1818-043

SOUTHAMPTON COUNTY
CHANCERY PAPERS

TILLER vs. TILLER'S EXTX

3/1818

Filler
vs
Filler
} Bill

December 1811 Int'y decree

1812 July Report returned &
final decree by consent

To the Worshipful Court of Southampton County
in Chancery sitting. Humbly complaining shew to your
Worships your Orator James Filler. Shew your Orator
States that some time in year of your Orators
grand Father Major Filler of Super deced having
first duely made & published his last will and
Testament leaving to your Orator the reversion
in two tracts of Land in the following words
(as will more fully) by the will ~~publish~~ a copy
of which is hereto annexed & prayed to be made
a part ~~of this Bill~~ Item I give and bequeath
to my grand son James Filler after the death of his
Father Henry Filler the Land and plantation where
I now live together with the stile Containing 200 acres
and one hundred and fifty acres in this Land now
part of which is Called Hoofs to him and his heirs
forever. Shew your Orator begs leave to mention that
his Father Henry Filler died some time in Dec
1851 that his Wife your Orators Mother Mary Charlotte Filler
herself the Executrix of his will and that your
Orator has frequently applied to her for a division
of the Land which he is Legally & Equitably entitled
to but she has hitherto refused all of which actings
and doings are Contrary to equity & good Conscience
~~In~~ Consideration whereof and forasmuch
as your Orator is remediless at Common Law
and only relievable in equity where matters of this
sort are alone & peculiarly cognizable to the end
therefore that Justice may be done between the parties

your Orator pray that Mrs Christian Filler Executrix of Henry Filler may be made a defendant hereto and answer this bill that your Worships will grant the Commonwealths Writ of Sub poena and further that your Worships will decree and order that James Harris John Harris David Myrick Edmund Adams & Arthur Williamson or any three of them to be by the County Surveyor do lay off and assigne to the said James Filler first the old tract containing two hundred acres & secondly 150 acres of Swamp & low grounds part of which is called Hoops and your orator as in duty will ever pray &c

Pro Plff

The answer of Christian Filler Executrix of Henry Filler to the Bill of Complaint exhibited against her by James Filler This Defendant saving to herself all and every benefit of exception to the errors of the foregoing Bill answers as far as she is advised it is proper and says that she cannot gainsay the said Bill or any part thereof that she is willing that the Court should make such order and decree as to them may seem meet & proper provided hence to be desmissed with her reasonable Costs in this behalf expended and she will as in duty ever pray &c

Ac pro Deft

403

Tillar
vs
Tillar

Injy. decree

1818 March filed

Southampton March Court 1818

James Tillar ... Complainant

&c

&c Christian Tillar Exor of Henry Tillar ... Defendants

In Chancery

This Cause this day Came on again by Consent of the parties and Agent of the Court to be heard upon the Bill of the Complainant, and Answer of the defendant, the decree formerly pronounced herein, and arguments of Counsel Whereupon and after due Consideration thereof had, The Court doth order adjudge and decree, that Joseph Gilliam, together with the James Harris, Edwin Adams, and Arthur Williamson who were appointed Commissioners at a former Court, or any three (or any) of them, meet the assistance of the County Surveyor, do lay off and assign to the Complainant first the old tract of land containing two hundred acres and one hundred and fifty acres of the said granted, having regard to quality as well as quantity of each Land, which was devised to said James Tillar by the last Will and Testament of his grand Father Major Tillar after the death of his Father Henry Tillar, and that they or any three of them may act Reather & report to the Court of their actings and doings in this behalf for order to a final Decree

Teste R. M. Addison D.C.

In the name of God Amen. I Major Tiller of Lincoln County being sick and weak in body but of sound mind and memory do make and ordain this my last Will and Testament- First. I lend to my Daughter Bethiah Holt the use of a negro woman named Hanah during her natural life and at her Death I lend the s[d] said negro to Rebekah Read during her life and at her death the said negro shall be sold together with her increase if any and the money arising therefrom to be equally divided amongst the Children my said Daughter had by John Read my will and desire is that my negro woman Cate be sold by my Exor. and the Money given to my s[d] Daughter Bethiah Holt to her and her heirs forever.- Item I lend to my daughter Boyce Tiller the use of fifty acres of land lying over the Cool Spring Branch during her natural life or Marriage, I likewise lend her the use of four Negroes during her life to wit, Bridget, Nancy, Jefery, & Silvah and my Negro man Jim one year after my death in order to assist her in fixing her house &c. I give and bequeath to my said daughter Boyce Tiller two cows and calves two Sows and Pigs Eight Shoats or year olds three puter dishes and six plates four setting Chairs six Spoons one Cotton and one Linning wheel for Cards one Pot and hooks & plow & hoe one weeding do one axe a Chest and Table and ten Barrels Corn, Likewise lend her the use of my negro Jane during her natural life and at her death I give the said negro to the surviving Children of my Son Henry Tiller, I give to my said daughter my young Roan Mare and sixty lb of seed Cotton my loom and gear. Item I give and bequeath to my grand Son John Rives Tiller son of my Daughter Boyce Tiller and negro girl named Mary to him and

to him and his heirs forever. and after the death of my said Daughter Boyce Tiller my Will and desire is that the following negroes to wit, Bridget Nancy, Sefery and Silviah be equally divided between my two grand Sons John Rivs Tiller and Drury Tiller to them and their heirs forever. Item I give and bequeath unto my grandson James Lee of North Carolina one negro girl named Cheany to him and his heirs forever. Item I give and bequeath to my Granddaughter Mary Tiller one negro girl named Betty to her and her heirs forever but if she should die without lawful Issue in that case I give the said negro to my grandson John Tiller to him and his heirs forever. Item I give and bequeath to my grandson James Tiller my negroes Abram, Buck and Osborn to him and his heirs forever. but his father Henry Tiller shall have the use of said negroes till James arrives to twenty one years of age. Item I give and bequeath to my granddaughter Rosetty Tiller one negro girl named Hilary to her and her heirs forever. but her father shall have the use of said negro till she arrives to eighteen years — Item I give & bequeath to my granddaughter Freetetty Tiller one negro girl named Winny to her and her heirs forever after she arrives to eighteen years of age. Item I give and bequeath to my grandson James Tiller after the death of his father Henry Tiller the land and plantation whereon I now live together with the still containing two hundred acres and one hundred and fifty acres in the low grounds part of which is called Hoofs to him and his heirs forever. Item I give and bequeath to my Son Henry Tiller all the residue of my estate of what kind soever after paying my just debts funeral expenses &c. and likewise to pay to my grand son John Tiller thirty pounds Virginia Money or a young negro to that amount which said Money or negro I give to my said grand Son John Tiller to him and his heirs forever. my two old negroes Bristo and Buck shall not be sold nor removed from the Plantation whereon I now live. My estate shall not be appraised. I give my granddaughter Rebeckah Read twenty Shillings My will and desire is that my grand Son Drury Tiller shall have the first foald my old Mare Pigeon brings after my Death I do constitute and appoint my friend John Rogers and my Son Henry Tiller Exrs. of this my last will and Testament revoking all other heretofore made by me. In Witness whereof I have hereunto set my hand and seal this Sixth day of September One thousand seven hundred and eighty nine the Negro Girl Betty given to my Grand Daughter Mary Tiller my will and desire is if she should die without issue as above then the said negro to equally divided amongst her then surviving Brothers and Sisters

Signd Sealed & delivered in presence of
John Rogers
Richd Gilliam
Charles Pollock

his
Major × Tiller (seal)
mark

The land heretofore lent to my Daughter Boyce Tiller shall shall not be hers except she lives thereon and the negro Girl named Cheany heretofore given to my grandson James Lee of North Carolina shall be taken from him and lent the said negro to my Daughter Boyce Tiller and at her Death I give the said negro Girl Cheany to Drury Dupree Tiller to him and his heirs forever. Item the negro girl named Betty heretofore given to my granddaughter Mary Tiller shall be taken from her and given to my granddaughter Freetetty Tiller daughter of my Son Henry Tiller to her and her heirs forever. —

In Witness whereof I have hereunto set my hand and affixed my seal this eleventh day of January one thousand seven hundred and ninety.

Signed Sealed and delivered in presents of

John Rogers
George Cain
Joseph that Powel

Major his X mark Fillen (seal)

At a Court held for Jasper County the 4th day of March 1790
The last will and testament of Major Fillen dec'd with the Codicil annexed was presented into Court by Henry Fillen one of the Exor.s therein named was proved by the oaths of Rich.d Gilliam and the Codicil by George Cain and John Rogers and the will also by John Rogers and ordered to be recorded. And on motion of said Exor. who made oath according to Law. and with Thomas Devorsons and Joel Atkins his securities entered into and acknowledged their Bond in the Penalty of £3000 conditioned as the Law directs Certificate is granted him for obtaining probate thereof in due form.

Test. M Bailey C.J.C.

A Copy Teste

P Booth D.C.

Major Fillen
Will & Codicil
87 pages