

1843-005

SOUTHAMPTON COUNTY
CHANCERY PAPERS

HANNAH

VS. EDMUNDS' ADMR

et al
4/1843

other surnames: Jackson,
Mason, Gurley, Williams
Hannah ~, Pretlow

St. D. & 9 X

Hannah

v { Papers

Edmunds' Exor & ad

1840.

Sep. App. Ex^r or Horrell Edmunds,
Thos. Pruller, J. M. Gurley & J. T.
Williams. - Eliza & Rebecca Ed-
munds & J. M. Jackson no inhabit^s
Bill filed & v

Nov. Ans. Horrell Edmunds - set for
Dec. ~~hearing~~ ^{hearing} as to Pruller, Gurley &
Williams -

- 1841 -

Jan'y set for hearing as to H. Edmunds.

Apr. - Court^d

Oct. Leave to amend -

1842 Apr. Continued

" Oct. ~~Disps~~ ^{Disps} Continued -

1843 Apr. Bill Dismissed.

Hamiah
" 3/4 Bick
Edwards & Co

sup. to only -
1840 -

To the ~~honorable~~ the Circuit Superior Court of
Law and Chancery for the County of South
-ampton sitting in chancery, humbly complaining
shew to the Court your oratrix Hannah
a free woman of colour a a free negro,
that one Carter Romey, departed this life
on the day of in the year 1829,
having first made and published his last
will and testament, an authenticated
copy of which has been produced in to the
Court of Southampton on the 15th of June
1829 by one Nicholas Romey, who
made oath thereto according to law
and together with Littlebury Mason
and John McGunley his securities
entering into and acknowledged a bond
in the penalty of \$5000, conditions
according to law, the said Romey
having and in the County of Northampton
in the state of North Carolina leaving a
part of his estate in that state and a
part in his Commonwealth for the
County, his said will was proved &
admitted to record in the County of
Southampton in North Carolina &
an authenticated copy recorded in
the said Court of Southampton, all which
will more fully and at large appear
by a copy of the aforesaid bond given
in & captioned which is here with filed
and marked A, and also by an authen-
-ticated copy of the said will here with
filed marked B, and which are prayed to
be taken as parts of this bill. ~~And your oratrix~~
your oratrix chays that the said Littlebury
Mason has died in Southampton County, &
Nathl J. Williams and Stephen McGunley
before the County Court of Southampton have
qualified as adms: ^{with they will annexed} ~~of~~ ^{of}
said Mason, as will appear by exhibit
X which is prayed to be taken as part of
this bill. The said Carter Romey left
at the time of his death, in the
County of Southampton

and state of Virginia a large personal ~~and~~
estate which came to the hands of
his executor to the value of \$5000 and
upward, and more than enough to pay
the debts and legacies of the testator. -
That the said testator by his will, directed
that from the meritorious services of
your co-claimant she and her children
should be free, and she was in fact
legally emancipated by the said will;
the testator wished and bequeathed to the
co-claimant fifty acres of land in the
second clause of the will, and in the
3d. clause the testator gave and bequeathed
to your orator a negro woman Viney &
her increase to him and her heirs forever,
also two cows, and one year's provision
of corn and pork, in addition to the
above legacies, he gave and bequeathed to
your orator \$50 annually to be paid
out of his estate - To Carter and Eliza H. H.
Nicholas Romanes the testator gave \$4000 to
be equally divided between them - the
residue of his estate of every kind and
description the testator gave to his brother
Nicholas Romanes to dispose of in such
manner as he might see proper except
his watch which he gave to his nephew
Carter Romanes - and he appointed the
said Nicholas Romanes his executor
who qualified there in North Carolina
and in Virginia as aforesaid.
The said Nicholas Romanes has spent
his life without having delivered to your orator
any of the legacies or property aforesaid or paid
to her the money to be paid annually by the
provision in the will, and on Howell Romanes

hath been appointed by the last will of Nicholas Edwards
 his qualifica^{on} or she ~~execut~~ ^{and executor}
 the estate of the said Nicholas Edwards
 in the County Court of Southampton ~~might~~
 as well appear by exhibit
 and the said minor's ~~and~~ estate of Carter
 Edwards and: hath been committed to the
 hands of Thomas Pettow J^r of the
 County of Southampton for administration
~~which~~ ^{which} ~~will~~ ^{will} appear by exhibit
 which is prayed to be taken as part of this
 bill. - Now oratrix prays that the estate
 of Carter Edwards was much more
 than sufficient to pay his debts without
 entering upon, or abating in any manner
 the said, and prays to her, and she
 has frequently called upon the said ~~Stiche~~
 her Edwards in his lifetime to give to him
 to deliver over to one to affect to the
 legacies to her, ~~which~~ he did, she has
 applied to said Tho. Pettow adm^r or
 heritor of Carter Edwards, and
 made a request of him to deliver
 over said legacies and account that
 is due to her which reasonable request
 has been denied to her all which is
 contrary to equity. In tender considera
 tion whereof and for as much as
 she is without remedy in the premises,
 and in this Court, she prays that the
 said Thomas Pettow adm^r or heritor
 of Carter Edwards, Howell Edwards
 executor of Nicholas Edwards,
 Carter Edwards, Eliza Edwards, and
 Rebekah Edwards, and Howell
 Edwards agents of Nicholas Edwards
~~stephens~~ ^{stephens} ~~and~~ ^{and} ~~who~~ ^{who} ~~is~~ ^{is} ~~out~~ ^{out} ~~of~~ ^{of} ~~this~~ ^{this} ~~estate~~ ^{estate}
 Nathl. J. Williams ~~and~~ ^{and} ~~or~~ ^{or} ~~adms~~ ^{adms} ~~of~~ ^{of} ~~settled~~ ^{settled}
 Mason, and ~~from~~ ^{from} ~~being~~ ^{being} ~~and~~ ^{and} ~~are~~ ^{are}

other person person when dis covered,
may be made a friend to this bill
and that they be compelled on their
oaths full, true and perfect answer
to make to the allegations aforesaid
fully and veraciously - that you
will allow him to proceed against the
said Stephen Jackson, Howell Roman
Romanes son of ~~Carte Roman~~ Nicholas
Romanes and against Carte, Nicholas
and Eliza Romanes who are out
of this Commonwealth in the manner
prescribed by law against absent defen-
dants - that you will cause the said
Thomas putton admort of Carte Roman,
and Howell Romanes son of Nicholas
Romanes, and Nathl. J. Williams
and Stephen Jackson
admirors or executors of Littleby clear on
to settle their respective accounts, also
cause to be settled the age of Nicholas
Romanes as executor of Carte Roman,
so as to ascertain clearly and distinctly
the state of the assets of each estate,
that you will decree that the slaves
Kiny and her increase - (the names
of her children being unknown to the
plaintiff, shall and also the consanguinity
and other estate given by
the will of Carte Roman to be delivered
over to her and if they cannot be had
in kind that she shall receive the
value thereof and the annuity and
the said will, that you will cause
an account to be taken of her estate
and that you will make any other
order for her relief that may seem
proper and as in duty bound, the

who pays the consequences of
of a directed, command &
and is in duty bound to each
we pray for. Trust and
Alten's p. 9

Hannah

2. } Ans of Howell
Edmund

Edmund, Jr &

1840 Nov Rules.

The separate answer of Howell Edmunds, Exor
of Nicholas Edmunds, died to a bill of com-
pulsent exhibited against himself and others
in this honorable court, by Hannah a negro
woman claiming to be emancipated by the
will of Carter Edmunds deceased.

This defendant now and at all times
hereafter, reserving to himself all benefit of
exception, whether as to matters of form or
substance, to the said bill and the matters
and things set forth therein, for answer thereto
or to so much and such parts thereof as he is
advised it is material to ~~make~~ answer unto.
Says, that he is the Exor of Nicholas Edmunds,
deceased. he also admits that Carter Edmunds,
died in the County of Northampton and State
of North Carolina, having first made and
published, the last will and testament,
a copy of which is referred to & exhibited in
the compulsion bill - But this defendant
is advised and therefore charges, that as
the law of North Carolina stood at the time
Carter Edmunds will was admitted to tes-
tate & took effect, that the provision of the
said ^{will}, which was intended to emancipate Hannah
was void, and that the said Hannah is by the
law of North Carolina, which being the ~~law~~

Domine of the Testator, is according to well settled principles, to govern the decision of all questions arising under the said will, still a slave, liable to all the disabilities of that State and condition & entitled to none of the privileges of freedom, and as a necessary consequence, it follows every bequest of property to Hannah was void, & cannot be enforced by her in any court whether of law or equity.

This defendant is not particularly informed, as to the actual condition of Hannah, after the death of testator Edmunds, until she commenced her suit for freedom in the county court of Southampton & State of Virginia - but he has understood & believes, that his late brother Nicholas Edmunds, permitted her to enjoy most of the privileges of a free person - that he provided a comfortable house for her, and was sincerely desirous of carrying into effect his testator's wishes upon the subject, and that had not his intention been frustrated by the suit aforesaid, he would have carried her to some free State, after selling the property devised and bequeathed, for her support and maintenance.

This defendant further aversing says

that he has had to pay a considerable amount to rent the room of \$ for the support of Hannah and her children, whilst her suit for freedom was pending, which amount, even if this court should assume jurisdiction over the subject, notwithstanding the disability of the plaintiff to sue, ought to be deducted out of the devises and bequests, made to her under the will of testator Edmunds.

And this defendant having fully answered prays to be hence dismissed with his costs in this behalf expended.

Howell Edmunds

Southampton County to wit
this day personally appeared before ^{me} Justice of the Peace in and for the County of Southampton, ^{Howell Edmunds} & made oath that the facts in the above verses are true, and those stated upon the reformation of others he believes to be true, as further my hand made this 4th day of November Anno domini 1840.

Leve P. Nicholas (Seal)

Hannah

v. } Sp^a in Chy

Edmunds had

1840 April Rules -

Executed on 1st April 1840
by delivering a true copy
March 2/1840N. J. Williams not
found, Stephen M
Jackson not ~~found~~
S^{pe} Drury of
James Dellapaul
Shiff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Nicholas Edmunds, Nathaniel
J Williams & Stephen M Jackson administrators of Littleberry
Mason dec'd and John M Gurley*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County
of Southampton, at the Rules to be holden for the said Court on the first Monday in *April*
next, to answer a Bill in Chancery exhibited against *them* in the said Court by

Hannah

And unless *they* shall answer the said Bill within four months thereafter, the Court will take
the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under
the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk
of our said Court, at the Court-house, the *25th* day of *February* 18*40*, in the
64th year of the Commonwealth.

L R. Edwards Clk

[One Copy to be delivered each Defendant.]

C

L. 16

Hannah

Sp. in lchys

Edmunds Ex. 40

1840 September Rules

Executed in delivering
a true copy to Rowell
Edmunds, August 17/1840 -
Rowell and John all
Gardner. August 17/1840 -
and son Nathaniel Williams
ans. by delivering a true
copy August 28/1840 -

Eliza Edmunds Rebecca
Edmunds, & Stephen all
acknowledged in testimony
of the Drovers copy
Thomas Rowell & all

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Horrell Edmunds Executor of Nicholas Edmunds dec^d* *Thomas Dretler adm^r de bonis non of Carter Edmunds dec^d* *Eliza Edmunds* *Rebecca Edmunds* *Stephen M Jackson & Nathaniel Williams adm^rs of Littlebury Mason dec^d* & *John M Gurley* —————

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *September* next, to answer a Bill in Chancery exhibited against *them* in the said Court by

Hannah —————

And unless *they* shall answer the said Bill within ^{*two*} ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *26th* day of *July* 18*40*, in the *15th* year of the Commonwealth.

L R Edwards Clk

[One Copy to be delivered each Defendant.]

(10)

Edmunds
to } Earl. with 100
Edmunds

Edmunds

Edmunds
to } Lord
Justice

Edmunds

(A)

(270 words)

Know all men by these presents that we Nicholas Edmunds John M Gurley
vs Littlebury Mason are held and firmly bound unto Benjamin Griffin Alexander
Myrick Joseph T Blaud and Alexander P Peete. Gentlemen Justices of the peace
for the County of Southampton now sitting in the just and full sum of five thousand
dollars to the payment whereof well and truly to be made to the said Justices and
their Successors we bind ourselves and each of us our and each of our heirs Executors &
administrators jointly and severally firmly by these presents sealed with our seals and
dated this 15th day of June 1829

The conditions of this above obligation is such that if the said Nicholas Edmunds
Executor of the last will and Testament of Walter Edmunds deceased do make a true and
perfect inventory of all and singular the goods Chattels and Credits of the said deceased
which have or shall come to the hands possession or knowledge of the said executor of
any person or persons for him and the same do make do exhibit to the County Court
of Southampton at such time as he shall be thereto required by the said Court and
the same goods Chattels and Credits do well and truly administer according to Law
and make a just and true account of his acting and doings therein when thereto
required by the Court; and further do well and truly pay and deliver all the legacies
contained and specified, as far as the said goods Chattels and Credits will extend
as far as the value thereof and the law shall charge, then this obligation to be
void or else to remain in full force.

Signed sealed and delivered
in presence of the Court

N Edmunds Seal
Littlebury Mason Seal
John M Gurley Seal

Attest J R Edwards Secy

Hannah

to { Exhib. with bill

Edmunds Jr

, D, -

At a Court held for the County of Southampton on the 20th day of April 1840.

Ordered that the estate of Carter Edmunds ^{sen} be committed to the hands of Thomas Prutton Sheriff of this County for administration according to Law

Teste. L R Edmunds ^{sen} cler

Hannah

2 } Exhlt. with bill

Edmund & J^r

(~~10th wendy~~)

At a Court held for the County of Southampton on the 20th day of July 1840.

On the motion of Howell Edmunds the Executor named in the last Will and Testament of Nicholas Edmunds dec^d. heretofore recorded in this Court. who made oath and Together with John M. Guley and Nathan B. Bryant his securities entered into and acknowledged a bond in the penalty of Ten thousand dollars. conditioned as the law directs Certificate is granted him for obtaining a Probate of the said will in due form.

Teste. L. R. Edwards Clk

Hannah

~ { Exht. with bill

Edmunds J

X

7005-10000

At a Court held for the County of Southampton the 19th day of November 1822
A paper writing purporting the last will and Testament of Littleberry Mason deceased
bearing date the 16th July 1826. was produced in Court for probat. and it appearing
to the Court that the lines No. 4. 5. 8. 9. 10. 11. 24. 25. 32 & 33 on the first page of
the said will have been erased. Edwards Butts. Thomas J Harper and James
Rockelle were sworn - there being no subscribing witnesses to the said will - and
severally deposed that they are well acquainted with the hand writing of the said
Littleberry Mason and truly believe that the body of the said writing as well as
the signature thereto is in the proper hand writing of the said Littleberry Mason.
and the Court being satisfied it is ordered that the said writing be recorded as &
for the last will and Testament of the said Littleberry Mason dec. and John G
Mason & John W Gurley the executors therein named. appeared in Court and
refused to take upon themselves the burthen of the execution of the said will. on
the motion of Stephen M Jackson and Nathaniel J Williams who made oath
and together with Nathaniel Mason. William Parker. Sampson & Rose. Sam-
uel Calvert. Edmund Turner. William L Rockelle, William D Phillips and
Thomas Ridley &c. their securities entered into and acknowledged a bond in the
penalty of One hundred thousand dollars conditioned as the Law directs, certifi-
cate is granted them for obtaining letters of administration on the said
Littleberry Masons estate with his will aforesaid annexed in due form -

Teste.

L R Edwards Ck

Carter Edmunds Will

Hannah

" } Exht. with bill

Edmunds Exor &c.

In the name of God amen. I Carter Edmunds being weak in body but in
my sound and disposing mind: and knowing that all men are to die do make and
ordain this to be my last will and Testament. First I recommend my soul into the
hands of all merciful Creator and my body to be decently interred - as to my worldly estate
I do will and bequeath it in the manner following to wit. Item 1st From the
meritorious services which my woman Hannah has rendered me it is my will
and desire that she and her three children be set free - Item 2^d I do will and
bequeath to said Hannah fifty acres of land the line commencing at the lower
corner of my yard next to the well running directly to a branch thence up the
branch a sufficient distance that the third side shall be parallel to the first line run
It is my desire a good framed house eighteen by sixteen feet be built upon said
land having two good floors a brick chimney and three eight light windows in
such sit as Hannah shall designate I also desire that she have a garden cleared
and fenced and a good well sunk in the yard at the expense of my estate -
Item 3^d I give and bequeath to the above mentioned ^{woman} Hannah a negro woman
Viney and her increase to her and her heirs forever. Also two cows two sows and
one goat provision of corn and pork in addition to the above legacy. I give and
bequeath to the said Hannah fifty dollars annually to be paid out of my estate
lastly I wish that Hannah and her three children Richard Mary James and
Margaret Ann remain where they are upon my plantation and their expences be paid
out of my estate until my executor makes the provisions I have provided for her -
Item 4th I do give and bequeath to my deceased brother Henry C Edmunds three chil-
dren Carter, Rebecca and Eliza Edmunds four thousand dollars to be equally divi-
ded between them provided that he nor she does not interfere with the settlement
of their late fathers estate should either one do so. I exclude him or her from
any interest in my estate and do give his or her portion to the other brother or sister
or his two sisters as the case may be. Item 5th The residue of my estate of every
kind and description whatsoever bonds money &c I give to my brother Nicholas Edmunds
to dispose of in such manner as may see proper except my watch which I give to
my nephew Carter Edmunds - Item 6th My two boys (negro Miles and Henry) the
sons of negro woman Lucy I wish the said Nicholas Edmunds to bind out to some
trade and to reap the profits of them until they become twenty seven years of
age then to be set free should they be found tractable and well behaved servants -
Item 7th It is my will and desire should the laws of Va and North Carolina be
found such that the woman Hannah cannot remain in the jurisdiction of
either Commonwealth that my executor sell the land with her pay over to her
the proceeds of the sale of the land and pay the expences of removing her and
her estate as she may choose to go out of my Estate - Item 8th I leave my
brother Nicholas Edmunds my sole executor to this my last will and Testament -

Teste

Thos J Harper

At A Edmunds

C Edmunds

Read

"Erased and interlined before signed"

Burzel Brantley

C Edmunds

October 27/1825

Codicil: All and every purchase which I have made subsequent to the above will I do hereby
convey give and bequeath unto Nicholas Edmunds to him and his heirs forever

C Edmunds Read

State of North Carolina

Northampton County } Court of Pleas and Quarter Sessions June Term 1829

This last will and Testament of Carter Edmunds deceased with the Codicil thereto annexed was exhibited in open Court and the will proved in due form of Law by the oath of Thomas J. Harper one of the subscribing witnesses thereto and the Codicil as thereto annexed was proved by the oath of Nathaniel J. Williams and Thomas J. Harper who said that the said Codicil together with the signature thereto was in the proper hand writing of the said Carter Edmunds. Ordered by the Court that the will with the Codicil be recorded whereupon Nicholas Edmunds the Executor therein named appeared as the Law directs -

Test John W. Harrison Clerk

State of North Carolina

Northampton County } I John W. Harrison Clerk of the Court of Pleas and Quarter Sessions for the County of Northampton do hereby Certify that the foregoing is a true copy of the last will and Testament of Carter Edmunds deceased as also the Codicil with the Certificate of the probate and the order of Court admitting them to Record

In Testimony whereof I have hereunto set my hand and affixed the seal of my office this 6th day of July A.D. 1829 and 5th year of our independence

John W. Harrison C. & P. D.

State of North Carolina

I Hardy Cobb Chairman and Chief Justice of the Court of Pleas and Quarter Sessions for the County of Northampton do hereby Certify that John W. Harrison whose name is affixed to the foregoing Certificate is the Clerk of our said Court and that full faith and credit are due and ought to be given to all his official acts as such and that the same is in due form of Law given under my hand this 6th day of July A.D. 1829

Hardy Cobb C. & P. D.

North Carolina

I John W. Harrison Clerk of the Court of Pleas and Quarter Sessions for the County of Northampton do hereby Certify that Hardy Cobb Esquire whose name is affixed to the within Certificate is Chairman and Chief Justice of our said Court duly appointed &c. Given under my hand this 6th day of July A.D. 1829

John W. Harrison C. & P. D.

At a Court held for Northampton County on the 15th day of June 1829

This authenticated copy of the will of Carter Edmunds dec^d was produced in Court by Nicholas Edmunds the Executor therein named and ordered to be recorded. And on the motion of the said Executor who made oath according to Law and together with Littleberry, Mason and John M. Hurley his securities entered into and acknowledged a bond in the penalty of five thousand dollars conditioned according to Law Certificate is granted the said Executor for obtaining a probate of the said will in due form.

Test James Rochelle C. & C.

Attest

Test J. B. Edwards C. & C.