

1818-26

SOUTHAMPTON COUNTY
CHANCERY PAPERS

EDMUNDS et al vs. EDMUNDS et al

2/1818

To the Mississippi Court of Southampton County in
Chancery, sitting, humbly complaining, shew, unto your
honors your orator and oratrix Howell Edmunds Henry
Edmunds, Carter Edmunds, Benjamin Edmunds and
Polly his wife ~~formerly Polly Edmunds~~, George Edmunds and
Eliza his wife ~~formerly Eliza Edmunds~~, That Howell Edmunds
the father of your orator and oratrix Howell Edmunds,
Henry Edmunds, Carter Edmunds, Polly Edmunds & Eliza
Edmunds, died on or about the day of adon in 1810
having last made and published his last will and testament

which has been duly admitted to record in the County
Court of Northampton and State of North Carolina,
a copy of which is hereto annexed and prayed to be
taken and considered as a part of this Bill in which
the division is follows: vizt. I leave unto my ^{beloved} wife
Elizabeth Conner, the whole of my land and negroes and
horses and every thing else that I am now possessed with
during the term of seven years - I also desire that when
my son Henry comes to the age of twenty one years or
in the year 1814 that the whole of my estate be equally
divided between all my children, leaving my wife a portion.

maintenance; That the said testator was possessed of some
 real estate in the County of Southampton, Virginia, say
 about ^{one} acre. That he left two children other than
 your complainants, that is to say, Nicholas Edwards, Fanny
 Edwards and Lucy Edwards who are now infants of tender
 years. That owing to the indefinite terms used in the will
 they have not been able to ascertain what part of the
 said lands ought to be allotted to the widow Elizabeth
 who, notwithstanding the expiration of the term for which
 all the estate was loaned to her, has continued to hold
 the same. And that the said Nicholas Edwards and Lucy Edwards are your complainants. That

advised that in consequence of the infancy of the
said Nicholas Edwards, Fanny Edwards and Lucy Edwards
they cannot effect a division or allotment of the premises
part or a division among the legal heirs without
the interference of a Court of Chancery in which
matters of this kind are properly and alone cognizable.
Your orators and orators ^{therefor} pray the aid of this Court,
they pray that the said Elizabeth Edwards widow and
heir of Howell Edwards be appointed and Nicholas
Edwards, Fanny Edwards and Lucy Edwards be

make defendants to the Bill of complaint and that they
 be compelled full, true and perfect answers to make to
 all and singular the allegations of said bill, fully
 and unreservedly &c. that your Honor will direct
 and order that set and proper persons allot and
 set apart to the said Elizabeth the means of Houde Bond
 etc. such part of the said land as you may think
 just and proper for her portion maintenance and
 dower in the said will - and that the said Comptons
 do proceed to divide the remainder of the land into
 eight equal shares. That they allot one eighth to Carter Edwards,
 one eighth to Henry Edwards, $\frac{1}{8}$ to Houde Edwards, $\frac{1}{8}$ to
 Benjamin Edwards and Polly his wife in her right, $\frac{1}{8}$ to
 Geo. Edwards and Eliza his wife in her right, and
 $\frac{1}{8}$ to Nicholas Bond, $\frac{1}{8}$ to Lucy Edwards and the
 remaining $\frac{1}{8}$ to Lucy Edwards - or that your Honor
 will make any other or further decree in the
 premises which may seem just and equitable. - they

it please your Honor to grant the Cont. Bill of
 J. P. Cong. &c. -

Attest J. B.

Geo. W. Edmunds
 H. Edmunds }
 Henry C. Edmunds
 Lucy N. Edmunds
 Fanny Edmunds
 Nicholas Edmunds

The answer of

The joint and several answer of Elizabeth Edwards and of
 Nicholas Edwards, Fanny Edwards and Lucy Edwards

the latter infants of tender years
 appointed by the County Court of South Carolina to defend them to
 a Bill of complaint exhibited against them in the County
 Court of said by Carter Edwards, Henry Edwards, Houde
 Edwards, Benjamin Edwards and Polly his wife, George Edwards
 and Eliza his wife. -

Then respondents now and at all times heretofore say
 and aver to the said all names the benefit of exception to
 error and insufficiency in the Complaint and Bill

of Complaint contain, for answer thereto or to or
 much thereof as they are advised it is material for
 them to answer, say that they believe that Houde
 Edwards did make the will alluded to in the Bill,
 being all fraud. and are willing that the Court
 shall make the decree prayed for or any other
 in the premises which may seem consistent with equity
 & justice. - and having prayed for answer and pray
 leave to be dismissed &c.

Attest J. B.

Elizabeth Edwards

Edmunds had copy
 in 2 or 3
 hands the copy

By consent of parties and the report of the Court this cause
 came on this day to be heard upon the Bill, an exception
 and arguments of Counsel whereupon the Court took advice
 and order that Geo. Edmunds Turner

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Remains of

July Cont 1818.

Feb. 16. 1818 across town.

Atm.

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kind there -

N^o Ample being } This is to Certify that I Howell Edmunds
State of N. Carolina } one of the Heirs of Howell Edmunds Jr. Decd.
Pray a division of said Estate. —

~~L~~ Howell Edmunds