

Court, NC, Northampton, Elias Foort 1816

The State of North Carolina

vs

Negro JIM, the property of the estate of **ELIAS FOORT**, deceased & Negro SENECA of
the same estate

Warrant for hog stealing

The prisoners, being examined, confesseth nothing.

HARWOOD JONES, the prosecutor, deposeth and saith that he has lost two hogs, and from the flesh marks of a piece of fresh meat with the hair on, now present, he believes it to be a part of one of his hogs.

HARWOOD JONES

WILLIAM B. LOCKHART, JP

ELIAS ELLIS a witness deposeth and saith that he is overseer for **HARWOOD JONES** and being informed by a hog feeder at Mr. **JONES** quarter where he is overseer that he, the said hog feeder, had lost two of his hogs. This deponent directed the hog feeder to go in search of them and endeavor to find out where they were, whereupon with Negroes DAVY & JACK the hog feeder wen off as this deponent believes and the next morning, to wit the 22nd February instant the hog feeder brought to this deponent the piece of meat now present being the hind quarter of a hog with black spots on red hair, and being informed by the hog feeder that a certain negro, of whom DAVY had obtained the piece before mentioned, was to let him have some more meat.

This deponent in company with **JOHN CAPPELL** sent the said negro DAVY and went to watch whether he could discover where he got the meat from, and having sent the said negro up to the houses where this deponent believes the Negroes belonging to the estate of **ELIAS FOORT** lived. This deponent waited at a distance in order to ascertain the fact, and in a short time the negro which is deponent had sent up to the houses came back in company with another negro and they both stopped within some short distance of the place where this deponent was. And after the two Negroes had stopped some time, this deponent heard the negro which he had sent up, as aforesaid, say to the other negro **"I have got a fine piece of meat of you tonight and you must let me have some more."** to which this deponent heard no reply, whereupon the negro whom this deponent had sent up as aforesaid **"I have paid you a dollar and cannot you let me have some more meat?"** To which this deponent heard no reply. But when the Negroes were about to part, he heard the other negro say unto the one he had sent; **"I can't let you have any more now, but will let you have some on Saturday night or Sunday."** and in a short time after the Negroes had separated this deponent went to the negro that he had sent, when this deponent found he had a piece of fresh meat with the hair on which this deponent took to be the hind quarter of a hog.

This deponent does not know what negro it was in company with the one he had sent.

Court, NC, Northampton, Elias Foort 1816

This deponent saith his hog feeder told him on Monday the 21st instant that the hogs were missing from Friday morning to Saturday evening.

ELIAS ELLIS [ELLISS]

WILLIAM B. LOCKHART, JP

JOHN CAPELL a witness deposeth and saith that he is well acquainted with the place where the Negroes belonging to the estate of **ELIAS FOORT**, deceased, live and also with some of his negros, particularly with the two now present, JIM & SENECA. That he was in company with **ELIAS ELLIS** when he sent a negro man named DAVY up to the houses where **FOORT**'s Negroes lived; and that after waiting some time DAVY returned in company with another negro and stopped within some short distance of the place where this deponent was concealed and this deponent heard DAVY say to the other negro "this is a fine piece of meat, where did you light with such luck, the next time you go out, if you will let me know, I will go with you" and further said "I have paid you for it; I have given you a dollar, but you must let me have some more."

This deponent heard no reply to the first question, but in reply to the last the other negro said to DAVY "I will let you have some more on Saturday night or Sunday."

That this deponent believes, from the voice of the negro in company with DAVY, that it was the prisoner, or defendant, JIM now present.

That in some short time after the two Negroes had separated this deponent saw DAVY with a hind quarter of a hog with the hair on.

JOHN CAPELL {his + mark}

Negro WILL the property of HARWOOD JONES, being duly cautioned and sworn deposeth and saith:

That he feeds hogs. That on Friday morning the 18th February instant he counted the hogs he had the care of and found them all in place, that he did not count them again until Saturday evening, the next day, when he discovered two of them missing and on Sunday following went in search of them.

And this deponent thinks that the piece of fresh meat now present, to wit: a red and black spotted hind

[remainder missing]

Court, NC, Northampton, Elias Foort 1816

Mr. **HILLIARD FORT**

Take notice that on the twelfth day of October 1816 at the town home of **JAMES & HENRY** Abbington in the county of Northampton NC we shall proceed to take the deposition **SILAS LONG** & others to continue from day to day until all is taken to be "made" in evidence in a suit now pending in the Superior Court for Northampton County, whereas we are plaintiffs & your self defendant when & where you may attend to cross examine if you think proper.

September 26th, 1816

JOHN BRYANT & DAVIS BRYANT

September 26th, 1816

I certify that I delivered to **HILLIARD FORT** a true copy of the within letter.

Test

J. WINBORN

Court, NC, Northampton, Elias Foort 1816

Halifax County
May 21, 1816

Pursuant to a commission to us directed on the day & date aforesaid at the house of **WILLIAM E. SHINE** in the town of Halifax between the hours of ten in morning and four o'clock in the afternoon, we proceeded to take the deposition of **ISAAC RICKS** to be made in evidence in the suit now depending in the Superior Court of Northampton County wherein **JOHN BRYANT**, plaintiff & **HILLIARD FORT** is defendant, who after being duly sworn on the Holy Evangelists of Almighty God deposeth and saith the following:

Question by the defendant: How long ago is it since **ELIAS FORT** Sr. purchased the land now in dispute.

Answer: Seventy years or upwards. **ELIAS FORT** Sr. told me that he had purchased it of **LEMUEL NICHOLSON** & said **NICHOLSON** informed me that he had sold it to **FORT**. And I know of my own knowledge that **ELIAS FORT** Sr. and others word **ELIAS** has cultivated it twelve years last January. And I believe ... has been cultivated by **ELIAS FORT** ... from the time he purchased it of **NICHOLSON** to the present day, and further this deponent saith not.

ISAAC RICKS

Sworn to before us at the time & place above stated.

ELI B. WHITAKER
L. MARSHALL

Court, NC, Northampton, Elias Foort 1816

Halifax County
May 21, 1816

Pursuant to a commission to us directed on the 21st May 1816 between the hours of 10 & 4 at the house of **WILLIAM E. SHINE** in the town of Halifax we proceeded to take the deposition of **JOHN D. POWELL** who being sworn upon the Holy Evangelists to tell the truth and nothing but the truth, deposed and saith:

Question by defendant: How old the forty acres of land in dispute descend from **THOMAS [WEBB]** & **JOHN WEBB** to **JOHN A. GRAY**

Answer: I understood from **JOHN A. GRAY** that it was left by **THOMAS & JOHN WEBB** to their three sisters **REBECCA [WEBB]**, **MARGARET [WEBB]** and **NANCY [WEBB]**, and that Gray purchased it of the three sisters.

Question: Do you know to whom **GRAY** sold the land?

Answer: Gray told me he sold it to **LEMUEL MCCULLOCK** and the **MCCULLOCK** sold it to **ELIAS FORT SENIOR**.

And further this deponent saith not.

JOHN A. POWELL

Sworn and subscribed before us the day and date above written

ELI B. WHITAKER
L. MARSHALL

Court, NC, Northampton, Elias Foort 1816

State of North Carolina
Northampton County

To **CORNELIUS MOORE & WILLIAM GOORLEY**, Justices of the Peace for the county aforesaid, Greeting.

KNOW YE, that we, reposing especial trust and confidence in your fidelity and prudent circumspection, do command, authorize and empower you, or any of you, that at such time and place as you shall appoint, you call and cause to come before you **WILLIE WATSON** and others diligently examine on the Holy Evangelists of Almighty God, what they know in and about a certain matter of dispute now at issue in our Superior Court of Law and Equity, made in a cause, wherein ... of **JOHN [BRYANT] & DAVIS BRYANT** are plaintiffs and **HILLIARD FOORT** is defendant, as well on the part of the plaintiff as the defendant, and such examination and deposition by to so taken, you are to send closed up under your seal, to our said Court, to be held for the county of Northampton, at the Court House, on the fifth Monday after the fourth Monday in September next; and this you are in no wise to omit.

Witness **WILLIAM B. LOCKHART**, Clerk of our said court, at Office the 5th Monday after the 4th Monday in March in the 40th year of our Independence, Anno Domini 1816.

Court, NC, Northampton, Elias Foort 1816

Pursuant to the annexed order, to us directed, we have this day proceeded to take the deposition of **WILLIE WATSON** & others in a suit now pending in the Superior Court of law & equity to be held for the County of Northampton (wherein **JOHN BRYAN** & **DAVIS BRYAN** as plaintiffs and **HILLIARD FOORT** as defendant) at Northampton Court House on the fifth Monday after the fourth Monday in September last.

The plaintiff being present and due notice of the time & place of taking such depositions being duly proven to have been given & the witnesses being duly sworn on the Holy Evangelists of Almighty God. **WILLIE WATSON**, one of the witnesses deposeth & saith:

That **BENJAMIN BRYAN JR.**, father of the present plaintiffs, was born some time in the year 1770 and that **BENJAMIN BRYAN SR.**, father of the said **BENJAMIN BRYAN JR.**, departed this life in the year 1789 and the said **BENJAMIN BRYAN JR.**'s father, the plaintiffs died in the year 1796 and further this deponent saith not.

W. WATSON

SILAS LONG being next duly sworn deposeth & saith that when **ELIAS FOORT Sr.**, deceased, was about to purchase the land now in controversy between the parties of **LEMUEL NICKERSON**, he the deponent was present & shewed the said **NICKERSON** a deed which he, the deponent, held as executor of **BENJAMIN BRYAN JR.**, deceased, covering the land which he, the said **NICKERSON**, was then about to sell to the said **FOORT** & that he, the said **NICKERSON**, requested the deponent not to let said **FOORT** see the deed, as it would deter him from purchasing, & that his situation was such as to render selling the land to said **FOORT** absolutely necessary.

SILAS LONG

And the deponent on further consideration saith, under oath, that he warned the said **NICKERSON** not to chop a line & that in consequence of the said warning that a blazed line was substituted for a chopped one & further this deponent saith not.

SILAS LONG

The foregoing deposition was sworn before us, the subscribers, before us this 12th day of October 1816.

Given under our hands & seals.

C. MOORE, JP

W. GOORLEY, JP

Court, NC, Northampton, Elias Foort 1816

```
##### # # ##### ##### # # ##### ##### # #  
# # ## ## # # ## # # # # # # ## ##  
# # # # # # # # # # # # # # # # # # #  
##### # # # # ##### ##### # # # # # # # #  
# # # # # # # # # # # # # # # # # # #  
# # # # # # # # # # # # # # # # # # #  
##### # # ##### ##### # # # # # # # # # #
```

Transcribed from original documents by Brent R. Brian & Martha M. Brian.

This document and others can be found on our website:

[BMGEN](#)

We claim **COPYLEFT** on the documents that we publish that are our original work.

COPYLEFT "rules" can be reviewed on the web site:

[GNU Free Documentation License](#)

In short, use what you like. But if you use our stuff, mention us as the source.

Brent R. Brian
Martha M. Brian
BrianMitchellGenealogy@gmail.com