

Typed by: Julie Cabbitto
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<https://mecklenburgvagenealogy.com/>

Julie's notes: From Mecklenburg County, VA Chancery: 1880-031 Poythress vs Thomas Ex'or
This transcription is of the deposition of William Lewis Poythress & the will of Nancy Thomas, both part of this case. Typed as written, from xerox copies of the records obtained at Library of Virginia. The estate appraised at \$8,462 – 29 December 1864. But by 1880, William still hadn't been paid. This estate had extreme value loss at the end of the war & Reconstruction time period. Dr. Riggan (dentist) also said in his deposition, that the estate sale was in Confederate Dollars, noting accounts & people who became insolvent while he was trying to settle this estate. Nancy's maiden name was House, she was the widow of Bennett Thomas.

Poythress vs Thomas Ex'or, Deposition for Plff-

The Deposition of William L. Poythress taken before me this November 3rd 1879 to be read as evidence in behalf of himself, Plff, in a certain matter of account referred to me for settlement by a decree of the Circuit Court of Mecklenburg at its June Term 1879 in the chancery cause of Poythress vs Riggan, Ex'or etc.

Present A.S. Lee atty for Plff.

Present R.T. Thorp atty for Deft-

W.L. Poythress, being duly sworn, testifies & says-

1st Question by Plff's atty

What was the relationship of the testatrix, Mrs Nancy M. Thomas, to you, who, it appears died in this county in December 1864?

Ans

She was my Grandmother.

2nd Question by same

Where were you at the time of her death and in what kind of service were you at that time engaged?

Ans

I was in the Confederate Army at Petersburg in Company "D." 44th Va Battalion-

3rd Question by same

State any conversation you may have had with the defendant, E.H. Riggan Ex'or of Mrs Nancy M. Thomas, at or about what time that conversation occurred and what statement the said

defendant then made to you in regard to the amount in his hands as such Ex'or and how much he stated was in his hands and due to you from him as Ex'or as aforesaid?

Ans

I went to Dr Riggan's in 1866 about the last of July or first of August and he told me he had not settled up the Estate exactly yet. He thought when he did settle it up, there would be something coming to me – He said there might be between three & four hundred dollars coming to me as far as he knewed, but he couldn't tell until he had settled it up-

4th Quest

Did you understand Dr Riggan as stating at the time mentioned ie in July or August 1866 a Sum of money between three and four hundred dollars and that that sum was due to you as legatee under the will of Mrs Nancy M. Thomas

Note – ~~Ans~~ Question excepted to because it is plainly a leading question and therefore not a proper one to be asked by Pliffs counsel –

Ans

I understood him to say between three and four hundred dollars and I took it for granted that there would be something due me after he settled it up though I did not know how much-

5th Question by same

State in what manner you understood the statement made to you by the defendant, E.H. Riggan, as to the amount of money he owed you as legatee in the will of Mrs Nancy M. Thomas?

Ans

Well I didn't understand any amount as due – He said there might be some three or four hundred dollars coming to me as far as he knewed. he couldn't tell until after he settled up the Estate. And further deponent saith not.

W.L. Poythress
[signature]

This deposition was subscribed & sworn to before me this 3rd November 1879-

C.J. Faulkner, Comm'r

Adjourned over till Friday, the 7th November 1879-

C.J. Faulkner, Comm'r

The taking of these depositions is resumed this 7th November 1879, pursuant to adjournment

C.J. Faulkner, Comm'r

In the name of God Amen. I Nancy M Thomas being weak of body but of sound mind and disposing memory do make & constitute this my last will & testament in manner & form following viz: I give & bequeath to my son Edward Thomas my Sam[?] Horse to him & his heirs forever. I give and bequeath to my daughter Rebecca Ann Tutor my mahogany bureau and appertences, to her & her heirs forever. I give to my daughter Amanda F King three Pork hogs two barrels corn & six bushels wheat, to her & her heirs forever. -I also give to my son Edward Thomas 1 barrel corn & one Stack fodder I nominate & appoint my friend EH Riggan Executor to this my last will & testament. In testimony of which I have hereunto set my hand and affixed my seal this 5th day of December one thousand eight hundred & sixty four (1864)

signed sealed & delivered
in the presence of
WT Pennington
Benjamin Childress

Nancy M Thomas (seal)
her mark

Whereas, I Nancy M Thomas have made my last will and testament in writing bearing date this day December 5th 1864, and having thereby disposed a part of my estate by special gift, Now I do by this my writing to which I hereby declare to be a codicil to my said will to be taken as part thereof. I give and bequeath to my daughter Lucy J Poythress all the Raw cotton I now have to her & her heirs forever. I give and bequeath to my Grandson Edward Griffith one bed, bedstand and furniture to him and his heirs forever I give and bequeath to my grandson William L Poythress all the remainder of my estate whether it consists of Money, bonds, accounts or other property to him and his heirs forever. Lastly it is my desire that this my present codicil be made a part of my last will and Testament to all intents & purposes. In witness whereof I have hereunto set my hand and seal this 5th day of December 1864

Nancy M Thomas (seal)
her mark

The above instrument together with the will of the testator Nancy M Thomas (being written on the same sheet) to be a codicil to be annexed to her last will and Testament: and she acknowledged to each of us that she had subscribed the same, and we at her request sign our names hereto as attesting witnesses

L.J. Rose
Benjamin Childress

Mecklenburg County Court December 19th 1864

The foregoing last will and testament of Nancy M Thomas and Codicil thereto, late of this county decd. was this day fully proved by the oaths of WT Pennington Benjamin Childress and LJ Rose subscribing witnesses and thereunto and was thereupon ordered to be recorded, and on the motion of EH Riggan the Exor: named in the said will who made oath as the Law directs and entered into a bond in the penalty of \$4000= conditioned according to Law with A.G. Boyd his security therein who justified an oath as to his sufficiency and which said bond being

acknowledged by the obligors thereto is ordered to be recorded, certificate is granted the – EH Riggan for obtaining a probat of said will in due form

Teste RF Clack clk

A copy

Teste R.P. Hughes clk

March 27th, 1879

Nancy M Thomas Appraisement

Document "C." – a copy

We John R Barner L.J. Rose & Robin Thomas having been duly sworn have this day appraised the Estate of Nancy M Thomas decd. and certify that the amt. of the cash value of said Estate is in our Judgment Eight Thousand-Four hundred & Sixty two dollars. Given under our hands this 29th day of December 1864

EH Riggan Exor of
Nancie Thomas Decd.

Jno R Barner
LJ Rose
Robin Thomas

Mecklenburg County Court April 16th 1866

The foregoing appraisement of Property was this day returned into Court and ordered to be recorded

A copy

Teste RP Hughes Clk

March 27th, 1879

Teste RF Clack Clk