of
salt water there: nor can I now say upon my
oath that the prospect is flattering

Questions by the deft Hibbard:

was ~~there~~ ^{it} not frequently difficult to employ hands

to work at the well, owing to the calls of the farmers at home at certain seasons of the year?

Answer— It was difficult to procure suitable hands, but I think that for money there could have been procured a sufficiency of inexperienced hands at almost any time.

Question Did we not commence and pursue our operations at the spot designated by Keymeron and to the depth at which he stated salt water could be obtained?

Answer we bored at the very spot where he directed, and went down about 80 feet below the depth at which he had said the water would be found.

Question Did you ever hear the plaintiff John Thompson say to what distance we were to sink our shaft, for whether we were to go to any particular distance

Ans I never did that I recollect

Question Were we not frequently hindered in sinking the shaft on account of pieces of iron & pot metal that had been thrown in the hole.

Answer We were unable to go on at one place after having sunk a shaft 40 feet deep by our augurs coming off. We made a two weeks' unsuccessful attempt to recover it. At the next shaft some person had thrown in the handle of a skillet & small bits of iron, to extricate which we had considerable difficulty.

2. Do you consider that Richard Thompson and myself went on with our operations as far as the nature of the business in this country at the time would ^{admit}

Answer, I think you did, so far your circumstances would admit: There are men who I suppose would have gone in faster.

And further saith not.

John C. Bally

And the taking further ~~taking~~ of Depositions is adjourned till tomorrow.

Saturday, October 5th 1822

John Johnson being first duly sworn, deposes and saith, that several years ago he was requested by the plaintiff John Thompson to accompany him to the defendant Hibbard, and deponent and John Thompson just went with the plaintiff to Hibbard. The plaintiff then stated to Hibbard that he wished him to go on with the salt business, and enquired what he Hibbard intended doing. Hibbard at first replied he would do neither, but immediately added further that he could do nothing owing to the peculiar situation of Richard Thompson's estate: deponent thinks plaintiff John Thompson stood by when the last mentioned remarks were made by Hibbard, supposes he heard them, but does not know that he did.

Questions by plaintiff

Do you know whether deft Hibbard since the death of Richard Thompson made any attempts to progress ~~with~~ boring for salt?

Answer I know of none, nor have I heard of any.

Question Were you ever engaged at work at the well yourself before or after Hibbard was a partner in boring for salt?

Ans. I was, both before and afterwards

Ques. Was John Colley, who yesterday gave evidence in this case frequently called on for his advice in boring for salt on my lands, and what, if you heard him say, were his prospects for obtaining salt water

Answer - He was generally the Director in the operations for boring, and I have uniformly & frequently heard him say, whilst the operations were progressing, that he thought the prospect was good for obtaining salt water

Question Was it the general opinion of the hands at work, and was it your own opinion that the prospects to get salt water were flattering?

Answer It was my opinion and that of others ^{as they expressed themselves} in general, that the prospect was good

Question Do you know that Hibbard lost a good deal of time after he commenced boring?

Answer I know there was some time lost; and I have heard Richard Thompson complain of Hibbard losing time

2. Do you know that Richard Thompson was frequently subject to intoxication by ardent spirits, or account of which he did not proceed in boring as industriously as he might otherwise have done

Ans. I do know that it was the case

Question Do you know of Richard Thompson a short time before his death purchasing a set of blacksmith tools to aid the operations in boring for salt?

Ans. I know he purchased tools of that description which he said were designed for that use

Question What were the determinations of R. Thompson in his life time as he expressed them in going on to search for salt?

- up for per

the death of Richard Thompson I cannot remember. Its purport as he detailed it did not however, as it strikes me relate to the salt business.

Question Do you know whether the work at the well went on whilst Richard Thompson was in his fits of intoxication.

Answer I think at those times the work was generally neglected.

And further this deponent saith not

John John son

John Thompson pr being first duly sworn deponent & saith. That he recollects the conversation as detailed by John Johnson of the plaintiffs requesting the deft Hibbard to go on with the operations to search for salt or give up the contract, and the answer of Hibbard as mentioned by the same witness.

2. What recollection have you of the loss of time after Hibbard commenced boring for salt.

Answer I know there was a good deal of time lost.

Question Have you any recollection, whether the business of boring was frustrated by the intemperance of Richard Thompson.

Answer Answer I do not know that it was, or that it was not. He did not work himself: he had hands to work for him. I know he was frequently intoxicated and unable to attend to business.

Crop examined by the depts

2. What is the general character of the witness John Colley as a man of truth and respectability?

Answer He bears a good character as far as I have heard.

Question Did the operations at the well cease in the absence of Richard Thompson, or do you know that they went on when he was in his drinking fits?

Ans. From what I have heard, the deft Hubbard was generally at the well, I know he made his home there whilst the boring was progressing. Richard Thompson sometimes went there from home every day the distance of four or five miles.

and further, this deponent saith not

John Thompson

James Fletcher, being first duly sworn, deposes & saith, that he was frequently at the house of Richard Thompson whilst Hubbard was engaged in boring for salt, that Richard Thompson was often intoxicated and incapable of attending to any business.

Question by deft Hubbard. Was Richard Thompson in the habit of frequent intoxication except in the fall season when he made spirits of his own fruit.

Answer Not frequently, but sometimes.

Question Was Richard Thompson a pushing man in business?

Ans. Very much so, except when intoxicated.

2. What is the general character of the witness John Colley as a man of truth and respectability

Answer He bears a good character as far as I have heard

Question Did the operations at the well cease in the absence of Richard Thompson, or do you know that they went on when he was in his drinking fits?

Ans. From what I have heard, the deft Hubbard was generally at the well, I know he made his home there whilst the boring was progressing. Richard Thompson sometimes went there from home every day the distance of four or five miles

and further, this deponent saith not

John Thompson

James Fletcher, being first duly sworn, deposes & saith, that he was frequently at the house of Richard Thompson whilst Hubbard was engaged in boring for salt, that Richard Thompson was often intoxicated and incapable of attending to any business

Question by deft Hubbard. Was Richard Thompson in the habit of frequent intoxication except in the fall season when he made spirits of his own fruit.

Answer Not frequently, but sometimes

Question Was Richard Thompson a pushing man in business?

Ans. Very much so, except when intoxicated

Question. Did the business at the well go on as far as the nature of it would admit?

Answer. I often passed there, and saw the hands generally at work, worked there some myself.

Question by J. L.

Do you know what time was lost whilst the operators were going on at the well.

Ans. I do not know. I have heard there was time lost.

Question. If you know will you state whether the work done at the well was not done by the neighbour gratis towards the close of the operations there?

Answer - I understood from several of the hands that they worked gratis, unless salt were procured, in which case they expected to be paid and further said not.

J. L. Fletcher

And the taking further deposition is adjourned till Monday next.

Monday, October 7th 1822.

Edward Kelley being first duly sworn, was interrogated by the plaintiff.

Have you been at the place where John Hibbard & John Colley were boring for salt, whilst they were at work?

Answer. I was frequently there.

2. What do you conceive was the prospect of salt water there?

~~There~~ was salt there

Answer — I think so; because I have seen upon the borings of the rock after they had been exposed to the air as to dry, a shining substance which tasted saltish.

2. Have you ever heard John Colley express his opinion as to the probability of salt being there, & if so what was it

Ans: I think I have often heard him say, whilst at work, that he was of opinion there was salt water to be had where they were boring, if they went deep enough; and I have heard several who worked there say they thought it probable salt water might be had.

Question — Is Christopher Rynessor celebrated as a skilful man in ascertaining where salt water may be found

Answer I have heard him spoken of by several persons, as skilful. But it is merely hearsay.

2. Have you heard that in some places salt has been found at a considerable depth?

Ans I was told by some that in Wayne County Kentucky salt was obtained at the depth of 4 or 5 hundred feet, so well as I remember

2. Did Richard Thompson for some years before his death, neglect his business on account of intoxication?

Answer He did.

Question Was there a good deal of time lost by Hibbard & Rich^d Thompson whilst boring for salt

Answer I think there was. And further saith not.

Edward Kelley

Taken & subscribed before me

James P. Carroll Com^{ss}

2
I do certify that I was engaged five hours in
taking the preceding deposition; that the witnesses In:
Colley and Edward Kelley attended one day each,
and that the witnesses John Johnson, John Thompson Jr.
and James Fletcher attended two days each ~~as~~
~~attest~~ for the plaintiff.

James J. Carroll Com^r

Thompson
v.
Deposition
Holland & Co
Notary & Commissioner
returned as ordered 22nd Dec
1892

5
1
In obedience to a Commission from the Superior Court of chancery held at Wythe Courthouse to take depositions on behalf of John Hibbard & others in a suit ~~on Chancery~~, depending in said Court between John Thompson plaintiff, and the said John Hibbard, Isabelle Thompson devisee of Richard Thompson dec'd, and the said Isabelle Thompson & Henry Dickenson adm'r & adm'r with the will annexed of the said Richard Thompson deceased, defendants; I James P. Barrell Commissioner for taking depositions in said Court have caused, John Whitlock, Alexr Munick, David McBlanchan, Wm Combs, & Spencer Breeding to come before me at the Courthouse of the County of Russell on Friday the 1st day of October 1822 who being first duly sworn on the Holy Evangelists of Almighty God; —

John Whitlock deposes & swears; That he was frequently at the well of Richard Thompson whilst he and the deft Hibbard were sinking a shaft for the purpose of obtaining salt water; that he was informed by the persons at work or some one or more of them, amongst whom were one Samuel Indicut and a son of this deponent, that they had penetrated the ~~rock~~ to the depth of 199 feet or about that distance from the surface of the earth; the rock commencing at about two & a half or three feet from the surface; he did not see the auger measured, but has no doubt but that that or nearly so was the depth, such being the common report through the neighborhood of the place. This deponent has seen whilst the labourers were

at work at the well, the mud which they stated to him had been taken out with their auger: on tasting it, it seemed to him to be in a small degree impregnated with salt; he gave some of it to his cattle and they devoured it as if it had been salt.

Questions by the defendants Hibbard

How long were Richard Thompson & myself at work in sinking the shaft?

Answer I cannot tell how long; but the operation went on with some intermission till the death of Richard Thompson.

Question what kind of exertions were made by us in this business; did the undertaking appear to be vigilantly pursued or otherwise.

Answer— The workmen were sometimes retarded from progressing for the want of iron, sometimes by the want of a smith to repair them, sometimes the auger breaking. Sometimes they were not there; but in general the work seemed to be pursued with common industry, sometimes considerable exertions seemed to go to be making

Question what is the quality & situation of the land at and adjoining the well?

Answer, It is mostly hilly; some marshy, and some little level.

Question Is there a plantation on it, and what are the improvements

Answer There is no plantation, nor is there any land cleared except a few rods where some attempts were formerly made to sink a well. There were a small cabin or two erected to accommodate the workmen.

Question what is the value of the land per acre including one hundred acres round the

depo: you say
well? Ans: I consider it scarcely worth anything except for the timber, and a few acres near the well.
Questions by Plaintiff

You stated that one of your sons was employed at the well — do you know, and if you do, what wages was he to receive?

Answer — I heard Richard Thompson state that they intended digging to the depth of 300 feet and if they got salt they would give this deponent ~~son~~ a dollar or a dollar & 25 Cents per day if they obtained salt; if they did not get salt this deponent was to have nothing.

Question by depts — Did you ever hear Rich. Thompson say what distance he was bound by his contract to penetrate the earth.

Answer I never did. And further south not.

^{his}
John D. Whitlock
mark

Alexander Munch deposes & swears that he does not know how far the depts Hibbard & Richard Thompson had penetrated for salt water; this deponent was often at the spot where they bored and believes they were industriously employed in general. He worked ~~some~~ himself at the well.

Question by depts Hibbard

~~Whether~~ the rock we were boring very hard or not?

Answer It was very hard. Some days we bored not more than six inches, when we worked faithfully, and we did so every day I was there, which was perhaps eight or ten days.

4 2. Is there any plantation on the land supposed to belong to the well?

Answer there is none cleared except what was perhaps cut for fire wood & timber used about the well.

Question what is the value of the land at and adjoining the well including 100 acres?

Answer ~~Answer~~ I do not consider it worth more than 50 cents per acre.

Question ^{by the pet} Did you receive any wages for your work at the well;

Answer None: but was promised pay for my labour in case of success in obtaining salt

Question what was the prospect in your estimation for obtaining salt water at the place you worked?

Answer— The cattle of the neighbourhood frequented the place, and sucked the water when the digging was commenced; I do not recollect of tasting the mud taken out, so as to ascertain whether it was saltish or not.

Question by deft Hibbard

Is it observable that cattle frequent most of the licks through the country that deer use?

Ans. Some few, but not generally.

and further south not

his
Alexer & Munick
mark

by David McClenahan deposes and says that he was employed as a labourer for a few days in boring for salt water for the defendant Hibbard and Richard Thompson, that Richard Thompson told him some short time before his death that they had bored nearly two hundred feet as well as this witness recollects.

Questions by deft Hibbard

Were the hands industriously employed whilst you were at the well?

Answer they were.

Question How long were we at work at boring for salt?

Answer I do not know the length of time, but the work went on ^{with some intermissions} till about the time of Rich^d Thompson's death.

and further says not

his
David & McClenahan
(marks)

William Combs deposes and says that he worked ~~some~~ ^{one day} at the well the fall or winter preceding the death of Richard Thompson; that they had gone to a considerable depth, but how far he does not know. He had frequently seen them at work; and they appeared to go on but slowly, tho they used considerably industry - The hands told him, they on some days bored an inch some days less.

Question by Deft Hibbard

Do you recollect how many years we were boring for salt

Answer - Two or three years as well as I remember

and further this deponent saith not.

6
his
William D Combs
mark

Spencer Breeding deposes and saith, that he resides about one mile from the place where the defendants bored for salt; that he sometimes visited the place, and had seen ~~four~~ or seven hands at work.

Question by plaintiff

You have likely often times conversed with Rich^d Thompson in his lifetime about his prospect in obtaining salt water; and if so, what were his expectations as he expressed them?

Ans. From his conversation at different times on the subject he appeared to be in good spirits about salt at the place he & Hibbard were boring.

and further saith not
his
Spencer X Breeding
mark

And the further taking of depositions for the depts is adjourned till tomorrow

Saturday, October 5th 1822.

Nathaniel State being first duly sworn deposes & saith that some time during the year 1821 perhaps in the latter part of the summer or commencement of autumn he was at Mrs Thompson (the widow of Rich^d Thompson deceased) where the plaintiff John Thompson and the defendant Hibbard, had met on some

business: This deponent then heard deft Hibbard in presence of the plaintiff John Thompson state that he requested this deponent to take notice that he now relinquished his right to the well, this being the first time that he (Hibbard) had had the opportunity of doing so since a certain suit between them in Wythe was determined, and stating also that he ~~did not intend to do any more work at the well~~ then gave it up to him as it was (meaning, as this deponent understood) that he intended doing nothing more at the well. The defendant Isabella Thompson was near the spot where this conversation took place about that time, but ^{he} cannot remember that she was ~~there~~ by when Hibbard made these statements to the plaintiff John Thompson. This deponent heard Isabella Thompson on the same day, but not in the presence of John Thompson concur in the expressions Hibbard had made to John Thompson.

And further this deponent saith not.

Nathaniel Pratt

Ambrose Harmon being first duly sworn deposes and saith: That he was frequently at the place where Hibbard & others were exploring the earth for salt water, after they had been some time ^{assisted in fixing their instruments for boring} at no oke: The hands were generally industriously employed, except when hindered by the intemperance of Richard Thompson which often happened. Hibbard & Colly appeared to be steadily engaged when this deponent was there: He further stated that he was at the well about the close of their operations and believed they had penetrated to the depth of 200 feet, or thereabouts. & further saith not.

Ambrose Harmon

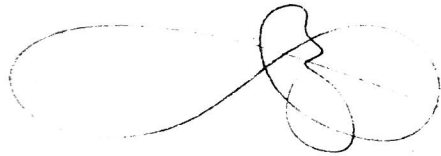
Taken & subscribed before me

James P. Carroll, Comr.



I certify that John Whitlock, Alex. Musick, David McGlenahan, William Combs, & Spencer Breeding attended one day each, and that the witnesses Nathaniel Prall and Ambrose Hamon attended one day each for the defendants.

James P. Carroll, Comr.



I certify that I was engaged four hours in taking the above depositions.

James P. Carroll, Comr.

Whitlock & Co

ad

Depositions

(Thompson)

Notice of Com^{rs} ordered

returned 22-23-24-25-26-27-28-29-30-31-1877

This day Came Thomas M. Swinley deputy
Sherriff for Washington County before
me Charles Tate a Justice of the
Peace for said County and a
Married oath that he delivered
a true copy of the within to the
Wife of the said Francis McEann
at his house on the fourth
day of this month Given under
my hand

13th Oct 1823

Charles Tate

McKee Stearns
To } Notice
McEann

Mr Francis McGinn
Sir,

Please take notice that we shall on Friday
the 11th October next at the Office of John H. Fulton
in the Town of Abingdon between the hours of 10 AM
and 12 Clock pm proceed to take the deposition
of Elias Agden Votres to be read as evidence in the suit
in Chancery in the Superior Court of Chancery holden
at Wythe County where we are plaintiffs and
you Votres are defendants

Sept 30th 1823

your obed^t V.

William McKee
Edward M. Greenway

Know all men by these presents that we Evan S Thompson, Charles
Tate
Byars & Parker Smith in the penal sum of forty five Dollars
& fifty seven & one half cents to be paid unto the said William
Byars & Parker Smith their certain attorney, executor, adminis-
trators or assigns to which payment well and truly to be made,
we bind ourselves, jointly & severally & each of our joint & several
heirs, Executors, & Administrators firmly by these presents sealed
with our seals and dated this 18th Day of December 1822:

The Condition of the above obligation is such
that whereas William Byars & Parker Smith have said out
of the Clerk's office of the Superior Court of Chancery holden
at Wythe Court House for the District of Wythe, a writ of Fieri
Facias against the goods & chattels of the above bound
Evan S Thompson which writ with the legal costs attending
the same amounts to the sum of twenty two Dollars
& twenty eight & three fourths cents, And Whereas Harolds Dwyght
Marshal of the said Court by virtue of the said writ to
the said Marshal directed hath taken the following property
belonging to the said Evan S Thompson to satisfy the same
to wit, one gray mare, saddle & bridle. And the said ~~Evan S~~
Thompson being desirous of keeping the said property in his
possession until the day of the sale of the same hath tendered
the above bound Charles Tate as security for
the forth coming & delivery of the same on the day & at the
place of sale, agreeably to an act of assembly in that case
made & provided. Now if the above bound Evan S Thompson, Charles
Tate, or either of them do and shall well &
truly deliver the aforesaid property to the said Marshal at Ab-
ingdon on the 21st Day of January next that being the time &
place appointed for the sale of the same then the above
obligation to be void else to remain in full force & virtue.

Signed sealed & delivered
in the presence of

Reuben Lander

E S Thompson
Charles Tate

Wm J Thompson &

of

St. Louis.

Wm J Thompson & Co

St. Louis

\$21.87.

Wythe to wit. This day Harold Smyth came before
me John Johnston a justice of the peace for
the said County and made oath that he
gave notice ^{more than ten days before the sitting of the court} to Charles Tate & Evan J. Thompson
the obligors in this bond that a motion would
be made on the 3^d day of the May term 1893
for an award of execution on this bond
Given under my hand this 24th day of May 1893
John Johnston