1806-003

SOUTHAMPTON COUNTY
CHANCERY PAPERS

EDMUNDS' ADMR. vs WHITFIELD'S ADMR
1806

Davis
vs.
Edmunds admr.

Aug. 1795 due

March 1797 abates

dead.

66
529
537
520
1652
55
1.10
20
52
1.02

Oct. 1801
abates. comp. Dead

To the worshipful the court of Southampton county in

chancery sitting Humbly complaining shew unto your

worships your orator William Davis Admr. of the goods & chattels unadministered by Howell Edmunds dec.d & Clary Whitfield

~~by William Davis their~~ guardian & next friend that

This Whitfield dec.d

sometime on or about the ~~day of~~ in the

year of our Lord 1792 a certain ~~William~~ Thos Whitfield of

having first made his last will & appointed a certain Howell

Isle of Wight county departed this life ~~intestate, leaving~~

Edmunds the exor. in his will named and leaving

at the time of his death a considerable property

consisting of lands, slaves & personal estate, ~~the~~

~~[illegible] granted to the exor. in the will mentioned~~

~~[illegible] of all & singular the goods chattels & effects~~

~~of the said testator~~ That the said ~~Howell~~ Howell Edmunds ~~the~~

after ~~a~~ due & legal probation ~~of the said~~ will

~~this country~~ took upon himself the further & necessary tru

thereof ~~& profess~~ ~~will~~ himself of the estate of his s.d testator

~~of the [illegible]~~. Your orator further shewsunto your

worships that although the Howell did take upon himself

the said ~~[illegible]~~ ~~ship~~ ~~[illegible] of the s.d~~ ~~[illegible]~~

~~[illegible]~~ yet he the s.d ~~[illegible]~~ neglected & refuse

an account of his acting & doings in the premises

although he was commanded so to do, pretending & giving

out in speeches that he had lost the inventory & appraise=

ment of the s.d estate, & all other necessary papers relative

thereto. Things being in this confused situation the s.d Howell

was often requested in a friendly manner to make up

his account & to pay to the orphans so much money as

in reason & justice he knew to be justly due them ~~[illegible]~~.

But so it is may it please your worships that

the s.d Howell in his life altogether refused to comply

with this reasonable & friendly request, & he the s.d

Howell Edmunds having since departed this life, Ad=

ministration of his estate granted to a certain William

Edmunds of this county (whom your orators pray may be made a defendant to this ~~the~~ bill of complaint with apt words to charge him) having been applied to, to pay off & discharge such accounts of the legatees as appeared just & reasonable, he the s^d William altogether hath & still doth refuse to comply with this your orators friendly request; pretending & giving out in speeches that there had been no administration granted to his intestate Howell as is herein set forth, & that if there was, there was no just claim against him as admr of the s^d Howell & that he should not think himself justifiable in discharging the com[illegible] till the s^d claim of the o^r orphans was duly established in court of record. All which acting [illegible] of the s^d W[illegible] Edmunds [illegible] Edmunds a[illegible] the

~~Harrison~~ Whitfie[illegible] ~~the father of poo~~ [illegible] are contrary to justice & right. In tender consideration whereof, & for as much as your orators ~~are~~ properly relievable in a court of equity, where matters of the present nature are properly cognizable, To the end therefore that the a^d William Edmunds admr of Howell Edmunds dec^d who was admr of ~~Harrison~~ the Whitfield may on his corporal oath full true & perfect answer make to all & singular the allegations of this bill, as fully as if they were herein again set forth, but more particularly whether the s^d ~~Harrison~~ the Whitfield that

died seised & possessed [illegible] herein set forth, & was not administration on his estate granted by the court of Isle of Wight to the s^d Howell Edmunds, did he in his life make any return of his actings & doings, or has he the s^d William done so for him; has he not hitherto, & doth he not still refuse to come to a settlement with your orators relative their father's estate. And that your worships may order & decree the s^d William Edmunds the admr of Howell [illegible] dec^d who was admr of ~~Harrison~~ the Whitfield dec^d to come to a fair & final s[illegible]lement with William [illegible] orators g[illegible] an & great friend, [illegible] much more

[illegible] sum of money as m[illegible] appear to be justly due, or make such [illegible] further or other decree in the premises as may be for the relief of your orators, [illegible] consistent with justice & [illegible] your orators & your [illegible] pray the

[illegible] may it please the court to grant unto your orators the common [illegible] of this most precious writ or writs of subpoena to [illegible]

[illegible] for the plaintiff

Edmunds
vs } Bill &c
Whitfields ads.

$9

To the Worshipful court of Southampton county in chancery sitting humbly complaining shewith to the Court your orator William Edmunds admor of Howell Edmunds deceased That a suit in chancery was on the day of November 1791. instituted in this Worpful Court by a certain William Davis admor de bonis non of Thomas Whitfield deceased against your orator as admor of Howell Edmunds decd. who was exor of the said Whitfield, upon the trial of which said William Davis recovered against your orator £194 & interest besides his Cost. your orator further shewith to the Court, that the said decree is founded in error, and will tend greatly to injure the security of the said Howell. He therefore prays your Wps to grant a review of the said Cause and all the matters & things therein contained for the following reasons, to wit

First, because on the trial of the said cause there was no legal evidence produced whereby to charge your intestates estate as aforesaid 2dly and if the evidence produced on the trial had been such as prescribed by law, yet there was considerable error in the decree aforesaid, for altho your orators intestate was under the will of the said Whitfield entitled to a moiety of his personal estate, yet the decree aforesaid is to recover the whole value of the said personal estate

And that your Wps for the said errors, with decree and order that the said proceedings be reversed & again heard before this Court. that your orator be at liberty to amend his answer. that as William Davis is since deceased. that a Spec ifac directed to the Shff of Isle of wight to summon Joseph Cutchen admor de bonis non of Thos. Whitfield to answer this bill, that a general commission issue for taking depositions in order to a fair & impartial trial

and that you will make any other or further order or direction the proceedings for your Complainants relief as may be equitable &c

Ro. Yarbrough for Complt.

Davis

Edmunds ad
vs
Davis ad.

Bill vs
Edmunds adm
(JH)

Bree of reviews

Novbr 1795

Nov: 12: 1795

Sworn to in Court

H Clerk

To the Wpful Court of Southampton County in Chancery sitting, humbly complaining shewth to your worships, your orator William Edmunds administrator of Howell Edmunds deceased.

That your orators intestate was in his life time, the executor of a Certain Thomas Whitfield that after his intestates decease, one William Davis of the Isle of Wight County, obtained letters of administration de bonis non with the will annexed of the said Thomas, That the said William Davis brought a Suit in Chancery in this Court against your orator as admin. of Howell Edmunds, and in August term 1794 obtained a decree for the sum of £194:10. with interest from the 25th day of December 1783 besides his Costs — your orator prays that your Wps will order that the said Cause be reviewed, and again heard for the following reasons, to wit,

1st ~~That your orator was at~~

~~that tissue a stranger to his intestate transactions~~ ~~respecting the estate of the said Thomas Whitfield,~~ ~~but hath since the trial aforesaid obtained much~~ ~~useful information thereupon; so as to give this~~ ~~Court a very different Conjecture upon another~~ ~~trial~~ —

~~1dly~~ 1st That the only testimony exhibited on the former trial, establishing the value of the said Thomas Whitfield's personal estate, was unfairly obtained, your orator having had no notice of the time and place of the depositions being taken. ~~which is suggested that if the depositions~~ ~~were properly interrogated, that they would discover~~ ~~that a considerable part of that estate was~~ ~~legally administered by the said Howell in the payment of his intestate's just debts~~ —

((((((and 2dly, altho from the will of Thomas Whitfield, the said Howell was entitled to a moiety of his personal estate yet at the former trial this Court has decreed against his administrator for the full amount thereof, having no regard to this circumstance.

~~and lastly that William Gardner the husband of~~ ~~the said Howell is materially interested in the~~ ~~event of this suit, and desires that a proper~~ ~~to allowed, for your orator, to tender an answer~~ ~~may be collected, an account of the said Howell's~~ ~~transactions respecting the intestate~~.

And that your Ltps for the causes aforesaid will order or decree that the said suit be reinstated, to be reviewed and again heard before this Honble Court, and that Commissions be awarded your orator to take the deposition of those witnesses that he has recently discovered, and make any other or further order or decree in the premises for the relief of your orator and Security or may be consistent with justice, and the practice of the Courts of Chancery May it please

Yeatman for Compt.

Edmunds adm.
.ads.
Davis Justn

9 5.1
6 5
9.5 1
71 26

The answer of William Edmunds admr. &c of Howell Edmunds decd. who was executor of Thos Whitfield decd. to the bill of complaint of William Davis admr. &c of the goods & chattels of Thos Whitfield decd. unadministered by Howell Edmunds the former exr. of Thos Whitfield decd.

This deft. now at all times hereafter saving & reserving to himself all & all manner of benefit & advantage to the manifold untruths, imperfections, & indefficiencies in the complainants said bill of complaint contained, for answer thereto, or to so much thereof as he is advised is material for him to make answer unto answers & says. That true it is he believes the executorship of Thos Whitfield decd. was granted to his brother Howell (the intestate) of the estate of Thos Whitfield decd. by the worshipful court of Isle of Wight; but whether the s. Howell ever made any return to the s. court of his management of the s. estate, or whether he was ever required to do so, or whether he was at the time of his death indebted to the s. estate, he is wholly ignorant of. Your orator begs leave to premise, that as he is the admr. of the s. Howell, & the children of the s. Howell are likely to want in consequence of some of his imprudences, that this worshipful court will admit no account against the estate, but what may come before them properly authenticated by vouchers. — And if there is any other matter or thing in the complainants s. bill of complaint contained, & not herein & hereby sufficiently answered or denied, your respondent is ignorant of, & prays to be hence dismissed with his reasonable cost &c —

B. Drew atty. for the deft.

Cutchins
adv.
Edmonds } ans.

The answer of Joseph Cutchins admr. of Thomas Whitfield dec.d who was a cohair & legatee of his Grand father ~~[illegible]~~ Thomas Whitfield dec.d late of the county of Isle of Wight, to a bill of review filed in the Worshipfull court of Southampton, in chancery, against him, by William Edmonds admnr. of Howell Edmonds dec.d who was Executor of said Thomas Whitfield the elder; to review proceedings had at august term in the year 1794 in the said court of Southampton in chancery, between William Davis dec.d late of Isle of Wight county, admr. of the good and chattels of Thomas Whitfield the elder which were unadministered by Howell Edmonds, the Exr. of said Thomas Whitfield Plaintiff, And William Edmonds admr. of Howell Edmonds deceased.

This respondant reserving to himself all manner of advantage and exception to the many errors, misstatements, and untruths in the said bill of review contained, for answer thereto, or to so much thereof as he is advised is material for him to answer, he answering saith,

That of his own personal knowledge he knows nothing of the magnitude, quality, kind or situation of the estate of Thomas Whitfield the elder dec.d, from the record it appears that Howell Edmonds was nominated and qualified as Executor, and from the best information which the nature of a case so old (& in all respects badly managed on the part

of the executor) it appears, to your respondent, that Thomas Whitfield the elder, the testator of said Howell Edmond, died seized & possessed of a much larger estate than has been recovered by the proceedings which are intended to be reversed, and he is well informed that ~~[illegible]~~ at the time of his death he owned a considerable number of Slaves which came into the possession of said Howell, of which no account or discovery has been made. It appears to this respondent that the records, of a court of record, are the best evidence of right, which the nature of such a case admits, and that no discovery ought to be expected by the complainant from the defendant, particularly at this late period when all the witnesses whose depositions appeared on the former hearing of this cause, are dead, and as it appears of record that the cause was heard & determined by consent of parties, this respondent conceives all error if any indeed existed) was thereby cured, and ought to prevent all after complaints about the testimony then exhibited —

This respondent knows nothing about Howell Edmond being intitled to one half of the Estate of Thomas Whitfield his testator, but supposes if such was the fact, that it ought to be presumed, that he had appropriated at least one half thereof to his own use, befor his death, and considering the smallness of the amount which was with much difficulty discovered at last to pay all and decreed to the then complainants, and the reputed wealth of Dr Thomas Whitfield, the presumption ought to be considered as a fair one — More especially ~~[illegible]~~ when it is considered that all the inconvenience & losses which have been, or hereafter may be sustained by the parties intitled under the will of said Thos Whitfield the elder & others, originated intirely in the carelessness, or evil designs of said Howell. He conceives that Wm Edmond the present complainant ought not to have had a bill of revive granted to him, but since he has obtained it — this respondent submits to the court the, Justice & Propriety ~~[illegible]~~ of supporting the dignity and truth of their own records, which is the only testimony he can offer on this occasion & is the best which the case admits of —

~~[illegible]~~ This respondent beggs to be dismissed with his reasonable costs in this cause Expended

Barber for Defts —

State of Wilks county, May 30th 1800 — this day Joseph Cutchin made oath before me a Justice of the peace for the county aforesaid, that the statements contained in the forgoing answer are true as far as he knows or believes — Given under my hand this day above mentioned

John Eaton

Davis
vs
Edmunds ad } Spa in Ch.

D/ Oct to Nov. 1791

Copies of Summons &c

The Commonwealth of Virginia to the sheriff of Southampton county greeting You are hereby Commanded to summon Wm. Edmunds admr. of Howell Edmunds dec'd to appear before the justices of our said court of Southampton at the courthouse on the second thursday in November next to answer a bill in chancery exhibited against him by Wm. Davis adm'r. on of Thos. Whitfield & this he shall not omit under the penalty of £100 witness (Thello) clerk of our s'd court at the courthouse the 24th day of October 1791 & in the 16th year of the Commonwealth

Thello

Davis
v.
Edmunds

Sep^m

The execution of this Dedimus will appear by the Deposition of Wilson Whitfield and Matthew Whitfield which is hereunto annexed taken before us the 6th. March 1798

John Fk Willis

James Willis

Davis
v.
Edmonds

Dedimus
Recd

Southampton Sct

The Commonwealth of Virginia to John Seth Willis and James Willis,

Gentlemen greeting Know Ye that we trusting to your fidelity and provident circumspection in diligently examining whatsoever witnesses as well on behalf of William Davis guardian to Agnes Whitfield orphans pltff as on behalf of Wm. Edmunds Exor of Rowell Edmunds decd who was Exor of Thos. Whitfield decd defendant Command you or any two of you that you cause the witnesses afors. to come before you when & where you shall appoint and diligently examine them on the holy evangelists of Almighty God & when you have examined them as afors. that you distinctly certify us thereof under your hands & bring to us also this writ witness S Kello clerk of our s. court at his house the 4th day of July 1793.

S Kello

In Obedience to a Dedimus from the Hon.ble the Court of Chancery of Southampton to us directed we have taken the Deposition of Wilson Whitfield and Matthew Whitfield of full age, in a Certain Suit depending and undetermined in the said Court, Between William Davis guardian to Harrison Whitfields Orphans Pltff, and William Edmunds Exor of Howell Edmunds dec.d who was Exor of Thomas Whitfield dec.d defendant, they being first Sworn on the Holy evangelist of Almighty God, Deposeth and saieth that they were well Acquainted and Nigh Neighbours to Thomas Whitfield dec.d the Testator of Howell Edmunds dec.d, and also was well Acquanted with his Estate and that they know of their Own knowledge that he the said Thomas Whitfield dec.d died possessed of the following Articles, one Gray Horse one Bay ditto one Young Mare two yoak of Oxen Twenty head of Cattle fifteen head of Sheep Twenty fatt Hogs two Sows and Pigs two Beds and Furniture a Quantity of other Houshold and Kitchen Furniture Seventy Seven Barrels of Corn and a Quantity of fodder; these Deponents further saieth that the Articles above Mentioned was of the Value of One hundred and Ninety four pounds ten Shillings Current Money at the least and are fully Satisfied they sold for more; and further these deponents saieth not.

Wilson Whitfield
Matthew Whitfield

Isle of Wight County ss. 4th March 1793
The above Deposition was Sworn to by the Subscribing Persons before
John Sth Wills
James Wills

Copy Thomas Whitfield's Will for Capt. Wm Davis

T. Whitfield's Will

Thomas Whitfield
Ohio
Galloway 1803

In the name of God amen. I Thomas Whitfield of the parish of Newport in the County of the Isle of Wight being in a low state of health, but of sound and Disposing mind & memory, thanks be to God, Calling to mind the uncertainty of Life have thought Proper to Dispose of what worldly goods it hath pleased God to bless me with in manner & form following

Imprimis. bequeath my soul to God who gave it One and my body to be buried in a Christian like manner at the Discretion of my Executor hereafter mentioned

Item I give & bequeath to my Grandaughter Molly Edmunds One Negro Girl named Rachel together with her future Increase to her and her heirs forever.

Item I give and bequeath to Grandaughter Polly Edmunds One Negro Girl named Patience together with her Increase from this time, to her & her heirs forever, Item I give and Bequeath to my Grandaughter Jane Edmunds One Negroe Girl named Mourning together with her Increase to her and her heirs forever. Item I give and bequeath to my Grandson Thomas Whitfield One Negroe Girl named Edith One Negroe boy named Jack One Bed and furniture, One blue chest, One Walnut Desk, likewise my Copper still & Worm, to him and his heirs forever, Item I give and bequeath to my Grandaughter Mary Whitfield One Negroe Girl named Nell together with her Increase to her & her heirs forever also One Negroe boy named Kill, One Negroe boy named Joe, & One Negroe Girl named Rose to her & her Heirs forever

Item I Give & bequeath to my Grandson Harrison Whitfield, One Negroe Girl named Dice & one negroe Girl named Molly together with their Increase to him and his Heirs forever — Item I give and Bequeath unto my Daughter Keren Happuck Edmunds Nine Negroes Namely John, Billy, Charles, Loyd, Isaac, Dick, Nancy, James, & Aaron together with the Increase of the Said Girls to her and her Heirs forever, Item I give and Bequeath to my Grandson Thomas Whitfield One negro Boy named Harley, One Negroe boy named Collidore, & One Negroe boy named Will to him and his heirs forever — Item I give and bequeath to my Grandson Harrison Whitfield One Negroe boy named Paul, One Negroe boy named Peter and One Negroe boy named Jack to him and his Heirs forever & also give to my two Grandsons Thomas & Harrison Whitfield the Sum of Two Hundred pounds for the use of Schooling them My Will and desire is that all the remaining part of my ~~Estate~~ Negroes be equally divided in two equal parts & the One Half I give and bequeath to my Daughter Keren happuck Edmunds to her and her Heirs forever, & the other half to be equally divided between my three Grand Children, Thomas Whitfield, Mary Whitfield, and Harrison Whitfield, to them and their Heirs forever, Item I give and bequeath to Elizabeth Goodrich One bed Counterpin & One bed & the furniture One Cow and Calf and One Hundred pounds in Money, As to my wearing apparrell I leave them to the Disposal of my Son in Law Howell Edmunds, My will and Desire is that all the remainder part of my Estate be it of what kind soever be Sold and the money arising therefrom to be divided in two

two equal parts after my Just ~~Debts~~ and funeral Expences are discharged, and the One Half I give to my Daughter Keren happuck Edmunds & to her Heirs forever, the other half to be equally divided between my Grand Children Thomas, Mary & Harrison Whitfield and to their Heirs forever my will and Desire is that all that part of my estate Devised or Bequeathed to my three Grandchildren Thomas, Mary and Harrison Whitfield, be in the Care and whole direction of my Executor hereafter named, Towards raising, bringing up and Schooling them, until they arrive to the age of Twenty One, or sooner if my Said Executor thinks it most Convenient, I do hereby Constitute and appoint my Son in Law Howell Edmunds my whole and Sole executor of this my last Will and Testament hereby revoking all others by me before made. In Witness whereof I have hereunto set my hand & Seal this Ninth Day of July 1781.

Thomas his + mark Whitfield (Seal)

Signed Sealed & acknowledged In presence of
Wilson Whitfield
Matthew Whitfield
Robert Pulley

At a Court held for Isle of Wight County the 3d day of January 1782.

This Will was presented in Court by Howell Edmunds the Executor therein named, who made Oath thereto, and the same being proved by the Oaths of Wilson Whitfield, & Matthew Whitfield two of the Witnesses thereto & ordered to be Recorded, and on the motion of the Sd Executor Certificate is granted him for obtaining probat thereof in due form he having given Bond & Security as the Law directs

Teste Frans Young CIWC

Thomas Whitfield's
Will

Thomas Whitfield
Will
February 1815

In the name of God Amen I Thomas Whitfield of the parish of Newport in the county of the Isle of Wight being in a low state of health but of sound and disposing mind and memory, thanks be to God calling to mind the uncertainty of life have thought proper to dispose of what worldly goods it hath pleased God to bless me with in manner and form following.

Imprimis I bequeath my soul to God who gave it me and my body to be buried in a christian like manner at the discretion of my executor hereafter mentioned

Item I give and bequeath to my grand daughter Molly Edmunds one negro girl named Rachel together with her future increase to her and her heirs forever

Item I give and bequeath to Grand daughter Sally Edmunds one negro girl named Patience together with her increase from this time to her and her heirs for ever, Item I give and bequeath to my grand daughter Jane Edmunds One negro girl named Mourning together with her increase to her and her heirs for ever. Item I give and bequeath to my Grandson Thomas Whitfield one negro girl named Edith, one negro boy named Jack, one bed and furniture, one blue chest, one walnut desk, likewise my copper still and worm to him and his heirs for ever. Item I give and bequeath to my Grand daughter Mary Whitfield one negro girl named Nell, together with her increase to her and her heirs for ever, also one negro boy, named Will one negro boy named Joe & one negro girl named Rose to her & her heirs for ever.

Item I give and bequeath to my grandson Harrison Whitfield one negro girl named Dicy & one negro girl named Moll together with their increase to him and his heirs for ever. Item I give and bequeath unto my daughter Peronhappuck Edmunds nine negroes namely John, Billey, Charles, Loyd, Isaac, Edith, Nancy, James and Aaron together with the increase of the said girls to her and her heirs for ever. Item I give and bequeath to my grandson Thomas Whitfield one negro boy named Marley, one negro boy named Pollidore & one negro boy named Will to him and his heirs for ever. Item I give and bequeath to my grand son Harrison Whitfield one negro boy named (Bill) Paul, one negro boy named Peter and one negro boy named Jacob to him and his heirs for ever. I also give to my two grandsons Thomas and Harrison Whitfield the sum of Two hundred pounds for the use of schooling them, my will and desire is that all the remaining part of my negroes be equally divided in two equal parts & the one half I give and bequeath to my daughter Peronhappuck Edmunds to her & her heirs for ever & the other half to be equally divided

between my three grand children Thomas Whitfield, Mary Whitfield, and Harrison Whitfield to them and their heirs for ever. Item I give and bequeath to Elizabeth Goodrich one bed counterpein and one bed and the furniture, one cow and calf and one hundred pounds in money. As to my wearing apparrell I leave them to the disposal of my son in law Howell Edmunds, my will and desire is that all the remainder part of my estate be it of what kind soever be sold and the money arising therefrom to be divided in two equal parts after my just debts and funeral expenses are discharged and the one half I give to my daughter Keronhappuch Edmunds & to her heirs for ever, the other half to be equally devided between my grand children Thomas, Mary & Harrison Whitfield and to their heirs for ever, my will and desire is that all that all that part of my estate devised or bequeathed to my three grand children Thomas Mary & Harrison Whitfield be in the care and whole direction of my executor hereafter named, towards raising, bringing up and schooling them untill they arrive to the age of twenty one, or sooner if my said executor thinks it most convenient.

I do hereby constitute and appoint my son in law Howell Edmunds my whole & sole executor of this my last will and testament, hereby revoking all others by me before made. In Witness whereof I have hereunto set my hand & seal this ninth day of July 1781.

Signd Sealed & acknowledged in presence of
Wilson Whitfield
Matthew Whitfield
Robert Pulley.

Thomas his + mark Whitfield (L.S.)

At a court held for Isle of Wight county the 3d day of January 1782.

This will was presented in court by Howell Edmunds the executor therein named who made oath thereto and the same being proved by the oaths of Wilson Whitfield & Matthew Whitfield two of the witnesses thereto and ordered to be recorded. And on the motion of the said executor certificate is granted him for obtaining probat thereof in due form he having given bond and security as the law directs

A Copy Test
Fran: Young C.I.W.C.

Southampton county S.
The above is a true transcript from a copy of Thos. Whitfields will filed in my office as an exhibit in a suit in chancery between Davis adm. D.B.N. of Thos. Whitfield decd complt. and Wm. Edmunds admr. &c of Howell Edmunds dec'd dft.
Ja: D. Kaufmann D.C.C.S.C.

Thomas Whitfield
Inventory & Appr.t
February 1840

Wilson Whitfield
Administrator of Thomas Whitfield

A List of Thos Whitfield Estate as near as I Can
Corlect from Thos Brantley and others

4 horses		£35 0 0
1 yoke of Steers £12 0 0	1 young Dog £7 10 0	19 10 0
20 head of Cattel @ 45/		45
15 head of Sheap @ 8/		5
hoges		10
houshould goodes ~~furniture~~		40
100 barrils of Corne @ 10/		50
Corder		1 10 0
~~Peas~~ turkeys		2
Chuchen furniture		12 0
		220 0 0
To a legacy left to Thos Harrison Whitfield of £200 0 0 we suppose one half of it		20
		£200 0 0
		120 0 0
		20
		120 0 0

1 gray horse walley £15 0 0 1 dark bay D° £6	21	0	1
1 young mare £10 0 0	10		
1 large yoke of Steers £10 0 0 1 young D° £10 0 0	17	10	
20 head of Cattel 40/ a head	40		
15 Sheap D°	3		
20 head of fatt hogs a 15/	20		
2 Sows & pigs 15/	1	10	0
2 Beds & furniture £5 0 0	10		
household & Chinchen furniture	30		
77 Barrels of Corne a 10/	37	10	0
Sorder	2		
~~1 Barrel of brandy~~	~~2~~		
~~and Rum~~	19	10	0

Wilson Whitten
Matthew Hoffers

Inventory of the Estate of Thomas Wheatley Decd

Whitfields adm.

vs

Edmunds adm

Recd
&c

Doll cents
1. 82

Edmunds decd. at the time of his death in the hands of the said defendant to be administerd, if so much thereof he hath in his hands to be administerd and if he hath not so much thereof in his hands to be administerd then the costs to be levied of the proper goods and chattels of the said defendant.

A copy

Teste

Jno. D. Hausmann D.C.C.S.P.

Copy costs

Dolls cents

Clks fees 260. tts to. @ 1¼ also 3.55

Shff Fees 30 Fees @ 1½

Southampton county S.

Whereas heretofore that is to say: at a court held for the county of Southampton on the second thursday in November in the year of Christ one thousand seven hundred and ninety one William Davis administrator of the goods chattels and credits of Thomas Whitfield decd. unadministerd by Howell Edmunds executor of the last will and testament of the said Thomas did exhibit his bill of complaint into this court sitting in chancery in the following words to wit: " To " the worshipful the court of Southampton county in chancery sitting: Humbly com- " plaining shews unto your worships your orator William Davis admor. &c of the goods " and chattels unadministerd by Howell Edmunds decd. of Thomas Whitfield decd. " that sometime on or about the day of in the year of our Lord 1782 " a certain Thomas Whitfield of Isle of Wight county departed this life having first " made his last will and appointed a certain Howell Edmunds the exor. to his said " will and leaving at the time of his death a considerable property consisting of lands " slaves and personal estate, that the said Howell Edmunds after a due and legal " probation of the said will took upon himself the burthen and execution thereof & " possessed himself of all the personal estate of his said testator. Your orator further " shews unto your worships that although the said Howell did take upon himself the " burthen of the said executorship, yet he the said Howell neglected to return any " account of his actings and doings in the premises, although he was summoned so " to do pretending and giving out in speeches that he had lost the inventory and " appraisement of the said estate and all other necessary papers relative thereto. " Things being in this confused situation the said Howell was often requested in " a friendly manner to make up his account and to pay to the orphans so much mo- " ney as in reason and justice he knew to be justly due to them. But so it is may it " please your worships that the said Howell in his life time altogether refused to " comply with this reasonable ~~request~~ and friendly request, and he the said Howell " Edmunds having since departed this life and administration of his estate " granted to a certain William Edmunds of this county (whom your orator " prays may be made a defendant to this his bill of complaint with apt words to " charge him) having been applied to, to pay off and discharge such accounts of " the legatees as appeared just and reasonable, he the said William altogether hath " and still doth refuse to comply with this your orators friendly request, pretending " and giving out in speeches that there had been no administration granted to his " intestate Howell as is herein set forth, and that if there was there was no just " claim against him as admor. of the said Howell and that he should not think him- " self justifiable in discharging the same till the said claim of the said orphans " was duly established in account of record. All which actings and doings of the " said William Edmunds admor. of the said Howell Edmunds who was admor

see

" of Thomas Whitfield are contrary to justice and right. In tender consideration
" whereof and for as much as your orator is properly relievable in a court of equity
" where matters of the present nature are properly cognizable. To the end therefore
" that the said William Edmunds admr. &c of Howell Edmunds decd. who
" was admr. of Thomas Whitfield may on his corporal oath full true and perfect
" answer make to all and singular the allegations of this bill as fully, as if they
" were herein again set forth, but more particularly whether he the said Thomas
" Whitfield did not die seizd and possessed as is herein set forth? was not
" administration on his estate granted by the court of Isle of Wight to the said
" Howell Edmunds? did he in his life time make any return of his actings &
" doings, or has he the said William done so for him, has he not hitherto, &
" doth he not still refuse to come to a settlement with your orators relative their
" fathers estate? And that your worships may order and decree the said
" William Edmunds the admr. &c. of Howell Edmunds decd. who was admr
" of Thomas Whitfield decd. to come to a fair and final settlement with William
" Davis your orators guardian and next friend and pay to your orators all
" and every such monies or sums of money as may appear to be justly due, or
" make such further or other decree in the premises as may be for the relief of
" your orators and consistent with justice is the prayer of your orators and your
" orators shall ever pray, &c. May it please the court to grant unto your ora-
" tors the commonwealths most gracious writ of writs of subpoena, &c. Dec
" for plaintiff" and process of subpoena being awarded against the said defend-
ant to compel him to appear and answer the said bill and the defendant served
therewith, he appeared accordingly and answered the said bill, and by his said
answer confessed and set forth as follows to wit: " The answer of William Ed-
" munds admr. &c of Howell Edmunds decd. who was exor. of Thomas Whit-
" field decd. to the bill of complaint of William Davis admr. &c of the goods
" and chattels of Thomas Whitfield decd. unadministerd by Howell Edmunds
" the former exor. of Thomas Whitfield decd. This defendant now and all times
" hereafter saving and reserving to himself all and all manner of benefit and ad-
" vantage to the manifold untruths, imperfections and indeficiencies in the com-
" plainants said bill of complaint contained, for answer thereto or to so much
" thereof as he is advised is material for him to make answer unto answers and
" says. That true it is he believes the executorship of Thomas Whitfield was granted
" to his brother Howell (the intestate) of the estate of Thomas Whitfield decd.
" by the worshipful court of Isle of Wight, but whether the said Howell ever
" made any return to the said court of his management of the said estate, or whether
" he was ever required to do so, or whether he was at the time of his death in-
" debted to the said estate he is wholly ignorant of. Your orator begs leave to

premise

" premise that as he is the admr. of the said Howell the children of the said
" Howell are likely to want in consequence of some of his imprudencies, that this
" worshipful court will admit no account against the estate but what may come
" before them properly authenticated by vouchers. And if there is any other
" matter or thing in the complainants said bill of complaint contained and
" not herein and hereby sufficiently answered or denied your respondent is ig-
" norant of and prays to be hence dismiss'd with his reasonable costs & B. Drew
" Attn. for the deft." To which answer the complainant replid, and the defendant
rejoind, and so the parties being at issue Wilson Whitfield and Matthew Whitfield
were examined in this cause and their deposition duly taken and published ac-
cording to law. who ~~deposed~~ being first sworn on the holy evangelists of Almighty
God before John Sek. Wills and James Wills Gentlemen justices of the peace of the
county of Isle of Wight, agreable to a dedimus potestatem issuing from this court
and to them directed, deposed and said " that they were well acquainted and
" nigh neighbours to Thomas Whitfield decd. the testator of Howell Edmunds decd
" and also was well acquainted with his estate and that they know of their own
" knowledge that he the said Thomas Whitfield decd. died possess'd of the follow-
" ing articles, one gray horse, one bay ditto one young mare, two yoke of oxen, twenty
" head of cattle, fifteen head of sheep, twenty fat hogs, two sows and pigs, two
" beds and furniture a quantity of other houshold and kitchen furniture, Seventy,
" seven barrells of corn and a quantity of fodder" these deponents fu-
" that the articles above mentioned was of the value of one hundred and ninety
" four pounds ten shillings current money at the least and are fully satisfied
" they sold for more and further these deponents said not " and the said cause
thus standing in court, the 16th day of August in the year of Christ 1794
was by consent of the parties and with the assent of this court appointed for
the hearing thereof, on which day the same coming to be heard and debated
accordingly in presence of counsel learned on both sides, the complainants bill
and the defendants answer appeared to be as is herein before recited and set
forth; whereupon, and upon debate of the matter, and hearing what could be
alledged on all sides, this court did think fit to order and decree, and accord-
ingly it is this present day, that is to say the 16th day of August in the year of
Christ one thousand seven hundred and ninety four by this court ordered, ad-
judged and decreed, that the defendant pay unto the complainant the sum
of One hundred ninety four pounds ten shillings with interest thereon to be
computed after the rate of five per centum per annum from the twenty fifth
day of December 1783 till payment and his costs by him about his suit in that
behalf expended to be levied of the goods and chattels which were of Howell
Edmunds