

I, John Dickenson, Sr. of Castlewoods, Russell County, Virginia being of sound mind and disposing memory do make and publish this my last Will and Testament in the manner and form following

First I desire that all my just debts and funeral expenses shall be paid out of my estate

Second, I give to my wife, Fanny Mc Gull Connol and use during her natural life of the whole of the tract of land on which I now live Consisting of the four hundred acre tract on which my dwelling house stands and a One hundred and sixty acre tract adjoining it both of which tracts were deeded to me by Littleberry Robinson. I also give her all my Household and Kitchen Furniture to dispose of as she may see proper. I also give her the use of her natural life of four of her choice of my horses and six of her choice of my milk cows four of her choice hogs and ten of her choice sheep.

Third, It is my will and desire that my son James J. Dickenson shall remain on the farm and in the house and manage for my wife during her life taking good care of her and furnishing from the proceeds of the farm her plentiful support and also a comfortable support for my son Robert, and if he does so then at the death of my wife it is my Will and desire that he shall have to him and his heirs forever the four hundred acre tract of land on which my house stands wherein I now live. but I hereby charge said tract of land with the comfortable support of my son Robert during his natural life

Fourth I give to my Son Littleberry Dickenson all my lands lying and being in the County of Scott in which request I mean to include all

piece of about 145 acres I sold to Joseph Culbertson which is shortly to be sold for my benefit for the purchase money and he is to bid for said land. If he gets the land at the sale he is to have it with the benefit of the purchase money coming to me to pay said. If some one else gets the land at the sale he is to have the purchase money. But in either case he is to pay all the costs of the suit with Culbertson and of the sale &c.

Fifth. Provided my Daughter Nancy Gray never claims dower in the tract of land which her husband Harry Gray sold to Nathaniel Dickenson then I give her the tract of land on Copper Ridge where Jesse Keith now lives deceded to me partly by John Willy partly by Inedding James and partly by old Hugh Keiths title bond for it the whole tract being about two hundred acres. But if she ever claims dower in any of said land then in lieu of the above bequest, I give her one dollar and nothing else of my estate.

Sixth. I give to my son William P. Dickenson during his natural life the One Hundred and sixty acre tract of land deceded to me by Littleberry Robinson lying adjoining the tract which I have given to my son James J. Dickenson and James Aaron Gases lands and at his death I give said tract of land to my son John C. Dickenson to have and to hold to him and his heirs for ever.

Seventh to my son Henry Dickenson son of my daughter Josephine Dickenson I give two hundred dollars to be paid to him when he arrives at the age of twenty one years by my executor.

Eighth. When the present Lease to J. G. M. Cornell shall have expired upon my interest in the Kentucky Saltworks known as the Bushens Saltworks I desire my Executor to sell my interest in the same and divide the proceeds equally among my heirs then living. That is to each One of my children One share or if they shall be dead leaving a child or children they to take the share that would be going to the parent if living. But my daughter Nancy Gray to have no share in this bequest if she claims the dower heretofore spoken of in the land of Nathaniel Dickenson but if she does not to have her equal share with the others. Lastly I leave it with the court to appoint my executor, and I hereby revoke all other Wills by me heretofore made and declare this to be my last Will & Testament only will given under my hand and seal this 21st day of December in the year 1870.

John Dickenson (R)

Signed sealed and acknowledged by John Dickenson in our presence as and for his last Will and Testament and we signed as witnesses in his presence at his request & in presence of each other.

Geo M Bickley
E J Patterson
Wm B Astor

A Copy Teste

H A Knutson C

To the Honorable John A. Kelley Judge of the
Circuit Court of Peppel County,

The Answer of James J. Dickerson answers with
the will annexed of John Dickerson deceased
and also as a ~~copy~~ ^{copy} under said will to a bill
exhibited against him and others in this Honorable
Court by John L. Dickerson After seeing and
just and proper exceptions to said bill for
its many errors and misstatements for answer
thereto or so much thereof as he is advised it
is material for him to answer says,

that his father John Dickerson departed this
life on the day of May 1871 that previous to
that time to wit on the day of December
1870 he made and executed his will a copy
of which is filed in this cause and at the

Term of the County Court 1871 of said
County the said will was produced in Court
and proved by the oath of the subscribing
witnesses thereto and admitted to record
in said Court and your respondent was
appointed by the Court and qualified as
administrator with the said will annexed
there being no one nominated in said will
as executor thereof,

Your respondent protests that said will is
a valid paper that it was executed by the
Testator according to the laws of the State
in all particulars and was properly admitted to
record and that the sale of the Testator papers showing
He denies most positively that the said Testator
was not in his right mind when he made and
executed said will, and asserts that he was as
much in his right mind as he ever was in all
his life, and he denies most positively that
your respondent or his wife or his mother or
any one exercised any undue influence upon
him to procure or induce him to make said
will in the way he did, Upon the contrary
he asserts that the Testator made said will of
his own volition and influenced by any
one, especially does he deny any fraud
or any act that could be taken into fraud

in the procurement of said will, Upon the contrary your respondent never knew nor does he believe that his wife or mother ever knew until a very few days before the testator's death how he had made his will, a few days before testator's death he told his wife respondent's mother some of the provisions of his will so far as she was concerned but did not even then as respondent is informed tell her how he had divided his property between his children, Some time after testator had made his will he one day pointed out to your respondent the lands which he said he had conditionally given him in his will and spoke of some of the conditions which he had required to be performed by respondent. This much respondent knew about his will before his death but nothing more, the rest of testator's will respondent learned by hearing it read after his death.

It is true enough that testator did not make an equal distribution of his property amongst his children, and it is equally true that he did not give the complainant a full and equal share of his estate, What the reasons were that influenced the testator's mind to make his will as he did of course your respondent does not know, but if complainant had set to work to hunt up the true reasons that influenced the mind of the testator not to give him an equal division of his estate he might doubtless have found others besides the ones he states in his bill, At least your respondent has no doubt that witnesses who heard ~~testator~~ talk about the matter will state that the testator was able to give other reasons than the ones stated by complainant for his not giving him an equal share of his estate, Complainant is respondent's brother and as he is advised it is not necessary to go into particulars in this answer he refrains from stating what he believes to have been the true reasons of the testator for not giving him an equal portion of

his estate, As your respondent is advised that it matters not what his reasons were or whether he had any so that it appears that the paper filed was his will and that he was of sound mind when he made it, and made it of his own free volition that ~~is~~ such was the fact your respondent has already stated and here repeats it and expects that complainant will entirely fail to produce any proof to the contrary.

When said will is looked into and the surrounding facts known it will appear that in fact respondent although he does get the most valuable portion of his father's land does not or may not get much advantage at last if any, the care and support of his mother devolves on him as long as she may live, and also the care and maintenance of an unfortunate brother is made a charge on his part of the land, When these things are considered and whilst it is not known how long they may continue or how heavy a responsibility they may result in it is uncertain whether respondent has much or in fact any advantage over complainant but whether he has or not respondent is advised is not the question at issue.

And your respondent having fully answered so far as he is advised it is needless for him to answer and denying all not answered admitted or avoided prayers to be hence desisted with his costs.

W. E. Kennedy & Stone

Sworn to before me by J. M. Dickenson this 28th day of Sept 1871.

J. L. Gentile

John C. Dickerson

vs J. In Choucares,
James J. Dickerson & others

This cause came on this day to be finally heard upon the papers formerly read ~~and was argued by counsel~~ and upon the verdict of the jury upon the issue formerly ordered by this court to be tried at its bar, and was argued by counsel and it appearing that said issue has been properly tried by a jury and that they found their verdict in favor of the defendants, and the same ~~having~~ been properly certified to this court it is therefore ordered adjudged and ~~assessed~~ ~~assessed~~, that the plaintiffs will be dismissed, and by agreement of parties it is ordered that each party pay their own costs, incurred in the prosecution of this suit, and in the trial of said issue

1

In the Clerk's office of the Circuit Court of Russell County August 19th 1871.

John C. Dickenson Coplet
vs
J. J. Dickenson & others Defts In Chy

Wm. P. ~~John C.~~ Dickenson a witness of lawful age after first being duly sworn on the part of the plaintiff pursuant to a notice herewith filed, deposeseth and saith

Question by Plaintiff's Counsel

Are you well acquainted with all the facts in this suit?

Answer - I reckon I am.

Question by the same. Do you know of any improper influence which was brought to bear upon the mind of John Dickenson dead in making his last will & testament, if so state what it was.

Answer - I do not.

Question by the same

Do you know of any improper influence which was used to persuade John Dickenson dead against his own free will, previous to the making his last will & testament?

Answer, No

Question by the same

Did you not hear your father say that your son had been driven off like a dog & he would never see him again.

Answer - Yes

Question by the same

Who did he say had driven him off.

Answer. he did not say.

Question by the same

Had this then not been improper

influences being upon Jm Dickerson would he have been requesting
that which he himself had done,

Answer. I do not know, that is a question I cannot answer.

Question by the same

Was or was not Jm Dickerson frequently annoyed
by interested parties about making his will.

Answer. I do not know what you call frequently, he was
sometimes urged to make a will, I did it one
time myself, I heard others speak to him
about it.

Question by the same Did you ever hear his son John urge him
to make his will

Answer. No

Question by the same. Have you ever heard Jas Dickerson urge
him to make his will.

Answer. I have.

Question by the same. What was the great necessity of John Dickerson's
making his will, and was not those who urged it prompted
by selfish motives.

Answer. His children could not live together with him
agreeable, I was prompted by self interest, as to
the others I do not know.

Question by the same. Was there, not much misunderstanding
among those who urged Jm Dickerson to make his
will against John L. Dickerson.

Answer. I think there was unkind feelings with some, but
not with myself.

Question by the same. Do you know anything of Jas Dickerson's
advising, requesting or saying to Jm Dickerson that it
would be well or better to have John L. Dickerson away or off of his place
or that Jas Dickerson would or could not live with him
or about ^{any} of Jm Dickerson remaining with him on his land
or in the neighborhood.

Answer. I never heard J. J. Dickenson, advise, request or
say to John Dickenson that it would be well
or better to have John L. Dickenson away or off
his place. I heard J. J. Dickenson say that he could
not live in the house yard or on the place if John L.
Dickenson stays there, that they both could not
stay there, but did not request his father to drive
John L. Dickenson away, told his father that
he could do as he pleased, and said he J. J. Dickenson
would go himself.

Question by the same. Did Jas Dickerson give any reason for wishing
John L. Dickerson off of the estate of Jm Dickerson did.

Answer. He did.

Question. State what they were.

Answer. On account of insults and abuse to the said
James J. Dickenson and his wife, and this is
the only reason I heard.

Question by the same. Was there much misunderstanding at the time existing
between the Brothers Jas J & Jm L. Dickerson

Answer. Yes.

Question by the same. After Jas Dickerson stating that he could not live
in the house yard or on the place if Jm L. Dickerson ^{remained} there
did not Jm Dickerson do and in some manner
convince Jm L. Dickerson to leave.

Answer. He insisted on his going repeatedly, after and
before the conversation occurred, above referred to.

Question by the same. How long had Jas Dickerson been living
with Jm Dickerson did, before he made his will.

Answer. I do not know, I have been absent

Question by the same. Is not Jas Dickerson the largest beneficiary
of Jm Dickerson's will, & is not Jm L. Dickerson the last.

Answer. I do not know, the estate is not settled up yet.

Question by the same

Did Jack Wislerson ever make a proposition to you or to others in your presence, in which your father's influence might be brought to aid in getting John C. Dickenson removed from the place ^{from} or the neighborhood?

Answer, he did not

Question by same, Did you or not hear the deft ~~say~~ James J. Dickenson say that he intended to keep this suit in court ten years

Answer, I don't recollect that I did.

Cross examination

Question - Do you know what caused John Dickenson dect. to say that poor John had been driven off like a dog & that he would never see him again.

Answer I don't know what caused him to make the remark.

Question, Why did Mr Dickenson order and request John C. Dickenson to leave his house & farm.

Answer, Because he said John C. Dickenson was doing no good there for himself or any other person & he wanted him to go some where and go to work & make something to live upon, & not sponge on him for a livelihood.

Question, Did you or not ~~ever~~ hear Mr. Dickenson say that John C. Dickenson was so disagreeable that he could not live with him & that he was unwilling to risk himself with him in his old days.

Answer - I did

Question - Did you or not hear Mr Dickenson say to you that he had delayed making his will, waiting for you to return from Texas.

Answer - he did.

Question - What was your reasons for urging him to make his will

Answer - There was three families of us living in the same yard, brother James J. Dickenson under contract had control of the farm and all the stock upon the same, & he had promised me a home & I wanted it to myself so that I could control for myself, the families also disagreed & I requested him to make a will that we might have peace.

Question, Did he or not say that he intended to make a will and let each one go upon his interest & go to work

Answer, No not at that time, he replied I will make my will when I get ready, you can all shut your mouths.

Question - Do you think he made his will to suit himself -

Answer I do think so.

Question, Do you think he made his will to suit James J. Dickenson.

Answer I do not.

Question Did he make his will to suit James J. Dickenson

Answer - No.

Question, From your knowledge of the estate of John Dickenson has John C. Dickenson received an equal share of said estate with the other heirs ~~to said estate~~ according to the will.

Answer - No -

Question, Did you ever know J. J. Dickenson to treat John C. Dickenson unkindly

Answer, I never saw him treat him unkind except by silent contempt

Question, Did or not James J. Dickenson, insist that he should leave the farm and let Witness & John C. Dickenson remain there

Answer He did.

Question Would Mr. John Dickenson agree to it

Answer He would not agree to said proposition, and required said J. J. Dickenson to remain on the farm & contract it as he had been doing

Question. Did you or not hear John Dickenson - deca. say that J. J. Dickenson, went to living with him immediately after the surrender, & had to leave there on account of John C. Dickenson being so disagreeable that he could not live with him & why was it that J. J. Dickenson returned to the home farm from the State of Kentucky.

Answer - I don't recollect of hearing him say why he left, But he returned ^{at their request} to take care of Mr Dickenson & wife they were both old and helpless

Question Did you or not hear them say that when they were cold John C. Dickenson would not make them a fire & when they were thirsty John C. Dickenson would not bring them any water.

Answer I did

Question, Was John C. Dickenson present when Mr Dickenson made these complaints.

Answer. He was, and he John C. Dickenson made no reply.

Question, Do you think John Dickenson deca was perfectly capable of disposing of his property as he desired to do.

Answer. He was I think up to the Sabbath morning before his death.

Question Were you living with John Dickenson deca during the month of December 1870, and were you requested on a particular day of said month when Wm B. Aston was there to go after a couple of the neighbors to go there to witness Mr Dickenson's will,

Answer I was living there, & went for said neighbors while Mr Aston was there, & they came and I saw them sign a paper which they told me was Mr Dickenson's will,

Question What was the condition of Mr Dickenson's mind at that time

Answer It was as good as it ever was, according to my judgment.

Question, Did you or not hear Mr. Dickenson make any reference to having made a will

Answer He said to me that he had made a will and was glad of it

Question, Did he ever propose to you to take the contract that James J. Dickenson is bound to perform under the will.

Answer He did and I failed to comply with his request, it was previous to making the will, it was when I was in Texas.

Testimony by Plaintiff

When the three families referred to in your deposition lived in the yard of Mrs Dickenson deca, did you not become estranged to John C. Dickenson & his wife & that estrangement continued up to the present time.

Answer. No, had none then & have none now

Testimony by deca. Has not a greater hostility for John B. or for John than you have for John C. Dickenson

Answer - I have not

Question by Sam. Have you not made an arrangement with Joe Dickerson ~~and~~ of Joe Dickerson's ~~de~~ whereby you can move to move to distant State since the death of Joe Dickerson

Answer No, but I have made an arrangement with J. J. Dickenson ^{for means} (not as admr) to move to another State

Question. Then you present when the will of your father was first read to your Mother & Joe Dickerson if or what was said at the time. Also state whether or not your Mother has not always or certainly shown your partiality for Joe Dickerson & his wife & a distinct unkindness to Joe L. Dickerson

Answer I was not present when the will was read to Mrs Dickenson & J. J. Dickenson. I answer the balance of the question in the affirmative for good reasons

Question by Sam. What difference is there in ^{the} ~~the~~ ~~of~~ the will of Joe Dickerson & J. J. Dickenson's

In favor of judgement what difference in value is made between Joe Dickerson & J. J. by the will of Joe Dickerson & J. J.

Answer - I have no idea, it depends upon circumstances, if J. J. Dickenson complies with the requirements of the will his is worth most, more than double and further this deponent saith not.

Wm. J. Dickenson

The taking of depositions in this cause is continued until the 7th day of September 1871.

J. C. Gent Comr

Court was engaged

5 3/4 hours @ 75¢ per hour \$4.31

1871 September 7th continued until the 30th day of Sept 1871

J. C. Gent Comr

The foregoing deposition of W. P. Dickenson was sworn
to before me by the said W. P. Dickenson on the 19th day
of August 1871. which was continued until 30th Sept
1871 and closed

J. Went Lermer

Virginia

Russell County to wit

The Deposition of Fanny Dickenson taken pursuant to a written notice on the 11th day of August 1871 at her house in Russell County was to be read as evidence in behalf of John C. Dickenson in a suit pending in which John C. Dickenson is plaintiff and the said Fanny Dickenson S. I. Dickenson & others are defendance Fanny Dickenson a witness being first sworn deposed & saideth

- 1) Question Are you the widow of John Dickenson the testator Answer Yes
- 2) Question What are the number of living children you have. Answer Six
- 3) Question Did or not ~~you~~ ~~other~~ children Mary and leave home and did or not S. C. Dickenson remain at home and work and manage for his father until the year 1869
Answer A part of them did as to John C. Dickenson he did not remain at home but verry little
- 4) Question Did or not John Dickenson in the winter of 1870 drive off his son John
Answer In November 1870 John C. Dickenson struck his brother S. I. Dickenson over the head with a stick at which time his father told him to leave and he never wanted to see him again
- 5) Question Are you prejudiced against your son John Answer I am not
- 6) Question Did or not you entertain strong partiality for your son S. I. Dickenson & his wife Nancy Dickenson Answer No God forbid
- 7) Question Did or not you seek to get your husband John Dickenson to drive off S. C. Dickenson from his home & services and to bring S. I. Dickenson

and his wife from Kentucky where they lived to
your house to transact business & manage for John Dickenson
in room and stead of J. G. Dickenson

Answer Never in my life

Q) Question Did you or not go into the meat house
where your son John ~~was~~ with other hands in
the service of your husband was hanging meat
and raised a fuss with John & stricken him
with a knife pull his nose & use very abusive
language to him

Answer No, he called me a liar and I
struck him in the ~~the~~ mouth with my fist
Fanny ^{her} Dickenson
mark

Virginia Russell County To Wit

I, Jas. H. Dickenson a Justice for the said County
do certify that the foregoing deposition of Fanny
Dickenson was taken sworn to and subscribed
before me at the time and place and for the
purpose specified in the caption given under
my hand this 11th day of ~~the~~ August 1871

Jas. H. Dickenson J. P.

Deposition of

Fanny Dickerson

Received & filed Sept
28th 1871

J. L. Kent C.C.

would have to give it out and I said that he should not move the house unless I could see him married I asked my husband what he would do for plank and he said that John wanted that pile of lumber lying in the yard and I said to him that was James plank and he would not let him have it and he said he would have to give it out and said nomine

2 ques by plaintiff

what do you know about John Dickenson desiring giving John C Dickenson permission to live and make a crop at the Shannon house and my husband said that he could have any of the Ridge plaises that he wanted if he would go and make a crop and he said with an oath that he would not have any of them and he then rented it to ~~John~~ Shannon

3 ques by plaintiff

did you hear James J Dickenson tell John Dickenson desiring that he could not live in the neighborhood on ~~the~~ the farm with John C Dickenson I heard James J. Dickson say to his Mother that him self and John C. Dickson could not live together for ~~we~~ have tride it before.

4 ques did you ever here James J Dickenson tell John Dickenson desiring that he ^{James J. Dick} was afraid to live close to John C Dickenson and that he would burn up his house kill his stock and he would be obliged

To sell or rent out his part of the farm
I never heard him say any such thing

I was by ^{plf} did you ever here of James J. Dickenson
say to John Dickenson, dec'd, that if John C.
Dickenson stayed on the farm that he could not
nor would not live on the farm if John C.
Dickenson did,

I heard James J. Dickenson say that if John C. Dickenson
came hear that he would not stay for they
could not live together that was in the year 1869.

I was did you send for your brother James Robinson
to come into a room to talk to your husband about
making a will.

I don't remember whether I sent for brother or not
We were all three together and Brother James
said that when you make a will you ought to
appoint an agent to take care of me and

Robert for we could not take care of ^{the} place
and John Dickenson did make no answer,
James Robinson said that if James J. Dickenson
would not accept the agency for me and
Robert that he had better point one of
Samuel Gray boys.

I question did you ask your brother to talk
to your husband on the subject of making his
will.

I don't remember whether I did or not

The depositions of James J. Dickenson taken
at the house of James J. Dickenson in
Castle Woods in Russell County Va on the
6th day of April 1872 pursuant to an ad-
-journalment from the Law Office of Wm
H. Burns in Lebanon Va to be read as
evidence in the suit in Chancery in the
Russell circuit court wherein John C. Dick-
-enson is plf, and James J. Dickenson &
others are defts. The deponent James J. Dickenson
of lawful age and first duly sworn
deposeth and saith

I question first by plaintiff

do you recollect a conversation between yourself
John C. Dickenson and John Dickenson the decise
about a pile of plank and building a house,
answered, yes on sabbath they were all gone to
church but me and my husband and
John C. Dickenson came home and went in the
Room and I came in ^{the} Room John C. Dickenson
went out and I asked my husband ^{what}
he wanted and he said that John C. Dickenson
an old house that stood in the yard to
be moved ^{to} back of the peach orchard and
my husband said that John C. Dickenson said
that he was going to git married and I said
to him that there was not one word of it so
I said ^{wait until} until he gets married and he may have
three houses and my husband said that he

8 Ques did you try to make John Dickenson die,
believe that John L Dickenson was fixing to
marry Sinda Branson or not
I never believed any such thing.

Janny ^{her} Dickenson
mark

I do certify that the foregoing deposition
of Janny Dickenson was taken subscribed
and sworn to before me at her house
and in the action mentioned in the
caption. Given under my hand the
4th of April 1872 -

W^m D. Wagoner J. P.

John D. Dickenson

vs
my Depts

J. Dickenson

vs
Sinda Branson
20th 1872

The Commonwealth of Virginia.

To any Justice of the Peace of Madison County
in the State of Alabama. Greeting.

Know ye that we trusting to your fidelity and provident
circumspection in diligently examining James Robinson
a witness on behalf of John C. Dickenson in a suit in
Chancery now pending in the Circuit Court of Russell County
between the said John C. Dickenson plaintiff and James J.
Dickenson administrator of John Dickenson deceased and others
defendants. Command you that on the ^{25th} ~~29th~~ day of ~~Jan~~
~~uary~~ ^{March or thereafter} 1872 at the house of the said James Robinson in Madison
County Alabama, you assemble yourself and the witness aforesaid
before you. You call and cause to come, and diligently examine on
the Holy Evangelist of Almighty God, and his examination into
our said court, distinctly and plainly without delay, you send &
certify enclosed. Witness J. C. Gent Clerk of our said court at the
courthouse this 16th day of January A. D. 1872 in the 96th
year of the Commonwealth.

J. C. Gent Clerk.

Geo. C. Dickenson

vs } Commission.

J. J. Dickenson & others

1872 January 29"

State of Alabama, The deposition of
Missouri County, James B. Robinson
taken at his own house in Missouri
County in the State of Alabama on the
25 day of March ^{or thereabouts} in the year 1870,
pursuant to a Commission issued from
the Russell Circuit Court in the State of
Virginia, same deposition is to be taken
to be read as evidence in the suit in
Chancery in the Russell Circuit Court in
the State of Virginia, wherein John C.
Ricketson is Plaintiff and Fanny Ricketson
and others are defendants. The deponent
being of lawful age and full duty, sound
deprived and ~~sound~~ faith
; St. Petersburg

Are You a Brother in Law to John
Ricketson deceased
Answer, I am
St. Petersburg

Was You or Not at John Ricketson's house
in ^{the} Russell County Virginia a short time
before he died, If so state the time You
were there

Answer, I was a short time before he
died, and was at his house in
the month of September 1870, at
least a short time before he died

3^d Question, Did or not James
Dickerson, and James Dickerson
or either of them, spoke to you on the
Subject, if John Dickerson mentioning
a will, If so state as near as
you can, all or either one of them
said to you about it;
Answer, James Dickerson spoke to me
and I went to him John Dickerson
about making his will, she told
me to advise him to make a will,
I was told by her in the same
Conversation, but what it was I
don't now remember upon the same
Subject I don't remember any
Conversation with James Dickerson
on the Subject

4th Question, Did or not they or
either one of them get you to speak
to John Dickerson, about making
a will

Answer, I have already answered what
I know on this Subject in answer
to my answer to the 3^d Question.

5th Question, What did they or
either one of them tell you to say
to him about it,

Answer, They told me nothing only
to call his attention to it and that
it was very important he should
make a will.

7th Question,

If you spoke to Sam Dickerson about making a will, state as near as you can, all you said to him on that subject, and what he said to you.

Answer, when I spoke to John Dickerson about the importance of making a will he stated to me that he had it made up in his mind how he would make it and intended to make one as soon as his son Powell Dickerson returned from Texas which he was looking for every day this he said in answer to my calling his attention to the subject.

8th Question, Did you have more than one conversation with him about it? If so state how many and what ^{he} said in each conversation.

Answer, But one conversation, about

9th Question, State all ^{you} know about Janny Dickerson and James J. Dickerson, getting him to make a will, and what ^{they} or either of them employed to get him to make a will.

Answer, None, except to call his attention to the importance of making a will.

9th Question, State whether or not
Samy Dickson asked you to
take ^{me to} influence John Dickson
to make a will

Answer, Samy Dickson talked
to me about his making a will
but she said nothing to me
about influence him in making
a will, but much requested
him to make a will,

10th Question, State all she
said to you, and all that you
said to her, in reference to his
making a will

Answer, I have already stated
what she said to me, which was
the importance and to request him
to make a will

11th Question, State what reason
she assigned in her conversation
with you, the necessity for his making
a will

Answer, I don't recollect, excepting
his bad state of health

12th Question, If you had any private
conversations with John Dickson
in a walk with him to the place
about making a will, state that
conversations

witness, I don't know whether it was
 in that walk or ^{not} there but in
 conversation but whether it was
 on the walk to the Mill. I don't
 recollect, on the subject of
 moving his wife and family
 the deponent saith not
 from to & substituted
 before me this by J. M. Robinson
 25th March 1872
 R. D. Wilson
 Justice of the Peace

State of Alabama
 Madison County

I the Subscriber a Justice of
 the Peace in and for said County and
 State, do hereby certify that the foregoing
 deposition of James M. Robinson
 was taken subscribed and sworn to
 before me at the time and place and
 in the various acts mentioned
 in the Caption, by Virtue of the aforesaid
 Commission. I am under my hand
 a Justice of the Peace of Madison County
 Alabama the 25 day of March 1872
 R. D. Wilson J. P.

Recd
 Paid by Cashant \$ 10.00
 Recd over \$ 8.50
 Recd the above balance of Eight 50
 Dollars of J. M. Robinson at the City of Pitt
 for the above depositions. R. D. Wilson, J. P.

John C. Dickenson

vs } Deposition

J. J. Dickenson & Co

Received sealed & filed
March 30th 1872.

Teste
J. C. Gent C. C.

In the Clerks office of the County
Court of Russell County February
12th 1872

John C Dickenson Compt
vs
J. J. Dickenson Defts } In Chy

The taking of the depositions in the foregoing
case is adjourned to the house of Fanny
Dickenson in Castleswoods in said
County to be resumed on the 14th
day of February 1872

At the house of Fanny Dickenson in said
County Feb 14th 1872

Fanny Dickenson a witness of lawful age
after being duly sworn on the part of the
plff disposes & saith

1st Question } Do you know the parties to this
suit

Ans^d yes I do

2nd Do you recollect a conversation you
had with Nancy Gray about your
deposition

Ans^d know

3rd Did you persuade the Testator to make
his will

Ans 3 yes I did fifty times
on the account of Holt

4th Did you not for several years try
to get the ^{ex} Testator to make a will
Ans 3

yes I did
5th Was it not shown you that the Testator
gave James four hundred acres of
land

Ans I know no more than you
do

6th How often did you send for Nathaniel
Dickenson to talk to the Testator about
making a will

Ans I know I never sent for him
for that express purpose

7th Did you send for Elisha Kiser the time
he called the Testator in to the room to
talk to him on that subject of making
a will

Ans. Know I do not recollect that
I did

8th What was said between you & Kiser
on that subject at that time

Ans 3 has no recollection

9th What did you tell Powell Dickenson
of the ~~particular~~ ~~will~~ ~~written~~ ~~to~~ ~~that~~ ~~to~~ ~~James~~
Dickenson that James J. Dickenson would

do if the Testator did not will
this land to James D. Dickenson & your
self. }
3

Ans I have no recollection of ever
naming such a thing to him in my life

10th Did you or not hear the Testator say
that he would make John C. Dickenson
equal with his other heirs

Ans } If he would stay at home & behave
himself he would make him equal with
the rest of the children & more

11th What do you know about the Testator
giving John C. Dickenson permission
to build a house on this 165 Acres of land

Ans } His father said he would
The Testator told me that
John C. Dickenson wanted to put up a house
back of the Old Peach Orchard

12th Did the Testator give John C.
Dickenson permission to build a house

Ans } No I do not know

13th What did you say to Mrs. J. Dickenson's
wife about John C. Dickenson's building
a house

Ans 3 I do not recollect

What do you know about the Testator getting a letter written. Loucinda Brauon main sined to it

Ans 3 George Campbell delivered a letter to the Testator he opened it & it was to John C Dickenson

Cross interrogatoys by Dep't.

Quest 1st

why was it in Roberts act that you insisted on the testator to make a will

Ans 3 Because neither of us thought him capable of taking care of himself

2nd

when the testator proposed to his son John that if he would stay with him and show himself and go to work, that he would make him equal to any of his other sons what was Johns answer do you remember

3rd

Ans 3 I do not recollect did he stay with you and do as his father requested him

4th

Ans 3 know he did not nor would not was ~~not~~ not more of his time spent from home than at home

5th

Ans 3 yes a good deal more when he was at home would he have you water to drink or would he make you fires when you was in needa either

Ans³ If he was in ϕ god's power he
would if not he would not.

6th was the conversation referred to about
John moving or building a house before
or after the testator had made his will
Ans The summer before the testator
made his will

7th did or not John R. tell his father
that the reason he wanted to prepare a
house, that he was going to marry a young
lady that was educated at Abingdon Va.

Ans His father said so I never
heard him say a word about it

8th did you ever know of his marrying
any body

Ans³ No

& father this deponent saith not

Hannay ^{his} Dickenson
marks

^{all} father
The taking of the depositions in this
case is referred to the house of
Henry Dickenson Sr. in said
said County to be resumed on the
15th inst 1842.

At the house of Henry Dickenson ~~in~~ in
Russell County February 15th 1872

Henry Dickenson ~~is~~ a witness of lawful
age being first lawfully sworn dispositive
and sane,

1st

Question } State a conversation that occurred
between your self & the Testator
in regard to the disposal of the
Testator's property

Ans } John C. Dickenson came to my
house some two or three times to get
me to go & see his Father to let him
have some land to tend I went
over to the house of the Testator
& heard a conversation between the
Testator & John C. Dickenson in which
the Testator said he would not rent him
any land nor have him as a tenant
but if he ^{stair} would ^{take care of him & his} go to ~~work~~ ^{work} ~~see~~
~~or a house~~ but see to thing and work
when it was necessary if he did not
pay him in his the Testator's life he
should be well payed after ~~his~~ his
death

written and

1st

Cross Interrogatory By Deft
were you or not a Senior Brother
to John Dickenson the Testator

Ans } yes

2nd how long did you and the testator live near neighbors

Ans³ I occur about sixty years

3rd were you and the testator, not always on the most friendly terms both as neighbors and as Brothers

Ans³ Yes

4th did you then here the testator refer to the conduct of his son John, after the ^{time} conversation referred to in your first answer if so state what it was.

Ans³ I do not recollect of having any conversation ^{with} John went off

5th did John B. Dickenson accept the proposition made him by his father at the time referred to of your going to the house of the testator at the request of his son John

Ans³ John did not accept the proposition

6th from different request you here made by both the parents of John B. Dickenson while you were there did John B. show himself anything like severe and respectful done, much less a dutiful obedient or affectionate son

Ans³ I did not think he did

7th

have you or not had more or less conversations with the testator (as a neighbor and Brother for the last sixty years. every month and frequently every week during the whole period, above mentioned).

Ans^y } We have been friendly & to their regard died and was no intimates or any to neighbors or Brothers in the neighborhood

8th

did you and the testator not have one or more conversations upon the subject of him the testator making a will

Ans^y } yes he told me that he was waiting for his son Powell to come home so that he would then make a will

9th

did you or not consider him a man easily persuaded or changed. from an opinion or purpose of his own

Ans^y } Not if he thought he was aright and } he was not easily changed

10th

did you or not consider him ^{the testator} a man of business

Ans^y } yes I think he was

11th

did you or not consider the testator capable of making a will and disposing of his property as he saw proper

Ans^y } yes I think he was

Question by the Plt

1st How do you know that the proposition was not accepted by John C. Dickerson

Ans³ he did not accept in my presence

2nd Was or not the Testator Harassed or to get him to make his will by the wife of the Testator

Ans³ This wife never

Harassed she never talks to me in the presence of the Testator as I recollect of. but did solicit me to talk to the Testator to get him to make a will on the account of Robt.

Cross Interrogatories By Plt

1st do you or not consider Robert alone referred to, who is a son of the testator incapacitated, or able to take care of himself or property, and did you understand the then wife of the testator, that it was upon that account, that she was so desirous that the testator should make a will, more for the protection of Robt. than anything else

Ans That was my understanding

2nd do you or not consider, according to your acquaintance with the testator's Estate and

Condition of Business of The same and The
Condition of Testators Widow and also the
of condition of his Son Robert. with the
Responsibilities made obligatory upon
James his Son also, that his Son
John had any poor Share of said
Testators estate:

Ans ^{3rd} I think that ~~the~~ Testator made
his will as he wanted it

3rd

was or not the testator a remarkably
indulgent Parent

Ans 3 I think he was

& Later than Dependant said not
the name of Henry Dickinson
the case is in the Court
of the County of York
of the County of York
to be seen on
the 4th day of March 1892

George W. Hiner a witness of sufficient age after being duly sworn on the part of the Deft. deposes that & sixth

1st Question

Do you or not know the parties to this suit?

Ans³ I know the parties

2nd

What part between you and the Testator relative to the Deft. at the time he said something about not cutting the Deft. off.

Ans³

Some twelve months ago he and I was talking of the disobedience of children I said if I had a fortune I thought I would cut off some of my own children, ^{at times} Testator's answer was ~~that I was to~~ to forget the parental love that parents had for their children I have not cut John off

Cross Interrogatories for the Deft.

1st

How long have you been acquainted with the Testator
ans

Sixteen or seventeen years

2nd did you or not consider him a man of veracity and firmness

Answer } Yes

3rd were you or not closely acquainted with him and was with him more or less every week for the last five years.

Ans } I saw him at least once a week for the last five years

4th were you and him very intimate, and did you and him always talk very freely together or with each other

Ans Yes sir

5th did you ever know him deranged or incapacitated, to think for himself

Ans } No sir

6th was he or not a man easily influenced from any opinion of his own

Ans I think not

7th do you or not think him capable of disposing of his property at the time you understood he made a will

Ans } I think he was as capable of making a will as he had been for the last five years

8th do you think he was capable of making a will during the five years above mentioned

Ans Yes I suppose he was

1st

Questions By the Jtts
Did you ever hear of the Testator getting
lost in his own house or yard
Ans. Something was said about it
I do not know anything myself

2^d

Did his wife or James J. Dickenson
influence the Testator to do ~~any~~
thing against his wish to your knowledge
Ans. Not to my particular knowledge

4

Was there not considerable feuding between
James J. Dickenson, his Mother & the Testator
to get the Testator ^{to do} such things as
was contrary to the wish of the Testator
Ans. Somewhat mother sided there
was a little contention between James &
his Father ^{about} an article of an agreement
between James & his Father that
existed the year before, which was 1870
James wanted the article extended & the
Testator said there was no use of
an extension & wanted James Dickenson to
go on and run the Farm as he had

5th

Did the Testator ever intend to give
Rott Dickenson anything but a
support from his Estate as was
your understanding

Ans Rott should live at home here
as long as he lived he cannot say that
Rott should not have any thing

1 est

By the deponent, interrogatory
did you or not understand, about this
twelve months ago confusion, that the
intention was simply that James,
positively, refused to work the farm as
he had done the year before unless his
father would either, extend the contract
of 1870, or enter into a new one.

Ans Yes Sir

2. not

did you or not tell here the testator say
anything about what he intended
brother Robert to have or what he intended
him not to have about or after, ^{the time} he had
made his will

Answer No not after he had made
his will

Further than the deponent said
not

George W. Pinner

Erastus J. Patterson a witness of
lawful age after being duly sworn on
the part of the plaintiff doth depose & saith

1st

Question By the plaintiff

do you know the parties to this suit

Ans I think I do

2nd

What did the Testator sa in your
presence the day that the will was signed
in regard to being troubled

Ans he said after the will was
signed by that he had don he had
~~him~~ what he had bin pestered about
~~to do~~ & fixed upon so you can marry
again adopping his wife

Cross Interrogatory

1st

did you ever understand from the
testator that he was pestered from being
annoyed. By his wife or James his Son
to make his will

Ans $\frac{3}{4}$ No sir unless what I have said
would be understood

2nd

did you or not understand whether
the testator ever insinuated that James
his Son ever pestered him about making
his will

Ans I did not so understand him

3rd

how long have you been acquainted with the testator

ans } I have bin acquainted with the Testator 28 years from my first acquaintance

4th

how long have you lived a near neighborⁿ to the testator and had an intimat^{ship} neighbor^{ly} acquaintance

Ans } about seven years

5th

did you or not consider him ^{the testator} capable of making a will and disposing of his property according to his own judgment at the time of his calling upon you and others to witness what you was told was his will

Ans } I regard him capable of making at that time

6th

did ^{you} believe him incapable of making a will at any time of the last five years of his life

Ans } No

and Father this deponent saeth not
E. J. Matterson

The further taking of depositions
in this cause is referred to the
County Court Clerk's Office
of Russell County on Monday
the 4th day of March 1872
Monday the 4th day of March 1872
met pursuant to adjournment
William B. Aston a witness of lawful
age and first duly sworn depose
th and saith,

By self, Were you called on to write the will of
John Dickenson dead, If you were
state 1st who informed you that
he wished you to do that service:
2^d Did you write the will; 3^d
who was present when the will
was written,

Answer I was called on to write the
will of John Dickenson deceased but
do not remember who informed me
that he wanted his will written
I wrote the will at his house in
the room that I think they used as
a dining room and no one was
present in the room but John
Dickenson and myself.

By same Did you know, before you had
a conversation with John Dickenson
on the day you wrote the will, what

disposition in whole or parts he intended to make of his property Answer I did not, I had gone to his house on one previous occasion for the purpose of writing his will knowing been on that occasion inform ed by James J. Dickerson that his father wanted me to come for that purpose, when I went John Dickerson informed me that he had sent for me for the purpose of writing his will but as he was expecting his son Wm^d Dickerson in soon from the west he had concluded to wait till he come and as soon as he arrived he should send for me again & wanted me to come on that occasion he talked some thing about dividing his ^{some} farm between his sons James J. & Wm^d but did not say how he would divide it between them Who came for you, at the time you went to write the will, and after you arrived at his house, did any one speak to you about the will before the testator died, if any one did, who was it, and what did he, she, or they say about it,

By Anne

Answer of Misson reflection and having
my memory refreshed I now remem-
ber that my brother R. B. Astor who
was visiting John Dickenson as his
physician informed me that John
Dickenson wanted me to come over
there, when I went he John Dicken-
son told me what he wanted and
he had some one of the family to get
paper and pen and ink and
he took me off into the room before
spoken of and there he dictated
his will and I wrote it no one
spoke to me upon the subject but
himself either before or after the
will was written except Mrs
Dickenson his wife who asked
me in his presence after the
will was written signed and
witnessed and we had left the
room when it was written what
provision her husband had
made for her, and I told her
that she would have to ask him
but jocularly remarked that he had
left her about as he found her

By some
Have you any knowledge of any one
using any persuasion, force, or
flattery to and upon John Dickenson

son to induce him to make the will, or have you any knowledge of any means being employed by any one, to set aside John, C. Dickenson in the affections & benevolent feelings of his father the testator,

Answer I have no knowledge of anything of the sort

By same

What age was John Dickenson when you wrote his will, and what was his state of health,

Answer my best recollection is that he told me he was seventy four years of age it may have been seventy six, he was in feeble health principally from an affection in his feet but was able to walk about,

By same

you have said he dictated the will, now state whether or not he dictated the whole of it before you wrote it, or did he dictate a part, and when you had written that part, then dictate another part & so on to the end,

Answer my recollection is that he dictated the will only a part at a time and when I had written that part he would dictate more

and so on until the will was complete.
= Test.

By same

Did you write it as he dictated it and is the paper admitted to probate as his will, the will as dictated to you by him,

Answer I wrote the will as he dictated it and the paper as admitted to probate is his will as dictated by him. After the will was written I carefully read it over to him and he said it was right.

By same

Was he of sound & disposing memory and do you think he understood the nature and effect of the act he was doing.

Answer I had been well acquainted with John Dickerson from my boyhood I thought him to be as much in his right mind on the day and at the time I wrote his will as I ever saw him, I thought he was of sound mind and disposing memory and understood well the nature of the act he was doing.

By same

If he understood the nature and effect of the act he was doing, why did he give his wife Hannah, a

life estate in the 400 acre tract
and 160 acre tract of Lands referred
to in the will and give W P Dieke
nson, a life estate also in the
same 160 acre tract, without defi-
ning that one life estate was to
begin on the determination of the
other, And why did he charge
both tracts with the support
for life of his son Robert, and
then give him, an equal
share with his other children
of the salt works, and leave
him to inherit an equal share
with his other children of his undi-
sposed of lands & personal
estate, Please state whether
he directed these devises and
Requests to be made, with refer-
ence to these subjects, as they
are made, and what reason
he give for it, ~~or~~

Answer I of course cannot undertake
to give his reasons for what he did
only so far as he expresse them
to me, Upon reading his will
over after his death I was unpleas-
ed with the idea that he had made
a mistake in the fact that he made

the support of his son Robert a charge upon his ~~force~~ ~~land~~ ~~real~~ ~~estate~~ ~~trust~~ which he gave to his son James J. and then did not extend him as one of the residuary legatees but the clauses were written as he directed, and I did not think of Robert when the residuary clause was written and suppose he did not, but this is only supposition, he may have intended it just as it is.

As to his giving the two life estates in the 160 acre tract he gave no reason for it that I remember but from his conversation I inferred that the life estate to his wife was only intended as complementary to her and that he did not think she would need or claim it, this is what I thought but do not remember that he said so,

By Anne

How often was you sent for, or solicited to go and write the will before you wrote it, and state as well as you can remember, who all told you, your services were required in that matter,

Assure I have said before that I

went on one occasion to write his will before the time that I did write it and that I was then told by James J. Dickerson that his father wanted me for that purpose the two times are all that I remember of going upon that business and do not remember that I was ever asked to go at any other time,

By James

Did the testator give any reason why he did not by his will, dispose of his ridge lands, if he did state what he said about it,

Answer when he said he was done his will witness asked him if he had forgotten his ridge land and he said he had not but that he expected to sell some of it and deed it during his life, and he said if his son John should come back during his life and would be satisfied he might deed him some of it and asked witness if he would not have the right to do so without interfering with his will,

By James

Did he sell, or deed away any of the ridge land after he made the

will, Answer none that I know
of,

And further this deponent says
not
Wm B. Stone

The further taking of depositions
in this cause is adjourned to the office of
W. H. Burns in Lebanon Russell County
Va to be resumed on the 1st day of
April 1872
J. G. Ketron J. P.

Met on the 1st day of April 1872 at the Law
office of Wm H Burns in Lebanon Va pursu-
ant to adjournment, and then adjourned
to the house of James F Dickerson in
Cepells woods, Russell County Va, on
Saturday, 6th of April 1872, where the
taking of depositions will be resumed
J. G. Ketron J. P.

John L. Dickerson

vs. Depositors

J. Dickerson &c.

The depositions of Elisha Keser &
Robert Ashford, Cressa Dickenson
of color and Reuben Dickenson of color,
taken at the house of James J. Dickenson
in Bassells woods, in Russell county Va on
the 30th day of December 1872 to be read
as evidence on behalf of John C. Dickenson
on the trial of a suit in chancery, and
also of an issue out of chancery, pending
in the Russell circuit court, wherein
John C. Dickenson is p[er]f, and Fanny
Dickenson, Nancy B. Gray, Littleberry^R Di-
ckenson, Robert Dickenson, Wm P. Dickenson
James J. Dickenson, and Henry Dickenson
are defendants. The deponent Elisha
Keser of lawful age, and being first
duly sworn, deposes, and swears,
Question by the p[er]f, Was you or not acquainted
with John Dickenson deceased, at the
time of his death, if you was state
how long you were acquainted with
him, before his death

I was acquainted with the deceased all
long as I can recollect I am
now nearly sixty two
By Sworn. Did you and him ever have any
conversation, about him making
a will disposing of his property before
he made his will,

There was some conversation between
me & the deceased & Nathaniel Dickenson

The deceased asked me and Nathaniel Dickenson to go in to the room with him as he wanted to counsel with us we went into the room he went on to relate some difficulty between Johnny & John his sons he seems to be in a great deal of trouble over the thing & wanted some advice as how to restore peace in the family uncle Polly sought him to his family & said that he had made a will & advised him to make a will uncle Johnny said he intended to make a will but was waiting for his son Powell

By some, In the conversation of John Dickenson refused to, did he speak of what the difficulty between his two sons was, and how that difficulty had arisen. If he did please state what he said with reference thereto.

He spoke of a great many that there had a quarrel between them he said that John opposed every thing Jim attempted to do when he put up a horse to work John would go and turne it out he went on to say that he had tried every method to try to get John to do better but could not get John to do any better he told him if he would not do any better he would have to leave I do not remember of any particular difficulty caused

that gave rise to the difficulty
but I had been going on for some considerable
time

By Sumner. When he spoke of intending
to make a will, did he say whether
or not, any one had advised
him, or in any way tried to
get him to make a will. If
he did then state who it was
that had advised, or tried
to get him to make a will,

He did not
By Sumner. How did it happen that you
and Nathaniel Dickenson
met together at John Dickenson's
house at the time referred to.
Had any one sent for you
or prevailed upon you to come to
his house, if they did please
tell who it was,

Know one at all I was returning from
my church & called as was usual
& Nathaniel Dickenson was here or came
afterwards I do not recollect.
By Sumner, who introduced the idea, of an
interview that would lead to
Nathaniel Dickenson, advising
him to make a will, have
that matter ever been talked
of between you, and Nathaniel
Dickenson, or between you
and any body else before
the day you met here,

Know never with any one before
that day
By some, you speak of your long acqui-
aintance, with the deceased &
your habit to stop & see
him, Now please state
whether or not, Mrs Dickerson
his wife had great influence
over him, and whether or
not his Son James & his Son
had great influence over
him, If you know tell all
you know about it.

As I dont consider that either of
them had any more than a ^{very thin} ~~substantial~~
wife or son ought to have
Father this deponent saith not

Robert Wolford a witness of lawful
age and first duly sworn ^{Elihu Fisher} deposes
and saith,

Question by self, Was you acquainted with the
Deceased in his life time, If you
was please, state how long you
knew him, before his death &
whether or not you lived about
deceaseds house,

He saw about five years & about
eighteen months at his house
By some, If you know of any one influencing
him to make his will, please
state, who it was, and how

such person, or persons influenced him to make his will,

A I no ~~nothing~~ about it

By Sumner, Did you ever hear the subject of him making a will spoken of in the family before he made it. If you did please state who it was, and what was said about it.

A I dont remember that I heard any thing said in the family but heard Jimmy say while he lived in Kentucky that he wished he would make a will so that he would not what to do

By Sumner, Did or not James J. Dickenson move from Kentucky to Cassells woods and into the house or yard of deceased, after he expressed this wish. If he did, state whether or not he lived with the deceased, and managed the farm & stock at the time deceased made the will & to his death.

A yes he moved here after he expressed the wish & managed the farm & stock up to his fathers death

By Sumner, Have you any knowledge, of the deceased, being moved to believe that his son John C. Dickenson was about to marry, a woman of ill fame by the name of Bruno on,

A no sir I have no notage of it

By Inne, Have you any knowledge
of the deceased Being highly
displeas'd at his son
John C. Dickenson, Before
he made his will, If you
have please state the cause
of that displeasur, if you
knows.

Q, yes he was highly displeas'd with
Johny he had heard the oale men
talk to John Boyens of times about
his conduct that he wold rather work
him self no let any one else on the
place that if he not go to work to make
something or sho some disposition to
do something he wold have to leave
that he could not nor wold not stand it
any longer

By Inne, Do you know whether or not
James J. Dickenson or his Lusy
or Mrs Fanny Dickenson, either
or all done or said any thing
to deceased to increase, or keep
up his displeasur at his son
John C. If you do please
state, who it was, and what
they said or done,

Q I do not remember any thing
By Inne, During your acquaintance
with & residence in the family of the
deceased, Did you or not, rec-
ollect, that his wife Mrs
Fanny Dickenson, or his son
James J. Dickenson, or James J

Legacy, either or all, possessed
great influence over the mind
& feelings of the deceased,

(A) no sir
By Sure, Are you acquainted with
the property that the deceased
By his will give to his son
James, and the property he
give to his son John, If
you are please state what
the fee simple of the land
he give James is worth per
acre, and what the land
is worth per acre he give
John, and how many
acres is in the tract he
give James & how many is
in the tract given to John

(A) I no the lands ~~and~~ their boundary
do not know the quantity that he gave to
James no what he gave to John
By Sure, Have you any knowledge of a
paper letter, that purported to be a letter
addressed By Lucinda Branson, a
woman of ill fame to John, C. Dickerson
being delivered to the deceased before
he made his will, If you do, please
state, who delivered the deceased
the letter, 2d what was its contents
3d what became of the letter.

(A) I do not know any thing about it
of my own knowledge here but Ganey
or Samuel John say that Campbell
brought the letter

By some Did the receipt of the paper spoken of seem to increase the displeasure of the deceased at his son John,

(A) no Sir

Cross Examination

question, do you know, or not, under what circumstances, and under what solicitations and from whom those solicitations came that induced me to move from Ky to My Father's, if so please state,

(A) I heard him say that he wished James would come from Kentucky & take care of him

question

did you not hear him, ^{the day} frequently tell James that he would be forced to get James back here, to take care of him and his wife, that ^{they} had suffered for fire and water to drink since they had depended on John for them;

(A) yes Sir

question

did you or not see and hear John frequently refuse to bring his parents a drink of water, or to make them a fire when the wood was already cut to hand

(A) I have seen him refuse to bring water or to put wood on the fire

question

from the friendship, that you know existed between John and Miss Drason, is it reasonable to imagine that after she left the family, there was a correspondence between them by letter

(A) yes sir

Question

have you or not seen one or more letters in Jones hands ^{or elsewhere} that seemed to have been written by Miss Hanson if so state, and

have many of said letters ^{been} you have seen
(A) I saw John with a letter & asked him who it was from & he said it was from Sindy

Further this deponent saith not
R. L. Ford

Cecilia Dickerson a woman of color aged about 59 and first truly known crepuseth and Sindy,

Question By J. H. Were you, in the days of slavery the slave of the decedent,

(A) I was a slave of decedent By Sunde. How long did you live in his family,

(A) I came here when I was 10 or eleven years old & lived with them till I was set free

By Sunde. After you were set free, did you live in the family, and on the farm of John Dickerson until his death,

(A) I did a part of the time about two & two at half years

By Sunde. Have you any knowledge of anyone persuading John Dickerson to make a will.

(A) no sir

By Sunde. Did you ever hear anyone say they would get him

to make a will, or say he must
make a will,

A) no sir I do not

By Sumner, Do you know, whether or
not John Dickensons wife
had a great deal of influence
over the mind & feelings of
John Dickenson,

A) I cant say that
By Sumner, Do you know whether
or not James J Dickenson
and his wife, or either of
them possessed a great influ-
ence over the deceaseds
mind, & feelings.

A) no sir I doant
Further the deponent with out
Coecey ^{his} Dickenson
_{men}

Reuben Dickenson a man of color
aged about, 63 years, and first duly
Sworn, deposes, and says,

Question By peff, Was you ever a slave

A) yes sir

By Sumner, who did you belong to,

A) Yes John Dickenson

By Sumner how long did you serve
the deceased,

A) served him until the year of
1862,

By Sumner, have you any knowledge of
any one persuading John Dickenson
to make a will,

A) no sir

By same, do you know whether or
not Mrs Dickenson the wife
of John Dickenson, had
great influence over his
mind & feelings,

A at sometimes I thought she did
By same, Do you know whether Mrs
Dickenson, had any thing
to do with his making his
will or not,

A) No Sir I was not heir
By same, If the deceased had
his mind fixed on doing
any thing, ^{she thought was right} did his wife
have influence enough
over him, to make him
change his purpose

A some times
By same, The question I intended
to ask you, I this, if John
Dickenson had his mind
fixed on transacting his
own business in a particular
way, could his wife change
him, if she wished to even
make him do it differently

A she could do it or make him rest
By same, How did she operate on him
to change him, did she do
it by teasing him, or how,
state,

A, By fusing & quarrelling

By some, When she wanted him to transact his Business, in her way, how long would she fuss with him if he did not do it in her way, until he would yield, to her.

(A) as long as she would think so it
By some, Did you ever know her to fail to make him execute her will, where she set in to do it.

A sometimes he would tuff her out so do as he pleased

By some. if you can give any instance wherein, he wanted to do one thing, and she did not want him to do it, and she changed him & made him do as she wished, please state the times and what it was about

(A) She made him sell some negroes & do every thing that she wanted ~~ever~~ & succeeded at one time that at one time in his offering to sell stock if it did not suit him she would fuss until he would have to leave the house

Evot Examination

Question

was not the widow of the deceased family a pretty severe mistress driving your slave up so that the same, and particularly with your self,

(A) O, yes she was

Question

when you left the family after you was freed. The widow, who was your former mistress, seemed to till rather ^{well} a dislike for you did not. is so stat.

A) yes sir

Question

your and her has never been they good friends since you were freed have you
A, do not no any difference

Question

what negros were those she had the deed to sell and to whom were they sold to and when were they sold

A, he sold Woolbright & George

Question

what did John B. Dickenson tell you about giving you a home on his land in case he succeeded in breaking his father's will

A, he did not let me any thing about giving me a home

Re Examined By the Juff.

you say in cross examination that your old Mistress Mrs Dickenson was a severe mistress, and that she was neither more severe on you, nor state whether or not you have any ill feelings, from that, or any other cause, that would prevent you from telling the whole truth on or about her, in this or any other cause.

As J. K. has no-ite feeling agane
the I am of a forgive spirit
further he suith not

Rubin ^{his} Dickenson
the further taking of ^{depositions} are
Adjourned from this place to
Nancey B Gray, at which place
I will commence taking, depositions
in this cause again on
the 2d day of January 1873,
Between the hours of Ten o'clock
in the morning and twelve
o'clock of that day.

By Ch. Ketron J. P.,
January the 2d 1873 Then met at the house
of Nancey B Gray in the county of Russell, and
resumed the taking of depositions to be read
in the cause named in the caption, between
the hours of 10 Am & 12 o'clock of said day,
The deponent Nancey B. Gray of lawful
age, and first being duly sworn, deposes
and saith.

Question By the pf. Are you a daughter of
Fanney Dickenson & John Dickenson the decedent
If you are state your age, and how
long you lived with your parents.

(A) By reputation I am, I was seventeen
year old when I was married had
lived with thut I was married
I was married in Augt 1836
Do you know, whether or not, your mother
Fanney Dickenson, possessed more controll over
your fathers, mind, and feelings, than

women, usually do, over the mind and feelings
of their husbands,

Q) I cant help but say that I think
she did

By Same, when she determined to have, a
matter of business transacted, according to
her wishes, please state, whether, or not
your mother generally exercised her
controlling power & influence over your
father,

A) Sometimes she did sometimes she
did not

By Same. When she determined to have matters
done to suit her will, how did she
bring her influence to bear on your
father, please state it as near as you
can,

A) By ^{at her} ^{again & again} ^{to do so}
singing & commanding, & as
as I can tell you

By Same, Did she Exercise her influence
over him, in a kind & persuasive
style & manner, or did she employ
a imperious, and peremptory
manner,

A) She generally do it in a quarrelsome
& peevish manner

By Same, when she made known her wishes &
will to your father, and it did not
agree, with his judgment, and wishes
respecting the subject, how long would
she continue towards him the peevish
and quarrelsome, manner, you have spok
en of ~~as it is~~ unless he yielded to her

Judgment & wishes,

A I have known her to quarrel & harass him as much as two weeks at a time about something.

By Same, When she commenced to Exercise her power & influence over him, did she generally, or not, persist until she succeeded,

A Very often she generally did.
By Same, Will you please state whether or not, your father, was controlled generally, towards her, by a disposition to yield his conduct, to her wishes, or was he sterner & resistful to her influence,

A sometimes he would get mad & would not do as she wished him, then at some times she would torment him so he do it to get clear of her.

By Same. Please state, whether your mother is of a turn of feelings & mind to take no denial of her wishes in her family, or whether she can easily be denied.

A She is of this ten^{or} ^{& disposition} She does not take much denial when she wishes a thing in her family.

By Same, Please state one, or more instances where she exercised her controlling influence over your father,

A I can tell one instance ^{of recent occurrence} of a woman living in the ridge that wanted to sell him a piece or piece of land Mrs. Wite he talked of buying it at first his mother opposed it continued that

January the 3d opposition about two weeks
 when witness visited his parents &
 talked to them about the feeling that
 had got up between the his father & declared
 that he would not by it if he did
 he had as well live in torment
 I had this 2 instances enough

By same, Have you any knowledge of your
 mother, doing any thing, in the way
 of procuring your father to make the
 will in question, if you have please
 state, what you know about it,

A In first place she ^{told me she} had been at him
 to make a will & she told him
 that she wished she would talk to
 to him about it I did talk
 she said to him that he ought to
 make a will what he had was his
 own & he was getting old & he ought to
 make provision for mother & Robert
 he answered her by saying that he
 had been thinking about making a
 will & thought he would I am not
 positive about the time but think
 this conversation occurred about five
 years before his death
 I had a conversation about a year
 or more before his death about
 his making a will which I introduced
 I said in you had better fetch
 your mind to a close about making
 a will & she said yes I have bin
 thinking about it on Roberts account for
 I intend he shall have a good support

Sometime in the fore part of the year 1869
my mother talked to me about pa making
a will & wished me to talk to him again
about his making a will she said she
was afraid he would drop off without
making a will. I spoke to pa & he
said Nancy don't name that to me
any more I have been ^{harass'd} bedeviled about
that enough hear lately I did
not speak to him any more

By Same, Did you or not tell your mother
what your father had said to
you about when you spoke to him
& if you did, what did she say to
you about it

A yes & my mother asked me what
he said & I told her what he
said ^{and she said} (I expect he will drop off
without making one it seems that
I can't get him to make one

By Same, Did your mother ever tell you
how she wanted him to dispose
of his property,

A no - I don't no that she did
except that she said did not want
to be left under any of his
Children

By Same, If your father ever had any conver-
-sation with you about his son John,
and what his feelings towards John
was, and what preference he had
about the child he wished to live
with him, and what he intended
for John, Please state when

it was, where it was, and what
he said, give his language as near
as you can remember it,

A Yes Father had several conversations
about brother John the last
conversation was about January 1870
he said to me poor John Nancy
do you no what he is going to do
or where he is going, I ~~did not~~
answered him I do not. he said he
had rather he would live with him
than any of my Children,
that he would be more satisfactory
& happier than all of them put together
my answer was John will live here
with you if you would give him
any thing to be his own when I
said him this answer he motioned his
hand down the bottom & said don't
you consider this farm any thing
she answered O yes to them that
had it, ^{some of the family walked to that end of the porch or} & he never said any thing
more we did not have any more
conversation about it, This was the last
conversation I had with him about John
Before this conversation I spoke of he
had had several conversations about
John & told her that he had
intended the home place for him
for a some while he lived and
after his death, he has always
had intended since John had become
grown that he had rather he
would live with him than any other

Child he had, he could afford
him more satisfaction all the rest of them
put together

By some, If you know any reason, why John
left home, and why your father
gave James the horse farm, in-
stead of John, please state all
you know about it

A Pa told me of one circumstance
that occurred between John & Jimmy's wife
Pa had had her had to take John
to take Jimmy's wife man - so ride over
Nat Dickenson, after some time to
live some miles & Jimmy's wife
saw him coming home & said how dare
you you free negro Jimmy villain
Pa said he did not, no how John
could stand such treatment

By some, How long did James, J. Dickenson
live in the house & yard of your
father, with him before he died.

A They lived there about one year
& then moved to the mud hole
from there he moved to Kentucky
he moved back to his Father's in
1869 & lived there til the aged
man died &

By some, After James, J. Dickenson came back
to live with his father, what other white
persons but James & his wife, constituted
the family of your father, name
them,

A I cannot I haven't been about them

By June. How long, was your father too feeble to go about, ever attended to his Business before his death

A) I cant tell but think it was some three years or more

By June. Have you any knowledge of James & Dickenson, or his wife, or your mother either of them, or all combined, trying to prejudice your father against John, by making him believe John was going to marry Lucinda Benson, if you have state all you know about it.

A I saw nothing but what matters told me all ~~length~~ that a letter had come ~~there~~ to the mill this pa had got it & they was a good deal disturbed about it the letter purported to be from Lucinda to John & stated that John had promised to marry her & they was a good deal disturbed about it I do not see who produced that impression upon the Ocala folks mother told me that John wanted to buy a house & take Lucinda to live with him

By June. Please state whether, before John left home, and before his father made the mill complained of, Johns mother become displeas^d and dissatisfied with him, also state whether or not James & his wife became favorites with your mother.

A, After the war Jimmy & John was
raising the farm together the same to
get along very well til the crop was in
the ground then their seams to be
a hardness got up one would complain
& the other would complain,
mother was against John tooth & tongue
in this judge Father said very little
about it one way or another all he
said was poor John I don't see how
he can stand it

Cross Examination

Justice how long were you a married lady
pleas state

A, I lived with my husband before
his death about 23 years

Question

is it or not very common in all your
acquaintances, that all good wives have more or
less influence upon their husbands.

A, Of course sometimes they have &
sometimes they have not

Question

did you or not consider your mother a
good wife and always have the interest of her
husband and family at heart in a very energetic
manner both as comfort and accumulating

property
A, Very industrious & energetic woman
in doing the best she could for her
family

did you or not consider your Father
a man easily persuaded from a settled
purpose by your mother or anyone else

A) Sometimes she could be persuaded
or sometimes he could not

Question
haven't you heard ^{your Mother} ~~her~~ during the
lifetime of Col Gray your husband, ^{to} remonstrate
with your Father against his securing large
sums of money tell him with tears in his
eyes that if he did not quit endeavoring for
him Col Gray that he would leave his family
in poverty and did he not continue to
endeavor for Col Gray until the day of his
death leaving more money for your Father
to pay than he ever did like to pay

A) ~~with hands~~
Question

did your mother ever say to you why
she so much desired your Father to make
a will

A) Because she did not want to believe
under any one of her children

Question
did she say or not that she desired him
to make a will more in Robts account than
anything else

A) Not more than his own
Question

will
when you solicited your Father to make
a will frequently that he motion you from him charging
you with doing anything him what did he say about
waiting until Powell come home from the west

A No he did not

Question

haven't you heard him say frequently during for two years before his death that as soon as Powell came from the west he intend to make a will, and didn't you learn soon after Powell come home in the winter of 1869 that he did make a will

A Never in my life did I hear him say that he was going away for Powell

Question

when your father was expressed his anxiety for John enquiring of you what he was going to do did he seem to sympathize with John on account of John's unsettled nature or what

A As far as I do not not except what he said he said poor John

Question

upon one occasion when you and your father was talking about John, in which you told him that if he would give him something he would live ^{with} him did John want to charge his father his plantation, by deed, to induce him to remain with him, or what did you mean to impress upon your father's mind, by telling him that if he would give him a home that he would stay with him

A I meant to impress upon his mind that if he would give John the benefit of his work he would stay with him

Question

did or not John stay with his parents while ~~the~~ ~~four~~ during the four years of my absence

A I do not think he did

Question

did your Father complain to you frequently of Johns treatment to him and his mother as a slave

A no

Question

how often did you visit your Father during the last 18 months of his life

A, I do not recollect of but three times

Question

did you or not spend the nights with him when you were there those three times or how many nights did you spend with him

A ~~at~~ ~~xxx~~ ~~at~~ ~~xxx~~ one night in two visits

Question

has there or not been some prejudice between you ^{and} your mother and James and his James's wife for several years

A yes I found it was not wanted to stand away

By James

are you not interested in setting aside the will of John Dickinson

A not at all sir

By James If the will

is set aside will you not put a protest on it

I mean of the said John Dickinson's estate

know if the will should be sustained

A I dont know any thing about that I have not thought nor studied any thing about that

Q Some of John Dickinsons estate should
from Solvans, if the will is set aside,
would you not get much more
than he would get

A That is more than I can tell
By John

Are you interested in any
way in this suit

A Yes Sir I am not now never have
since my Father died owner of
considerable property & real estate
& if the will is set aside it will
benefit him by it if he did not
own debts enough to exhaust the whole
estate the Adm informs me that
their will be a large surplus after
paying the debts of the estate
ReExamined B, the self

you say in cross examination, that you
are not interested in setting aside your
fathers will, now state what you mean
By that answer, do you mean, that you
would not perhaps, receive more if his
will is set aside, than you do if the
will is confirmed, or do you mean
that you have no desire in your
feelings & wishes that the will shall
be set aside

A I do not ^{know} care whether the will
is set aside or not

Exp 4

Have you not previously
said that, your Bro. James should not have
all the property willed to him, and that

950
The estate should have been equally divided
Amongst all the heirs

Q I have said time and again that
I did not think that it was right
one to have all and the other to have
none

By same

Did you or not frequently remark
about the time you understood your father
made his will, and about the time he died
that if your father had made his will to
inherit you, that you would never claim
dower in the Peter land, otherwise you
intended to release Mr Jimmy of the
last time you could;

Q Never in my life did I use such
language as that to any body
Further this deponent saith not

Dancy, B. Gray

The foregoing deposition of Nancy B. Gray is
accepted by the Court because for the reasons
that she is interested in this case, and has no
right to testify as a dead man, for the further
Widow Mary Peter atty
Jany, 3^d 1873. for Dep.

The further taking of these depositions in
this cause is enjoined until the 10th day

of March 1873, at this place, the house
of Huncley B. Guy in Russell County,
January the 23d 1873.

H. S. Ketron P. P.

John L. Dickerson

or Deposition

J. L. Dickerson

Filed 3rd March 1873.

J. H. W. Co.

Rupell County, State of Virginia
John C Dickenson pff

vs

Hanney Dickenson

Nancy B Gray

James, J, Dickenson

Littleberry R Dickenson

Robert, P, Dickenson

William, P, Dickenson

& Henry Dickenson wffs

} Affidavit.

John, C, Dickenson states that James Robinson is a material witness for him in the above stated cause pending in the Rupell circuit Court and that said Robinson is not a resident of Virginia, he resides in the county of Madison in the state of Alabama, wherefore he prays for a commission to take his depositions December the 6th 1871

John, C, Dickenson
Sworn to before me the 8th day of Decr
1871.
J. A. Roubk D. C.

Affidavit for
Commission

Virginia Russell circuit court

To the Honorable Judge of the said court in chance
-ly sitting, your orator John, C. Dickenson, the
complaining represents to your honor, that his
father John Dickenson died at his residence
in this county on the day of 187 at
the advanced age of seventy six years, he left
Fanny Dickenson his widow, and the following
heirs to wit your orator, James, J. Dickenson
Robert Dickenson, Little Berry, R. Dickenson
Nancy Gray, William, P. Dickenson, and
Henry Dickenson, he had a valuable
estate chiefly in Lands, 560 acres of which
laid in Capells woods in this county, which
was fine & well improved land, on which
he resided, this tract constitutes the
most valuable part of his estate, indeed
in it consisted nearly all he was worth
he owned besides it a tract of land on
the rise of but little value, another
Copper rise of but little value, and
another near Nickellsville of but
value, he owned some personal
as to his whole estate he died
and it descended to his widow and
above named persons to the Land
Virginia, and they are entitled to
them the real, and distribute the
estate according to the Laws of
and distribution of this state
he charges that after the death
said John Dickenson, James

one of the heirs produced in the county court
of Russell county a paper purporting to be
the will of the decedent, which devised to
said Fanney Dickenson the widow
for life, with Remainder in fee simple
to said James, 400 acres of the Capell
tract, which comprises all the
improvements that are valuable, and
gives to Mr Dickenson after the life estate
of the widow, the other 160 acres for life
with remainder in fee to your orator
By said paper he gives to Fanney, on
condition that she waives other
important rights she owns, the copper
ridge tract, and to Little Berry R Dickenson
he gives the lands near Nickles
wille incurring him with the expense
of a law suit, it does not dispose of
the Ridge tract at all, ~~But for~~
this paper was proven in the Ex parte form by
said James J Dickenson, in said court &
is recorded as the will of the said John
Dickenson deceased, and the said James
Dickenson was appointed and qualified
Administrator of John Dickenson
deceased, with the said paper as the will
proved. But for more certainty, a certified
copy of the said paper & the orders of
county court relative thereto is
filed as a part hereof, By
it will more fully appear,
paper and the recording

thereof your orator, and his other brothers
& Sister. Except James J, are kept out
of their rights of inheritance, and the
widow Fanney and said James J Dickenson
are made to succeed to the
greatest & most valuable part of the
decedent's estate, your orator charges that
the said paper is not the valid will of the
said John Dickenson, that if he ever
^{he had not a sound & disposing mind at the time}
formally executed it, it was obtained
from him, by the fraud and influence
of the said James J Dickenson
and his wife, and the said
Fanney Dickenson used practiced
and exercised by them over the
mind will & person of the said
John Dickenson, he charges that
they fraudulently, deceitfully and
falsely procured the testator
against your orator, and
subverted and set aside
effectuate feelings, and con-
vince the testator had formed
in him, and charged with
fraud, falsehood & deceit, the
Bounteous feelings the testator
had in for him, and
fraud & deceit & falsehood
the said James J & Fanney
Dickenson to be substituted
nearly all his lands

his property, ~~then~~ ^{his} ~~provis~~ ^{provis} is that an issue
 be awarded to try wheather the said
 paper is or is not the will of decedent
 and wheather or not, it was procured
 from the testator in their favor by
 undue & improper influence, fraud
 deceit and misrepresentation
 and finally, that the said paper be
 vacated set aside & held for naught
 and that the said goods chattels
 rights & credits of the said John
 Dickenson be partitioned &
 distributed as in case of intestacy
 to that end he makes James James
 in his character of Attorney with the willars as devise
 in Robert, John Perry R, William P, and
 Henry Dickenson, and Nancy Gray,
 defendants to this Bill, and pray
 that they severally answer the same
 and for the commencing the writ of
 Habeas Corpus to be sent out against
 them commencing & as in
 etc. he will ever pray
 Banns P. 9

John. G. Dickenson

vs
 E. Rice.

John G. Dickenson atals

1871

Augt Rules Bill filed
 and decree nisi

Sept Rules Bill taken
 for confessed.

Oct Rules, & Commence

Nov Rules - Commence

Decr Rules - Commence

1872
 Jan'y Rules - 1st Term 1871

Jan'y Decr Rules - 1st Term 1871
 2nd Term 1871
 3rd Term 1871
 4th Term 1871