

The Commonwealth of Virginia, To the Marshal of the Chancery District Court

Greeting:

Greeting:

You are hereby commanded to summon Henry Duckenson and
with the wife, annexed of Richard Thompson and
Isabella Thompson

to appear before the Judge of our Superior court
of Chancery, holden at Wythe Court-House, on the ~~10th~~ day
of the next Term to answer a bill in chancery
bited against ^{them by} John Thompson, William Robinson and Rebecca
his wife John Robinson Anne his wife Thompson Johnston
Leanna Johnston heirs of Wm Johnston decd Regatees of
Richard Thompson decd

And this they shall in no wise omit under the penalty of £ 100.
And have then there this writ. Witness, JAMES EWELL BROWN,
Clerk of our said court, at Wythe Court-House, the 27th day
of July 1816 and in the 11th Year of the Commonwealth.

J. E. Brown

Virginia

It is held in the Clerk's Office of the Superior Court of
Chancery held at Weythe Court House for the District of Weythe on the 1st
of October 1818.

John Johnston, Betsey Johnston, Thompson Johnston, John
Robertson Hanna his wife formerly Anna Johnston, William
Robertson & Rebecca his wife formerly Rebecca Johnston &
Leana Johnston Children of William Johnston now dec'd by
Susanna Johnston dec'd formerly Susanna Thompson

Plts

against
Henry Dickerson admr with the will annexed of Richard Thompson, Defts
dec'd and Isabella Thompson

The Defendants who have been served with a subpoena three
months not having answered the Plaintiffs' Bill which has been first
made three months, on the motion of the Plaintiffs by their Coun-
sel It is Ordered that their bill be taken for confessed, and the Court
at a future day will proceed to decide the matter thereof unless the
said Defendants on or before the third day of the term next after
they shall have been served with a copy of this Order appear &
show cause to the contrary.

sd Copy

Teste H. Brown Clk

Writs returned in the Clerk's Office of the Superior Court of
Chancery held at the Court House for the District of Wythe on the 1st
of October 1878

Van Vleet, Daniel Johnston, Thompson Johnston, John
Robertson, James A. (formerly) Brown Johnston, William
Robertson (Robertson his wife formerly) De la Cruz Johnston & L^{ts}
James Johnston (James of William Johnston now dead)
John Johnston (John formerly) Brown Thompson

And do return herewith, to wit: names of Alexander Thompson & Dr. J. P. Johnston
The Defendants who have been served with a subpoena three
months and have appeared the Plaintiff's Bill which has been filed
has been three months. On the orders of the Plaintiff by their con-
sulting counsel with their bills to which for confessed, and the Court
of Chancery duly favored to decree the matter hereby to let the
said Defendants make before the third day of the term next after
they shall have been served with a copy of this Order appears
the Court of Chancery
A. C. of J. J. P. Johnston C. C.

Wm. H. ... on the ... of the ... Court of ...
... for the District of ... on the 1st
of ... 1888

... (formerly) ...
... (formerly) ...
... (formerly) ...
... (formerly) ...

B. U.

... of ... Company & ...

... have been ...
... of the ...

66

THE COMMONWEALTH OF VIRGINIA, to

*James M^cCarlone Harry
Smith and James P. Carroll*

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 Henry Dickson and with the like assistance of Richard Thompson, Deaf at the suit of the Johnsons, Betsey Johnson, Thompson Johnson, John Robinson & his wife formerly Anna Johnson, William Johnson & Rebecca his wife formerly Rebecca Johnson (Neema) Johnson

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-
EWELL BROWN, Clerk of our said Court, at Wythe Court-House, the 17th day of December

1818 and in the 43rd Year of the Commonwealth.

J. E. Brown

To the Honourable John Brown Judge of the Superior
Court of Chancery, holden at Mythe Court House.

The Bill of Complaint of John Johnston, Betsy Johnston
Thompson Johnston, John Robertson & Anna his wife, former-
ly Anna Johnston, William Robertson and Rebecca
his wife formerly Rebecca Johnston, & Deana Johnston
children of William Johnston deceased by Susanna
Johnston now deceased, formerly Susanna Thompson,
respectfully represents;

That their Uncle Richard
Thompson, being seized in fee simple of 208 acres of
land lying in the County of Russell, and owning
a number of slaves, with a considerable personal estate
besides, did on or about the year 1809 or 1810, duly make
and publish his last will and Testament, and therein
thereby, did give and devise all his estate both
real and personal to his brother John Thompson,
in trust, to be disposed of by him, at his discretion,
between & among, your orators & oratrix, and their mother
and abner Thompson, Habel Thompson & Nancy
Thompson, his the said Richards natural children
by Milley Short.

In consequence of the constant and troublesome application
of his daughter Habel, to make a deed of gift of his
property to herself, which produced often dissensions
in his family; and hoping that, he might stimulate
his said daughter, to be dutiful, and pursue a virtuous
course of life, (she having previous thereto acted in such
manner as to, incur the displeasure) in some measure of his father
~~the said Richard Thompson and afterwards the said Habel~~
for the purpose of quietting his family, the said Richard
Thompson, sent for his brother John Thompson, and
having informed him of his situation, requested him

Bill of Complaint
of John Johnston, Betsey
Johnston, Thompson
Johnston, John Robert
son & Anna his wife

That Their Uncle Ric'd
Thompson

Richard's children
by Milley Short

(She having previously
thereto acted in such
manner as to —

for the purpose of quiet-
ing his family, the
said Richard Thompson sent

honourable your Honour Judge of the Superior
Court of Chancery, sitting at Myrtle Hill House
the Bills of Complaint of John Johnston, Betsey Johnston
Thompson Johnston, John Robert Johnston, Anna his wife, former-
ly Anna Johnston, William Johnston and John
his wife formerly Rebecca Johnston, the said John
Johnston of Millers Johnston deceased by Susan
Johnston now deceased, formerly Susannah Thompson
respectfully represents;

That their Uncle Richard
Thompson, being seized in fee simple of 208 acres of
land lying in the County of Ruffel, and owning
a number of slaves, with a considerable personal estate
besides did on or about the year 1809 or 1810 by and
his last will and Testament, and there-
by, did give and devise all his estate both
real and personal to his brother John Thompson
in trust, to be disposed of by him, at his discretion,
between & among, your orators & oratrix, and their Mother
and abner Thompson, Gabel Thompson & Nancy
Thompson, his the said Richards Natural Children
by Milley Short.

In consequence of the constant and troublesome application
of his daughter Gabel, to make a div of his
estate for herself, which produced often discontents
in his family, and hoping that he might stimulate
his said daughter, to be dutiful, and pursue a virtuous
course of life, (she having married the said Richard
Thompson as the proprietor of some property of his father
for the purpose of quieting his family, the said Richard
Thompson sent for his brother John Thompson, and
having informed him of his situation, requested him
for his brother John Thompson ...

to draw some instrument of writing, which while it
put an end, to the troublesome sollicitations of said
Isabel, would not interfere with his previous ar-
=gements. this happened in the Spring of 1806; accordingly
the said John Thompson, drew a will, by which the
said Richard gave, his lands, slaves, goods & chattels
to his said daughter Isabel; stating the same at the
request and by the direction of said Richard in the
year 1806; so that it should not interfere with the
will first above written. the said John Thompson was
a witness to said Will, and a certain William Barnes,
to the latter of whom the intention of the said Richard
was not disclosed; your orators & Oratrices expressly
charge, that the said last mentioned Will, was not
intended, to operate any thing, merely as ~~share~~
to quiet the incessant, sollicitations of said Richard's
family; some time in the year 1806 the said Richard
Thompson, departed this life, without altering or revoking
his said first mentioned Will, having just before his
death told his son abner, if he died to proceed strictly
to his Brother John Thompsons, who had his first Will
and he would shew them what had been done
for them.

shortly after said Richards death the instrument of
writing drawn in 1806, was presented to the Court
for probate, to the figures 1806 the word teen
thus 1806 teen, having been added, and being proved
by Barnett, was ordered to be recorded, ^{as to the personal estate} and therefore
Letters of administration with the Will annexed
was granted to said Isabel and Henry Dickenson &
and afterwards upon the examination of said John
Thompson, who proved the facts above stated, the

draw some instrument of writing, which while it
is not an end to the troublesome solicitations of said
Isabel, would not interfere with his previous ar-
-gements. The probator in the Spring of 1866 accordingly
the said John Thompson, drew a will, by which the
said Richards gave, his lands, slaves, goods & chattels
to his said daughter Isabel, dating the same at the
request and by the direction of said Richards in the
year 1866, so that it should not interfere with the
will first above written. The said John Thompson was
a witness to said Will, and a certain William Barnett
to the latter of whom the intention of the said Rich-
-ards was not disclosed; your orators & Orators expressly
charge that the said last mentioned Will, was not
intended to operate any thing, merely as that
to quiet the incessant solicitations of said Rich-
-ards family; some time in the year 1866 the said Richard
Thompson, departed this life, without altering or making
his said first mentioned Will, having just before his
death told his son Abner, if he died to proceed strictly
to his Brother John Thompsons, who had his first Will
and he would show them what had been done
for them.

shortly after said Richards death the instrument of
writing drawn in 1866, was presented to the Probator
for probate, to the figures 1866 the word then
thus 1866 then, having been added, and being proved
by Barnett, was ordered to be recorded ^{as to the personal estate} and thereupon
letters of administration with the Will annexed
was granted to said Isabel and Henry Johnson
and afterwards upon the examination of said John
Thompson, who proved the facts above stated, the

said Will was ordered to be recorded as to the malice
your Orators and Oratrices expressly aver that, the said instru-
ment of writing so ordered by the County Court of Peuple
to be recorded, is not and was not intended by said
Richard Thompson, to be his last Will & Testament,
and that the word teen has been fraudulently
added since the execution thereof, ~~who~~
The Will first above mentioned, was shortly after the
death of said Richard, deposited with the clerk
of Peuple Court, and cannot now be found,
but when found shall be filed & prayed to be
taken as part of this Bill.

The said Isabel under the Will of 1846, now fraudu-
lently claims the whole of said Richards estate,
altho she well knows, that word teen has been
added to the date thereof -

all which conduct is unjust & oppressive, in
tender consideration whereof her as much as your
Orators & Oratrices are remedied at law, and only
remediable in this Court - To the end therefore
that the said Isabel Thompson & Henry Beckin-
sadle, administrators & administrators of Richard Thomp-
son, and the said Isabel or Bevin, (who your
Orators & Oratrices pray may be made defendants
to this Bill) may answer the premises upon their
Corporal oath, as particularly as if again here repeated
by way of interrogatories; that your Honour may
direct an issue to ascertain, which of the said Wills
if ~~any~~ ^{either} is the last Will & Testament of Richard Thompson

and that the will recorded in the County Court
of Puple, may be set aside, and entirely done away,
that the will of 1809 or 1810 may be established, and
that defendants render an account of said estate, &
that the same may be divided into the hands of said
John Thompson for distributions or otherwise divided
as may be deemed right. That you Honour may grant
such other further relief as is consonant to Justice &
your Oration & Oration Case may require. May it
please your Honour to grant the counters out of the
paper.

Henderson for Compls

Johnston Tatham

Bill

Thompson Ltd

Depts Contd	
attij	16.67
cont	39
diff	2.50
blk	6.66
	<u>\$36.02</u>
cont	333
	<u>\$293.47</u>

21. May 1818

1818 June Bill filed - July
 Contines of annos - August
 same - September same, October
 Divisi - October Contd - same
 Dec. & December same -

1819 January - February - March
 April - May - June July August
 Sept - same - October - same
 November Thompson filed in cont
 Contd of same - November
 Contd of same - December same
 1820 January - February - March
 same - April - May - June - July
 August

Disrupt with cont

May term 1820

... that the will
recorded in ... may be
set aside ... that the
will of 1809 or 1810
be established
delivered into the hands
of John Thompson

... and any will recorded in the county Court
Book may be set aside, and entirely done away,
and the will of 1809 or 1810 may be established, and
the same may be an amount of land estate, &
the same may be delivered into the hands of said
John Thompson for the purpose aforesaid, and
it may be desired right that you Honor may grant
such this further will is a covenant to be had
and the same may require. May it
please your Honor to grant the contents of the
paper
Henderson for compls.

[Faint, mostly illegible handwritten text, possibly a ledger or account book, with some legible words like 'Bills' and 'Henderson']

10/10 cont	
047	
Chas	2 58
Hys	1 00
Att	1 00
ca. 16	3 38
\$ 2 9 3/4	
71	

In the Name of God Amen.

I Richard Thompson of the State of Virginia in the County of Russell farmer being at this time of perfect mind and memory bawling to mind the mortality of my body do make and ordain this my last will and Testament first I recommend my soul into the hands of God how gave to my body to the earth & As to my worldly Estate I gave and dispose of it as follows First After the payment of all my Just debts I gave and bequith to my well beloved Brother John Thompson all my Estate in full wherewith I may descend perfect of to be by him perfect and enjoyd and disposed to my Children and Legatees of John Thompson & Susannah deid my well Belovd sister Except one shilling sterling to each of my other They and I do hereby revoke & disannul all and Every other will or Testament by me heretofore made Declaring this & now other to be my last and legal will & Testament In witness whereof I have hereunto set my hand & Effused my see this second day of October 1712

Richard Thompson

In the Name of God Amen.

I Richard Thompson of the State of Virginia in the County of Russell farmer being at this time of perfect mind and memory bowing to mind the mortality of my body do make and ordain this my last will and Testament first I recommend my soul into the hands of God how gave to my body to the earth & as to my worldly Estate I gave and dispose of it as follows First After the payment of all my Just debts I gave and bequeath to my well beloved Brother

John ^{my} Thompson all my Estate in full wherewith I may descent profess of take by him possess and enjoy and dispose of to my Children and Legatees of Wm Johnson & Susannah deid my well belovd sister

Except one shilling sterling to each of my other Heirs and I do hereby revoke & disannul all and Every other will or Testament by me heretofore made Declaring this & now other to be my last and legal will & Testament In witness whereof I have hereunto set my hand & Effused myself this second day of October - 1812

Richard Thompson

Bequeath to my well-beloved brother, John Thompson

Wm. Johnson & Susannah deid, my well beloved sister

1812

I signed & sealed & acknowledged in presence of us

John Johnson

Richard Thompson ^{Real}

William Johnson

Richard Johnson

Rich^d: Thompson
Will

Not admitted to
Proof

Johnston to
17

Dickinson to

Filed 24th October
1878

Not admitted to record

Richard Thompson
will

Signed read & delivered
& acknowledged in presence
of us

John Johnson

Richard Thompson ^{Coal}

William Johnson

Richard Johnson

Rec'd Thompson
1852

Not admitted to
proof

Witness to

Richard Thompson
1852

1809 or 1810. Richard Thompson Esq.
In the year ~~1810~~ ~~fall of the year~~, made a will
attested by John, Richard & William Johnston, his
witnesses - the latter is dead and was deposited
with ^{son} John Johnston; and was after his death
deposited with the Clerk of the Court, and has
been lost or misplaced.

By that will he gave all his property to John
Thompson his brother in trust, to be disposed or
distributed ^{by him} between Abner Thompson, Isabel
Thompson, & Nancy Thompson his natural
children by Melly Short, ^{his sister Johnston} and the children
she being then alive; as he ~~thought proper~~
The conduct of his natural children not being good the
object was that it should be given them by degrees over the will

1809 or 1810.

Richard Thompson
In the year ~~1809~~ fall of the year, made a will
attested by John, Richard & William Johnston, his
nephews - the latter is dead, and was deposited
with John ~~Johnston~~, and ~~was after his death~~
deposited with the clerk of Norfolk, and has
been lost or misplaced.

By that will he gave all his property to John
Thompson his brother in trust, to be disposed or
distributed ^{by him} between ~~John~~ Thompson, Isabel
Thompson, & Nancy Thompson, his natural
children by Betty Abbott, and ^{his sister} the children
she being then alive, ~~as he thought proper~~
The conduct of his natural children not being good, the
deed was that it should be given them by degrees or as they die

the ^{living} interests, given up all right - & Title under this
Will -

In the Spring of 1816, John Thompson drew a
will, which was proved in Newfield. ^{He} dated it to 1806 - ^{It} ^{has} ^{been} ^{added} ^{since}
the reason of antedating was to prevent its intestacy
with the will of 1809 - John Thompson a witness
and William Barnett, who knew nothing of
its contents, asked but told not ^{any} ^{one}
to know, "piece of writing between my brother
& myself," Thompson put his name to it
he not being able to write - The object of making
the will was to satisfy the constant applications
of his ^{Daughter} ~~daughter~~ to make a deed of gift and
to operate as a settlement to the daughter to
be dutiful & behave well; she had had
one child, and went away with men of bad fame
returned ^{that} ^{another} ^{it} ^{was} ^{an} ^{instrument}

Richard Thompson
son of Mr
William Johnston, his
and was deposited
was after his death
Dezire, and his

property to John
not, to be disposed of
by Thompson, Isabel
his natural
his sister, John's other
and the children
might perhaps
was not being good the
year by degree or other

Will - This will was called in front of
for the purpose of 1809 - 1811, in which
in the year of 1806, John Thompson
will, which was printed in the paper dated
dated it to 1806, being laid down, and
the reason of ~~making~~ was to ~~be~~ with
with the will of 1809 - John Thompson
and William Barnett, who ~~had~~ ~~nothing~~
its contents, asked but told not ~~receiving~~
to know, "piece of unity between my brother
& myself," Thompson put his name to it
he not being able to write - The object of making
the will was to satisfy the constant application
of his ^{Daughter} ~~daughter~~ to make a deed of gift and
to operate as a stimulant to the daughter to
be dutiful & behave well; she had had
one child, and went away with men of bad fame
returned ~~to~~ ~~another~~, it was never intended

to have any legal effect. Edile said 2 miles
more necessary, therefore called on Barnett
Thompson died in 1816 - left, a number of
negroes (6) - a considerable personal estate besides
and 208 acres of land in Duplin County
worth \$5 per acre - ~~but before~~ but before
his death told about his son, if he should die
not to do any thing, but proceed immediately
to John Thompson who had removed 100 miles
of, to Claiborne County, Ga. Tennessee, and
he would, show them what was to be done
& what he had done for them

Thompson

therefore called
on Barnett.
Thompson died in 1816
left a number of negroes
(6)

just before
his death told Abner
his son if he should
die not to do anything
but proceed immediately
to John Thompson who
had removed 100 mi.
to Claiborne Co In

to have any legal effect. The said Abner
was one of the trustees of the said
Thompson died in 1816 - left a number of
negroes (6) in his will. He also had
a number of slaves in his possession
with \$5000 in cash. He also had
his death told a friend his son, if he should die
not to do anything, but proceed immediately
to John Thompson who had removed 100 mi.
to the Claiborne County Court House, and
he would, show them what was to be done
& what he had done for them.

The heirs of Richard Thompson D^o -

William Thompson his brother, John Thompson
his brother, Margaret Thompson his sister who
intermarried with Rufus Duty - Elizabeth
Clam wife of William Clam, Sally
Clam wife of John Clam D^o sister

William Emmet; Lucinda Emmet, children
of James Emmet by Rachel Thompson his
wife (sister), ~~Richard Emmet~~ - John, William,
Richard, ^{Harriet &} Betty, Sally, Patsy, ^{Eans} Harriet, children
of Martha Thompson D^o by two husbands, William
Harriet & William Evans D^o (sister)

John, ^a Betty, Richard ^{now D^o} Thompson, ^{married to John Robinson} Anna
^{married to Will Robinson} Rebecca, ^b Leana - children of Susannah
Thompson D^o by William Johnston D^o

Sister.
(a) nearly dumb. (b) disfigured by the loss of one of
her eyes

William Thompson by William Johnston
 his father Margaret Thompson his mother
 Elizabeth Thompson his father's name
 Clam wife of William Clam, sister
 Clam wife of John Clam & sister
 of James Emmet, Lucinda Emmet, children
 of James Emmet by Rachel Thompson his
 wife (sister) ~~William Thompson~~
 Richard ^{Parrel} Patsy, Sally, Patsy, Parrel, Sons
 of Matthew Thompson by his husband, William
 Parrel & William Evans & (sister)
 John, Patsy, Richard, Thomas, children
 of Rebecca ^{married to make Norton} Thompson
 Thompson & by William Johnston &
 Sister.
 (a) nearly dumb. (b) disfigured by the loss of one of
 her eyes

Susannah Thompson by William Johnston

I acknowledge Due Service of the within C. Duiss
this 1st Day of May 1819
Henry Dickenson

W. the town. May 22nd 1821. This day Harold Smyth
made oath before me a justice of the peace for said
county that H. G. Dickenson acknowledged service of the
within as above and that he served Isabelle Thompson
with a copy in May 1819. Given me do my hand
R. M. Beatty

(EDM-7-378) 76

Isabelle T

in Copy Ackn +

Dickenson adm. to

Executed as per

affidavit

Harold Smyth

Justice of the Peace

Acknowledge Due Service of this within Co. Duine
this 1st Day of May 1819

Henry Dickenson

Wth the tenth May 22nd 1821. This day Harold Knapp
made oath before me a justice of the peace for said
county that H^y Dickenson acknowledged service of this
within as above and that he served Isabelle Thompson
with a copy in May 1819. Given under my hand

R. M. Beatty

CD 2-7-378

Wth the 1st

in Copy Service

Dickenson sworn to

Executed as per

Affidavit

Harold Knapp

Magistrate

Messrs, John Johnston, Richard Johnston,
Thompson Johnston, William Robertson,
and Rubick his wife, John Robertson and
Ann ^{his wife} ~~Liana~~ ^{Thompson} Please to take
notice, that on ~~the~~ ^{the} ~~11th~~ ^{11th} inst, I will
proceed to take the deposition of

and others, to be read
in evidence on the trial of the said in the superior
court of chancery, at any time, when in your
power, and myself and Henry Dickerson,
as administrators of Richard ^{Thompson} ~~Johnston~~, one party
which suit is to set aside the said Richard
Thompson's will. Am Yours JH

The depositions to be taken
at the ~~court~~ ^{court} house of Lee Thompson
of Russell County, Virginia administrator of
Richard Thompson and
Oct 1st 1819

Russell County to wit;

This day came George Colley

before me Thomas Alderson, a Justice of
the peace for said County I made oath that
he delivered to John Johnson, Richard Johnson
Thompson Johnson, John Robinson & Abraham
Cowan, on the 9th day of September 1819 a copy
each of the within Notice given under my
hand this 11th day of Oct. 1819
Thos. Alderson

Thompson

Cowan

Johnson

Johnson &c

In obedience to a Commission from the Chancery Court
holden at Wythe courthouse awarded in a cause therein
depending between John Johnson Votter Esq and Henry
Dickerson adm. with the Will annexed of Richard Thompson
deceased Defendants, I James P. Barrett, one of the
Commissioners for taking depositions in said court have
caused the following person, witness for the defendant,
to come before me at the Courthouse of the County of
Russell on Monday the 15th day of October 1819; who being
duly sworn on the Holy Evangelists of Almighty God
deposed as followeth:

George Colley a witness of lawful age was interrogated
by the defendant—

Q. Do you know at what time William Barnett came
into the County of Russell?

Ans^r I do not recollect the precise time; but know
he came into the said county nearly five years ago,
residing generally when in this County at the house
of Richard Thompson deceased.

Q. Did you at any period in the life time of the
testator, ~~hear~~ hear him express his wish to whom his
estate should be given at his decease.

Ans I did.

Q. What did he state to you in relation to that subject
and at what time did he so communicate to you

Ans^r I have heard the Testator two or three times
speak of the manner in which he intended to dispose
of his estate when in company with him some time
previous to his death: and he uniformly declared that
his children (meaning Abner, Isabella & Nancy) should
inherit the whole of his estate.

his
George X Colley
mark

William Gent a witness of lawful age deposed that
in the year ~~1814~~, 1815, on the deponents return from

The deponent to a Commission from the Honorable Court
Held at Wexley in the said quarter, in a commission
regarding the estate of the late John Goodall and Henry
Dickinson with the Will annexed of Richard Thompson
deceased Defendants, J. James P. Barrett, one of the
Commissioners for taking depositions in said Court have
caused the following person, witness for the defendant
to be sworn at the Courtroom of the County of
Russell on Monday the 11th day of October 1819, who being
duly sworn on the Holy Evangelists of Almighty God
deposed as follows:

George Colley a witness of lawful age was interrogated
by the defendant—

Q. Do you know at what time William Barrett came
into the County of Russell?

Ans. I do not recollect the precise time, but know
he came into the said County nearly five years ago,
residing generally where in this County at the house
of Richard (Thompson) deceased.

Q. Did you at any period in the life time of the
testator, hear him express his wish to whom his
estate should be given at his decease

Ans. I did.

Q. What did he state to you in relation to that subject
and at what time did he so communicate to you

Ans. I have heard the Testator two or three times
speak of the manner in which he intended to dispose
of his estate when in company with him some time
previous to his death: and he uniformly declared that
his children (meaning Abner, Isabella & Nancy) should
inherit the whole of his estate.

George Colley
witness

William Good a witness of lawful age deposed that
in the year 1814, on the deposition returned from

to the County of Russell from a tour of duty at
Norfolk William Barnett lived at the house of
Richard Thompson in said county. this was the 15th
day of march in said year. And further this depo-
nent saith that the said Barnett ~~was~~ lived about
the house of the said Richard Thompson till the time
of the said Thompsons death. And further this
deponent saith not. William Gont

Taken & subscribed before me on the day & at
the place above stated James P. Carrell

15 minutes occupied in
taking the above depositions

J P Carrell Comst

Thompson adms
adms } Depositions
Solinas d



Returned sealed

Filed October 2nd 1879

Wright & L

of Hancock

Book of the Superior Court

Depositions
Thompson adms
& Solinas d
as before

Deceived
in
1879
1879
1879

1879

J. E. Brown esq
Clerk of the Cty.
Court, Wythe

filed 27th October 1879

Johnston & Co
no order to abate
the costs of
Thompson's expenses

Lebanon Virginia

11th October 1879

Sir
It was without our order, & contrary to
our consent that, ⁱⁿ the suit instituted in your Court
in the names of John Johnston, Richard Johnston,
Thompson Johnston, William Robinson & Rebekah his
wife, ~~the~~ ^{against} the administration of Rich^d Thompson dec^d.
our names were used; we wish therefore
that the suit may abate as it respects our
interests: and we are determined if we can
avoid it, to pay no Costs in the case.

Be so obliging sir, as to file this paper
in your Office, with the papers in the above case

We are Sir

Your Obedient Servants

John Johnston
John Robinson

The Clerk of
the Chancery Court
for the Wythe District

Johnston

to 3 by
Thompson

Mrs Isabella Thompson

~~filed October 22nd 1879~~

filed 28th October 1879

Johnston

10 3 1844

Wrentham

Isabella Thompson

Wrentham 27th

1844

In honor John Brown Judge of the High Court of Chan-
cellery holden at W^h the Court house the answer of Isabella
Thompson to the bill of complaint exhibited by John
Thompson Johnna Botsy Johnna Thompson Johnna
John Robertson & Anna his wife William Robertson and
Rebecca his wife Heana Johnna ~~Robertson~~ against
the defend and Henry Dickerson. Saying all
exceptions. She avoweth and saith that she
has heard and believeth that Richard Thompson her
father made a will written by his brother John Thom-
pson which might have been made and borne date in 1809
or 10 which the contents of which she cannot state; that
instrument she has understood was found in possession
of John ~~Thompson~~ ^{Robertson} after the death of the said Rich-
ard; she saw it produced in the Court of Russell
county, by which court it was, upon an examina-
tion of witnesses, rejected as not being the last will
of Richard Thompson her father. She further
saith that in 1816 the said Richard Thompson pro-
cured a will to be written by his said brother
John Thompson, the same now ~~set~~ sought to be
set aside, a copy of which she refers to, prays that when
filed it may be taken as part of her answer; that
will she never saw nor heard the contents of until
after her father's death, when it was ~~found among~~
~~the papers of his father~~ ^{found among} ~~the~~
~~papers of his father~~ ^{found among} ~~the~~
~~papers of his father~~ ^{found among} ~~the~~
papers of his father. This respondent saith
that, the statements in the bill, that she applied to her
father to make a deed of gift to herself of his property
is utterly false and without any kind of foundation;
that she had a brother, Miner Thompson, older than herself,
and never presumed to name the making of either
deed or will to her father; the confidence placed
by him in this defendant was unsolicited, and has
not been disappointed; she saith she had heard
her father and mother conversing about making a
will, when her mother said the will should be
so that all the children would get apart and
her father replied that if he left all in the

hands of this defendant he supposed she would do
what is right, or to that effect; accordingly when
the will was established by the Court of Russell
which gave to this defendant the whole estate
of her father, she executed such deeds as were said
to be proper to convey an equal share with herself
to her brother and sister, and a maintenance to her
mother. She further saith that the allegation in
the bill that just before his death ^{he said to} his son
John Thompson who had his first will be ~~thereupon~~
to be impounded, as she never heard thereof, and the
said Richard Thompson died from home, & very
suddenly. She further states that so much of the bill
speaking of the will established by the Court of Russell
as "the instrument of writing drawn in 1805" is alto-
gether incorrect; for that will was witnessed by
William Barnett, who did not reside in Russell
until 1814, nor did this defendant ever see him
before ^{that time}, and he resided in the family of the said
Richard Thompson when the Will was signed.
She further saith that she suspects that her said father
dated the said will in 1806 to defeat it, and that
his father discovering the error added the syllable
"year" to 1806 to make the true date; she saith
her said Uncle when he gave testimony before the Court
of Russell seemed to prevaricate and endeavor
to defeat the last will and set up the first will
in he was named Trustee, as your Respondent has
understood) but he did state, that the name (as a
part of a name) on the Will, was the hand writing
of the said Richard, and that the syllable "year"
looked like the same hand, or to that effect; &
the Court of Russell unanimously decided to establish the
last will of the said Richard Thompson, and ad-
ministration was committed to this defendant, and
Henry Dickerson who is second to no man in Russell
in respectability joined her in the administration.

...the defendant he supposed the world
...that effect, and...
...the will was established by the Court of Russell
...the whole...
...such deed...
...equal share with...
...and a maintenance
...that the alleged
...of the defendant...
...he died to proceed directly to his wife
...Thomas who had an first wife in the life
...she never heard thereof, until
...Richard Thompson died from some very
...suddenly. She further states that so much of the will
...in the county of Russell
...in 1806 is
...that will was written by
...William Barnett, who did not reside in Russell
...nor did the defendant ever see her
...and he resided in the family of the
...Richard Thompson when the will was signed.
...she suspects that her said
...dated the said will in 1806 to defeat it, and that
...the error added the syllable
...to 1806 to make the true date. She says
...when he gave testimony before the
...of Russell seemed to prevaricate and endeavor
...to defeat the last will and set up the first
...in he was named Trustee, and she
...understood) that he did state, that the name (a
...part of a name) on the will, was the hand writing
...of the said Richard, and that the syllable "to"
...looked like the same hand, or to that effect.
...the Court Russell unanimously decided to establish
...of the said Richard Thompson, and
...the said
...in her testimony joined her in the administration

This defendant prays to be hence dismissed with
her costs.

Wly the Seaimty to wit

This day personally appeared
before me Isabella Thomson and made oath that
the foregoing answer so far as relates to her own
actings and doings is true, and that so far as relates
to the actings and doings of others, she believes it to
be true. Given under my hand this 22nd day
of October 1819.

John Johnston

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In the name of God. Amen. - I Richard Thompson of
the county of Russell in the State of Virginia now enjoying
a reasonable state of health at present thanks be to God
for his mercies and also in perfect mind and memory -
calling to mind the mortality of my body and knowing
is appointed for all men once to die I do therefore constitute
and make this my last Will and Testament first I
recommend my soul unto Almighty God who gave it my
body to be buried in decent burial &c. and as it hath
pleased God to bless me with a portion of the things of
this life I have disposed and bequeath the same in the
following manner & form (to wit) I desire that all just
debts may be satisfied first out of my estate, and secondly
I gave and bequeath unto my well beloved daughter Esabella
Thompson, all and singular my goods and chattels my
lands and slaves to be by her freely possessed and enjoyed
and disposed of as she may think proper. In witness
whereof I have herunto set my hand and seal this
fourteenth day of May eighteen hundred and sixteen

Teste
John Thompson
William Barnett

Rich^d. Thompson
with his marks 

At a Court held for Russell County the 4th day of June
1816.

This instrument of writing was exhibited in court as and
for the last will and testament of Richard Thompson dec'd
and proved by the oath of William Barnett one of the witnesses
thereto and ordered to be recorded as to the personal estate
and no executor being named in the said will; on the
motion of Isaacell Thompson and Henry Dickenson sen.
who made oath and together with Aaron Henricks and
Berry Robinson their securities entered into and acknowledged
a bond in the penalty of five thousand dollars conditioned as
the

the law direct, execution is granted the said Spence Henry
for obtaining letters of administration on the said decedent's estate
with his will annexed in due form

And, at a Court held for the sd. county July 22. 1846. It
was further proved by the oath of John Thompson the other
subscribing witness thereto, and by the testimony of other wit-
nesses, and ordered to be recorded as to the real estate
therein mentioned

Teste
James P. Barrell *cl.*

a Copy Teste
James P. Barrell *cl.*


Copy	\$40 00
Rich. Thompson's	10
will & Copy of	15
the will	5
	5
	10
	5
<hr/>	
For H. S. J. Dixon copy	

Virginia.

At a Superior Court of Chancery holden at Leythe Court House for the District of Leythe on Wednesday May 21st 1814.

Before the Honble John Brown Judge
Be it remembered that hereofore to wit
at and on the 27th day of July 1816
said John Thompson Lother sued
out of the clerks office of the Superior
Court of Chancery a writ
of subpoena against Henry Dick-
son and with the well annexed of
Richard Thompson and Isabella
Thompson which is as follows
viz The Commonwealth of Virginia

(here insert the bill) on which was made the following
return viz Executed (here insert return)
and at October, Nov. & Dec. rules 1816. and January, February,
March, April, May, June, July, August & September 1817. This cause
was continued for the bill.

And at another day court. At rules held in the clerks office
of the Superior Court of Chancery aforesaid on the 27th day of
October 1817

This day came the defendants by their attorney
and the Plaintiff not having filed his bill, It is Ordered
that he appear and file the same at the next rules to take place
in this office

And at Rules held in the clerks office of the Superior
Court of Chancery aforesaid on the 27th day of November 1817

The Plaintiff having been ruled to file his bill
and failing so to do, on the motion of the Defs by their counsel
it is Ordered that this suit be dismissed and that the Plaintiff
do pay into the Defts their costs by them about this affair
in this behalf expended

At a Superior Court of Chancery holden at Baythorpe Court
House for the District of Baythorpe on Wednesday the 27th day of
Brow

Before the Honble John Brown Judge
Be it remembered that hereofore to wit
about on the 27th day of July 1816
came John Thompson Lotter Clerk
out of the Clerks office of the Superior
Court of Chancery aforesaid a writ
of Habeas Corpus against Henry Dicker
son and with the writ annexed of
Richard Thompson and Isabella
Thompson which is as follows
viz The Commonwealth of Virginia

(here insert the writ which was made the following
return viz) Executed (here insert word)

and at October, above & Decr. rules 1816. and January, February
March, April, May, June, July, August, September 1817. This cause
was continued for ten bills.

And at another day writ. A rule held in the Clerks office
of the Superior Court of Chancery aforesaid on the 27th day of
October 1817

This day came the defendants by their attorney
and the Plaintiff not having filed his bill, It is Ordered
that he appear and file the same at the next rules to take place
in this office

And at Rules held in the Clerks office of the Superior
Court of Chancery aforesaid on the 27th day of November 1817

The Plaintiff having been ruled to file his bill
and failing so to do, on the motion of the Defrs (by their counsel)
it is Ordered that this suit be dismissed and that the Plaintiff
do pay into the Defts their costs by them about this affair
and their fees & expenses

27th day of July
1816

The Superior Court of Chancery being at length seated
the nature of the bill as amended appearing there
being the bill of the said James [unclear]
the defendant that but for some
showing on the 27th day of July 1816
some plea thereupon taken there
out of the clerks office of the said
court of Chancery appeared a case
of appeal against some of the
law but with the will annexed of
Richard Thompson and another
Thompson which is an appeal
from the Court of the State of Virginia

(here insert the bill) which was made the following
return was made and the bill was returned
and at October term of the said rules 1816 and being set for the
month of April next, time being the 1st of September 1817. This cause
was returned for the said

And at another day court was held in the clerks office
of the Superior Court of Chancery aforesaid on the 27th day of
October 1817.
On this day the defendant by their attorney
and the Plaintiff not having filed his bill it is ordered
that he appear and file the same at the next rules to take view
in this office.

And at Rules held in the clerks office of the Superior
Court of Chancery aforesaid on the 27th day of November 1817
The Plaintiff having been ruled to file his bill
and failing to do so, on the motion of the Defendant
it is ordered that the suit be dismissed and that the Plaintiff
do pay unto the said Defendant by them about their expenses
which he had expended.

And at another day took. At a Superior Court of the
of Chancery held on Friday May 22nd 1818.

On the motion of here insert or. p. 23.

And at rules held in the Clerk's office of the Superior Court
of Chancery aforesaid, held on the 1st day of June 1818.

came the Plaintiffs by their attorney by

their bill which is as follows viz) To the Honourable

(here insert bill)

and at July, August & September rules 1818. This cause to
continued for answer -

and at another day took. At rules held in the Clerk's office
of the Superior Court of Chancery aforesaid on 1st day of
Oct. 1818.

The Defendants who have had been here insert

and at October Nov. Dec. rules 1818. and January & February
April, May, June, July, August, Sept. rules 1819. This cause
was continued

and at a Superior Court of Chancery aforesaid held on
Saturday Oct. 23rd 1819.

On the motion of here insert or. p.

The following is a copy of the answer referred to in the
or (here insert it)

And at another day took. At rules held in the Clerk's office
Superior Court of Chancery aforesaid on the 30th day of Oct.
1819.

came the Plaintiffs by their attorney and
generally to the answer of the Defendant Isabella Thro

and thereupon a general commission is awarded the parties to
take the depositions of their witnesses.

and at Nov. Dec. rules 1819. and January, February & Mar.
18th & this cause was continued for depositions -

and at another day took at rules held in the Clerk's office
of the Superior Court of Chancery aforesaid held on
30th day of April 1820. This cause was set down for
by the Defendants -

And at another day took a ...
 of the Superior Court of Chancery ...
 and at July August ...
 continued in answer -
 And at another day took a ...
 of the Superior Court of Chancery ...
 Oct. 1818

The Defendants who have had been there in ...
 Court at ...
 April, May, June, July August ...
 and at a Superior Court of Chancery ...
 January 20 1819

On the motion of ...
 The following is a copy of the answer ...
 And at another day took a ...
 Superior Court of Chancery ...
 1819.

came the Plaintiffs by their attorney and replied ...
 and thereupon a general commission was awarded the parties to examine ...
 filed the depositions of their witnesses.

and at ...
 1820 this cause was ...
 and at another day took a ...
 Superior Court of Chancery ...
 April 1820. This cause was ...
 by the Defendants -

Richard Thompson
 vs -
 Isabella Thompson

of Chancery

and now at this day court. At a Superior Court of Chancery
aforesaid held on Wednesday May 20th 1892

230)

This day (had writ or^d for 403)

Court

The following are copies of the exhibits and depositions filed
in the foregoing cause viz) - (here insert them)

18-

by filed

at

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to office

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insert Dmish

cause

in Monday

to 359

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and replied

through

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with rules

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of hearing