

1834 - 026

Chancery Causes: Martha Edwards, widow of Jonas Edwards & al vs James Chapman

Isle of Wight County

→ vt + James Chapman, executor of Jonas Edwards

To the worshipful the Justices of the court
of Sh of Wight county in Chancery sitting.

Thumblly complaining sheweth unto your
worships your Orator's Martha Edwards
widow of Jonas Edwards deceased of the coun-
ty Sh of Wight, and your Orators and oratrices
Davis, Allen, Elizabeth, James, Jonas, Mar-
tha & Josiah Edwards by Martha Edwards their
next friend: That the said Jonas Edwards
died on or about the day of March 1829,
leaving your Oratrix his widow, and your Or-
tors and Oratrices Davis, Allen, Elizabeth,
James, Jonas, Martha, and Josiah Edwards,
and Charlotte the wife of James Chapman
late Charlotte Edwards his children, after
having made and published his last will &
testament in writing and therein appoin-
ted his son in law James Chapman the ex-
ecutor thereof: that he the said James Chap-
man has duly proved the said will as a
testament of chattels only in the county court
of Sh of Wight, and qualified as executor there-
of as will more fully appear by an attested
copy of the same beaunte, ^{annexed} as a part of this
bill; that the said Jonas Edwards deceased
was at the time of his death seized and pos-
sessed of several very valuable tracts of land
lying and being in the said county Sh of
Wight containing about eleven hundred
and eighty acres, and bounded by the lands

of Thos. Marshall, Everitt Gay, Bryn. Gaggan, Thos.
and others and of a very considerable per-
sonal estate consisting of the following slaves
to wit: Mary, Dick, Charlotte, Peter, Temper, Pe-
ggy Aaron, Henry, Edith, James, Jack, Lewis, Mary, and
Dennis and other property; that your Ora-
trix Martha the widow not being satisfied
with the provisions made for her by the said
will or testament of her husband has demand-
ed all benefit which she might claim from
the same and is advised that she is entitled to
one third part of the lands of which her said
husband died seized and possessed for the
life of your Oratrix as her dower, and to
one third part of the said slaves for life
and one third part of the other personal pro-
perty ~~after the debts~~ after the debts of her
said husband are paid; that your Oratrix
the widow and your infant Orators and
Oratrices believe and indeed understand from
the said James Chapman the executor that
the said James Edwards was little if all in-
debted at the time of his death, that the crop
is nearly completed, and that there are large
funds in his hands to pay any debts which
may come against the estate, and being de-
sirous of possessing that portion of the
said estate to which they are entitled, have
made application in the most friendly man-
ner to the said James Chapman the ex-
ecutor and his said wife Charlotte for that
purpose. But now so it may it please

Worships that the same James Chapman
the executor and Charlotte his wife, herein
after called Defendants have under various
pretences refused: alleging that while they
have no objection to make such a divisi-
on of the said estate as the law directs yet
refuse an account of the infancy of the
children your Orators and your Oratrices
Elizabeth & Martha the infant child-
ren of the said James Edwards deceased.
All which conduct on the part of the said
Defendants is contrary to equity and good
conscience: In tender consideration
whereof and forasmuch as your Oratrix
the widow and your infant Orators &
Oratrices are without remedy at law and
can only be relieved in this Court, and
cannot where matters of this sort are only
cognizable and justice duly administ-
ered: To the end therefore that the said
Defendants may on their oaths answer
the premises as fully and as distinctly
as if the same were again repeated and
they thereto especially interrogated; and
that by a decree of this worshipping
court commissioners may be appointed
to lay off and assign to your Oratrix
Martha the widow her dower in the
lands of which her said husband died se-
ized and possessed, and also ~~one third~~
~~of the~~ to lay off and allot to her
one

one third of the ~~shared~~ ^{share} of which
the said James Edwards at the time of his
death was possessed; and that the said
carriers ^{which} divide the rest of the
lands of the said James Edwards ~~die~~ ^{die} in
equal portions a-
mongst all his said children your in-
fant brother and sister and the Defen-
dant Charlotte the wife of the said ~~James~~
James Chapman. And may it please
your worship to grant all such other
and further relief in the premises as
may be consistent with the rules and
principles of this court and to award
all such costs as may be necessary &
proper in the premises, &c. &c.

Attest the attor for
Plaintiffs

Edwards

No. 3 Chincery

Edwards

5th October 1829. Indent.

decree

November 7th 1829. Decree
awarded

March 1st 1830. apt. 2nd
and Contst

April 7th 1834. contst report
confst official document

infant complainants Davis, Allen,
Elizabeth, Jones, Jonas, Martha, and Josiah
Edwards, and one to the Defendant Char-
lotte Chapman the wife of James Chap-
man, and make report of this prom-
ising herein in order to a final decree.

Edward & Co. } Bill
vs. }
Edwards & Co. }
ad.

The answer of James Chapman ex-
ecutor of the last will and testament of
Jonas Edwards deceased, and of Charlotte
his wife to a bill exhibited against
them in the worshipful court of John
of Right courtesy by Martha Edwards
and others Plaintiffs.

These respondents, now, and at
all times hereafter saving and reserving
to them selves all benefit of excepti-
ons to the allegations of the plain-
tiffs bill, for answer thereto saith
that they admit, so far as they are
at present advised, that the allegati-
ons of the are true, and that they
have no objection to any decree
which the worshipful court may
think proper to make in the pre-
mises; and having thus answered
pray to be dismissed with their rea-
sonable costs in this behalf expen-

Ed

Jas Chapman Exor of Jones
Edward & on behalf of his
wife Charlotte

Edwards & others } In Chancery
vs. }
Edwards exor & another.

This cause came on this day to be heard by consent of parties on the bill answer and exhibits, and was argued by counsel: on consideration whereof the court hath adjudged order and decree that Emma Ely, John H. Chapman ^{herdman} commissioners appointed for that purpose or any three of them do lay off with the assistance of the county surveyor or if necessary, one third part of the lands of which Jones Edwards died seized and possessed, having regard to quantity as well as value, and assign it to the complainant Martha Edwards the widow as her dower therein, and also set apart and allot to her one third part, having regard to value as well as number, of the slaves of ^{which} Jones Edwards died possessed to be held by her for her life; and that the said commissioners divide the residue of the said lands of Jones Edwards demand, into eight equal parts having also regard to value as well as quantity, and assign one to each of the infant

In accordance with the order of the Court in the case of the
bearing date October Court 1820 to wit as follows, to wit the under-
signed have read and signed to Martha Edwards the same
as Thomas Edwards died as the right of Dower in the land of
Leaves which said Thomas Edwards dec. died possess. to wit
as her right of Dower in the land as follows to wit beginning
at a line in Henry Gaskins line thence running a S. & E. course
along a line of mark. trees, and a large, then a South course
to a red Oak on the line formerly Robt. Chalmers, thence a
long S. Chalmers to a pine a corner tree, Benj. Gaskins and
Jesse Edwards, thence a long said corner line to Thomas Goodson
line and road to Hephiah, Brays line and a long said Brays
and Henry Gaskins line to the line the first station - -
also as her right of Dower in the leaves as follows to wit
Dick, Parnaby, Charles Esther, ~~Thomas~~ and Lewis - -
We have also signed to the several heirs of S. Thomas Edwards
the variance of the land which the said heirs possess as follows
to wit. To Thomas Edwards the following tract or parcel of land
to wit beginning at a line in Henry Gaskins line thence a
S. & E. course along a line of mark. trees, and a large, then a
South course to a red Oak on the line formerly Robt. Chalmers
thence a long S. Chalmers to a pine a corner tree, Benj. Gaskins
and Jesse Edwards, thence a long said corner line to Thomas
Goodson line and road to Hephiah, Brays line and a long said
Brays and Henry Gaskins line to the line the first station. - -
To Josiah Edwards the following tract or parcel of land to wit
beginning at a stake standing on the side of a ditch in the
line of the Dower land, and now a corner of S. Josiah and
Thomas Edwards, thence running a S. & E. course a long a line
of mark. trees, and Ditch of South course to a red Oak on
the line formerly Robt. Chalmers, thence a long S. Chalmers
to a pine a corner tree of Benj. Gaskins and Jesse Edwards,
thence a long said Gaskins line to the line and now a corner
tree of S. Josiah and Thomas Edwards, thence a line of mark
trees to the line the first station. - -
To Martha Edwards the following tract or parcel of land
to wit beginning at a line in Henry Gaskins line thence
a long S. Gaskins line, and the line of the land which

James History in the report. ... a new course
... a line ... trees ...
... line ... the line of the land
... to a Red Oak in S. & Chalmers line,
thence running N. & W. course and marked trees and ditch
to the pine the first station - - - - -

To James Edwards the following tract or parcel of land
to wit, the tract bounded by the above named tract, being
Batten John Gas line, Chalmers Bracy & - - - - -

To Allen Edwards the following tract or parcel of land
to wit, beginning at a pine standing on the east side of the
road in Thomas Marshall line thence running along
the road a north course to the Swamp joining Edith
Gray, thence up the Swamp to the corner of Wiley Turner
line, thence along said Turner line, over the land called
Mills Eliza tract thence along S. to said Bracy's line
thence along said Bracy's line to a white Oak standing
in the Swamp thence along the Swamp to a white Oak
a new course to a new road, thence a S. & W. course
along a line of marked trees a straight course & thence
the other ground to Thomas Marshall line thence a
new S. & W. Marshall line a first course to the road and
first station - - - - -

To Elizabeth Edwards the following tract or parcel of land
to wit, bounded by the above last mentioned tract or parcel
of land, Mills Bracy, Thomas Marshall & and east side
of the road running through the land called the turning
tract - - - - -

To Davis Edwards the following tract or parcel of land
to wit, beginning at a Red Oak standing on the side of
the road at the corner of the Orchard, thence running
along a line of marked Apple trees a first course &
a straight line to the line of the land which Thomas
Bancroft dec. dec. report. thence along said Bancroft
line to the Swamp thence up the Swamp to the road thence
along the road to the Red Oak the first station - - - - -

which Thomas Edwards died seized and possessed, including the widows
dower into eight equal parts having regard to value as well as quantity
and assign one to each of the infant complainants, and one to the defendant
Charlotte Chapman the wife of James Chapman the dower lands to
be held subject to dower, and make report thereof to the court in order
to a final decree

A Copy Teste Nathl^r Young Esq:
"Oct 11"

Edwards v. Ed. J. J.

vs. 2 Deera

Edwards's exor. v.

At a Court of the County of October Court 1829.

Martha Edwards widow of Jonas Edwards decd.

Davis, Allen, Elizabeth, James, Jonas, Martha
and Josiah Edwards by the said Martha Edwards
their next friend

Complainants

against

James Chapman executor of the last Will and
Testament of Jonas Edwards decd. and Charlotte
his wife

Defendants

In Chancery

This cause came on this day to be heard by consent of parties
on the bill answer and exhibits, and was argued by counsel: On consideration
whereof the court doth adjudge, order and decree that Edmund Hey, John
H. Chapman, Jordan Parr and Benjamin Leggin Commissioners
appointed for that purpose or any three of them do lay off with the assist-
ance of the county surveyor if necessary, one third part of the lands of
which Jonas Edwards decd. seized and possessed, having regard to quantity
as well as value and assign it to the complainant Martha Edwards
the widow as her share therein, and also one part and allot to her one
third part having regard to value as well as number of the slaves of
which Jonas Edwards decd. possessed to be held by her for her life, and
that the said Commissioners divide the lands of Jonas Edwards decd.
into eight equal parts, having also regard to value as well as quantity,
and assign one to each of the infant complainants, Davis, Allen, Elizabeth,
James, Jonas, Martha and Josiah Edwards, and one to the defendant
Charlotte Chapman the wife of James Chapman, and make report
of their proceedings to the court in order to a final decree.

Attest Test. Nathl. Young &c.

In At a Court of the County of November Court 1829.

On the motion of the parties by their attorney and
and with the assent of the court this cause came on again to be heard
upon the papers formerly read, and was argued by counsel. On considera-
tion whereof the court doth adjudge, order and decree that the above decree

Wm. H. Chapman
 John Farr
 Baggin
 Ann Day