

To the Hon B. S. Ridley Chancellor and etc. sitting at Carthage Tennessee

The bill of complaint of Stephen Mann administrator *debonis non* with the will annexed of Jesse Nichols Senr. deceased, against Matthew Nichols Senr. both of Smith County and others, the heirs of said Jesse deceased and the heirs of John W. Mann and Zachery Ford deceased.

Your orator shows that said Jesse his testator made his last will and testament in 1805 and shortly afterwards died in Smith County. By said will Zachery Ford, John W. Mann and Lucy Nichols were appointed executors and executrix of said will qualified and executed said will as long as they lived, and that said executors and executrix having died your orator was a short time since appointed administrator *debonis non* with the will annexed. Your orator here shows his letters of administration. A copy of said will is also here filed and made part of this bill marked No.1 It will be seen that there are fifteen legatees mentioned in said will (viz) Robert, Bird, Sally, William, Jesse Jr., Matthew, Lucy, Joel, Nancy, Betsy, James, and Henry Nichols, and Feby Parker, Polly Wade, and John W. Nichols all of the sons & daughters of said Jesse Senr.. It will also be seen that by said will there are specific bequest of considerable value given Robert, Feby, John W. & Polly; and Sally and a small specific bequest to Bird and William Nichols and no specific legacy to any of the others. It is believed that all to whom specific bequests were made received the same; but the value is unknown to your orator. The whole balance of the estate was given to the widow (Lucy Nichols) during life & after her death to be equally divided amongst his legatees so as to make all equal taking into consideration the specific bequests given to a portion of them. Your orator also shows that by two instruments under seal, one dated 16 April 1810 & the other 7 September 1814 here filed marked exhibit N0.2 & 4 to bill (but need not be copied) the said John W. Nichols one of the legatees relinquished for a valuable consideration paid him by the executors and executrix all his interest in the land of said estate. Your orator further shows that he finds an old paper purporting to be an inventory of the estate and upon it a charge against Charles Wade the husband of the legatee Polly Wade, on an open account (no date) of L49.4.10.

Your orator also shows that he presumes that in obedience to the wish expressed in the will the executors and executrix applied the money of the estate to the purchase of land, for he finds that shortly after the death of testator the said executors and executrix did purchase of a tract of land lying on Caney Fork River on which the widow lived til within about 2 or 3 years of her death which occurred about a year since. Your orator cannot find the original deed, but finds the same recorded in the registers office for Smith County and

here files a copy of said deed marked No.5 to bill (but need not be copied.) It will be seen by said deed that it was made by one Peter Lyon to said Zachery Ford, John W. Mann & Lucy Nichols executors & executrix & their heirs & assigns. By said deed it will also be seen that said land lies in Smith County contains two hundred & twenty two 1/4 acres and is bounded as follows; beginning at a hickory running sixty three poles to a birch & maple on the east bank of Caney fork river, then down the river with its meanders two hundred sixty seven poles to a maple, thence south 83 degrees east one hundred & two poles to a birch; thence south 54 degrees east fifty two poles to a white oak; thence east eighty eight poles to a mulberry & ash; thence 15 degrees west one hundred thirty eight poles to the beginning.

Your orator further shows that the bond of John W. Nichols one of the legatees here filed marked No. 4 to bill binds said John W. to make to the other legatees a deed to forty acres of land lying in Smith County on the waters of the Caney fork river being the same entered in the name of Thos. Pentecost where Jane Bates then lived and on which Cillis? Mitchell now lives. Your orator shows that this is the only evidence he can find of title to said lands in the heirs of said Jesse Senr. deceased. Your orator however has been informed that no steps being taken by said John W. to process an grant from the state, the time elapsed & his title was lost, & that afterwards the defendant Matthew Nichols Senr. made a new entry in his own name and procured a grant, claimed the same for many years & has sold it to said Mitchell. Your orator shows that said Lucy the widow of testator died in the month of May last leaving on hand of the estate besides the land about fourteen negroes which upon the petition of John W. Mann the then only surviving executor was sold by an order of the Smith Circuit Court on a credit of twelve months and brought the sum of \$4496 out of which cost an to be paid of said court and about \$16 or \$66 received for heirs of negroes and this money and the lands are the whole of the estate now on hand. Your orator shows that there are a large number of heirs and most of these living in other states and that distribution cannot be made amongst them by your orator according to the will, because of the unequal advancements that have been made to the legatees and the entire engravover? of your orator as to the value of the advancements made to the legatees. Your orator further shows that said lands could not be advantageously amongst the legatees and it would be for the interest of all that the same should be sold and the proceeds divided according to the will.

Your orator would further show that he is the administrator upon the estate of John Cooper who died in Smith County intestate, and that amongst the papers of the late Cooper he finds a bond made by Andrew McInturf and his wife Nancy McInturf

formerly Nancy Nichols, who is one of the legatees mentioned in the will, binding them to convey to said Cooper all their interest in the negroes of said estate and their interest in the Pentecost land. Your orator also finds a power of attorney from the same parties to said Cooper dated the same day of the bond (viz) 22 December 1820? Authorizing heirs to receive their portion of the negroes of the estate, and their interest in the Pentecost lands, said writing being filed marked No. 6 to bill (said riot? be copied). Said writings are witnessed by two witnesses but do not appear to have been proved or registered. Your orator is informed and believes that said Nancy is dead but that said Andrew is still living but gone to parts unknown, and your orator asks that if said instruments are sufficient to vest in the said Cooper the interest of said Nancy that the same be allowed to him as administrator of said Cooper, and that the question as to the rights of said Cooper's estate under said instruments be settled by a decree of your honor.

Your orator will then state as correctly as he can the names and residences of all the legatees (or their heirs if dead) of said Jesse Senr. and also the heirs of said Zachery Ford and John W. Mann. The legatees under the will are: Matthew Nichols Senr. of Smith County; Joel Nichols who is dead leaving as his only heir Matthew Nichols Jun. also of Smith County; Nancy McInturf formerly Nancy Nichols who is dead leaving as her heirs; Emily Clark and her husband Thomas Clark of Missouri, Narcissa Clubb and her husband William Club of Smith County, and William McIntire . and the husband of said Nancy (the said Andrew and William both non residents of this state); James Nichols is dead and left as his heirs, Sally Erwin and her husband Christopher Erwin of Dekalb County Tennessee, Henry Nichols a minor and no general guardian and Lucy and her husband David Hall of Kekalb County and Polly and her husband Smith James of Smith County; Robert Nichols who is dead and left as his heirs, James his son who is also dead and left heirs names unknown, and Elizabeth and her husband Henry C. Nichols, said Elizabeth is also dead and left heirs names unknown, said Robert left other children names not known and all non residents of this state mostly in the States of Indiana and Illinois; John W. Nichols mentioned in the will is dead leaving as his heirs John W, Robert, Henry and Thomas Nichols all residents of the state of Illinois; Bird Nichols mentioned in the will is dead leaving as his heirs his sons William and Bird Nichols of Illinois, John B and David H Nichols of Smith County and his daughter Martha and her husband name not known and other children names not known all of Illinois; Polly Wade mentioned in the will is dead leaving as her heirs Jesse M. Wade of Illinois, Robert Wade of Wilson County Lucy M. Wilkenson and her husband Tilman J. Wilkenson of Wilson County, Andrew J. Wade of Macon County, Stephen Wade son of said Polly dead and left

as his heirs Avrill S., George W. and Mona Louisa all minors and no guardian known to your orator and living in Louisiana; Feby Parker mentioned in the will and her husband Abraham Parker live in Macon County; Sally mentioned in the will living in Missouri and married James Altom and said Altom is dead; William Nichols mentioned in the will lives in Illinois; Lucy mentioned in the will married John Eddington of Illinois; Jesse Nichols mentioned in the will lives in Missouri; Betsy mentioned in the will married William Marshall of Illinois; Henry V. Nichols mentioned in the will lives in Missouri. Your orator shows that he is informed that Henry B. McDonald and Wyatt W. Baily and John Trousdale of Smith County Claim interest in said estate by purchase from some of the heirs and your orator therefore desires that they may be made parties and show their interest.

Your orator would also here state the names of the heirs of Zachery Ford and John W. Mann and ask that they be made parties also that the legal title to said lands now vested in them may be divested and vested in the persons chosen. The heirs of John W. Mann are your orator Stephen Mann, Martitia Mann, Henry Mann, Letsy Vance and her husband Ramsey Vance, Robert W. Mann, Matthew S. Mann, Reecca Mann all of Smith County and John A. Mann of Alabama. The heirs of Zackery Ford are, John W. Ford of Warren County, Lucy Collins and her husband John Collins of Arkansas, James G. Ford also of Arakansas, Elizabeth Ford a daughter of said Zackery Mann, Alfred Harper of Smith County and said Elizabeth is dead leaving as her heirs Mary Harper and three other children all minors, Christopher C. Ford and William L. Ford of Smith County and William Ford of Texas.

The purnes? considered your orator prays that all the above named persons, heirs and legatees of the estate of the said testator and the said heirs of Zackery Ford and John W. Mann are made defendants to this bill and that copies and subpoenas issue forth to residents and state publications be made as to the nonresidents and that guardians ad lidem be appointed for the minors, as none of them to the knowledge of your orator have guardians. Your orator prays that each of the legatees may be compelled to answer and state fully what they have received of said estate and what advancements were made to them by said testator, giving each item and the value thereof and the time received. Let each one of said legatees and heirs state if they have sold their interest and to whom sold. Your orator prays that the question between the other legatees and the said Matthew Nichols Senr. as to the title to the Pentecost tract are settled and the same sold if a part of the estate of said testator and that the other tract bought of Lyon be sold for the purpose of distribution as the same could not be advantageously divided amongst such a number of heirs and it would

be manifestly for the interest of all that it be sold. And your orator prays for the advice and instruction of your honor as to the true construction of said will and prays that an account be taken that it may be seen how much has been received by each legatee and that the whole estate be distributed among them according to the will. And your orator prays for all such others and further releases as he is entitled to.

Campbell and Fite  
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State of Tennessee}

Smith County        } This day personally appeared before me A. Moore  
Clerk and Master, Stephen Mann and make oath that the matters set  
forth in the forgoing bill is of his own knowledge as true and those  
stated from information he believes to be true. Signed By

Stephen Mann

Sworn and subscribed to 20 May 1846 A. Moore Clerk