

1820-007

SOUTHAMPTON COUNTY
CHANCERY PAPERS

HART and Wife vs. DILLARD - al

9/1820

Hart wife

17
Dollars

Feb 4 1820 Rec'd from
granted

To the worshipful Court of Southampton in Chancery
Sitting. Humbly complaining sheweth your
worships your complainants Edwin G. Hart and Sally
his wife late Sally Dillard widow and relict of
Richmond Dillard decd. That the said Richmond
did sometime in the year leaving a last
will and testament which has been admitted to record
an attested copy of which is hereto annexed and signed
the taken as a part of this bill, and that a certain
James Dillard one of the executors therein named
took upon himself alone the burden of the execution
of the same. That among other things the testament
in his said will directs that upon the marriage
of his wife his estate should be divided equally
among ~~four~~ four daughters living at the time
of the publication of the will, giving however in
the first place one third part of his lands including
his dwelling house and one third part of the
residue of his estate to his said wife during
her life. That shortly after the ~~death~~ publication
of the will aforesaid and a little before the death
of the testator one of his daughters Lucy B. Dillard
died, and within less than nine months after
the death of the testator his said wife was
delivered of a daughter who bears the name
of Sarah Richmond Dillard she being pregnant
with the said child at the time of the death
of the testator. Your complainants are advised
that under such circumstances, the devise
and legacy to ~~her~~ Lucy lapsed, and the portions

child Sarah Richmond is equally entitled
with the other three children named in the
will to wit. ~~Elyzabeth~~ Polly, Elyzabeth and Nancy
Dillard to the estate of the testator. Your complainants
further represent that some short time past
your complainant ^{Edwin} intermarried with Sally the
widow of said Richmond Dillard and they
now claim that the portion of the testator's
estate which they are entitled should be allotted to
them. They beg leave to represent that all
the before named children of Richmond Dillard
are minors, and they pray that they by some
friend to be appointed by the Court to defend
them in their behalf may be made respondents
unto and be compelled to answer all and
singular the allegations herein contained fully
and unequivocally they also pray that the
said James Dillard may be also made
a respondent unto and be compelled to answer
the allegations herein stated. They pray that
one third of the lands of the testator including
the dwelling house may be allotted to your
complainant Sally and one third
part of the slaves for her natural life and
they pray for general relief &c.

Edwin G. Hart

The joint and Liberate answers of Polly Dillard,
Elyzabeth Dillard, Nancy Dillard, and Sarah
Richmond Dillard infant children of Richmond
Dillard and by their next friend friend James
Dillard appointed by the Court to the defend
them in their behalf and of James Dillard
executor of Richmond Dillard and to the
bill of Complaint exhibited against them by
Edwin G. Hart and Sally his wife late Sally
Dillard widow and relict of Richmond
Dillard and. These respondents saving
and reserving to themselves all and every
benefit of exception to the any errors or imperfections
in the complainants bill contained for answer
therein or to so much thereof as he is advised is
unnecessary for them to answer. say. That they
believe the facts stated by the complainants
are true and they are willing to submit
to such decree in the premises as this Court
may think proper to pronounce, and having
answered they pray to be heard dismissed &c.

James Dillard was friend for
the orphans as above

Part & wife

William } In Chy.

This cause was this day docketed by consent of parties and a panel of the court and was heard on the five answers exhibit filed and the arguments of Counsel. whereupon and after due consideration thereof the court doth adjudge order and decree that Simon Munger, Lipe Parker, Henry Gardner and Willis Muzzie ^{at a panel} or any three of them do divide by proper miles and bounds one third in value of the land or of what Nathaniel Deane did seize lying in this County including the dwelling house and allot the same to the complainant Sally for and during her natural life, and that they also allot to the complainants in respect of the said Sally one third in value of the slaves of what said Nathaniel Deane did possess with their subsequent increase for and during the natural life of the said Sally. It is further decreed and ordered that the aforesaid persons or any three of them do divide the balance of the said land by proper miles and bounds having regard to value equally between the infant complainants and that they or any three of them do also divide the balance of the said slaves equally having regard to value between the infant defendants and it is ordered that they make a report to the court in order to a final decree.

Lorckhampton County to wit

Feby Court 1820

Edwin G. Hart and Sally his wife. Compts

vs

Jon Chanary

James Dillard appointed by the Court as next friend
to Mary Dillard. Elizabeth Dillard

Nanny Dillard & Sarah R Dillard. Defts

This cause came on this day docketed by consent
of parties and a part of the Court and was heard on the
bills answers exhibits filed and the agreements of Counsel
whereupon and after due consideration thereof had the
Court doth adjudge order and decree that Simon Willard
Jeph Parker Henry Gardner and Weller Murfee or
any three of them do set apart by proper miles
and bounds one third in value of the lands of
which Richmond Dillard died seised lying within
County including the dwelling house and allot the
same to the complainant Sally for and during
her natural life and that they also allot to the
complainants in right of the said Sally one third
in value of the Slaves of which said Richmond
Dillard died seised with their subsequent increase
for and during the natural life of the said Sally
and that they or any three of them also
divide the balance of the said Slaves equally having
regard to value between the infant defendants and that
they make a report to this Court in order
to a final decree

a Copy here

Ed. M. isolation Dr

Southampton Dist. court 1820

Ordered that Simon Murfee, Wm. Murfee, Henry
Garone & Liza Parker or any three of them do
appraise Richmond Dillards estate & make re-
port ~~thereof~~ to this Court they being first sworn
acc. to Law
Teste James Rochelle C.

Chart & Map
or
Hillard } in chancery.

Comm. Report

Sept 18th 1820 repl. vol. 26
ORD by Consul

L

Pursuant to an order and decree of the county court of Southampton a copy whereof is hitherto annexed, we Simon Murfee, Jeph Parker and Wills Murfee, three of the commissioners, in the said decree named, have set apart, and allotted to Sally Stark one third in value of the lands of which Richmond Willard (his late husband) died seized being in the said county of Southampton, including the dwelling houses, by the following notes and boundaries to wit.

Apply to a new corner, made in the blackdown down, near a house, on the side of the knop fence, thence N. 50. E. 20¹/₂ pole to a Persimmon tree a corner just above the Grave yard - thence N. 37. W. 16 pole to the road - thence S. 57 W. 92 pole - along the road, thence S. 9 W. 40 pole to the Cedar swamp, thence N. 74 E. 16 pole, along said swamp - thence S. 73 E. 14 pole - N. 74 E. 20 - N. 60 E. 16 pole. N. 82 E. 12 pole due east 30 pole to a corner in the run of the mill pond - thence along the knop fence aforesaid N. 34 W. 60 pole to the first station, containing 4¹/₂ Acres.

We have also allotted to Edwin B. Hart and Sally his wife, one third part in value of the Slaves of which the said Richmond Willard died seized and possessed - as follows. Viz.

Joe. Wallued	\$500-00
Hilliz and Child	400-00
Coffey	300-00
Robb	200-00
Anchor	150-00

This sum to be paid them by Botany Willard. \$54.10
 & this sum to be paid them by Nancy Willard. 12-50 60
 \$1541-00

The Balance of the said Slaves, (amounting in value to Three thousand one hundred and eighty three dollars 32¹/₂ say \$3183-32¹/₂) we have divided equally amongst the ^{four} Children, to wit. 2 to each child. to the value of \$795-81¹/₂ as follows -

To Mary Willard we have allotted -

Bridgett and Edmund - - - \$400.00

Whodessick - - - 200.00

Cash to be paid by Mary Willard \$41.66

To be paid by Sarah R. Willard - 54.17 95.83

\$795.83

To Patsy Willard we have allotted -

Daniel - - - \$350.00

Lavina - - - 200.00

Frank - - - 280.00

on his paying Edwin L. Hart \$50.00

and Sally his wife - 54.17 \$795.83

To Nancy Willard we have allotted -

John - - - \$550.00

Coffee - - - 100.00

George - - - 200.00

on her paying to E. L. Hart \$50.00

and Sally his wife - \$12.50

and to Mary Willard - 41.66 54.17 \$795.83

To Sarah R. Willard we have allotted

Clement - - - \$500.00

Mariah - - - 200.00

Alfred - - - 150.00

on his paying to Mary Willard \$50.00

54.17 \$795.83

\$3732.32

All off which we respectfully submit to the county court of
Southampton - given under our hands this 15th July 1820.

J. W. Lee
Jesse Parker
Wells Murfee

Richmond Dillards
Will

Alap
\$

I Richmond Dillard of Southampton County Virginia do make
and ordain my last will and testament in manner & form following
Vizt ^{first} I give and bequeath to my beloved wife Sally Dillard my
two bay horses, Tinker and Bullet, my riding chair & harness
with one hundred dollars in gold (now in the house) as her own
absolute property. Item All the residue, of my estate, both real
and personal, I leave to be kept and continued together as it
now stands, in the possession and occupancy of my wife
Sally Dillard, during her life in widowhood, for untill one of
my children shall have arrived to the age of twenty one years
or married, the profits arising from the said estate, to be
appropriated to the payment of my debts and the education
of my children, and the balance of said profits, if any, to be
deposited and considered, as my estate in common with the original
stock, from the marriage of my wife Sally Dillard, for on
the arrival to the age of twenty one years or marriage of
either of my children, my will & desire is that a division of my
^{share} estate, be made, in the following manner Vizt first that
there be allotted and assigned to my wife Sally Dillard, one
third part in value of my lands, including the dwelling
house, & one third part of all the residue of my estate to
be held & enjoyed by her as her dower, during her life and
the balance of my estate, both real & personal to be
equally divided amongst my four daughters Polly Dillard
Elizabeth Dillard, Nancy Dillard, and Lucy Dillard
and if in making this distribution amongst my children
my poor shall think it most advantageous to see the
land or any part thereof, they are hereby fully authorized
& empowered to do so, and the estate thus to be
distributed amongst my four daughters above named
I give to them and their heirs and assigns forever. Item
At the death of my wife Sally Dillard if that event

shall happen before her marriage, or the marriage or arrival to the age of twenty one years of either of my children. I leave the whole of my estate both real and personal, to be equally divided amongst my four above named daughters, and I give the same to them and their heirs and assigns forever, or if that event shall happen after her marriage, or that of one of my children, or the arrival of one of them to the age of twenty one years, so that the distribution contemplated by the next preceding clause, shall have taken place then in that case, the estate both real and personal, to be allotted to my said wife in lieu of her dower, shall be sold, and the proceeds of said sale, I give in equal distribution to my four daughters above named to them and their heirs and assigns forever. Lastly I hereby nominate & appoint my brother James Dillard, my worthy friend Daniel Butts the executors of this my last will and testament hereby publishing and declaring this and no other to be my true last will and testament. In testimony whereof I the said Richmond Dillard have hereunto set my hand and affixed my Seal this seventh day of April 1817.

signed, sealed, published & declared
in presence of
Jas Dorton

Nancy Andrews
Winna Perry
Jacob Darden

Richmond Dillard

At a court held for the County of Southampton on the 16th day of June 1817. This will was presented in court by James Dillard, one of the executors therein named sworn by the oaths of Nancy Andrews, Winna Perry, and Jacob Darden three of the witnesses thereto and ordered to be recorded and on the motion of the said Dillard one of the executors therein named was sworn, who made oath according to Law.

certificate is granted him for obtaining a probate thereof in due form on his giving bonds and security. Whereupon the said James Dillard with John Argueant and Jacob Darden his securities entered into bond a knowledge their bond in the penalty of thirty thousand Dollars conditioned as the law directs.

Teste
James Rochelle C.

Copy taken
Guthrie, Middleton &c