1863-017 SOUTHAMPTON COUNTY CHANCERY PAPERS

WILLS vs. WILLS et al

6/1863

other surnames: Charles, Davis, Moore, Berry, Parker, Langston

509.

Wells

v

Bill. ans. &c

Wells &c

1862 Dec. Decree as filed

1863 May. Report.

June. Report confd

To the worshipful County Court of
Southampton County

In Chancery

Humbly complaining sheweth unto your worships your complainant Thos N Wills that a short time since his father James Wills died after having made his last will & testament which was duly admitted to probate at the November Term 1860 of this Court a copy of which is herewith filed marked (A) and prayed to be taken as a part of this bill - That he left a widow Edith Wills and the following children to wit James, your complainant Polly who intermarried with Lewis Charles Louisa who intermarried with Littleton Davis Virginia who intermarried with Thompson Moore Susan who intermarried with Benny Tally who intermarried with Godwin Parker Stella Lampton infant of Henrietta Lampton formerly Wills That the said widow has renounced the provision made for her by the will and now claims her dower in the land & such part of the personal estate as she is entitled to by law

and that it would be to the interest of all
parties that the same should be allotted
to her and that the remainder of the
slaves should then be divided among
the children & grand children of the testator
according to his said will
In tender consideration of all which
and to the end therefore that justice
may be done the prayer thereof - James
Wilkes. Green Wilkes, Edith Wilkes, Letitia
Charles & Polly his wife Littleton Davis & Louisa
his wife Wm P Moore & Virginia his wife Benj
& Susan his wife, Lorain Parker & Sally his
wife & Stella Langston may be severally defendants
to this bill & answer the allegations thereof
that some fit & proper person may be ap-
pointed guardian ad litem to the infant
defts and that the said widows may be
allotted her dower &c and that the Court
will grant process issuing in the premises
and as in duty bound the said
pray &c

Chancellor & Mayo for Plff

The answer of Letitia Charles & Polly his wife
Littleton Davis & Louisa his wife Wm P Moore &
Virginia his wife Benj & Susan his wife
Lorain Parker & Sally his wife, Edith, James,
Green & Thomas Wilkes to the above
bill of complaint -

These defts saving & reserving &c for
answer to the said bill say that they
have no objection to granting the
prayer of the bill & pray same may be
dismissed &c C & M for Defts

The answer of L N Edwards guardian
ad litem to the infant Defendants
Stella Langston to the above bill
of complaint. This Deft saving & reserving
&c for answer to the said bill says he has
no objection to granting the prayer of the
bill & prays same may be dismissed &c.
C & M for Deft

Wilkes
as
Wilkes } Bill

This day this cause came on to be
heard by consent on the bill answers
and exhibits and was argued by counsel
on consideration whereof the Court doth
appoint and decree that Mathew
Langston James Langston and John
Moore who are hereby appointed special
commissioners for that purpose proceed

to allot to Edith Wilkes the widow of James Wilkes dec one third part in value of the lands of which the said James Wilkes died seized as her dower, and that they also allot to her one third of the stores of which he died seized having regard to value as her distributive share of the estate and leave is reserved for the Plaintiff to apply to this Court for further relief

Wells

Wells & Co. Drew

Wells

Southampton County Court December Term 1862

Thomas R Wills Pltff

against

Jethro, Charles & Polly his wife, Littleton Davis & Louisa his wife
Wm P. Moore and Virginia his wife Berry and
Susan his wife. Godwin Parker & Sally his wife. Edith, James,
Irwin & Thomas Wills Defts

In Chancery.

This day this cause came on to be heard by consent on the bill, answers and exhibit and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree, that Matthew Vaughan, James Vaughan and John Moore, who are hereby appointed Special Commissioners for that purpose proceed to allot to Edith Wills the widow of James Wills dec'd one third part in value of the lands of which the said James Wills died seized as her dower, and that they also allot to her one third of the slaves of which he died seized, having regard to value as her distributive share of the same and leave is reserved for the pltff to apply to this Court for further relief.

A Copy

Test

D R Edwards Clk

Jan. 3 1863 We the undersigned Commissioners have allotted to Edith Wills in accordance to the above decree the slaves Jacob & Agnes and report specially that among the slaves of which James Wills died seized & possessed to the Complts of which we have taken no account in the division, we also allot to her as her dower in the real estate the homestead on which she now lives during the same according to metes & bounds as directed to be by the will of the said Jas Wills which we also return is all of which is respectfully submitted to the worshipful County Court of Southampton County

John Moore
James Vaughan
M. Vaughan

Will of

James Wills

Wills

&c } Ex: with bill .. A.

Wills

In the name of God Amen. I James Wills of the County of Southampton and State of Virginia do ordain constitute and appoint this my last will and testament in manner and form following.

Item 1st To my son James W Wills I give and devise the tract of land known as the Lawrence Tract containing about four hundred acres to him and his heirs forever.

Item 2d To my son Irwin C Wills I give and devise that part of my land lying on Nottoway river known as the Briggs and Barrett land containing about four hundred acres and divided from the homestead or old place by a line recently chopped by myself, to him and his heirs forever.

Item 3d To my wife Edith Wills I give and devise that part of my land known as the homestead or old place to have and to hold during her life or widowhood and after her death or marriage then I give and devise the said homestead or old place to my son Thomas R Wills to him and his heirs forever.

Item 4th To my wife Edith Wills I give and bequeath my slaves Jacob. Ben. Agnes. and Winney to have and to hold during her life or widowhood, and after her death or marriage then I give and bequeath the said Slaves to be equally divided among all my children.

Item 5th I give and bequeath the remainder of my slaves to be equally divided among all my children, no regard being had in such division to any advancements which I may heretofore have made to either of my said children in slaves or money, it not being my intention that such advancement shall be brought into hotch pot or accounted for in the division of any part of my estate

Item 6th I desire my executor hereinafter named to sell all the balance of my chattel estate.

Item 7th I give and bequeath to my wife Edith Wills one third of the proceeds of the sale of my chattel estate and one third of my moneyed estate to have and to hold during her life or widowhood and after her death or marriage I give and

bequeath the same to be equally divided among all my children
Item 8th I give and bequeath the other two thirds of the proceeds of the sale of my chattel estate, and of my moneyed estate to be equally divided among all my children
Item 9th I hereby nominate and appoint Edward W Massenburg the Executor of this my last will and testament hereby revoking all other and former wills and testaments by me heretofore made
Item 10th I give and bequeath to my Sons Irvin C and Thomas R Wills the debt due me from the Nottoway Saw mill company for timber cut off the lands given them under 2d and 3d Clauses of this will to be divided between them in the same proportion that the timber has been cut from the lands given to each, and should I collect the said debt or any part of it then I desire my Executor to divide the amount so collected in the proportion aforesaid between my said Sons Irvin C and Thomas R before any of my moneyed estate is divided under the 7th and 8th Clauses
Item 11th I give and bequeath my Stills to my three Sons James H. Irvin C and Thomas R, the said Stills to remain where they are and to be jointly and equally used by all three
Item 12th I give and bequeath to my three Sons and to my wife one bed each
In Witness whereof I hereunto Sign my name and affixe my seal this day of 1854.

In the presence of:

James Wills (Seal)
J A Seoggins (Seal)
Joshua Crumpler (Seal)
Edwin Daughtrey (Seal)

At a Court held for the County of Southampton on the 17 day of November 1862
The last Will and testament of James Wills dec was this day proved by the oaths of J.A. Seoggins, Joshua Crumpler and Edwin Daughtrey the Subscribing witnesses thereto and thereupon ordered to be recorded, and on the motion of Edward W Massenburg the executor therein named who made oath and together with James D Massenburg & William H Cobb his Securities (who justified on oath as to their sufficiency) entered into and acknowledged a bond in the penalty of twenty five thousand dollars conditioned according to law, Certificate is granted him for obtaining a probat of the said will in due form.

Teste

J R Edwards Clk

A Copy Teste.

J R Edwards Clk