1863-010 SOUTHAMPTON COUNTY CHANCERY PAPERS

LITTLE v al

VS. LITTLE'S EXECUTORS v al

11/1863

other SURNames: Cobb, Gurley

Tillis heirs
vs. 3
Tillis Executors

Bill, answer & decree

1862 Aug. Decree to file
" Nov. amended
1863 Feby Report.
" Mar: " Confm.

To the Worshipful County Court of Southampton County in chancery sitting

Humbly complaining your orators Edward M Tittle Daniel R Cobb and Mary J Cobb his wife and John W Gurley and Anna Gurley his wife unto your worships That in the year 1868 Jesse Tittle departed this life having first duly made and published his last will and testament which has been probated in the County Court of Southampton and a copy of which is herewith filed Marked A and prayed to be taken as a part of this bill and that Littleton R Edwards and Theophilus G Tittle the executors therein named qualified as such having executed their bond according to law Your orators state further that he left Theophilus G Tittle Edward M Tittle, Daniel R Cobb and Mary J, his wife who was Tittle, John W Gurley and Anna his wife who was Tittle, his devisees and legatees, They state further that their testator after making specific devises and bequests of land, slaves, stock as directs that the slaves not specifically bequeathed should be divided equally among his four children Theophilus G. Edward M. Mary J & Anna Gurley, Your orators are advised and charge that there are no debts outstanding against the estate of their testator and they therefore ask a decree of the court for a division of all the slaves not specifically bequeathed among the aforesaid legatees in the manner directed by the will

To tender consideration whereof and inasmuch as your orators are without relief ~~in equity~~ at law and only entitled to relief in a court of equity where such matters are peculiarly cognizable They therefore pray that Littleton R Edwards executor and Theophilus

J Gillis both as executor of Jesse Gillis and in his own right be made parties defendant to this bill and compel them as full and perfect answer make to the allegations therein contained as if they had been thereunto more fully and specially interrogated and that the court would direct a division of the slaves not specifically devised according to the rights of the said parties under the will, and grant such other and general relief the premises considered as equity may dictate and the nature of this case may require and as in duty bound your complainants will ever pray &c

Thands J.G.

The joint answer of L. R. Edwards and T. G. Gillis to the bill of Edward M Gillis &als &c Thus

These defendants for answer to the said bill or as much thereof as they are advised it is material for them to answer, answering say that there is a sufficiency of assets besides the slaves for the payment of the debts and they are willing to surrender them to the legatees for a division and having fully answered pray hence to be dismissed with their costs &c

Thands for the defts

Gillis heirs
vs
Jesse Gillis executors

By consent of parties this day this cause came on to be heard on the bill, answer and general replication thereto and was argued by counsel on the hearing whereof the court doth adjudge, order and decree, that Henry Nicholson, John Cobb, Charles F Wyatt, and William Saunders who are hereby appointed special commissioners for that purpose and any three of whom may act who shall after having given reasonable notice to the parties interested proceed to divide all the slaves not specifically bequeathed by the will of Jesse Gillis dec into four equal shares and allot one share to Theophilus J Gillis, one share to Edwards M Gillis, one share to Daniel W Cobb and Mary J, his wife and one share to John W Gurley and Anna his wife, and if division be impossible in kind then the commissioners may direct so much money to be paid by the legatees to each other as shall equalize the shares in value, and the said commissioners are directed to report their proceedings to this court in order to a further decree

Settle 1°

& Copy Decree.

Settles Exors

Southampton County August Court 1862

Edward M Little. Daniel W Cobb & Mary I his wife and John W Gurley & Anna his wife

Pffs } In Chancery

against.

L R Edwards & T G Little Executors of Jesse Little dec^d and the said T. G. Little in his own right

Deffs

By consent of parties this day this cause came on to be heard on the bill. answer. general replication thereto and was argued by Counsel. On the hearing whereof the Court doth adjudge, order and decree, that William H. Nicholson, John Cobb. Charles F. Urquhart. and William Saunders, who are hereby appointed Special Commissioners for that purpose. and any three of whom may act, who shall after having given reasonable notice to the parties interested, proceed to divide all the slaves not specifically bequeathed by the will of Jesse Little dec^d into four equal shares and allot one share to Theophilus G Little one share to Edward W Little one Share to Daniel W Cobb and Mary I his wife and one share to John W Gurley and Anna his wife. and if division be impossible in kind that the Commissioners may direct so much money to be paid by the legatees to each other as shall equalize the shares in value. And the said Commissioners are directed to report their proceedings to this Court in order to a further decree.

A Copy

Teste L R Edwards Clk

Tittle's Lessee
vs 3 Defts
Tittle executors

1862 November Term

Sittle Exrs
vs
Sittle executors

Amended Decree

This day this cause came on again to be heard on the papers formerly made and was argued by counsel on the hearing whereof the court doth adjudge order and decree that Henry Nicholson, John Cobb, Charles F Urquhart, and William Saunders who are hereby appointed spicial commissioners for that purpose and any three of whom may act who shall after having given reasonable notice to the parties interested proceed to divide all the slaves not specifically bequeathed by the will of Isaac Sittle dec'd in the following manner to wit should either of the negroes which have been given specifically by the will either to T. J. Sittle, E. M. Sittle or Anna E Gurley have died between the making of the will and the division of the residue of the slaves, then the commissioners will first allot a slave or slaves of equal value to the said then youngest children in lieu of those which have died and then divide the residue into four equal shares and allot one share to Thaspilus J Sittle one share to Edward M Sittle, one share to Daniel W Cobb and Mary J. his wife and one share to John W Gurley and Anna E his wife and report to court in order to a further decree

Lees

Bittles

v. } Copy Decree

Bittles Exor.

Southampton County November Court 1862.

Littles

against

Littles Exors &c

Pltff

Defts

} In Chancery

This day this cause came on again to be heard on the papers formerly read and was argued by Counsel, On the hearing whereof, the Court doth adjudge, order and decree that Henry Nicholson, John Cobb, Charles F. Urquhart and William Saunders who are hereby appointed Special Commissioners for that purpose, and any three of whom may act, who shall after having given reasonable notice to the parties interested, proceed to divide all the Slaves not Specifically bequeathed by the will of Jesse Littles dec'd in the following manner to wit. Should either of the negroes which have been given Specifically by the will either to T. G. Little & W. Little or Anna E Gurley have died between the making of the Will and the division of the residue of the Slaves, then the Commissioners will first allot a Slave or Slaves of equal value to the said three youngest children in lieu of those which have died, and then divide the residue into four equal shares. and allot one Share to Theophilus G Little, one Share to Edward M Little one Share to Daniel W Cobb and Mary J his wife and one Share to John W Gurley and Anna E his wife - and report to Court in order to a further decree.

A Copy

Teste

R. Edwards Cl

1863 Feby 6th

Agreeably to the foregoing decree: We the Commissioners have proceeded to carry into effect its provisions and make the following as our Report

First A negro having died left by will to H G Little. The Legatees all being before us stated that that matter had been arranged among themselves and did not bring it before the Commissioners

Second We then proceeded to divide by lots all the negroes not specifically willed, as follows

Decembr 23d 1862

Lot No 1. J W Gurley

Abert valued at	$1500.
Sally	1200.
Chanty	250.
Etta	800.
Rhoda	400.
Dixa	1100.
Charles	100.
	5350.
No 3 pays to No 1	12.50
No 4 pays to No 1	25.00
	$5387.50

Lot No 2 E M Little

Frank valued at	$1200.
Jempy & 2 children Nancy & Andrew	1500.
Sarah	400.
Limerick	700.
Henry	700.
Minerva	800.
	5300.
No 4 pays to No 2	87.50
	$5387.50

Lot No 3 Danl W Cobb

Hal valued at	$1400.
Mason & 2 children Elizabeth & William	1600.
Levi	600.
Faithy	1200.
Ann	600.
	5400.
	5387.50
	12.50

Lot No 4 H G Little

Archer valued at	$1000.
Eliza & 2 children Rachel & Pealy	1400.
Patsy	300.
Peggy	800.
Manetta	800.
Richmond	700.
Patrick	500.
	5500.
	5387.50
	112.50

All of which is respectfully submitted

Wm H. Nicholson

" Jno. Cobb

" S B Gourley Comrs

Josse Littles

Will

A Copy

A

In the name of God, Amen. I Jesse Little of the County of Southampton State of Virginia, being of sound and disposing mind and memory do make and declare this to be my last Will and testament in manner and following, to wit.

1st. I give and devise to my daughter Mary J Cobb the plantation on which she now resides, it being the land I bought of Bailey Bryant and a small portion of the land I bought of William J Cobb and is bounded as follows, beginning at a Sycamore on Nottoway River and running thence a new line to a pine which was an ellow formerly for the land I bought of Bailey Bryant and the land that I bought of William J Cobb - and by the lands I bought of William J Cobb and John W Gurley, by the lands of James A Gillette and by the land that Daniel W Cobb bought of Selvy Cobb and by Henry Whitehead's land, and contains five hundred and twenty acres, more or less: also the following Slaves to wit. Isham that I bought of Joseph Parsons estate, Harrison that I bought of John W Gurley, Margaret & Louisa and their children and the future increase of said Slaves. all of which she has now in her possession, and a woman named Emmer and child which is in my possession and her future increase, all of which property I give to my said daughter Mary J Cobb and her heirs forever.

2nd. I give and devise to my son Theophilus G. Little the plantation on which I at present reside, it being the land that I bought of River Banks and the land I bought of George A.W. Newsom (except a small piece that I cut off for my son Edward M Little) and a portion of the land I bought of Bailey Bryant's estate, lying on the North side of Nottoway River and bounded as follows, Beginning at a horn beam at Nottoway River - which was line formerly for Jacob Bryant and Bailey Bryant - and running thence to a black gum in Susan Woolfrom's line. which is a corner for the tract that I bought of Jacob Bryant and for the said piece that I bought of Bailey Bryant's estate - and supposed to contain in all five hundred and nine acres more or less., also the following Slaves, to wit. the blacksmith Elijah, Eli, Harrison, Jim George, Franky and her children, and an old Woman Dianna and the future increase of said Slaves - all of which property I give to my said son Theophilus G and his heirs forever

3rd. I give and devise To my son Edward M Little the following tracts of land, to wit the tract I bought of Peter Simmons, the tract I bought of William S Williams, the tract I bought of Joseph Drewry, the tract I bought of Jacob Bryant, the tract I bought

of John W Gurley the tract I bought of William J Cobb (except a piece that I cut off for my daughter Mary J Cobb) the tract I bought of Thomas H. Urquhart and a part of the land I bought of Bailey Bryants estate lying on the North side of Nottoway River below the Indian Seine place and a small piece cut off the Newsom tract supposed to be two or three acres more or less and bounded as follows. Beginning at a maple a corner formerly for River Barker in my line and running thence a new line to a White oak, an elbow where it strikes the old line. Supposed to contain in all the said tracts Eight hundred acres more or less. also the following slaves to wit. Little Davy, the blacksmith, Davy, that I bought of Edmund Holcomb, Nat, Ephraim, Gilbert and Caroline and her five youngest children Viz. Amanda, Martha, Clarissy, Spratley, Roberta and Lucy and an old man Jerry, and the future increase of said slaves, and one horse of the value of one hundred and fifty dollars, all the bricks and sawed timber remaining on the plantation. all of which property I give to my said Son Edward M and his heirs forever.

4th I give and devise to my daughter Ann E Gurley the plantation on which I formerly lived (except one acre at and including the family burying ground) supposed to contain Two hundred and seventy five acres more or less - also negro man Tom that I bought of Sampson Littles estate now in her possession. and also the following negroes to wit, Tom that I bought of John M Gurley, Cain, Dick, Matilda and her children and their future increase and one hundred barrels corn. all of which property I give to my said daughter Anna E and her heirs forever.

5th Should either or any of the negroes which I have given to my three youngest children and which are now in my possession die before those to whom they are given get in possession of them I desire that the places of those dying be supplied with other negroes of equal value.

6th I desire that my cider casks, stills, presses &c. be equally divided between my two Sons Theophilus G. Edward M Littles & my daughter Anna E. I also give to my said two Sons Theophilus G & Edward M each one hundred barrels of corn, one yoke of oxen and one good bed and furniture. all to be of their own choice. I desire that the out hogs on the different plantations remain as they are and belong to those to whom the plantation on which they are, are given.

I desire that the balance of my negroes not hereinbefore given away be equally divided among my children or their descendants. I further more desire that all the balance of chattel estate be sold and after my just debts are paid the balance of the money equally divided among my surviving children.

I desire that the negroes which my Son Edward M Littles shall be entitled to at my death be settled on the plantation I have herein before given him and that he shall have the management of all of his property, without any guardian.

I nominate constitute and appoint Littleton R Edwards and my Son Theophilus G Littles Executors of this my last Will and testament and do hereby revoke and declare void all other wills or testaments by me heretofore made. In testimony whereof I have hereunto set my hand and affixed my Seal this 7th day of February one thousand eight hundred and fifty nine.

Jesse Littles (Seal)

Signed Sealed published and declared by the testator Jesse Littles as and for his last will and testament in the presence of us, who in his presence and at his request and in the presence of each other have hereunto Subscribed our names as witnesses.

Henry S Howard
Wm W Briggs.

At a Court held for the County of Southampton on the 21st day of July 1862.
This last will and testament of Jesse Littles dec'd was proved according to law by the oath of Wm W Briggs one of the subscribing witnesses thereto and continued for further proof.
And at a Court held for the said County on the 18th day of August 1862 the said last Will and testament was proved according to law by the oath of Henry S Howard one of the subscribing witnesses thereto and the said Will having been proved by the oath of Wm W Briggs the other subscribing witness thereto at the last term of this Court is ordered to be recorded. And on the motion of Littleton R Edwards and Theophilus G Littles the Executors therein named who made oath and together with John W Gurley, Daniel W Cobb and Edward M Littles their securities (who were justified on oath as to their sufficiency) entered into and acknowledged a bond in the penalty of Seventy thousand dollars conditioned according to law. Certificate is granted the said Littleton R Edwards and Theophilus G Littles for obtaining a probat of the said Will in due form

Teste
L R Edwards clk

A Copy
Teste L R Edwards clk