

Greene County, NC - Court Records

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EDWARDS VS SHEPPARD

Abstracted by Ruth Fentress

N. C. Original Supreme Court Cases.

Edwards vs Sheppard 1817. Winifred Edwards vs James G. Sheppard,

Theophilus Edwards and Others.

Reel 15, Case 1024.

To the Honourble The Judge of the Court of Equity for the County of Greene.

The Bill of Complaint of Winifred EDWARDS, widow of Col. Thomas EDWARDS late of the County of Greene. Complainant against James Glasgow SHEPPARD of the County of Greene administrator of Thomas EDWARDS, decd., Theophilus EDWARDS & Henry EDWARDS of the County of Greene, William MURPHY & Polly his wife; & John HEATH & Sally his wife of the County of Washington in the State of Georgia, Thomas EDWARDS, John EDWARDS, Isaac EDWARDS, William EDWARDS, Demsey EDWARDS,

Sally EDWARDS, Nancy EDWARDS, & Absala EDWARDS, all of the County of Greene, the last four named of whom are infants, in wardship of Benjamin HARDEE, also of Greene County, Joel ALTMAN & Elizabeth his wife of the County of Wayne, Benjamin HARDEE of the County of Greene & Polly his wife, Blany HARPER of the County of Greene and Elizabeth his wife, Molly HILL of Lenoir County, Nancy SHEPPARD of Pitt County, and John, William, Thomas, James, Mary, Zilphia, Elizabeth, Sarah, and Matthew Stanley of the State of South Carolina, Defts., humbly complaining and sheweth unto your Honour, your oratrix the aforesaid Winifred EDWARDS, that in the latter part of the year 1808, she was engaged to be married to the late Col. Thomas EDWARDS and was married to him in pursuance of that engagement on or about the day of January 1809 and the marriage continued until it was dissolved by his death in the month of 1816. He left no children and the following persons are his heirs at law and next of kin, to Wit, Theophilus Edwards and Henry Edwards of Greene County his brothers, Polly the wife of William Murphy, and Sally the wife of John Heath, both residents of Washington County, Georgia, the daughters of a deceased brother, Thomas, John, Isaac, William, & Demsey Edwards, Polly the wife of Benjamin Hardee, Sally, Nancy and Absala Edwards all of Greene Co., and Elizabeth the wife of Joel Altman of Wayne County, the children of another deceased brother, Elizabeth the wife of Blaney Harper of the County of Greene, Molley Hill of the County of Lenoir, and Nancy Sheppard of the county of Pitt, his sisters, and certain persons

the children of Zilphia Stanley another sister who it is believed resides in South Carolina. To wit, John, William, Thomas, James, Mary, Zilphia, Elizabeth, Sarah and Matthew Stanley, but whither all these persons are now alive, or if dead who are their representatives, or whither the females are married your oratrix is unable to ascertain but believe that these facts are within the knowledge of the other persons who are herein made defendants, and your oratrix further complaining sheweth unto your Honour, that the said Thomas Edwards at the time of his inter-marriage with your oratrix was for a long time had been seized of diverse tracts of land in Greene Co. and elsewhere, & after his marriage with her purchased several other tracts in said County, all which he continued to occupy possess and enjoy until the time of his death. He also possessed a large personal estate consisting of slaves, ready money and other chattles, and had great sums due to him from different persons, but as to the particulars, of the several species of property which he possessed, your oratrix is ignorant over the whole of this personal estate he continued until his death to exert out of absolute ownership, & no other person pretended to any right or title thereto.

Your oratrix further sheweth unto your Honour that the said Thomas Edwards having died at the time before mentioned intestate, adm. upon his goods and chattles, rights and credits, hath been granted by the Court of Pleas and Quarter Sessions for Greene Co. to the before mentioned James Glasgow Sheppard, who hath taken upon himself the business, thereof, and since the death of the said Thomas, his brother the aforesaid Theophilus Edwards hath produced and caused to be proved and registered a deed purporting to have been executed on the 6th day of January 1809 by the said Thomas by which in consideration of five thousand dollars value to have been paid him he conveys to the said Theophilus a tract of land in said County containing eleven hundred, & described in said deed as follows "beginning at the mouth of Peters Branch, where it empties into the run of Fort Run at the head of the old mill pond, & running up and with the said branch to the first fork, from thence a direct line to William Taylors south east corner of a tract which said Taylor purchased of Joseph Scurlock, from thence with Taylors line west to Samuel Browns line, thence with Brown's line to his south west corner, thence with his other line to the County road that leads from Bull head to Sheppards bridge thence up and with the road to a black Jack, Ishum Goodsons corner tree....thence with Joshua Goodsons line.....a patent granted to the Thomas Edwards for six hundred and forty acres of land lying on the head of Lewis Branch, thenceto Wards corner... (etc).....thence with Edwards line, south to Fort Run

Also one other tract situated in the Conty of 300 acres, it being part of the above mentioned patent for 640 acres lying between the head of Lewis's [Lanes ?] Branch and adj. Wards line, in which 1400 acres as described in the said deed is....the manor house and plantation which the said Thomas occupied from the time of his marriage with your oratrix until he died. And the said Theophilus since the death of said Thomas hath produced and proceed to be

registered three other deeds to Wit, purporting to have been executed by said Thomas Edwards on the 6th January 1809 by which the said Thomas in consideration of natural love and affection to his brother Theophilus and divers other causes and considerations to the said Theophilus in fee simple a tract of land described therein as follows. (description of land)-----another deed purporting to have been executed the 9th April 1814 to Theophilus for sum of \$6,000-----to be paid by Theophilus.....on Great Contentnea Creek..... (description of land)....being tract....part of patent granted to Solo. Ward for 535 acres, dated March 3, 1755....

Patent to Frederick Gibbles for 600 acres dated Oct. 26, 1767 on the head of the Rainbor binding upon Byrds line and Richard Hills lines...(other deeds done 9 April 1814).....Thos. conveyed to Theophilus for \$4,000....property (to wit) negroes Mike, Dick, Charles, Jack, Jeffery, Toney, Shade, Sadi, Sall, Edith, Annica, Miley, Little Sall, Esther, Elleck, Will, George, Isham, Neptune, Green, Sam, Simon, Lewis, Abigal, and Davey, being all the negroe slaves then owned by said Thomas, except Sam which he acquired by his intermarriage with your oratrix... (etc)....Oratrix says Thomas owned tracts of land being 3,825 acres...

The oratrix says the deeds were executed after her marriage to said Thomas & she had no notice given her of the said deeds before her marriage...

Sworn to above 3 Sept 1816 by Winifred Edwrds before R. J. Powell, C.M.E.

Court of Equity, Wayne Co., NC

Joel Altman of Wayne Co. & wife Elizabeth,
Thomas Edwards,
John Edwards,
Benjamin Hardy & Polly his wife,
Isaac Edwards,
Sally Edwards,
William Edwards,
Nancy Edwards,
Dempsey Edwards,
Absala Edwards,
all of the Co. of Greene, of whom Dempsey & Absala Edwards are infants under the age of 21, & sell in their behalf by the aforesaid Benjamin Hardy, their guardian;
Mary Hill of the Co. of Greene, Nancy Sheppard of Co. of Pitt,
Admr of all goods & rights which were of Elizabeth Harper late of the Co. of Greene, decd.,
William Murphy of GA. & Polly his wife; Sally Heath of GA.,

That Thomas Edwards late of the Co. of Greene departed this life in 1816 intestate & adm. given to James G. Sheppard of said County who qualified...that the intestate left a widow, Winefred now the wife of William Westbrook, but left no children or descendants that the next of kin and heirs at law of the said Thomas are as follows:

Your oratrix; Thomas Edwards, Elizabeth Altman, John Edwards, Polly Hardy, Isaac Edwards, Sally Edwards, William Edwards, Nancy Edwards, Dempsey Edwards, & Absala Edwards, who are the children of William Edwards who was a brother to the intestate, and who died before the intestate; your oratrixes Mary Hill & Nancy Sheppard, sisters to the intestate, Elizabeth Harper the intestates of your orator, another sister of the intestate who died since the said Thomas, your oratrixes Polly Murphey & Sally Heath who are children of Cullen Edwards who was a brother to and died before the said Thomas Edwards: Henry Edwards of Greene Co. & Theophilus Edwards brothers of the said Thomas; and the children of Zilphia Stanley, a sister of said Thomas who died before him, who it is believed reside in South Carolina, & whose names your orators believe to be John, William, Thomas, James, Mary, Zilphia, Elizabeth, Sarah & Matthew, but whether these persons be all living or if dead who are their representatives, or females are married, your orator knows not.....

And your orators further complaining shew that the said Thomas during his life and to time of his death, was seized of divers tracts of land, negroes, and other personal estate, & that since the death the said Theophilus Edwards hath produced and caused to be proved and registered, divers deeds of conveyance purporting to have been executed the the said Thomas (etc.)

Your orators not having been present when the said deeds were executed, and William Edwards one of the brothers of said Thomas, who was a subscribing witness thereto, being dead, don't know for certain the agreement, trust & intent with which the said deeds were executed....

Your orators charge that Henry Edwards one of the brothers of said Thomas hath since the death of said Thomas received from the said Theophilus, or from James G. Sheppard, admr. or from both large sum of money.....they say that Theophilus sent a message to Isaac & William Edwards desiring them to be still & they say nothing that they would fare best, & that there was a good part coming to them.....

Continued. (a long case with much repetition. I 'm skipping over some of it because of that but trying not to miss clues)

State of North Carolina, Raleigh. Supreme Court June term A.D. 1824.
Joel Altmon & Others vs Theophilus Edwards Wayne County

Concerning the personal estate of Thomas Edwards & also profits of Estate conveyed to Theophilus up to the time of the surrender of the bonds to Theophilus in 1816 & report of same to next Court

Account not taken in consequence of not having the necessary papers in time.
Dec 20th 1824
James? CME

Answer of Henry Edwards one of the defendants to the Bill of Complaint of Joel Altman & Elizabeth his wife and Other Complainants. Henry says next of kin and heirs at law of said Thomas Edwards

Henry denies he received any money or other property from Theophilus Edwards concerning property conveyed by Thos. Edwards to Theophilus Edwards, etc.
Sworn to 22 Dec. 1820. Henry Edwards signed.

Heirs of Thomas Edwards named (again) in Bill of Joel Altman of Wayne Co.
As named previously and
Administrator of Elizabeth Harper late of the County of Greene decd
-----another sister of the intestate Thomas who died since the said
Thomas.....

[Martha, the pages in this case were not in order when I got them 1989 from NC Archives, & some are not dated.)

Joel Altman & Others vs Theophilus Edwards & Others.

Executed by delivering a copy of the within notice to the following persons,
"to wit"

Zilpah Sheppard
Blanne Harper Junr
Richard H. F. Harper
Isaac Edwards
William Edwards
Sally Edwards
Benjm Hardy & wife
Benjm Hardy as guardn to
Dempsey & Absaly Edwards
August 29 1821. Also
Mary Hill &
Thomas Edwards
August 31st 1821
Richard G Bright Shff
by his deputy.
Benjn J. Caswell

Also executed on
Charles Harper guardian
to Thomas E Harper
August 28th 1821

John H. Edwards
August 31st 1821
R. G. Bright Shff

Also delivered a copy to
Berry Parks August 29th 1821 delivered a copy to
Joel Altman
August 25th 1821.
Benj Caswell

Wayne Co., NC, Ct of Equity
To the Sheriff of Green County
Summons to Reubin Wilcox Elizabeth Howell John Vaughn and George White
personally to appear at the court house in Snow Hill in Green County on the
4th & 5th days of June next then and there to testify on behalf of Joel
Altman & others in a certain matter of controversy plaintiff and Theophilus
Edwards Henry Edwards & James G. Sheppard as defendants
Edward Vail Clerk...24th day April 1821
Edward Vail C.M.E.

Raleigh 15 Jan. 1825.....at which time the defendant James G. Sheppard &
Complainants by their counsel appeared. The defendant produced Benjamin S.
Edwards and George White who were examined.....
James G. Sheppard admr. on estate of Thomas Edwards....
List of inventory of estate.
Sheppard & Wilcox mentioned (a firm ?)

sale of 6 negroes to Mrs. Winifred Westbrook...

Inventory of the notes & accounts due to or in possession of Col. Thos.
Edwards decd:

George Lanes note
John Taylor Esq
Blackmon & Jornagan
Amos Jarman
Jno. Glasgow
James Sheppard
George Whyte
Elisha Downing
J. Hancock & Wm Tull
Ben & David Scarbrough
William Exum

Joseph Ellis
J. Hollowell & Bryant
Joel Altmon
John Moore
John Glasgow
Charles Carr decd
Ben Sauls
Nicholus Washinton
W. J. & M. Faircloth
John Faircloth
Shade Conner
William Mooring
Hardy Smith

Wayne Co. in Equity
Joel Altman & Others vs Theophilus Edwards, Henry Edwards & James G. Sheppard
smr.

Depositions to be read on the part of the defendants will be taken at the
house of Winefred Westbrook in the town of Fayetteville Cumberland County on
the 21st & 22nd days of September 1821. Attend and crofs examine if you please

Signed: Theos Edwards

James G. Sheppard August 22nd 1821

other land Thomas Edwards possessed when he died:
patent to Frederick Gibbles of 600 acres dated Oct. 26 1767 on head
of the Rainbow upon Byrds line and Richard Hills lines.....
another deed purporting to have been executed by said Thomas Edwards on
9 April 1814 by which in consideration of \$4,000 to have been paid him
& he conveyed to said Theophilus the following property (to wit)
negroes Mike, Dick, Charles, Jack, Jeffery, Tony, Shade, Sadie, Sall,
Edith, Annica, Miley, Little Sall, Esther, Elleck, Will, George,
Isham, Neptune?, Green, Sam, Simon, Lewis, Abi gal, & Davey, being all
the negroes

Wayne Co., NC. 22 Dec. 1820.

Answer of Theophilus Edwards one of the defendants to the Bill of
Complaint of Joel Altman and Elizabeth his wife, and others,
Complainants.

Theophilus admits that Thomas Edwards late of Greene Co., died as
stated in the Bill, that admr. of his estate was granted to James G.
Sheppard, that said Thos. Edwards left no children or decendants, that
the persons mentioned in the Bill so far as they are known to defendant

are his next of kin and heirs at law. It was the intention of the said Thomas Edwards that the said deeds should pass from him to this defendant the whole interest and estate.....by his deed of 9 April 1814, conveyed to the defendant the slaves, furniture, horses, cattle, hogs and defendant denies that the deed was executed upon any agreement in favor of complainants.....that the said Thomas Edwards having lived a single man until near fifty years of age, having no expectation of having children to inherit his estate, often communicated to this defendant his determination to make him his heir...he was determined to convey his property to the defendant in his life time.

In January 1816, Thomas sold pork to Joel Altman & his note for twelve hundred and thirty dollars forty five cents was by direction of Thomas taken payable to defendant. The defendant sold and delivered to Sheppard & Wilcox of Snow hill, 19 or 20 barrels of brandy belonging to Thomas Edwards.....

Defendant denies that he sent the message charged in the Bill to complainants Isaac Edwards and William Edwards.....

Signed Theo. Edwards
John Stanly & Wm Gaston for defendant

\$2,323.45 by him received before the month of Feb. A.D. 1816 of money of Thomas Edwards decd & said sum is held in trust for the next of kin of the said Thomas. It further appears the defendant James G. Sheppard, admr. of Thomas, has the sum of \$881.72 assets of the Intestate to be distributed. The two defendants are to pay in following proportions

To the Sheriff of Green County, Greeting: {He is to appear at Court in Raleigh on third Monday in June next. William Robards, Clerk, Raleigh Dec. 1825.

Theophilus Edwards to have sum of \$2,323.45 with interest from 1st of Jany 1816 for costs and charges in the said suit expended whereas he is liable as appears to us of record....to have monies, besides your fees for this service, before the Judges of our said Court at Raleigh.....

Mary Hill, Nancy Sheppard, the children of E. Harper decd, Wm Murphey and wife Polly, Sally Heath, Thos. Edwards, Joel Altman & wife Elizabeth, Isaac Edwards, John Edwards, Benjamin Hardy & wife, Sally Edwards, Wm Edwards, Nancy Edwards, Dempsey Edwards & Absala Edwards & the children of Zilphia Stanley decd recovered of the said Theophilus Edwards & for debt.....

Court Case: Joel Altman & others vs Theophilus Edwards & others

State of North Carolina Raleigh } Supreme Court January 15, 1825

James G. Sheppard appeared before me and states on oath -
{his account on the holdings in the estate of Thomas Edwards decd }
Among other things, he says that the deeds made by Thomas Edwards to Theophilus Edwards included all the lands owned by Thomas, & that Thomas remained in possession until his death; the lands in the conveyances except about 350 acres which Theophilus had been in possession of from the death of their mother upwards of twenty years (ago), and that he (Sheppard) is clerk of Greene Superior Court, & he did not think it material to bring the bonds of \$9000 which Theophilus Edwards obtained a judgment agst him as admr. of said Thos. Edwards ---that bond dated latter part of 1802 or first of year 1803.
He has discharged & paid the judgment by paying to Mrs. Winefred Edwards (now Wilson (sic)), the widow of the intestate(Thomas Edwards decd) for Theophilus Edwards \$10,000 on a decree which the said Winefred obtained in Greene Superior Court of Equity agst Theophilus {etc}.

The estate was on four plantations, about 4 miles apart.
That in Dec. 1816, he (Sheppard) married a daughter of Theophilus Edwards.
That shortly after the death of Thomas Edwards, Theophilus and the heirs met at his house to examine the papers. The papers were taken by Theophilus.
That his intestate died 23 June 1816.

Signed by James G. Sheppard & sworn to by him in Raleigh 16
January 1825

He also stated that at the death of Thomas Edwards, 25 negroes which Thomas had were taken into possession by Theophilus Edwards and claimed under his deeds.

Sworn same date as above by James G. Sheppard.

NC SUPREME COURT December Term A.D. 1825. Joel Altman & others vs Theophilus Edwards & others } from Wayne County

It appears to the Court that defendant Theophilus Edwards hath in his hands the sum of \$2,323.45 received before the month of February 1816 of money of Thomas Edwards decd & said sum is held in trust for the next of kin of the said Thomas. It further appears the defendant James G. Sheppard, admr. of said Thomas, has the sum of \$881.72 assets of the intestate to be distributed. The two defendants are to pay in following proportions:

To Mary Hill, a sister of Thomas Edwards - 1/6 part

To Nancy Sheppard, a sister of Thomas Edwards - 1/6 part
To the administrator of Elizabeth Harper deceased who was another
sister of said Thomas Edwards - 1/6 part
To William Murphey in right of his wife Polly, & to Sally Heath
which said Polly & Sally are children of Cullen Edwards deceased who
was a brother of said Thomas -

1/6 part to be equally divided

To Thomas Edwards, Joel Altman (in right of his wife Elizabeth), John
Edwards, Benjamin Hardy (in right of his wife Polly), Isaac Edeards,
Sally Edwards, William Edwards, Nancy Edwards,, Demsey Edwards and
Absala Edwards - 1/6 part amongst them the said sixth part into ten
equal parts to be divided.

Same case. NC Supreme Court, Dec. term 1824.

Defendant Sheppard produced Benjamin S. Edwards & George White who were
examined.

Spring term 1824. On affidavit made by the defendant Theophilus
Edwards this cause is ordered to be sent to the Supreme Court -

Attest James Griswold Clerk & Master of the Court of Equity for
Wayne County.

- - - - -

Theophilus Edwards to have sum of \$2,323.45 with interest from 1st of
Jany 1816 for costs and charges in the said suit expended whereas he
is liable as appears to us of record...to have monies, besides your
fees for this service, before the Judges of our said Court at Raleigh

To Mary Hill, Nanncy Sheppard, the children of E. Harper decd, Wm
Murphey & wife Polly, Sally Heath, Thomas Edwards, Joel Altman & wife
Elizabeth, Isaac Edwards, John Edwards, Benjamin Hardy & wife, Sally
Edwards, Wm Edwards, Nancy Edwards, Dempsey Edwards & Absala
Edwards & the children of Zilphia Stanley decd, recovered of the said
Theophilus Edwards & for debt -----

Issued 3rd April 1826 - I have made the amount of this execution that
is to say the principal sum named in the decree \$2,323.45 interest
thereon from 1 Jany 1816 to 1 June 1827 --- I have paid to James
Sheppard admr of Nancy Sheppard one of the complainants, \$629.50 and I
have retained by the consent of Richard H F Harper, admr of Elizabeth
Harper decd and Theophilus Edwards, the said Richard's part \$629.93 &
the (?residue?) I herewith pay into Court.

Wyatt Moy Sheriff

Received of Wyatt Moyer Sheriff of Greene County \$629.50 in full for my mother Nancy Sheppard's share or one part of the within execution June 16th 1826.

James Sheppard admr of Nancy Sheppard decd.

Herein listed again the heirs of Thomas Edwards, among them Mary Hill, sister, Nancy Sheppard, sister, & to the admr of Elizabeth Harper deceased, another sister of Thomas Edwards (etc.)

Same case -

Reuben Wilcox subpoena, Spring term 1822.

Joel Altmon & others vs Theophilus Edwards, James G. Sheppard, & Henry Edwards.

Executed by delivering a copy of the within notice to Nancy Sheppard Seth Tison and Sherrod Tison admr &c on the 29th day of August 1821.

James Sheppard Sheriff
Pitt County

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