The following is a transcription of a letter found behind a wall in the "Old House" at Hycotee, Semora, NC, and given to me by Yancey Moorefield Smith. While the circumstances of the suit mentioned are still unknown to me, the letter gives a flavor of the legal practices of the time. Any knowledge of the suit or the witnesses involved would be thankfully received.

Transcribed by John Douglas Storey, great-great-grandson of Richard Ivy Smith June 6, 2010

Spartanburgh (sic) C H 11 March 1843

Mr. Richard I. Smith<sup>1</sup>

Sir I have sent you by the mail that will bring you this the Commissions which you desired together with the interrogations which are to be put to each witness. I delayed sending them owing to the fact that I did not for some time get the Bill of sale which Richard Alexander Smith<sup>2</sup> was to send me. I however got it by mail and have seen S. G. Hamilton. He acknowledged that he witnessed the Bill of sale and transacted business with your brother John<sup>3</sup> on the day he executed the bill of sale to you. But he was not as free to admit that your Brother was of sound mind on that day as I desired he should have been. I have a Commission issued for taking his and Paul Young's testimony & intend to go up to Rutherford with the commissions & see to the examination & will then question Young before he is examined. I am in hopes to get sufficient from him to establish the fact that John was capable to have his own business & therefore capable to have made the Bill of Sale. Our courts have been newly arranged & our court will come on the 3<sup>rd</sup> Monday after the 4<sup>th</sup> Monday in March (illegible word) that will be on the 17<sup>th</sup> April next at which time I hope you will attend. I wish the Commissioners to be very particular to follow the directions given them in the Commissions when they go to execute them. For the purpose of assisting them I have folded a paper & backed it so as to show them how they ought to back the paper which encloses the Commissions & interrogations. They are required to endorse on the back of each Commission that the execution of the Commission appears in the schedule thereunto annexed & they should then sign their names to it. I have written (illegible word struck through) marked one of the Commissions (illegible) at the place where they should be endorsed under which they will sign their names. In taking the examinations of the witnesses it will not be necessary for the witnesses to whom you have paid monies to (sic) for John to file the original papers it will only be necessary that they swear that you paid them such amounts to them (sic) for John, stating the claims upon which you paid them, Except that John had better file the receipt you gave him for the debt you held on him with the statement of the debts. & he should swear that this was the consideration paid him by you for the negroes, & that the paper filed was the one you gave him on the day you traded. It will be the safest for you to get some disinterested individual to receive the Commissions from one of the Commissioners and to bring them on to the Clerk of our Court - if you do so that individual must keep the Commissions in his possession until he delivers them to the Clerk of our Court - and the Commissioner will certify that as Commissioner he handed the Commissions to (blank space) immediately upon its being executed and signed thus as Commissioner. I have got the Jailor to give me up the negroes to keep for him until the suit is tried. He had put them in jail and refused to liberate them

unless I could take them & give him a Bond to deliver them to him when called for which I did. The negroes are all well except Billy who has been quite unwell for about 2 weeks with pains in his hip. - You will see that there is no cross interrogation The reason is that the opposite Lawyer neglected to make his appearance & I got the advantage of him which I was determined to make use of - as I feel it is not only my privilege but my duty to take all advantage of him in so unrighteous a Cause as he has.

Yours H H (?) Thomson<sup>4</sup>

## **NOTES**

- <sup>1</sup> Richard Ivy Smith (February 16, 1800 July 28, 1871), planter and businessman, he lived at "Hycotee," near Semora, Caswell County, NC. Son of Samuel and Elizabeth Harrison Smith
- <sup>2</sup> Alexander Smith (September 25, 1804 November 19, 1857), younger brother of Richard Ivy Smith
- <sup>3</sup> John Smith (May 1, 1797 ????), older brother of Richard Ivy Smith. John Lived in Rutherford County, NC, for a while.

<sup>&</sup>lt;sup>4</sup> Probably Henry H. Thomson, well-known lawyer of the time in Spartanburg, SC.

Un Robert I Smith Millon Coswell Co Norboroling

Madanburgh to Mo 11 March 1843 eller Richard & Smitto. our I have lent you by the made that with brong you they the Commelian Which you disered logather with the interrogation Which are to be put to cache wilness - Idelayer sending them owing to the fact that I did not For some ting get the Beleg sale which held and have bun Ily Hamilton he acknowled that he wilnessed the Bill of sale & bansacted business with your brother doller on the day he te oute the bell of late to you - But The was hot as few to admit that your Brother wand soud nerno on has day as disina he should have been I have a Commopion ipued for laking by taul youngs listemony of entered to go up to Buther ford with the commelion of see to the examenation of well then question young before he is examined, I am in hopes to get sufficient from the to islablish the God that John was Capable of bansacling his own busenife of then fore Capable to leve made the Bell of Sale. Our Courts have been newly arranged tour Court will come on on the 3 monday after the 4th monday in march for

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the paper felia was the one you gave tun On the day you trades - It will be the Sufert for you to get some desented from our of the Commelecours & to bring Them on to the Clink of seen court . if you do so that individual must keep in Commissions in by poppion untile In delevers them to the Oliste of accom Court - and the Commentsoner well the comments immediately whom its being executed & signed they as Commepioner I have got the Soulor to give me up the negrous to Kup for him untile the such is trued he had but the in Sail & refused to be bevale them will ! would lake them I give her a Bonon to deliver him to her when called for whoh I dea- the begrows are all well exector Belly who has been queto un well for about I week, with having on his hips - you will see that there of no Crop entering a tons the reason of that the opposite Lawyer neglected to only his opposioned I got they a avantage of him which I was delismened to make use of - as I feel it not only my privilege un so unrighteous a Cause as to har Hathomia