

**LAWSUIT brought by JOHN WILLIAM HENDRICK's DAUGHTER
RACHEL HENDRICK COLLINS and husband CHRISTOPHER COLLINS
against
JWH's widow, ANN HENDRICK
RACHEL HENDRICK COLLINS' CHILDREN
LUCY HENDRICK COLLINS and husband JACOB COLLINS
(sister of Rachel married to brother of Christopher)
LUCY HENDRICK COLLINS' CHILDREN
TWO HORNE BROTHERS, grandsons of JWH**

**Wayne County, Mississippi
1823-1830**

**Affiliated Lawsuit filed approx 1829
was
HEIRS of LUCY & RACHEL COLLINS
vs
JACOB COLLINS & OBEDIAH HAND,
EXR in right of ANN, his wife (widow of JWH)**

Manuscript copies provided by Jean Wall
Transcriptions by Will Hendricks, January 2010

"LIST OF KNOWN PERSONS"

John Williams Hendrick - husband of Ann Hendrick, father of Rachel Hendrick (married Christopher C Collins) and Lucy Hendrick (married Jacob Collins).

Ann Hendrick - widow of John Williams Hendrick, mother of Rachel Collins and Lucy Collins. Later she married Obediah Hand.

Obediah Hand - 2nd husband of Ann Hendrick. Was step-father of Rachel Hendrick Collins (Mrs Christopher Collins) and Lucy Hendrick Collins (Mrs Jacob Collins). Hand's sister was married to "old" Cornelius Vanderbilt, parents of Commodore Cornelius Vanderbilt.

Christopher Collins - husband of Rachel Collins and father of nine sons. Brother of Jacob Collins (husband of Rachel's sister, Lucy) and Joshua Collins. Likely from Chesterfield SC or Anson NC.

Jacob Collins - husband of Lucy Collins and father one one son (John Williams Collins) and eight daughters. Brother of Christopher Collins (husband of Lucy's sister, Rachel) and Joshua Collins. Likely from Chesterfield SC or Anson NC. He and wife were most always living near JWH as they moved from SC through GA to MS.

David Hendrick sr - brother of John Williams Hendrick. Appears to have moved to same places in GA and MS as his brother, JWH. Deacon in Baptist church.

James Patton - was a lawyer and military general. Friend of Hendrick and Collins families. Also lived in Twiggs Co GA with Chris C Collins and other Collins members. Rachel and Christopher Collins named a son James Patton Collins who moved to Texas, as did his brother Benajmin Collins. James Patton Collins' first wife is buried in same cemetery as Benjamin Collins and wife. Brother of Dr.

William Patton.

William Patton - doctor and brother of James Patton. Attended John Williams Hendrick's final illness.

Dempsey Dyess - brother-in-law of Christopher C Collins, having married his sister Martha Collins.

John Hendrick Horn - grandson of John Williams Hendrick and son of James A Horn & Sarah? Hendrick.

Collins L (Lyle) Horn - grandson of John Williams Hendrick and son of James A Horn & Sarah? Hendrick. He may have died c1824.

Robert Collins - son of Rachel and Christopher Collins.

Willis Lang - brother or father of Collins L Horn's wife

Joshua Collins - brother of Christopher Collins and Jacob Collins, namesake for Lucy & Jacob's son, Joshua Collins the younger. Once Rachel Collins was dismissed from her Baptist church for lying about Joshua Collins' wife, Elizabeth.

18 April 1823

State of Mississippi
Marion County

To ANN HENDRICK, JACOB COLLINS and his wife LUCY COLLINS, JOHN H. HORNE, COLLINS L. HORNE, JACOB COLLINS the younger, HENDRICK COLLINS, ROBERT COLLINS, CHRISTOPHER COLLINS the younger, JOSHUA COLLINS the younger, BENJAMIN COLLINS, JOSEPH COLLINS, JAMES COLLINS, ELI COLLINS, JOHN McDONALD and his wife CHARLOTTE, MARY COLLINS, ANN COLLINS, ELIZABETH COLLINS, RACHEL COLLINS the younger, RUTH COLLINS, LOUISA COLLINS, LUCY COLLINS the younger, JOHN WILLIAMS COLLINS, MARTHA COLLINS and JAMES PATTON of the County of Wayne.

Greetings:

For certain causes offered before us in our Superior Court of Chancery of the State of Mississippi, we command strictly enjoin you, and each of you, that laying all other matters aside and notwithstanding any excuse, you personally be and appear before the Chancellor of the State of Mississippi at a Superior Court of Chancery to be held in for the Eastern District at the Court House of Marion County on the third Monday in August next to answer to a Bill to be then and there pressed against you by CHRISTOPHER COLLINS and his wife RACHEL COLLINS, complainants, in our said court, and further to do and receive what the said Court shall have considered in this behalf; And this you nor either of you shall in no wise omit under the penalty of one thousand dollars (\$1,000) as well as the consequences that fall thereon.

Witness the Honorable Joshua G. Clark, Chancellor of the State of Mississippi at the Court House of Marion County
the third Monday in February in the year of our Lord one thousand eight hundred and twenty three and in the
47th year of the Independence of the Sovereignty and Independence of the United States of America.

/s/ James Phillips, Depty Clerk, Eastern District

Issued the 18th April 1823

27 June 1823

Recd. the 25th of May 1823

E Gray, Sheriff Wayne County, MS
and executed on ANN HENDRICK, JACOB COLLINS and his wife LUCY COLLINS, JOHN H HORN,
COLLINS L HORN, JACOB COLLINS the younger, HENDRICK COLLINS, ROBERT COLLINS,
CHRISTOPHER COLLINS the younger, JOSHUA COLLINS the younger, BENJAMIN COLLINS,
JOSEPH COLLINS, JAMES COLLINS, ELI COLLINS, JOHN McDONALD, MARY COLLINS, ANN,
ELIZABETH COLLINS, RACHEL COLLINS the younger, RUTH COLLINS, LUCY COLLINS the
younger, JOHN WILLIAMS COLLINS, MARTHA COLLINS, and JAMES PATTON.

June 27th 1823

/s/ E. Gray, Sheriff, W.C.

note: Ann Hendrick, widow of John Williams Hendrick
children of James A. Horn: John H Horn, Collins L Horn
children of Christopher & Rachel Hendrick Collins: Jacob Collins the younger,
Hendrick Collins, Robert Collins, Christopher Collins the younger,
Joshua Collins the younger, Benjamin Collins, Joseph Collins,
James Collins, Eli Collins
children of Jacob & Lucy Hendrick Collins: John McDonald (husband of
Charlotte Collins), Mary Collins, Ann, Elizabeth Collins, Rachel Collins
the younger, Ruth Collins, Lucy Collins the younger, John Williams
Collins, Martha Collins
James Patton, named Trustee in JWH's will

26 February 1824

The State of Mississippi
Wayne County

The joint and several answers of JAMES ALBERT HORNE, WILLIAM L HORNE and
SARAH E HORNE, infants under the age of twenty one years, children of COLLINS L. HORNE,
deceased, three of the defendants to the Bill of Complaint of CHRISTOPHER COLLINS and his wife
RACHEL COLLINS, Complainants, by WILLIS LANG, their Guardian ad litem.

These defendants now, and at all times hereafter, saving to themselves and each of them
respectively, all and all manner of advantage and exception to the many untruths, errors, complaints
and other imperfections in the said Bill of Complain contained; for answer thereunto _____
defendants, are advised _ material or necessary for them or either of them, to make answer to, they
answering by their said Guardian, severally say, that they are strangers to all and singular, the
matters and things in the Complainants said Bill of Complaint contained, otherwise than that these
defendants have heard that JOHN W. HENDRICK in the said Bill named, sometime previous to his
death, did dispose of his said Estate both real and personal by Will and testatment, but when or at
what time, or how long before his decease, and whether at the time of disposing of the same, he was
of sound and disposing mind and memory, these defendants know not. And these defendants have
likewise heard that the said John W. Hendrick in the said bill named made so in the disposition of his
estate as aforesaid, made some provision for these defendants' father, Collins L. Horne, deceased,
and which they, these defendants as the children and heirs of Collins L. Horne, deceased, who died
intestate are entitled to in right of their said father.

And these defendants, being infants, of tender years submit themselves to the judgement of
this Honorable Court; and humbly hope that what right, title, or interest they or either of them may

have, to any part or share, of the real or personal estate of the said John W. Hendrick, deceased, in right of their said father Collins L. Horne deceased, shall be protected and saved to them respectively.

Without that, that there is any other matter or thing in the complainant' said Bill of complaint contained material or effectual for these defendants or either of them to make answer to; and not herein and hereby, sufficiently answered unto, confessed or avoided, traversed or denied, true to the knowledge and belief of these defendants - all which matters and things these defendants are ready to aver and prove, as this Honorable Court may direct and award. And humbly pray to be hence dismissed with their reasonable costs and charges in the behalf ___ wrongfully sustained.

/s/ Jno Elliot &
Thos. S. Sterling
of Con. for Defts.
Willis Lang, Guardian

The State of Mississippi
Wayne County

Personally appeared before me, Dugald C. Shaw,
a Justice of the peace in and for said County,
Willis Lang, Guardian at litem for the above named
defendants, who being duly sworn maketh oath that the
matters and things in the above answer contained are
correct and true to the best of his belief and knowledge.
Sworn to & subscribed before me this
26 day of February, 1824.

D. C. Shaw, J.P.

14 March 1824

State of Mississippi
Wayne County

The joint and several answers of ROBERT COLLINS, CHRISTOPHER COLLINS the younger, JOSHUA COLLINS the younger, BENJAMIN COLLINS, JOSEPH COLLINS, JAMES COLLINS, and ELIZABETH COLLINS (who are the issue of said CHRISTOPHER and his WIFE RACHEL), infants, under age of twenty one years by William Howze, their guardian "ad litem" seven of the defendants to the Bill of Complaint of the said Christopher Collins and his wife Rachel Collins, Complainants.

The said defendants _____ themselves now and at all times hereafter; and to ___ of them respectively, all and all manner of benefit, and advantages of exceptions, to the manifold uncertainties, and imperfect in the complainants said Bill of complaint contained for answer thereunto or unto so much thereof, as these defendants are advised is material or necessary for them or either of them to make answer to; they answering, by their said guardian, several say: that they are strangers to all and singular the matters and things, in the said Bill of Complaint contained; otherwise that these defendants have heard, that JOHN W. HENDRICK, their Grandfather in the said Bill named, departed this life sometime in the month of June in the year of our Lord one thousand eight hundred and twenty one, at the County of Wayne in the State of Mississippi; and was at the time of his death seized of - entitled to, or interested in several lands and tenements, and also possessed of a considerable personal estate situated and lying in the county and state aforesaid and who have heard that these defendant's grandfather, John W. Hendrick, in the said Bill _____ sometime previous to his death did, or attempted to dispose of his said estate both real and personal by Will or otherwise, but when or at what time, or ___ before his decease; and whether at the time of, or attempting to dispose of his said estate, he was of a sound and disposing mind, memory, and understanding, these defendants know not, and likewise have heard that their grandfather in the disposition of his estate as aforesaid made some provision for these defendants by Will or otherwise.

And these defendants being infants of tender years commit themselves to the judgment of this Honorable Court; and humbly hope that what right or title they or either of them may have to any part or share of the real or personal estate of their said grandfather may be protected and saved to them respectively. And these defendants deny all and all manner of unjust and unlawful combination and confederacy which is insinuated against them in the complainants' said bill of complaint.

The several answers of JAMES PATTON, one of the defendants to the Bill of complaint of Christopher Collins & his wife, Rachel Collins.

The said defendant saving and reserving to himself all and all manner of advantage of exceptions to the many untruths, errors, uncertainties and imperfections in the said Bill of complaint contained. ___ answer thereunto, or so much thereof or this defendant is ___ material, or necessary for him to make answer to - he the said defendant answering saith: that time is an instrument of writing which purports to be, and which in fact was, regularly executed, signed, published & declared by John Williams Hendrick in the presence of the said defendant, for the last Will & Testament of the said John w. Hendrick bearing date the same day and year as the said will set forth in the bill of complaint. and by virtue of said will, **he the said defendant was duly appointed a trustee for certain purposes in the said will mentioned and contained.** As to all other matters and things in the said bill of complaint contained by the said defendant is innocent of and entirely unacquainted with - he, the said defendant never having entered upon or taken possession of any part or share of the said testator's Estate, goods, chattels, ready money, notes, bonds, rents, issues or profits, for any purposes whatsoever, as is in the said Bill suggested. And this defendant most positively says and insists without that that there is any other matter or thing in the complainants said Bill of complaint contained, material or effectual for these defendants to make answer unto and not herein and hereby distinctly and sufficiently answered to, confessed or avoided, that (although by said Will, he was appointed a trustee for certain purpose), he has not interferred with the disposition of the said testator's property in any manner whatever. **He, the said defendant, never having as yet acted and now absolutely declines & refuses to act as a trustee.**

And this defendant denies all & all manner of unjust and unlawful combination or conspiracy insinuated against him in the said Bill. Without that, that there is any other matter or thing material or necessary for him to make answer to - all which matters & things, this defendant is ready to prove as this Honourable Court may direct and award. And this defendant prays to be hence _____ with his reasonable court and charges in this behalf most wrongfully sustained.

/s John Elliot &
Thos S. Sterling

State of Mississippi
Wayne County

Personally appeared before me D. C. Shaw,
one of the Justices of the peace in aforesaid
county, James Patton one of the defendants to the said Bill,
who being first duly sworn deposeth and with that the matters
& statements in this answer contained are true and correct
to the best of his belief & knowledge.

Sworn to before me ___th August 1826?
D C Shaw, J.P.

(on back of document: Christopher Collins & Wife vs In Chancery.
Ann Hendrick & al

14 March 1824
James Phillips Dep Clk, East. Dist.

Recorded

Elliot & Sterling
Con. for Defts.

5 September 1825

The State of Mississippi
Marion County

To the Commissioners of Wayne County. Greetings. We reposing special trust and confidence in your prudence circumspection and fidelity do hereby authorize and require you to cause to come before you JAMES PATTON, DEMPSEY DIAS, DAVID SLEY and NATHAN SLEY all of your county and them upon their oath examine of what they may know touching a certain matter of controversy now pending in the Superior Court of Chancery of the State of Mississippi to be holded at the Court House of the County of Marion on the third Monday in February next. Wherein CHRISTOPHER COLLINS and WIFE are complianants and ANN HENDRICK et al are respondents on the part and behalf of the Complainants, and the deposition of the said witnesses so taken under your honor and seals ____ our said Court your hand ____ together with this word.

Witness the Honorable Joshua G Clarke, Chancellor of the State of Mississippi at the Court House of Marion County the third Monday in August A.D. Eighteen hundred and twenty five, and in the 50th year of the sovereignty and independence of United States of America.

James Phillips
Dept Clk East Dist

Issued this 5th day of September 1825

21 October 1825

Depositions of: Dempsey Dyass
Nathan Slay
David Slay
William Patton
James Patton and
Henry Chambers

Recorded 21st October 1825

The State of Mississippi
Wayne County

This deposition of DEMPSEY DYESS taken at the Court House of Wayne County at the town of Winchester before JAMES PATTON and JOHN McRAE, commissioners for the county aforesaid, on the twenty sixth day of October A.D. 1825. To be read in evidence in a Chancery binding in the Superior Court of Chancery of said state in and for the Eastern district thereof whereas CHRISTOPHER COLLINS & WIFE are Complainants and ANN HENDRICK, JACOB COLLINS ET AL are defendants. ***This deponent for and in behalf of the Complainants*** being of lawful age and first duly sworn, deposeth and sayeth that he has been acquainted with the parties to the above suit for the space of eight or nine years, and that he was also acquainted with JOHN W. HENDRICK testator to the Will **a copy whereof is hereby annexed** for three or four years previous to his death, and that

he as attending to the busines of the said John W. Hendrick as a cropper at the time of his death and had been living on his plantation from about the first of March A.D. 1821 to the time of the testators death which he believes to be about the (torn) of June following and this deponent believes he (torn) partially confined to his bed of sickness for about twenty days and he further believes he labored under some disease for two weeks previous to his confinement during which time this deponent states and deposes _____ that he was frequently in the said John W. Hendrick (company) both in the fields and in the dwelling house of the said testator, and deponent was induced to believe from the said testator's actions and doings and from his conversation during the time as aforesaid he was in a deranged state of mind, that the faculties of his mind appear to (blot) during the whole of (dark copy) time of his death, this deponent further deposed that he distinctly recollects at one time in the field and at one time at the house of him the said John W. Hendrick when in conversation that the said Hendrick would suddently lose the subject of conversation and enter on some other subject of conversation to all appearance in a confusion of ideas, and he believes that the said Hendrick did not know what he was talking about and that during his confinement to the house, which he believes to be about twenty days previous to his death, and at which time he visited him daily as aforesaid, he the said deponent deposes he frequently would speak to the said J. W. Hendrick and that he would appear to know him, and in his replies to answer (blot) a subject of conversation and with (blot) believes that his mind (large blot) J W Hendrick would not speak more than one or two words reasonably and leave the subject and commence various subjects entirely foreign to those of the first conversation. This deponent further deposes he does not know of what disease he died, that he did not appear to him to have fever. That he thinks about one month before his death that the said John W Hendrick was with the said deponent in his the said Hendrick (blot) he the said Hendrick said he feared (blot) him very great, and told the said deponent (blot) that when he would hold his head down his (blot) down in his forehead and when he would raise his head up his brains would appear to fall back on the back part of his head, and feel as heavy as one pound (blot) and **this deponent further deposes that which he confined to his bed he expressed a desire to see the said Christopher Collins**, one of the complainants in this cause.

And the said deponent on his cross examination by the defendants counsel sayeth that he visited him the said John W Hendrick during his confinement and that the said John W Hendrick when the said deponent interogated him as to his health would generally reply that he was poorly, he further sayeth that he knows nothing of the Execution of the Will of the said John W Hendrick. He further sayeth that he the said J W Hendrick was going about the house and yard til about ten days previous to his death, and that he appeared to have a desire to leave the yard, and some person had generally to go with him to hold him up and he further sayeth that he appeared frequently to be rational, but it only lasted till he could speak four or five words. And further this deponent sayeth not.

/s/ Dempsey X Dyess
mark

James Patton }
Jno McRae } commissioners

Also the deposition of NATHAN SLAY taken on the day following, to wit, twenty seventh day of October 1825 and at the same place to be read in evidence in the same suit **this deponent for and in behalf of the Complainants** being of lawful age and first duly sorn deposeth and sayeth that he knows the parties to this suit and knew JOHN W. HENDRICK ever since the said Hendrick moved to Wayne County which he believes to be three or four years previous to his death and that he lived a near neighbor to him and was intimately acquainted with him to the time of his death, that he visited him, he thinks about ten days previous to his death, that the said Hendrick appeared delirious and he thinks he had no fever and he thinks about five days after that time he visited him again, when **ANN HENDRICK one of the defendants to this suit expressed considerable distress about the situation of her husband and told him that Mr. Hendrick had done nothing with his property, and that she had mentioned to him something about making his Will and she said to him that it appeared to distress him much worse, and she said she feared to mention it again**, this conversation was in the room where he lay sick, that his the testators daughter was at that time feeding him with a spoon, and that he the said testator did not appear to pay any attention to the

conversation, the deponent further says, that he commenced a conversation on some subject with Mr. Hendrick and that he made some remarks quite foreign to the subject, and showed evident signs of a deranged mind, and this deponent further says that this visit was in the morning and further this deponent sayeth not on cross examination by defendants counsel the deponent sayeth that he saw him but twice during his the testator's last sickness, and this deponent sayeth that the conversation which he and Mrs. Hendrick had concerning the disposition of his the testator's property as aforementioned, was he thinks about five days before his death and further this deponent sayeth not.

Nathan Slay

James Patton }
Jno McRae } Commissioners

Also, the deposition of DAVID SLAY taken on the twenty seventh day of October 1825 and at the same place to be read in evidence in the same suit this deponent **for and in behalf of the Complainants**, being of lawful age and first duly sworn, deponenth and sayeth that he was acquainted with JOHN W. HENDRICK ever since he the said Hendrick moved to this County at the time of his death, and that it is the same John W. Hendrick testator to the Will a copy whereof is hereto annexed and that he visited him three or four times before his death and during his sickness, and this deponent further says that he is confident that the first time he visited the said testator was before the said testator had made his Will, and that he is not certain how many days before, and that on that first visit he was induced to believe he the said Hendrick was not in his right state of mind, from his manner of conversation and actions, and that he did not stay with him then more than one hour, he does not know at what precise time he made the other visits, but he never saw him in his right mind from his first visit.

And this deponent further states, being cross examined by defendants counsel, that he does not know of his own personal knowledge, that he visited the said John W. Hendrick before making the said Will, and he further says that the two last time he visited him the said Hendrick was one or two days previous to his death. On being interrogated by the Complainants counsel, this deponent states and sayeth that he believes that his first visit was before the testator had made his will because he says **he met DOCTOR PATTON when he left the testators house on returning from his said first visit to the said John W. Hendrick, and that said Doctor Patton went on to see the said testator, and sometime after his death, the said Doctor Patton, being told by him the said deponent, that the said testator was not of his right mind sufficient to dispose of his property, replied that he the testaor was not in his right mind the day he had seen him the testator coming from the said testators house, but the he had come to his right mind before he made his will.** And further this deponent sayeth not.

David Slay

sub
James Patton }
Jno McRae } Commissioners

Also, the deposition on the twenty seventh Oct 1825 of DOCTOR WILLIAM PATTON **for defendants deposeth** and sayeth that he is acquainted with the parties to this suit and that he was acquainted with JOHN W. HENDRICK the testator ever since he moved to this County which he believes to be three or four years previous to his death during which time he was the practising physician in the family and on the ___ day of June he the said deponent was called to visit him the said John W Hendrick as a physician in his last sickness and he the said deponent saw him every day but one till the eighth day some days he found him better and some days appearantly worse until the eighth of the same month at which time he the deponent sayeth he found him the said Hendrick much better than he had seen him during this deponents attendance on him and at that time, he the said

Hendrick conversed freely with this deponent at different times during the forenoon. This deponent further sayeth that after he had been there two or three hours the conversation commenced respecting his the said Hendrick's making his Will and he the said Hendrick and he the said Hendrick expressed anxiety to make the same at that time as he the said **Hendrick observed that he had made a will before but had not signed it and that the said will did not please him and that he the said Hendrick wished to make some addition in the same** and he wished that some person present would send to Winchester and get some person to come and draw a new Will and this deponent further sayeth that he asked him the said Hendrick if he thought that he was in his proper mind so that he the said Hendrick could dictate to whoever might come to write his will he the said Hendrick replied yes that he was then in his perfect senses and he did not think he ever should recover from his present illness and as he felt so much better that morning and in his proper mind that he was anxious to fix his business therefore perhaps he might get worse or his mind become deranged so that he never would be able to arrange his business to his satisfaction, and this deponent further sayeth that from the conversation he had with the said John W Hendrick and his manner of expressing himself he this deponent thought him the said Hendrick of sound mind sufficiently so to dispose of his property by Will or otherwise and this deponent further sayeth that he was present when the last Will and testatment of the said John W. Hendrick was written, a copy of which is hereunto anexed to this deposition which I believe to be a true copy of the original will which ___ original will he the said deponent James Patton and THOMAS A. WILLIS were subscribing witnesses that he the said deponent subscribed his name to the same in the presence of the other subscribing witness, and in the presence of John W. Hendrick the testator that he saw the said Testator make his mark to the said Will and acknowledged the same as his last Will and testament and this deponent further sayeth that he never heard any person appear to more particular in mentioning every particular relative to the disposition of his property than he was when instructing Thomas A. Willis how to write his Will and relating to Thomas A Willis and this deponent in what manner and to whom he wished to have his property during this conversation he mentioned he would give to CHRISTOPHER COLLINS the complainant in this suit twenty dollars. Thomas A. Willis asked him why he gave the said Christopher Collins twenty dollars to which the said John W. Hendrick the Testator replied that he would give it to him to prevent him the said Collins from breaking the will. The said Thomas A. Willis then told him that it was not necessary and that it would make no difference if he did not leave him one cent - that he had a right to will his property as he thought proper to which the said **John W. Hendrick then replied "if that was the case not to put it in the will as he did not wish him the said Christopher Collins to have one cent of his property and that he never should if he (the said Hendrick) could help it"** and that at the time of executing the Will he believes that although his body was diseased and his speech partially impaired that he thought his mind sufficiently strong to dispose of his property.

And the said deponent on his cross examination by the complainant's counsel deposeth and sayeth that the said John W Hendrick the testator as aforesaid died of a paralytic affection and that he attended him for eighteen or twenty days previous to his death and this deponent sayeth that on the third day he visited him and about seven (or seventeen) days before his death he appeared to have a confusion of ideas and seemed considerable phrensied/frenzied which under the influence of fever but when the fever subsided he appeared to be rational during his stay which he thinks was about three hours after the fever subsided, this deponent sayeth that he saw him on the fifth out at his ?finer___ that the said Hendrick said to the deponent that he felt better that morning but had been unwell the night before that the deponent stayed but a few minutes with him and can't state how exact state of mind. That on the sixth day this deponent also visited him that he found him worse and thought that he was delirious in consequence of fever which seemed to effect his head and when suddenly roused he appeared to have his ideas confused like a person waking out of sleep but when spoken to he would give rational answers that also on the fifth and seventh days his tongue on one side was not ___ and he complained of a numbness in one side of his face and tongue that this deponent visited him on the seventh day that he appeared much worse and had some symptom of fever that he complained considerably of his head and lips and this deponent sayeth that he did not incline to talk much in consequence of the pain of the head and his deponent does not recollect his state of mind on this day and that the ___ the top of his head and gave him stimulating medicine on the eighth and visited him which day he made his Will. That this deponent says that the testator said that he could not hold his pen and Thomas A. Willis put the pen in his hand and held it until he made his mark to the will and this deponent believes that was the hand that

was palsied that he signed his Will near sunset. That during the afternoon his tongue became fatigued and he the said Testator said that he could not speak some words and that the said testor said he could not hear well from one of his ears but that this deponent did not find difficulty in conversing with him till late in the evening. That this deponent had but little conversation with him on other subjects than his disease except as aforesaid and on that subject of his sickness he conversed rationally except at the times above mentioned and this deponent says that in his practice he has frequently seen persons under disease of fever that would speak rationally and connectidly on subject for some time and then in a few minutes discover evident derangement of mind and this deponent sayeth that on the tenth day he visited him and conversed with him on subjects about his blisters his disease his lips and about one of his neighbors visiting him and conversed with him rationally he visited him on the thirteenth day when he found him worse and was sensible of his approaching ___ but he does not recollect having any conversation with him by which he could test the powers of his mind. This deponent says that he visited him generally in the morning and that he does not know what part of the day the disease of the said Hendrick was most severe.

Further examined by counsel for defendant, that on the day the Will was written he was with him from the morning until the Will was signed and that the said Hendrick had no fever during that day and that the deponent believes that the said Hendrick was of sound mind sufficient to make his Will any time during his stay and **this deponent further states that he distinctly recollects that the said Hendrick expressed his desire to have his property to be equally divided among his grand children and he believes mentioned what he has done for his two grand sons JOHN H HORN and COLLINS L HORN which is the same as is in the Will.** That during his the deponent's attendance on him the said Hendrick he never recollecting having seem him deranged until the thirteenth day except under the influence of fever and from the thirteenth till his death he saw him deranged some times without fever.

And further this deponent sayeth not.

James Patton }
Jno McRae } Commissioners

/s/ Wm Patton

26 October 1825

The State of Mississippi
Wayne County

The deposition of HENRY CHAMBERS taken at the Court House of Wayne County in the town of Winchester before JAMES PATTON and JOHN McRAE, commissioners for the County aforesaid, on the twenty sixth day of October A.D. 1825 to be read in evidence in a suit in Chancery pending in the Superior Court of Chancery of said State, in and for the Eastern District thereof wherein CHRISTOPHER COLLINS and WIFE are Complainants and ANN HENDRICK, JACOB COLLINS ET AL, are defendants.

This deponent for and in behalf of the defendants being of lawful age and first duly sworn. Deposeth and sayeth that in the month of February previous to the death of the said JOHN W. HENDRICK he the said deponent was in company with him the said Hendricks and that **he the said Hendrick in speaking of the disposition he intended to make of his property at his death, he the said Hendrick stated that he intended to make an equal distribution of his property among his grand children** and that he the said John W. Hendrick was of sound mind and memory at that time.

/s/ Henry X Chambers
mark

Thos S. Sterling
James Patton }
Jno McRae } Commissioners

26 October 1825

The State of Mississippi
Superior Court of Chancery, Eastern Division

Christopher Collins & wife, Complainants
vs
Ann Hendricks, Jacob Collins, Et Al, defendants

It is agreed by the counsel for both complainants and defendants in the above case, that either party may take such depositions as they may desire herein without interrogatories being filed and without giving to the adversed party notice of either the time or place of taking such depositions, but that any deposition taken, sworn to and certified before a commissioner in Chancery with or without commission, shall be received without exceptions, to the form or mode of taking the same and in all respects be treated as if regularly taken under commission and upon proper notice.

Winchester, Missi
26th October 1825

Samuel W. Dickson
Atty for Complainants

Elliott & Sterling
of counsel for Defendants

27 October 1825

The State of Mississippi
Wayne County

The deposition of JAMES PATTON taken at the Court House of Wayne County in the town of Winchester before JOHN McRAE, a commissioner for the County aforesaid, on the twenty seventh day of October A.D. 1825 to be read in evidence in a suit in chancery pending in the Superior Court of Chancery of said State in and for the Eastern district thereof, wherein CHRISTOPHER COLLINS and WIFE are Complainants, and ANN HENDRICK, JACOB COLLINS, ET AL are defendants. ***This deponent for and in behalf of this complainants*** being of lawful age and first duly sworn deposeth and sayeth that he is acquainted with the parties to this suit, and that he was acquainted with John W Hendrick of this County, the testator to the Will, to this deposition hereto annexed, and that he has been acquainted with him for three or four years previous to his death that ***he did not see him in his last sickness until the day he made his Will, when at the request of COLLINS L. HORNE, one of the legatees to the said Will, he the said deponent went to see the testator*** and when giving into the house of him the said testator, he the said deponent asked him how he was, he does not recollect his making any answer, but being asked by his wife, if he knew the said deponent, he the said deponent understood him to say he did, that his voice appeared to be very weak and he appeared to be very hard of hearing, ***this deponent further says that THOMAS A. WILLIS was asked by some of the family, not by the testator as this deponent recollects, to write the said Will, and this deponent further says there appeared to be a contention between the family or some of the legatees of the Will, above the provisions of the intended Will, that the contention became warm and disagreeable to him the said deponent and that he left the room, and that the said deponent then took his seat in the gallery and the said deponent does not recollect being in the room with the testator more than once while Thomas A. Willis was writing the Will, and at that time the said ANN HENDRICK the testator's wife appeared officiously engaged in telling Thomas A. Willis the manner in which the old man wished to dispose of his property, and that he wanted to disinherit Christopher Collins, one of the complainants to this suit, this deponent does not***

recollect that the testators gave any assent or dissent to his the said testators wife's observations, and that the other part of the time this deponent was in the gallery which he supposes to be about three hours. ***This deponent further sayeth that he was then called on to witness the said Will which he believes to be about sunset. This deponent further sayeth that he recollects that the Will was read to the testator, and that he gave his consent but does not remember whether by word or by a nod of his head, that the pen was then given the testator to sign his Will, and that Thomas A. Willis took hold of his the said testator's hand and assisted him to make his mark.*** This deponent further says he had no conversation with the testator except as aforesaid and that he saw others converse with him, but could not hear his replies or if he then did he does not now recollect them, the testator's voice being very weak and the persons conversing with him having to be very near he therefore connect say anything definitely as to the testator being in his proper mind or of his being of a disposing mind and memory, and this deponent further sayeth that he recollects during his acquaintance with the testator having seen him the said testator write his name and the said deponent on his cross examination by defendants counsel sayeth that he is the same James Patton that was appointed trustee in the Will of John W. Hendrick to which Will he was a subscribing witness and that he gave to THOS. S. STERLING his answer to file in Court wherein he stated that he had not acted as trustee nor ever intended so to do.

/s/ James Patton

Jno McRae, Commissioner

The Bill of Costs of each witness as proved before us:

Dempsey Dyass	Witness	\$ 6.06
David Slay	Witness	3.84
Nathan Slay	Witness	3.84
William Patton	Witness	3.84
-J-a-m-e-s--P-a-t-t-o-n	lined through, no fee	
		\$ 16.74

We certify the above Bill of cost to be correct. 29th Oct 1825

/s/ James Patton }
 /s/ Jno McRae } Commissioners

30 November 1825

The State of Mississippi
 Marion County

To the Commissioners in Chancery in and for the County of Copiah. Greetings:
 We reposing special trust and confidence in your prudent circumspection and fidelity do hereby authorize and require you to cause to come before you THOMAS A. WILLIS of your county and him upon his oath examine of what he may know touching the Interrogatories hereunto annexed; and the Deposition of the said Thomas A. Willis so taken under your hands and seals, into our Superior Court of Chancery for the Eastern District at Columbia, on or before the third Monday in February next. You ____ together with this Writ:

Witness the Honorable Joshua G. Clarke, Chancellor of the State of Mississippi at the Court House of Marion County, the third Monday in August A.D. in the year of our Lord one thousand eight hundred and twenty five and in the Fiftieth year of the sovereignty and Independence of the United States of America.

THE STATE of MISSISSIPPI

SUPERIOR COURT of CHANCERY - THIRD DISTRICT
at the May Term - A.D. 1829

CHRISTOPHER COLLINS and WIFE - COM. (Complainants)

vs

ANN HENDRICKS, JACOB COLLINS, et al - DEFTS. (Defendants)

Whereas the complainants in this Court on the 17th day of April, 1823, file their bill of Complaint thereby setting forth that JOHN W. HENDRICKS, late of Wayne County dec'd was at the time of making his last Will and testament, as set forth in the said Complainants bill of Complaint "utterly incapable of making any Will" to dispose of his estate in as much as he the said John W Hendrick not having been of sound and disposing mind and memory, at the time of making his Will and when on the 22 day of Aug 1823 the said defendants filed their several answers denying the facts as set forth in the said bill of Complaint to be true, and whereas on the 25th day of Feb 1826 upon hearing the bill answers and proofs- the Chancellor made the following interlacutory decree viz.,

In this case by the consent of the parties and their counsel present in court, it is ordered, adjudged and decreed, and the Chancellor doth accordingly order adjudge and decree that an issue of fact be made up to try and determine whether John W. Hendrick was at the time of making his last Will and testament of sound and disposing mind or not, at the time of making his said last Will and testament, which issue is to be made up and tried at the next April term of the Circuit Court of Wayne County unless good cause be shown on either side for a continuance, and whereas at a Circuit Court of Wayne County held at the Oct term 1826, the said issue was tried as ordered and directed in the said decree, and it was found by **the Jury sworn and impaneled for that purpose, that the said John W. Hendrick was at the time of making his said last Will and testament of sound and disposing mind and memory and capable in law of disposing of his estate real or personal by Will or otherwise** and the same having been certified to this Court. Now at this time to wit. on this 5th day of May A.D. 1829, the said cause coming on for final hearing and the bill answers testimony and argument of cause having been read heard and considered, It is ordered and adjudged and decreed, and the Chancellor doth hereby order adjudge and decree that the Complainants said bill of Complainants be dismissed and that the said defendants have their Costs - and that Execution issue for same against the said Complainants - Ordered and adjudged and decreed this 5th day of May, 1829.

Jno. A. Quitman

19 August 1829

Superior Court of Chancery } Perry County
Third District } State of Mississippi

To the Sheriff of Wayne County. Greetings. We command you that of the goods and chattels land and tenements of CHRISTOPHER COLLINS and RACHEL COLLINS, his wife, late of your county, you cause to be made the sum of one hundred and fifty eight dollars sixty three and a half cents (\$158.63-1/2) which were awarded to the officers of the Superior Court of Chancery for the third District, according to the form of the State in such case made and provided for their fees in a certain action wherein the said Christopher Collins and wife was plaintiff and ANN HENDRICKS and others defendants whereof the said Christopher Collins and wife is convicted as appears to us of Record and that you have said moneys before the Chancellor of the state aforesaid at a superior Court of Chancery to be held at the Court House of Perry County on the first Monday of November next, to pay the said officers therein fees aforesaid and have then these this Writ.

Witness the Honorable John A. Quitman

Chancellor for the state aforesaid who hadth
caused the seal of the said Court to be hereto
annexed at the Court House of Perry County
the first Monday of May in the year of our
Lord one thousand eight hundred and twenty
nine.

Griffin H Hollimon, Clerk, Superior Court
of Chancery 3rd District

Issued 19th August 1829

(on back of this document)

Christopher Collins and Wife
vs
Ann Hendrick et al

Recd thirty dollars in part payment of the within execution.
No other property found.

J. Hunley
Sheriff W. C. (Wayne County)

Issued 11th December 1829

November 1829

(on back of previous document)

Sup Court of Chancery
Third District

Ann Hendrick et al
Ats (or als)
C. Collins and Wife

Superior Court of Chancery
Third District Nov Term
1829

C. Collins and wife vs Ann
Hendrick et al. On motion
It is ordered and decreed
that the interest of complaint-
ants in and to the Trust Estate
held for their Benefit be
charged with the cost of this
suit and that the same be
subjected to execution
thereof.

A true extract taken from
the minutes of Court.

G. H. Holliman, Clerk

11 Dec 1829

Superior Court of Chancery }
Third District }

Perry County, Mississippi

To the Sheriff of Wayne County. Greetings: We command you, as you have been once before commanded that of the goods and chattels, lands and ___ of CHRISTOPHER COLLINS, ___ and RACHEL COLLINS, his wife, late of your county, you cause to be made the sum of Two hundred and Fourteen dollars and forty six and a half cents (\$214.14-1/2) which were awarded to the officers of the Superior Court of Chancery for the Third District, according to the form of the Statute, in such case made and provided for these fees in a certain action wherein the said Christopher Collins and wife was plaintiff and Ann Hendrick and other defendants whereof the said Christopher Collins and wife is convicted as appears to us of record and that you have said moneys before the Chancellor of the State aforesaid at a Superior Court of Chancery to be held at the Court House of Perry County on the first Monday of May next to pay the said officers the fees aforesaid and have these there this Writ.

Witness the Honorable John A. Quitman
Chancellor for the State aforesaid who
hadth caused the seal of the said Court
to be hereto annexed at the Court House
of Perry County the first Monday of
November in the year of our Lord one
Thousand eight hundred and Twenty Nine.

Griffen H Holliman, Clerk Supr. Court
of Chancery 3rd District

Issued 11th December 1829

1 January 1830

The State of Mississippi
Wayne County

Know all men by these presents, that we, ROBERT COLLINS, JACOB COLLINS and DAVID HENDRICK senior, are held and firmly bound unto JAMES HENLY, Sheriff of said county, in the penal sum of Four hundred and twenty eight dollars and ninety three cents (\$428.93) good and lawful money, the payment whereby well and truly to be made, we bind ourselves, our, and each of our heirs, executors and administraros, jointly and severally, firmly by these presents, sealed with our seals, and dated this first day of January in the year of our Lord one thousand eight hundred and thirty.

The condition of the above obligation is such, that whereas at the November term of the Court of Chancery of the Third District, 1829, and Execution of Fi Fa issued from the Clerk's Office of the said Court of said district against the said C. COLLINS & WIFE in favor of ANN HENDRICKS ET AL which execution was directed to the Sheriff of Wayne County, and served upon JANE, TENA, JERRY, EDY, NICE, SARAH, JOSEPH, NANCE, LEROY & ANTHONY, the property of said C. Collins & wife, to be sold on the first Monday of February next at the Court House of said County for the sum of Two Hundred & Fourteen dollars and 46-1/2 cents (\$214.46-1/2) of costs: - and whereas also, the said C. Collins and Wife is desirous of replenyng the said Negro slaves aforementioned until the day of sale, now if the said C. Collins & wife shall well and truly have and deliver the said Negroes to the said Sheriff on the day of sale aforesaid, then the above obligation to be void, else to remain in full force and virtue.

/s/ Robert Collins
J. (Jacob) Collins
David Hendrick sen.

Signed sealed and acknowledged
before me this 1st January 1830
L Mayers, D Sheriff for
J S Henly, Sheriff, W. C.

8 February 1830

To James Mayers, Register of the Orphans Court

Sir, you will advertise as additional business for the Special Term of the Orphans Court on the 20th Instant an order to grant a writ of partition of the property left LUCY COLLINS during her life, to divide the same among the heirs of said Lucy Collins, the said property left her as a life estate by her father, JOHN W. HENDRICK decd. You will also issue a Citation to JACOB COLLINS commanding him to be present at said Special Term and show cause if any he can why such division should not be now made, according to an application made by one of the heirs.

/s/ James Patton

8 February 1830

The State of Mississippi } To the Sheriff of said County
Wayne County }

Greetings: You are hereby commanded to summon JACOB COLLINS if to be found within your county to be ___ appear before the Orphans Court of said County to be held at the Court House thereof on Saturday the 20th Inst then there to shew cause, if any, he has why the personal property formerly belonging to LUCY COLLINS decd (wife of the said Jacob Collins) left her by the last Will and testament of JOHN W. HENDRICKS decd should not be divided in conformity with the said Will. Herein fact not and have you this there this Writ.

Issued 8th Feby 1830 } Witness JAMES PATTON Judge of Probate
the 4th Monday in Jany. 1830
Attest James May ____

20 February 1830

State of Mississippi
Wayne County

Know all men by these presents J. JACOB COLLINS and OBEDIAH HAND, all of the county aforesaid, do acknowledge ourselves indebted to DAVID HENDRICK **one of the legatees of the Estate of LUCY COLLINS** decd., for the sum of one thousand dollars lawful money of the said State, for the payment of which will and truly to be made we bind ourselves ___ and each of our heirs, administrators, executors and assigns jointly and severally firmly by these presents sealed with our seals and dated this twentieth day of February in the year of our Lord one thousand eight hundred thirty.

The conditions of this obligation is such that whereas the above bounded Jacob Collins have

on the 20th day of February 1830 claimed an appeal to the Superior Court of Chancery for the third district in the state aforesaid to be held in and for said district on the ninth day of August next, from a Judgement rendered by the Orphans Court of the County of Wayne in favor of the said David Hendrick, legatee as aforesaid, for his cost about his said suit. Now if the said Jacob Collins shall prosecute said appeal to affect and abide by and perform the judgement of the said appellate court in the premises, then this obligation to be void. Otherwise to be administered in full force and virtue.

/s/ J. Collins (widower of Lucy Collins)
O. Hand (husband of Ann Hendrick)

Signed and sealed and acknowledged
in Open Court the 20th July 1830
Attest: J. Mayers, Regr.

UNDATED MEMORANDUM

HEIRS of LUCY & RACHEL COLLINS }
vs } Bill
JACOB COLLINS & OBEDIAH HAND, EXOR, } in
IN RIGHT OF ANN, HIS WIFE } Chancery

The heirs of LUCY COLLINS and
the heirs of RACHEL COLLINS, desd.

JOHN H HORNE, COLLINS L HORNE, JACOB COLLINS, HENDRICK COLLINS, ROBERT COLLINS, CHRISTOPHER COLLINS jr, JOSHUA COLLINS, JOSEPH COLLINS, BENJ COLLINS, JAMES COLLINS, ELI COLLINS - minor by Christopher Collins, their Guardian (cannot tell if only Eli was minor)

OBEDIAH HAND married ANN HENDRICK, wife of JOHN W. HENDRICK decd, ___ in June 1829, who has got possession of the property in right of his wife, etc.

continued UNDATED MEMORANDUM

in the case of
HEIRS OF HENDRICKS vs COLLINS & HAND

MR. JOHN HANNON:

says that shortly after the marriage between Hand & Mrs Hendrick that he paid Hand in right of his wife about \$500? for NEOPHINE due before the death of (JOHN WILLIAMS) HENDRICK.

Also says that there ___ other like sume due by others, etc.

Also stated that at the time of the death of MRS HAND (formerly MRS HENDRICK) that he, HANNON & JACOB COLLINS counted the money in her possession which was in a bag & ___ the gold, silver & paper amount to between \$500 and \$1,000. This was at the death of Mrs. Hand and done with the assent of Hand himself.

NATHAN SLAY:

That Hand received a large amount of THOMAS _____ of Monroe, Perry County, which was due Hendrick & at interest in his hand.

DAVID SLAY:

_____ knows many unfortunate facts about this Estate. See & examine him.

POLLY COLLINS of Rankin knows many things & among others that HAND bribed JACOB COLLINS to take a part in his favor & that of his wife & not to _____ alert?__ the heirs. She can state the fact with circumstances of time, place and can state the amt of the money recd. by Jacob Collins of Hand and his wife.

SLAY says that in consequence of bibe that JACOB COLLINS neglected his duty as Exec & allowed HAND to accumulate what property from the Hendrick Estate he pleased.

THOMAS LANGFORD & WIFE who live about half-way between Winchester & Mobile will testify that HAND told them that the morning after they were married his wife counted out to him \$2000 in cash and gave it to him.

CHRISTOPHER COLLINS of Mobile also knows many unfortunate facts about this case.

13 Dec 1830

State of Mississippi
Hinds County

I, DAVID HENDRICK senior, on oath delivered before and say that since JOHN W. HENDRICK departed this life, his widow ANN HENDRICK has intermarried with one OBEDIAH HAND of Wayne County, and that said Deponent has recently resided in Wayne County and is well acquainted with the situation of the slave property hereinafter mentioned, which came into the hands of said Ann as administratrix of the last Will & testament of the said John W. Hendrick decd., and that the said slave property was either owned and possessed at the time of his death, or is the natural increase of some of the slave property hereinafter mentioned, which came into the hands of the said Ann as Executrix of said Will.

And that since the marriage of the said Obediah Hand, the said Hand has given no sufficient security as administrator in right of his wife to carry into effect the provisions of said Will, so as to secure the said property agreeably to the provisions of said Will to the Children and heirs lawfully begotten of RACHEL (COLLINS) and LUCY COLLINS.

That said Obediah Hand as husband of said Ann, admx, has come into the possession of the following slave property, being the slave property and the increase thereof which came into the hands of the said Ann, admx, under said Will - to wit, ABRAM, CHARLES, DAVE, BIG JOE, LITTLE JOE, ISAAC, HANNAH, LISEY, PHIL, BEN, EASTER, GRANVILLE, HENRY, NANCY, MARIAH, SAL, TOM, MARY or SARAH, MARIAH, being nineteen (19) in number and of the value of about six thousand dollars.

That the said Ann administratrix is very old and superannuated and, as I believe, is over the age of Seventy years.

That this deponent verily believes that said Hand intends shortly to sell, or run said slave property out of this State, or in some other way to destroy the said slaves, as to prevent the heirs of Lucy Collins and Rachel Collins from ever obtaining or enjoying the same, agreeably to the provisions of the Will ___ of the said John W Hendrick decd., and that this deponent has heard the said Obediah Hand threaten so to do, and has heard him say, *"that if he could not sink and destroy the*

property one way, he would another, so that it should never do the heirs any good nor profit them any thing."

This deponent has heard said Hand say that he had _____ to sell some of said slaves, and this deponent has seen recently advertisements with said Obediah Hand's signature to the same, offering said slaves for sale, and that this deponent believes said Hand is determined to make away with said slaves as soon as he can.

Sworn to and subscribed before
me this 13th day of December, 1830

/s/ David Hendrick

Henry G. Johnston, J.P.
