1843-012 SOUTHAMPTON COUNTY CHANCERY PAPERS

EDMUNDS vs EDMUNDS' ADM'R.

4/1843

other SURNAMES: Prettow

Edmunds

v. } Papers.

Edmunds Esqr

1842 Feby. Bill filed. Sp.r Ex.r
" Apl. Answer filed. D. Resp.
" June. Set for hearing.
" Oct. Court. Leave to amend bill
Rule for security for costs.
1843 Apl. Security for costs given
Leave to amend bill.

South Hampton
Sept. 6th

Edmund

vs

Putlow Shiff & ano. & others

Bill & Exhibits

Parker. Reg. Shelton

1842 February Rules

To the Hon. Richd. H Baker judge of the Cir. Sup. Court of law and Chancery for the County of Southampton, your Complainant Howell Edmunds

Humbly complaining shews unto your honour that Carter Edmunds departed this life in the year 1824, having first duly made and published his last will and testament, a copy of which is herewith filed marked (A) — that Nicolas Edmunds qualified as his Exor. and departed this life in the year 1840 having first made and published his will - a copy of which is herewith filed, marked (B) and your Complt qualified as his Exor. - That Jno. Purlow, as Sheriff of Southampton, is ~~and at back~~, adms. de bonis non, with the will annexed of Carter Edmunds; Your complt further shews that the debts due from Carter Edmunds dec'd have long since been discharged and paid - and that your Complt. is ~~he is~~ entitled to all the estate and assets now in the hands of Jno. Purlow ~~as sheriff and adms. with the will~~ adms. with the will annexed ~~of~~ as will appear from the wills, copies of which are filed - Your complt further states to your honour that the only property in the hands of the adms. de bonis non with the will annexed is a negro woman ~~and~~ Hannah and her children, which he refuses to deliver to your complt upon the usual terms of his entering into appraising bond, upon the ground, that the said woman and children are free by the will of Carter Edmunds dec'd - Your complt would shew to your honour that the said Carter Edmunds was a citizen of N. Carolina, died in that State, and that the said slaves were about

his death in that State - that by the laws of Carolina, the said slaves were not free by this said will, but were after the death of said Carter Edmunds to all intents and purposes slaves - that these facts, and that such is the law of the State of N Carolina, your complt, is and ever has been ready to establish - that the said slaves have been brought into this State, with the vain expectation that they would here be free - but your complt is advised, that this does not change the rights of the said slaves, or his rights - but that they must be viewed and Taken, as they were at the death of the said Carter Edmunds -

In Tender Consideration of all which, and for as much as your complt is without remedy in the premises except in a court of equity, Where such matters are peculiarly cognizable - To the End therefore that justice may be done, he prays that the Sheriff, and as such adm: de bonis non with the will annexed of Carter Edmunds dec: be made defendt to this bill and true answer upon oath, make to its several allegations - that he render with his answer an acct of his transactions as adm: de bonis non", as it consists of but one or two items, that your honor will decree him to deliver over to your complt upon the usual undertaking the assets and property of his Testator - That your honor, if it shall seem proper so to do, may impose upon your complt any restriction so that the said Hannah and children may after their delivery by the said adm: de bonis non with the will annexed to your complt, institute this suit in "forma pauperis" against your complt, for such
Or that your honor may grant any other and further decree and relief in the premises as justice and the rights of the parties may require - And your complt will as in duty bound bound forever pray &c
May it please your honor to grant &c.

Parker, Biddle & Shober
Sol.

Answer of Thos
Thos Pullom et al
ads
Edmunds

Filed april the 8th 1842

To the Judge of the Circuit Superior Court of
Law and Chancery for the County of Southamp-
ton in Chy: sitting - The separate answer of
Thomas Pretlow late Sheriff of Southampton
County, and admr: de bonis non with the
will annexed of Carter Romeneus dec'd: to the
bill of complaint in the said Court exhibited
by him against the defendant by the said
Romeneus - This defendant saving to himself
says that the bill of the complainant ought
to be dismissed, because he says that there
are many persons not named in the bill
who ought to be parties thereto - That Hannah
and her children, viz Carter, Rebekah and
Elija Romeneus and many others named
in the will of the said Carter Romeneus, are
legatees and should be parties in this suit,
and he answers to the complainants bill
because the proper parties are not before
the Court - And for further answer, the said
defendant says he is advised, and believes
it to be true that under the will of Carter
Romeneus Hannah and her children are
entitled to their freedom, and as such he
has no right to detain them as slaves to
the complainant, and is disposed to set them
at liberty if in the opinion of the Court
they are free, and he denies that they
are slaves, or that the plff: is entitled to
them - This defendant ~~denies~~ denies that
Carter Romeneus the testator was a citizen
of North Carolina at his death, and calls
for strict proof of all the allegations in
the complainants bill - and he prays
to be dismissed &c (signed, Thos Pretlow

South Hampton County ss. This day came
before the undersigned a justice for said
County Thomas Pettibus and made oath that the
foregoing account is true so far as he
knows or believes & is unsatisfied.
my hand and seal this 8th of April
1842. Lem P Nicholson (LP)

C. S. C.

Edmunds Exr

vs } Spa in Chy

Edmunds ads

1842 February Rules

Execution upon Sheriff

Jan: 25=1842

M. M. Sebrell Cor:

THE COMMONWEALTH OF VIRGINIA,

To the ~~Sheriff~~ Coroner of Southampton County, Greeting:

We command you that you summon Thomas Britton Sheriff and as such administrator de bonis non with the will annexed of Carter Edmunds dec^d

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 February next. next, to answer a Bill in Chancery exhibited against him in the said Court by Howell Edmunds Exr: of Nicholas Edmunds dec^d

And unless he shall answer the said Bill within ~~four~~ two months thereafter, the Court will take the same for confessed, and decree accordingly. And this he 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 19th day of January 1842, in the 66th year of the Commonwealth.

L. R. Edwards Clk

[*One Copy to be delivered each Defendant.*]

Heirs of
Carter Edmunds
Howell
Henry
Nicholas
Lucy

George Edmunds
children
William
&
Martha

Nicholas Edmunds' Will

Edmunds

v. } Exhb. with bill

Edmunds' acr

In the name of God amen. I Nicholas Edmunds being of sound and disposing mind and knowing that all mind are to die do make and ordain this to be my last will and Testament. First I recommend my soul into the hands of an all merciful Creator and my body to be decently interred as to my worldly estate I do will and bequeath it in the following manner to wit. Item First the love and affection which I bear to my brother Howell Edmunds I give and bequeath to him the aforesaid Howell Edmunds his heirs and assigns forever the whole of my estate let it consist of what it may any Lands Negroes Money bonds and accounts and every other species of property whatever to dispose of in such manner as he may think proper. I leave my brother Howell Edmunds my sole executor to this my last will and Testament. Signed Sealed this fourth day of July One thousand Eight hundred and thirty Eight

N Edmunds Seal

State of Northcarolina
Northampton County } County Court of pleas and Quarter Sessions June Term 1840

This paper writing purporting to be the last will and Testament of Nicholas Edmunds dec.d was exhibited in Court and Joseph M.L Rogers Simmons Barnes James Sherrod and Etheldred J. Pebbles being duly sworn depose and say that they verily believe the said paper writing and every part thereof to be in the proper hand writing of the said Nicholas Edmunds and it appearing to the Court that the said proper writing was deposited in the hands of Howell Edmunds by the Testator for safe Keeping Whereupon it is ordered and adjudged by the Court that the said paper writing purporting to be the last will and Testament of Nicholas Edmunds dec.d is duly proved as the last will and Testament of the said Nicholas as to both real and personal estate and that the same be Recorded. And it appearing to the Court that the Executor therein named is not a resident of this State. it is ordered that he enter into bond and security. Whereupon Howell Edmunds the Executor named in said will entered into bond in the penalty of fifteen thousand dollars Conditioned &c. with Simmons Barnes and Etheldred J. Pebbles his securities and qualified as the law directs.

Test Wm Bottom Clk

State of Northcarolina

I William Bottom Clerk of the Court of Pleas and Quarter Sessions for the County of Northampton hereby certify that the foregoing is a correct Copy of Nicholas Edmunds will and of the proceedings had in the probate of the same. Given under my hand and seal of office at Office this 5th day of June 1840

Wm Bottom Clk

I Samuel Ballard Chairman of the Court of Pleas and Quarter Sessions for the County of Northampton North Carolina do hereby Certify that William Bottom whose name appears to the above Certificate is and was at the time of signing the same acting Clerk of the County aforesaid duly Elected and qualified that full faith and Credit are due to all his official Attestations as such and that the same is in due form of Law Given under my hand and seal this 5th day of June 1840

Samuel Ballard C.C.P.Q.S. [Seal]

State of North Carolina

I William Bottom Clerk of the Court of Pleas and Quarter Sessions for the County of Northampton hereby Certify that Samuel Ballard whose name appears to the foregoing Certificate is and was at the time of signing the same Chairman of the said Court of Pleas and Quarter Sessions for the County of Northampton aforesaid duly Elected as such and that full faith and Credit are due all his official Attestations as such Given under my hand and seal of Office at Office this 10th day of June 1840

Wm Bottom Clk

At a Court held for the County of Southampton the 16th day of June 1840
This authenticated Copy of the last will and Testament of Nicholas Edmunds dec'd was produced in Court by Rowell Edmunds the Executor therein named and ordered to be Recorded

Teste L R Edwards C C

Alsop

Teste L R Edwards C C