

Suit Over Will of John Linder Jr.      MISSISSIPPI TERRITORY; WASHINGTON DISTRICT  
May Term 1806;      To the Honourable the judge of this District Court for the district and  
Territory aforesaid holding Jurisdiction in Chancery; Humbly complaining I **Suit Over Will of John  
Linder Jr.**

MISSISSIPPI TERRITORY  
WASHINGTON DISTRICT

May Term 1806

To the Honourable the judge of this District  
Court for the district and Territory aforesaid holding Jurisdiction in Chancery

Humbly complaining I herewith unto your Honour your orator John Linder Legatee of John Linder Junior deceased late of the Territory and District aforesaid; That on the twentieth of December in the year of our Lord one thousand seven hundred and ninety two John Linder Junior father of your orator made his last Will and Testament (A copy of which is herewith annexed which your orator prays may be made part of this Bill) and did possess of thirty two negroes forty one head of horses four hundred head of cattle farming utensils and household furniture; bequeathing by his last Will and Testament aforesaid the aforesaid property to be equally divided among the following persons viz. your orator John Linder, Mary, Elizabeth, Sarah and Alexander Linder together with the mother of your orator wife of John Linder Junior deceased as will more fully appear from the will herewith annexed marked (No.1) which is now produced to this Honourable Court of Chancery.

Your orator further states that the said John Linder Junior (father of your orator) appointed John Linder Senior and Alexander McGillvary by his last Will and testament Executors of the same aforesaid, that the said Alexander McGillvary Executor as aforesaid never was qualified to act as an Executor of the said last Will and Testament of John Linder Junior deceased or took upon himself to perform the several duties thereof, but that the said John Linder Senior being qualified as an Executor of the aforesaid last Will and Testament of John Linder Junior deceased took upon himself to act and did act and perform all the several duties as Sole Executor of the last Will and Testament of John Linder Junior deceased.

Your orator further states that on the eleventh of March eighteen hundred and two the aforesaid John Linder Senior made his last Will and Testament, appointing by his Will aforesaid, Joseph Thompson, John Mills, and Mary Mills his Executors and Executrix ( and afterward deceased) A copy of which last Will and Testament is herewith annexed marked (No. 2) which your orator prays may be made part of this bill. the aforesaid Joseph Thompson refusing too act as an Executor of the last Will and Testament of the said John Linder Senior deceased of course John Mills and Mary Mills became Sole Executor and Executrix of the last Will and Testament of the said John Linder Senior deceased, and being the Executor and Executrix of the said John Linder Senior deceased who was the Executor of the last Will and Testament of John Linder Junior deceased they the

said John Mills and Mary Mills became to all intents and purposes the Executor and Executrix of the aforesaid John Linder Junior deceased. In consideration whereof the said John Mills and Mary Mills have taken upon themselves to act and perform all of several duties of the Executors and Executrix of the last Will and Testament of John Linder Junior deceased, and by reason of the premises the aforesaid John Mills and Mary Mills as Executor and Executrix of the aforesaid John Linder Senior deceased who was Executor of John Linder Junior deceased became liable to pay to your orator as one of the Legatees of the aforesaid John Linder Junior deceased one sixth part of thirty two negroes forty one head of Horses four hundred head of cattle farming utensils and Household furniture agreeable to the last will and Testament of the aforesaid John Linder Junior deceased herewith annexed marked (No. 1) yet the said John Mills and Mary Mills Executor and Executrix as aforesaid not regarding the high trust and confidence placed in them as Executor and Executrix aforesaid but contriving and fraudulently intervening craftily and subtly to deceive and defraud your orator as Legatee of the aforesaid John Linder Junior deceased, having refused to pay to your orator as Legatee of the aforesaid John Linder Junior deceased his full part of the aforesaid personal Property mentioned in the Will and Testament of John Linder Junior deceased.

All which actions and doings of the said John Mills and Mary Mills Executor and Executrix aforesaid are contrary to Equity, Justice, Humanity and good Conscience and tend to the great injury, wrong and oppression of your Orator.

In Tender Consideration whereof and for as much as your Orator is restless in the premises by the strict rules of common Law, and can only be relieved by Equitable Interposition of this Honourable Court of Chancery were matters of this sort are properly cognizable to the end that the said John Mills and Mary Mills Executor and Executrix as aforesaid more full true and perfect answer make to all and singular the premise and every part thereof as if specially interrogate to each particular part thereof and particular that the said John Mills and Mary Mills Executor and Executrix as aforesaid may upon their Corporal oath set forth and declare Whether they have not acted and all the several duties of Executor and Executrix of John Linder Junior deceased, Whether they have not paid to some of the Legatees of the said John Linder Junior deceased their full share of the personal property mentioned in the Will of John Linder Junior deceased? Whether they have not refused to settle with and pay to your orator his full part of the property mentioned in the Will and Testament of John Linder Junior deceased herewith annexed and marked (No.1) as Legatee of the aforesaid John Linder deceased? Whether the said Alexander Linder named in the last Will and Testament of John Linder Junior deceased is dead? Whether they have paid any part of the said personal property belonging to the said Alexander Linder deceased as Legatee of the said John Linder Junior to the surviving Legatees, and if any to what amount to your orator as one of the surviving Legatees? Whether they have any part of the property belonging to the Legatees of

the said John Linder Junior deceased now in their possession, if any to what amount and to what particular legatee does it belong? May it please your Honour to grant to your orator the Equitable Writ of subpoena to be directed to the said John Mills and Mary Mills Executor and Executrix as aforesaid Commanding then to appear at the next district court of Washington District to be holden on the first Monday in May next, then and there to answer such things as may be objected against them.

And that your orator may have such other and further relief in the premises as to your Honour shall appear Just reasonable and agreeable to the dictates of Equity and good Conscience, and your orator will pray.

(signed) Joseph P Kennedy

Solicitor for Complainant

A Copy of Original

Test.

(signed ) R. Harwell Regt. OCWC

I Certify the foregoing to be a true Copy of the Original Bill filed in my Office.

Given under my hand at office  
this 19th day of March 1806  
? McAlone (?) Clerk