

Mr James Burkhhead and Charity
Burkhhead wife of said James you are
here by to take notice that on Monday the
18th Day of June, next we shall attend
at the Dwelling house of Brantly Phillips,
in the County of Moore to take the Deposition
of Thomas Muse Senior, James, Jr, Muse,
~~and~~ Betty Muse, Elizabeth Phillips,
Malcolm Blue ~~Monmouth~~ Hill &
others and continue there from Day to
day until the whole are taken that
the same may be read in Evidence in
the Court of Equity held for Davidson
County in a certain Suit in Equity
in said Court depending wherein
yourself and wife are Complainants
and Christopher Walker & Thomas Colson
are Defendants at which time and
place you may attend & cross examine
if you think proper

March the 14th 1824.

Yours Respectfully

Thos Colson

Chas Chatwin

Hyram Hill the defendants being duly sworn dep. onth & sayeth as follows To wit,
 That a tract of three hundred acres of land on the west side of Milllets Creek called the Pond Land, which tract of land James Dowd has just spoken as said by the family of James Muse Sen. Dec. generaly to belong to James Birchhead. This deponent further sayeth that the said tract of land was entered by James Muse & that he is ~~the same~~ ~~the same~~ the plot for the same as he has been told

Question by Plffs Council. Were you acquainted with the circumstance of the Executor and Executrix of James Muse Sen. Dec. if so state what they were

Answer. Ad I was acquainted with the circumstance of them both, the Executrix had no property as I know of, the Executor owned a considerable portion of valuable land, but at his death he was some what involved and his lands had to be sold to pay his debts

And this deponent believes that the Executrix of James Muse Dec. Died two or three years before the Executor.

And further this deponent sayeth the not.

Sworn to & subscribed this 20th day of August 1877

Queen M. McDonald

Hyram Hill
 marks

[Large decorative signature]

(4)

Question was not the house hold furniture
and the stock left to the widow Answer by
witness I do not recollect exactly but I believe it
was

Question are you not a brother in law
to Mrs Burthead Answer by witness I am I
married her sister

Question Is not one of Mrs Burthead's
sons married to a daughter of yours Answer
by witness there is one of her sons married to
a daughter of mine

Saml Durr

Interrogatories to W. Hall the second witness
Question by complainant. were you present

State of North Carolina (1)
Montgomery County

In pursuance of the annexed commission to us by Edmund Leberry & Littleton Kernis directed from the court of Equity for Rowan County North Carolina by ^{our} ~~high~~ ^{honorable} ~~court~~ ^{Richard Stokes} Samuel Dunn & William Hall to be brought before us at the dwelling house of Thomas Christian in the town of Lanesville in the county of Montgomery aforesaid on the 4th day of July A.D. 1827 to be examined of and concerning what they may know touching a certain matter of controversy now depending in the said court of Equity for Rowan County wherein James Burkhead a wife a complainant, and Thomas Colson & Christopher Watkins are defendants who being duly sworn deposed say very Samuel Dunn first sworn.

1st Question by complainant. were you acquainted with a negro girl Rachel bequeathed by old W. James Muse to his daughter Charity now W. Burkhead & if so state what became of her. Answer by witness I was acquainted with the girl and she was sold by the executors of Muse. at private sale to Joseph Colson the father of the defendant Colson for the sum of ninety pounds or thereabouts to redeem some land that had been devised by old James Muse to his sons

2nd Question by complainant. did Joseph Colson know at the time he purchased the girl Rachel that she was bequeathed to Charity Muse. Answer by witness I believe so from the conversation I heard between

(2)
the parties also from the circumstance that Joseph Colson was a near connection of Charity's he having married her aunt

3. Question by complainant how old was Charity Muse when she was married to her husband James Burkhead Answer by witness she was born in the ^{year} 1770 and married in 1790

Question by complainant are you acquainted with the hand writing of James Muse the elder Answer by witness I am pretty well acquainted with it

Question by complainant Is the paper writing marked A herunto annexed in the hand writing of James Muse and was it part of a Book that belonged to him Answer by witness It is and was part of a book which belonged to him

Question by complainant was there enough property in the hands of the Executors to pay the debts besides the land & beside Rachel Answer by witness I do not think there was quite enough but there might be.

Question by complainant do you know what were the conditions of the sale of the negro girl Rachel made by the executors to Joseph Colson and if you do state them Answer by witness I was present at the time the sale took place and it was agreed between the contracting parties that the executors might redeem the negro upon the repayment of the money and the interest

Question by complainant where were the complainants living for the last twenty years Answer by witness In that part of Rowan now called Davidson for the last twenty years and more

(3)

Interrogatories by Defendant

Question Was there not many debts against James Muse at the time of his death

Answer by witness It was said there were

Question was there not a negro willed to your wife and was she not sold by the Sheriff or Executors towards paying the debts

Answer by witness she was not sold by the Sheriff or the executors to pay the debts

Question was there no part of the price of that negro ~~appropriated~~ ^{kept} by Jesse Muse ~~the~~ ^{est.} under pretence of paying the debts Answer by witness ^{about one fourth} ~~it~~ was kept by Jesse Muse for the purpose of paying the debts as he said

Question was James Burkhead the complainant living in the same neighborhood of the Executors & how long did he live there after his marriage. Answer by witness he was living in the same neighborhood but how long I dont recollect.

Question was it not notorious in the neighborhood that the Executors had sold the negro to Colson Answer by witness I believe it was generally known that the negro was sold to Colson

Question did not the Executors give Charity Burkhead the wife of the complainant a man and colt and a tract of Land in satisfaction for the negro girl Answer by witness they let her have the man and colt but afterwards took the man from her as they alleged in satisfaction but she would not take them in satisfaction I do not know of her getting any land at the time Mr Burkhead got the ~~and of~~ man and colt she was not married

Question was not the same held firm
and the stock left to the widow My son by
wills I do not recollect exactly but I believe it
was

Question are you not a bro the in law
to Mrs Buntlach Answer by wills I am I
married her sister

Question Is not one of Mrs Buntlach's
son married to a daughter of your Answer
by wills There is one of her sons married to
a daughter of mine

Saml D Johnson

Interrogatories to Mr Hall the second wills

Question by complainant were you present
when seen Buntlach the son and agent
demanded the negro in controversy to wit
the spouse of the negro girl Rachel of this
defendant Answer by wills I was and
they withdrew before they had them in their
possession

Question are you well acquainted
with the several characters of & name
Buntlach whose deposition has been taken
as above and if you are state what
it is Answer by wills I am well
acquainted with his character and I believe
it to be as good as any man in the County
I ever saw by the paper?

Do not this seen Buntlach who acts as agent
in demanding the negro the son in law of
Saml. Deen Answer by wills I believe the
is William Hall

(2580) Buntlach v. D. - W. 1811

Question by the Respondent Thomas Bolton
1801 there not many debts against the
Estate of James was did at the time of his death
more from Examinations it was Question 2nd was there not
much of his Real and Personal Estate L^d to debts
by different judgments towards of some of his
Executors answer there was one negro and some
by the abrupt question 3rd was James Burthhead
the husband of the Boneplawman's being in the
neighbourhood with James success Executors? The
said in the neighbourhood after the morning there
question 4th was it not notorious in the neighbourhood
lower had that the Executors of some so? The given
answer that Joseph Bolton answer it was
packed to Joseph Bolton towards to James
question 5th was it not known to James
Burthhead answer I expect he did though
we never had any talk about it question
6th was it not known by James Burthhead that
his wife's property come by the will and that the
had 500 acres of land lying on Little Breck
answer nothing but the more and sold to pay for
afternoon the more taken and sold to pay for
a negro question 7th what Relation are you
to James Burthhead and his wife's answer
no blood then but Brother in law by
marriage question 8th what Connection is
there between you and James Burthhead
answer I am in law
December To before us William Brown and John
at the High Court at the
London this 27th of March 1827
Wm Brown Jps
John Brown Jps

John Conittell Jps

Samuel Durrin

State of North Carolina Moore County
Personally appeared before us Jesse Sanders
Esquire and Malcolm McNeill Esquire two
of the Acting Justices in & for the County of
Moore Thomas Muse Senior and Clayton
Burchhead who being both sworn on the
Holy Evangelists of Almighty God deposed
and saith as follows Charity Burchhead
the Complainant & Thomas Colman one of the
Defendants being present at the House
of Thomas Muse Senior on the 15th Day of
Febry 1827. Clayton Burchhead being first
called on deposed and saith as follows
(To wit)

Question by Complainant)

What did you hear Jesse Muse say
respecting the sale of the Negroe Girl Rachel who
was willed to me by father.

Answer I heard him say that the Negroe
Girl was sold before Charity was of age
and that the Bill of sale was given before she
was of age

Quest. What did you hear Mrs Charity Muse
Widow of James Muse say respecting a negro
Girl Rachel

Answer I heard Charity Burchhead the present
Complainant ask her Mother Charity Muse
if she had ever made ^{the} any satisfaction for
that negro ^{Rachel} he answered no nor ~~she~~ never
would ~~she~~ except ^{you} got the negro black

Quest Rachel
was the girl sold by Execution or not
Answer I know not But of that I
am not positive

Question Did you ever hear Jessy muse say that
he tendered the money to ~~musty~~ ^{Miss} Baldon for the negro
girl Rachel

Answer I heard him say that he offered her the
the money which she refused and said he would
Count it for she would not have it

Question by Defendant

At what time did the conversation of aforesaid
pay between you and Jessy muse ~~son~~ ^{son} and also
~~musty~~ ^{Miss} Charity muse respecting the girl
Rachel and tender of the money

Answer

As to the time when I had conversation with
Jessy muse son respecting Rachel I have no recollection
But I believe it to be about sixteen years ago
But the conversation with his mother
Charity muse is about 23 years ago I believe

Question

What date factum or payment was made by
Jessy muse Esquire and Charity muse his
mother to Charity Burckhead the present
owner for the negro Rachel

Answer

~~I never~~ I don't know that they give her
any thing

And further this deponents sayet not
-Jesse Sanders Esq G. Birchhead

Malcom McNeil JP

2580 Birchhead - 05 - 20th June

Thomas Muse ⁽³⁾ Senior then being called upon Deposeth and saith as follows
(To wit)

Question by Complainant

Do you know how Jesse Muse and Charity Muse sold the Negroe Girl Rachel who was willed to me by my father

Answer I do

Question Was she sold by Execution or not

Answer I believe not

Question

Did you hear Charity Muse or Jesse Muse say whether I was of age or not when the Negroe Rachel was sold.

Answer I did not

Question do you know of your own knowledge whether I was of age or not when the Negroe was sold.

Answer I was not.

Question

Do you know whether I was of age when I married.

Answer I know you was not
Twenty one years of age

Question do you know in what Book your father entered the ages of his Children

Answer in a Book called the young Mans Best Companion.

Question Were you present when I was married

Answer I was.

2580 Burkhland - 05 - Westburn

Question Do you know whether Jesse
Muse or his Mother Charity never made
me any Compensation or Satisfaction
for the negroe Girl Rachel

Answer I understood from Jesse
Muse Senior that they gave you three
Hundred Acres of Land on Kittles Creek
and a Mare and Colt as payment for
the Girl Rachel.

Question What became of the Mare that
you stated was given to me

Answer The said Mare was sold by my
Mother to one Dumas whether by your
Consent or not I do not know the
Colt or young Mare you keep and
connected to your own use & Benefit

Question

Did you ever hear your Brother
Jesse say that he tendered the Money to
Mrs Colson for the Girl Rachel

Answer I cannot be positive I
rather believe I did

Question Did you ever hear your Brother
say "Why Colson gave up the Bill of Sale
which your Mother & Jesse gave him to
the Girl Rachel

Answer I heard Jesse Muse say
that it was understood between ^{them} by him
& Joseph Colson & his Mother Mrs Muse
that the Complacant Charity Burkhart
had become of legal age herself and
that Colson gave up the Bill of Sale which
he & his Mother had made for the Girl
Rachel & took a Bill of Sale from
the Complacant herself.

Question by ~~Thomas Colson~~ (5)

Do you believe that the paper herunto annexed was taken out of the young Mans Best Companion

Answer I do.

Question did you ever know the name of either of your Brothers or Sisters written in any other Book but the young Mans Best Companion

Answer not of their ages.

Question by Thomas Colson

What was your age when your father Died,

Answer Between twelve & fifteen years of age.

Question Had you learned to write when your father died,

Answer I had not

Question

Do you know the year the Complaint was made

Answer I do not.

Question do you know the year she married,

Answer I do not.

Question How many years since you saw the Book the young Mans best Companion from which you stated you believed the annexed leaf with the names and ages of your Brothers & Sisters on her taken

Answer ^{it is} I believe from fifteen to
Twenty years since I saw the Book
Question

In whose possession was the Book
When last you saw it

Answer I believe in Eliza Burthhead

Trust was the annexed leaf in the Book
When you last saw it

Answer I do not ~~know~~ believe
that it was.

Question Did you learn to read before
your father died

Answer no I could not read.

Question Do you know whether it was
before the Complainant was married
that the three hundred Acres of Land
& the Mare & Cote was given her in
payment for Rachel

Answer it was before she was
married

Question When three or four years past
the Complainant Charity Burthhead
threatened to sue Thomas Colson for
Rachel & her increase what
conversations passed between you and
her respecting the Land & property she
got in payment for Rachel

Answer She then told me that if she
recovered Rachel & her increase she
would then make satisfaction for it.

Question: How much has the Lands
Sold for some few years past
which was given the Complainant as
Part payment for Rachel

Answer About Seven Hundred
Dollars.

Question What was the age & size of
the girl Rachel when sold to Mr
Coburn

Answer She was ^{very} small & perhaps from
seven to ten years of age or thereabouts

Q^{ues} Was your fathers Estate much in Debt at
the time of his Death

Answer I believe it was for there was
a considerable part of the Estate sold at
Execution sales after his Death.

Question
When the Negro girl Rachel was
sold to Mr Coburn to what use &
purpose was the money applied to which
was got for her

Answer to pay & Discharge some of
the debts which the Estate owed and
for the general benefit of all the
Heirs.

Test And further this Deponent
Says the not

Jesse Sanders

J. H. Mays

Malcom McMill

2580
By the Executors from the Sale of Rachel was Expended by them
in discharging the debts which was against the Estate and for the
Benefit of all the Heirs and Legall Heirs, that this deponent
further deposeth that the Executors gave to ^{the} Complainant Charity
300^{acres} of Land in Moore County ungranted and both a bed & furniture
which she received as ~~payment~~ ^{payment} in lieu of the Girl Rachel
that the said 300 Acres more & both bed and furniture was given
to her several years after the Sale of the Girl to Colson and that
she and her Husband James Burckhead used and disposed
of the said Land & other property to their own Exclusive benefit, that
they sold or Exchanged the Land for other property ^{as I believe} and that the
300 Acres which was given to the Complainant was selling
since for upwards of \$700 ^{or thereabouts} This deponent further deposeth that
the Bill of Sale Executed by the Complainant Charity
Burckhead to Joseph Colson for the Girl Rachel is before him
at the time of taking this Deposition and that he signed the
same as a witness and that his Brother Jesse More who is
now dead signed the same as a witness and that said Jesse's
Signature is in his own Hand Writing

Questions by the Complainant

Are you acquainted with the Hand writing of your
Father James More - De: -

Answer: I think I am

Q: In what way have you become acquainted
with his Hand writing

Answer: By seeing him write at different times

Q: In what writing of your Father have you seen
that you know to be in his Own writing

Answer: I have seen when my Father had made
a minute of the ages of his children
as I have been told was the Hand writing
of my Father in a Book Titled the young
mens best Companion

2580
Burkehead - 05 - Waltham
1838

Question 3 From your knowledge of the hand writing
of your father James Allen do you believe
that the Statement of the age of Charity Allen
upon the Leaf of paper now shown you
and marked by you with the letter (A)
is in the hand writing of your father
and is the Statement of the ages of the other
children is also in the hand writing of
your father

Answer 3 I believe it is from the information
of others who told me it was

Question 3 Have you seen the Leaf of Paper before
State when and where and in what
book you first saw it whether in
the life time of your father if not
whether shortly after his death and
whether it has always been regarded by
the family or the register of the ages

Answer 3 I have no recollection of seeing it before
his death. But shortly after hearing

Question 3 Were you present at the marriage of
your Sister Charity Allen & James Burt
if you were in what year was they
married & in what month of the year
and what cause you to remember it

Answer 3 I was at the marriage and believe it
was in the month of July but the
year I do not recollect

Question 3 Was she under the age of Twenty and at
the time of her marriage

Answer 3 I believe she was

Question $\{$ At what time did your father James
Allen die — — —

Answer $\{$ I do not recollect the time — — —

Question $\{$ Have you ever understood from
Joseph Colston or his Son the Defendant
or any person claiming the Negro
Gert Rachel under him that the
conveyance that was made by the
Executor of James Allen to him
for said Negro was surrendered to the
said Executor and that Joseph
Colston took a conveyance from
your Sister Charity for the Negro
before her marriage — — —

Answer $\{$ I never heard of any ^{person} claiming under Colston
say that he did surrender the Bill of Sale
to the executor — But that the
Bill of Sale given by Charity
was before the year ~~Marriage~~

Question $\{$ Do you know the date of the year
in which Charity Men was Born

Answer $\{$ I do not recollect the date

Question $\{$ By the Defendant
could you read or write at your
father's death — — —

Answer $\{$ I could read a little, but could
not write any

Question ξ Is there any Instrument of writing
now in existence that you ever saw
your father wrote -

Answer ξ Not to my knowledge

Question ξ Don't you believe that the three hundred
acres of Land the Man and Coll
the Bed & Furniture which was given
to your Sister Charity in payment
for Rachel was a fair price for
the same Rachel -

Answer ξ I do believe it was

Question ξ Are you the Brother of the same
Charity called now Charity Burtet

Answer ξ I have been told so, and has
always taken her as such

Question ξ Have you heard the Complainant
Charity Burtet say some few years
past that if she recovred Rachel
and her Increase that she would
Surrender to her Brothers & Sisters
the property which she recd. as payment
for Rachel or the value of the same

Answer ξ I had her say that if she recovred
she would Surrender up the Land
again and further this agreement
she had sworn to and subscribed to before
us the day and date above written

Thomas Olden

W. McMillan

John May

(5)
Elizabeth Moore then being called upon
who being sworn on the Holy Evangelist of
Almighty God deponeth unto Saith
as follows

I had a Charity man Saw a Widow of Salem
Say that she paid Charity man now Charity
Bunker the full value of the negro Girl Rachel
and yet she would not be satisfied

I had a Sepoy man Son to a Soldier say
that Charity man she never would
See for the nego during his life
for she knew that she knew that she was
fully paid for the nego but perhaps
she might bring out after his death

I had the Complainant Charity Bunker
Say that she had a negro Girl will
to her by her former owner
if she had had Justice done But
that her Mother & Brother sold her to
save the Land & that she wish
to get some person to undertake to
get the nego back for her and she
poorly Saith that she had recd three
Hundred Acres of Land a Man & Child
and signed a bill of Sale for the Girl
and that she was under age and knew
that she was when she saw the acts
and she further Saith that she was not
satisfied & had rather have her nego

Question } By the Complainant - (6)

How old was you when you had
this conversation from Lehigh Bank

Answer } I do not know

Question } By the Defendant

How old are you at this time

Answer } I am Forty Two years old

And further this deponent doth not
sworn and subscribed to before us on the
10th day of June - 1827 - at the House
of Benjamin Phillips in the County of
New York.

Elizabeth ^{her} ~~mark~~

Thomas D. Smith
M. McMillan

7

Elizabeth Phillips then being call'd
upon who being Sworn upon the
Holy evangelist of Almighty God depone
and Faith as follows

I had my Father Jephthah Mow Son of J. say
that he & his mother Giv to charity Burket
& her Husband J. Burket a tract of Land a
Man & cart in pay for the negro Girl Rachel
and that said Jephthah Mow said he had
the said Charity J. Burket say they were
Satisfied with said Land & Man & Cart for
the said negro and she further had he
further say that J. Burket told him that if
said Burket Prot Suit for the negro & he
Mow would not appear against him
he would give him the Chain of the negro
if he recover them

Obj. Complainant
Question How old was you when your Father
told you of this conversation

Answer I was between fifteen & twenty

Question Did you ever hear J. Burket say that
he was Satisfy for said Girl Rachel

Answer I never did
and further this deponeth
saith not Sworn & Subscribed to before us this the
15th day Jun 1827 at the Dealers House of
Bourkly Phillips
Thomas M. Mow
M. McNeill J.
Elizabeth Phillips

James Bellum (2) then being called upon
who being sworn on the Holy Evangelist
of Almighty God depose and testify
as follows

I find Lefy Mear. Son of L^d. Mear
say that Three Hundred acres of Land
Mear and Coll. was given to Charity
and J^d. Birket. in payment of this Girl
Ratched and the Land was taken in
possession by J^d. Birket after her Marriage
with her wife Charity and that the
Mear & Coll was given to Sara Charity
previous to her Marriage and the
said J^d. Birket exchange the Land
in which he rec^d in payment for "Negra"
for other Land which he afterwards
sold ^{Exchange} to J^d. Cleason Birket for Land
in Davidson County

By the Complainant
Question 3 Do you know this of your own
Knowledge

Answer 3 I do not

And further the Deponent says
not. Sworn and Subscribed to before us this
the 18th day June 1827 at the Court of
Prinkly Phillip in the County of Moore
Thomas C. Wheeler J^d James B. Mear
M. McNeill J^r
marks

A Copy

Salut^o Muse was
born Feb. 26th 1762

Charles Muse was born April 5th 1764

Mary Muse was born March y^e 11th 1767

Thomas Muse was born Jan. y^e 2^d 1769

Charity Muse was born November
y^e 24th 1770

Sydda Muse was born September
y^e 29th 1772

Elizabeth^{Muse} y^e 2^d was born August y^e 5th
1774

James Muse was born January y^e 2^d 1734

Charity Muse his wife was born April
y^e 5th 1739

James & Charity was married May y^e 29th
1757

Daniel Muse son of James and Charity his
wife was born Feb. 11th 1756

James Muse was born November 27th
1757

Lepe Muse was born April 26th 1759

Ferrita Muse was born Feb. 28th 1761
