1863-019 SOUTHAMPTON COUNTY CHANCERY PAPERS

RIDLEY'S EXECUTOR, &c. VS. URQUHART, &c. 11/1863

Ridley, Executors

Bill, answers & Decree

Augustus

Bill. answer & filed &.

1860 Nov. Decree as filed

To the Hon. Judges of the Circuit Court of the County of Southampton — In Chancery

Humbly complaining sheweth your complainant Robt Ridley a minor by Thomas Ridley his next friend Thomas Ridley executor of Robert Ridley dec'd, that in the year 1855, Ann Eliza Ridley widow of Robert Ridley intermarried with William Urquhart of said County, and died on the 22d day of February in the year 1862 — that after the marriage of the said parties as above stated, one fourth of the property belonging to the estate of the said Robert Ridley was allotted and assigned to the said Ann Eliza, wife of William Urquhart, to be held by her during her life, as dower, pursuant to the will of the said Robert Ridley — all of which will appear from certified copies of the will of said Ridley, and the proceedings of the County Court of Southampton County, herewith filed as parts of this bill — Your complainant further states that it will appear from the report of the Commissioner in the proceedings of the County Court aforesaid, that the property assigned by the said William Urquhart and his wife, consisted in part of part 2, valued at $800 — Corn, valued at $939.25 and blacksmith tools, valued at $287.25, the whole of which was consumed in the use of the same; and also of horses, cattle, sheep, hogs and farming implements and plantation tools, all of which are specified, and portions of which have been lost, consumed or sold by the said Urquhart — Your Complainant is advised that he has the right to demand of the said William Urquhart, Mary F. Ridley, Norflut B. Ridley and Sally Ridley the return of all the aforesaid property assigned by him and his wife as above stated, or compensation for such as cannot be returned, except such as may have been lost without neglect on his part — In consideration of the facts hereinbefore stated, Your complainant prays that the said William Urquhart, Mary F. Ridley, Norflut B. Ridley and Sally Ridley may be made defendants to this bill that they may answer the same — and that your Honor will direct a commission of this Court to take all necessary accounts and grant them such other and general relief in equity and

and justice requires - And he will as in duty bound, ever pray &c

R. S. Gordon p.q.

To the Hon. Judge of the Circuit Court of the County of Southampton - In Chancery -

The answer of William Urquhart in this cause to a bill exhibited against him by Thomas Ridley Executor of Robert Ridley dec'd -

This respondent having and reserving &c - in answer to said bill says - that the facts stated in the bill are true - and that he is ready to return all the property received by him and his wife Anne Eliza from the estate of Robert Ridley dec'd, which is in his possession, and to make just compensation for such as is not in his possession as the law requires - But this respondent denies that he is under any obligation to return or make compensation for such of said property as may have been consumed in the use of it, or may have been lost or worn out in the use, and submits the matter to the decision of the Court - This respondent is ready to render any accounts in relation to said property, which may be required by the Court - And having answered prays hence to be dismissed the Court with costs &c -

William Urquhart for himself and as guardian ad litem for Mary L. Norfleet & said Sally Ridley

Southampton County, to wit -

This day personally appeared before me, a Justice of the peace of the County aforesaid, William Urquhart, who made oath that the facts stated in the above answer, are true to the best of his knowledge and belief - Given under my hand this 8 day of November in the year 1862 -

Benj. E. Worrell J.P.

Ridley, Executor &c
to
Urquhart &c

Decree -

This day this cause was docketed into the Court and by consent of parties, and came on to be heard upon the bill and answer of the defendant, and exhibits filed, and was argued by counsel. Upon consideration whereof, the Court by consent of parties doth appoint William M. Cobb who is duly appointed a Commissioner of this Court, to take the following accounts to wit - 1st an account showing what portion of the property received by the defendant Urquhart and his wife Anne Eliza, from the estate of Robert Ridley dec'd is now in his possession - 2d an account showing what portion of said property was consumed by the use of it - 3d an account showing what portion of said property has been lost or destroyed by the parties in possession and if any, whether lost or destroyed by the gross negligence of the said parties - 4th an account showing what portion of said property has been sold by the said parties in possession - which said several accounts said Commissioner is directed to audit, state and report to Court, together with any matters deemed pertinent by himself to be specially stated, or which may be required to be so stated by either of the parties -

Nov. 10. 1862

To be Entered

Richd. H. Baker

Bidding Executors
to Z Lucas
Assignment to others

To be Entered
R. H. Baker
Nov. 20. 1863.

Ridley's Exrs &c
v. } Decree
Urquhart &c

This day this cause came on again to be heard on the papers formerly read and on the report of Comr Cobb, made pursuant to the order of Novembr term 1862, filed during the term, and to which there are no exceptions, and was argued by Counsel - On consideration whereof, the Court doth adjudge, order and decree, that said report be confirmed, and that the defendant William Urquhart pay to Thomas Ridley Exr of Robt Ridley, the sum of $172.00 with Int from the 22d Febry 1862 ~~together with the costs of this suit~~ & it is further ordered that the plff Thos. Ridley out of the assets of his testator pay one half of the costs, & that the ~~complt~~ plff & defendants pay the other half of the costs of this suit -

Riolayo 24 in
re 3
Urquhart &

Commissioners Report.

1863 Nov.

Commissioners office, April 10th 1863

In obedience to a decree of the Circuit Court of Southampton County rendered at Nov. term 1862 in the suit of Ridley's Exor vs Urquhart & the undersigned appointed a special Commissioner for the purpose begs leave to submit to the Court the following accounts required by said decree.

1st An account of the property received by the defendant Urquhart and his wife, and which has been returned to Thomas Ridley Exor of Robert Ridley decd since the death of the defendants wife. All of the slaves received by the defendant have been returned as aforesaid with the exception of one boy who died from disease. The following horses have also been returned, viz. Patty Cary, Tom & Juliet - The following property has also been returned which was in the possession of the defendant at the date of the decree - Viz. 5 Cows, 5 Shoats, 3 sows, 3 Spinning Wheels, 1 Loom, One Wagon, 1 Horse Cart, 2 Ox-Carts, 2 log-chains, 2 Horse-turn ploughs, 7 single turn plows, 7 trace plows, 10 plow hoes, 8 Coulters, 8 grubhoes, 6 Hilling hoes, 12 weeding hoes, 1 pair of Iron Wedges, 3 augurs, 2 plows, hatchet, saw, Hammer, draw-knife, 1 grindstone and 5 oxen.

2nd An account showing what property has been consumed by the use of it.

10,000 lbs of Pork valued at $8.00 per hundred.
289 Barrels of Corn " " $3.25 per barrel
28.725 lbs of blade fodder " " $1.00 per hundred
65 Shoats valued at $2.50 each,
4 Rawhides valued at $2.00; 6 axes, Sawyers' tools, 16 plough hoes, 4 Iron Wedges, 2 spades and 1 plow have been worn out by the use.

3d - An account showing what portion of said property has been lost or destroyed by the parties and if any whether lost or destroyed by the gross negligence of the said parties.

The Commissioner reports that no property has been lost or destroyed by the gross negligence of the parties.

but that they managed it with great attention and care. He reports that the defendant fattened 5 oxen too old for use which were valued at the time at $10. each, and that he fattened also 2 sheep valued at $1.50 each. That all of the cows, oxen, horses and sheep which were received by the defendant, and which have not been returned to Thomas Ridley Exr or as aforesaid, died without any account of attention on the part of the defendants.

4th An account shewing what portion of said property has been sold by the defendant.

The Commissioner reports the following as the property sold by the defendant. Viz.

John,	bay horse	sold in	1860	for	$25.
Dick,	Mare	sold "	"	for	$10.
Charles,	"	" "	"	"	$10.
Blaze,	"	" "	"	"	$47.
Beck,	"	" "	"	"	$40.
Buggy & Harness		sold for			$40.
Total amount of property sold —					$172.

The Commissioner further reports that the defendant has returned all of the property which was in his possession at the death of his wife, to Thomas Ridley Exr of Robert Ridley dec'd — as stated in the first account.

Respectfully Submitted
Wm. W. Cobb Comm'r

Comms fee $
charged to Plff.

I, Robert Ridley of the County of Southampton make and publish the following as my last will and Testament, Towit:

Item 1st. I give to my wife Ann Eliza Ridley my carriage, harness and match of horses recently purchased together with my household and kitchen furniture of every description with the exception of the beds and silver plate to her and her heirs forever. All my beds and silver plate I loan to my wife until my children respectively arrive at the age of twenty one or marry. on which event, I desire each one of them to receive one fifth part. On the death of my wife, the remaining fifth part of the beds and plate, I give to my children to be equally divided between them. I also give to my wife in fee simple the bond which I hold against her father John N. Blunt.

Item 2d I give to my son Robert in fee simple my gold watch and my gun known as the old "Irish gun" Should he arrive to the age of twenty one. Should he die before arriving at that age I give the said watch and gun to my son Hayflett B Ridley. I also give to my son Hayflett my patent breech gun formerly owned by my brother William Ridley.

Item 3d. I desire that my whole estate including land, negroes, stock, and farming implements should be kept together and managed by my executor hereinafter to be named in the same manner as if I were living. After paying all necessary expenses of the farms, and also for the support and maintenance of my wife and children, I give unto my wife in fee simple, one fifth part of the annual income and profits of my estate remaining, - the annual income and profits before named are such as come from the sale of produce and are not intended to include the increase in the classes of stock of any description; and under the head of "support and maintenance" abovenamed it is my intention not to include articles of clothing for my wife and children, nor the expense of educating the latter. The balance of the annual income and profits of my estate, I give to my children to be equally divided among them for the purpose of clothing and educating them.

Item 4th. Should my wife marry or at any time become dissatisfied with the provision made for her in the clause next above, I give to her in lieu thereof, one fourth part of my whole estate during her life to be held as dower and the remaining three fourths to my children to be divided equally among them: at the death of my wife the portion herein given to her for life is also to be equally divided among my children.

Item 5th Should my wife remain single and continue satisfied with the provision first herein before made for her it is my will and desire that my children respectively as they marry or arrive at the age of twenty one years shall have an equal portion of my whole estate not herein otherwise disposed of assigned and allotted to them. And if in any event my wife should receive the one fourth of my estate as above mentioned it is my will and desire that the remaining three fourths shall be kept together for the benefit of my children and an equal portion of the same assigned and allotted to them respectively as they marry or arrive at the age of twenty one years.

Item 6th The whole of my monied estate including debts now due me and money in my possession after the payment of all my debts out of the same, I desire to be invested and some profitable stock or good security, as a fund especially for the education of my children, should the same be necessary for that purpose, and it is my desire should it become necessary, that not only the interest but also the principle of said fund be devoted to that purpose. But no part of the said fund is to be used unless the portion of the annual income of my estate herein before given to my children shall prove insufficient for their proper education after defraying their other necessary expenses. after all my children shall have been properly educated, I give the above named fund or whatever remains to be equally divided among them.

Item 7th Should any of my children die before marriage or arrival to the age of twenty one years, I desire the portion of such dying to be equally divided among the survivors or survivor.

Item 8th. If all my children die before marriage or arrival at the age of twenty one years and my wife should be then living I desire my whole estate to be divided into two equal parts, and I give one part to her and the other to the children of my brother Thomas Ridley in fee simple. But Should my wife be dead in the event before named I give the whole of my estate to the children of my brother Thomas to be equally divided among them.

Item 9th Lastly I request that my brother Thomas Ridley will qualify as my executor to this my last will and testament. Under my hand and seal this 3d July 1852.

Robt. Ridley (Seal)

Signed, Sealed and delivered
in presence of
William S. Goodwyn.
L. R. Edwards
Jas. Johnson.

At a Court held for the County of Southampton the 16th day of August 1852. This last Will and Testament of Robt Ridley dec'd, was this day proved by the oaths of William S. Goodwyn and L. R. Edwards Two of the subscribing witnesses thereto and ordered to be recorded. And on the motion of Thomas Ridley the executor therein named who made oath and entered into and acknowledged bond as the law directs, Certificate is granted him for obtaining a probat of the said will in due form.

Test.

L. R. Edwards, C.C.

A Copy,

Test,

Henry A. Howard, D.C.

Urquhart ffolliott

v. } Copy Decree & Rep.

Ridleys Exors. &c

Southampton County Court December 17th 1855.

William Urquhart & his wife Ann Eliza Pffs } In Chancery

against

Thomas Ridley Exor. of Robert Ridley dec'd & others. Defts.

This day this cause was docketed by leave of Court and with consent of parties and came on to be heard with like consent, on the bill and exhibit, answer of the defendant Thomas Ridley Exor. of Robert Ridley and answer of the infant defendants by Thomas Ridley their guardian ad litem, and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that Samuel Drewry, James Drewry, Ben: E Pope, James E Peters, Joseph H. Barham, Henry H Butts & Joshua Pretlow, any five of whom may act, be and they are hereby appointed Commissioners of Court. That said Commissioners as soon as practicable proceed to divide the real estate, slaves and other personal property consisting of stock of hogs, horses, cattle and sheep, corn & fodder and farming implements, belonging to the estate of Robert Ridley dec'd into four equal parts, having regard to value, and assign by lot or ballot one of said parts to the said William Urquhart and his wife Ann Eliza to be held by them for and during the lifetime of the said Ann Eliza as dower, and that said Commissioners report their proceedings to Court, with any matters specially stated deemed necessary by them or required to be so stated by either of the parties.

A Copy -

Teste. P R Edwards CC

In obedience of the annexed decree we Samuel Drewry, Jas E Peters, Jos H. Bahan, Henry H Butts & Joshua Pretlow Commissioners appointed for that purpose proceeded to value the estate of Robt Ridley dec'd and divide the same as directed -

Names and valuation of Slaves.

Billy Sugars	300	Louisa	550
Minerva, Peter, Billy, Cloe, Joe	1100	Willis & Hannah	350
Mill John	300	Jack Blow	900
Chevy & Sandy	600	Dizza, Malinda, & Margarett	1000
Roderick	150	Elijah Branch	1000
Herbert	625	Giles.	225
Peter	800	Cloe	100
Aaron	150	Creek Sam	600
Cynthia & Andrew	600	Aire, Ephraim, Lydia	1000
Gilbert	400	Austin	300
Peggy	300	David Harper	800.
Orris	1000	Cain (Even)	—
Creek Jack	800	Etheldred Gholson	650
Patience, Bird, Susan & Rachel	1200	Sam Boykin	1000
Nancy Spark	1000	Richard Blow	1000
Hannah, Mason, & Robert	500	Ginny & Miles	900
Ziba	1000	Anthony	1100
Narcissa & Junius	1000	Wyatt	800
Wilson	1000	Mansfield	850
Tom Jones	1100	Martha, Julia Laura	900
Charles Black	1000	Charles Doyle	1100
Moses Jones	700	Betsey	700
Allen Shakespere	200	Washington	900
Harry Martin	1000	Ben	1100
Miles Sykes	800	Augustus.	750
Sarah, Matilda & Emma	950	Frank	950
Hall Blunt	500	Jacob Taylor	1000
Nelly, Susan, Jim & Mary	1200	Howel Jones	1000
Fanny	400	Claiborn	1000
	℔ 20675		℔ 43200

Amt forwarded	℔ 43200
Crick Henry	1000
Angus. Blow	950
William Turner	700
Ruffin	700
Hartwell Wyche	725
Little Aaron	700
Albert Jones	600
Henry Blow	650
William Sykes	500
Frank Westbrook	600
Charles Blow	650
Cooper Turner	500
Solomon Joiner	500
James Robert	400
Jesse Wyche	600
Pleasant John & Edwin	1100
Amy	50
Critty	500
Irena. old woman. even -	-
Sylla, Ritta, Nathan, Mariah and Abel	1800
Harriet, Peter, & Albert	1000
Hagar, Willis, Susan, Annie & Adeline	1200
Lame Sally. even -	-
Patsey	800
Lucy	750
Morgiana	775
Violet, Ephraim, Nannie, Linda & Minny	1500
Arie & Lucy (Vicks)	500
Elizabeth	600
Venus & Maria	775
Chana	650
Isabel & Stephen Archer	875
	65.850

Amt	65.850
Annice. old Woman even.	
Minerva, Rose, Phillis and Britton	1000
Henrietta	600
Eliza	600
John Brown	1225
Mason	500
Dilsey	700
Mary, Malvina, Molly an.	1000
Sally Belmont	700
Maggie	350
Charity	700
Aggie, Dizza, Moses and John Henry	1200
	℔ 74425
Abel old man less	150
Whole valuation	℔ 74275

We divided the slaves into four lots of nearly equal value and William Urquhart drew 1st lot No 3 as follows.

Aaron	150
Cynthia & Andrew	600
Gilbert	400
Solomon	500
Peggy	300
Miles Sykes	800
Sarah, Matilda, Emma	950
James Robert	400
William	500
Maria, Rose, Phillis and Britton	1000
Cooper Turner	500
	6100
Amount forwarded	6100
Pleasant, John & Edwin	1100
Mansfield	850

Martha, Julia & Laura	900
Anthony	1100
Giles	325
Clos	100
Wilson	1000
Sam Boykin	1000
Jacob Taylor	1000
Angus	950
Little Aaron	700
Moses	700
Venus & Mariah	775
Charity	700
Maggie	350
	$ 17650

Amt forwarded	17650
Willis & Hannah	350
Albert Jones	600
Amice & Kid Woman over	—
$	18600

41 Slaves valued at Eighteen thousand six hundred dollars, which is $31.25 over one fourth of whole value.

Valuation of Lands as follows.

Rock Spring	996	acres at	$4.80	$ 4780.80
Belmont	1959	do	5.40	10578.60
Creek Quarter	2007	do	3.70	7425.90
Goodwyn Tract	1204	do	5.20	6260.80
Mill				500.00
			$ ¼	29546.10
			$	7386.52½

After valuing the different tracts of land we were of the opinion that we could not put them into four equal lots without injury to the estate, We therefore by the consent of Cole Thomas Ridley and Mr Williams Urquhart assigned to Williams Urquhart and Ann Eliza his wife a part of the Creek quarter called Pettways containing 370 acres at $3.70. $1369.00

The Goodwyn tract containing 1204 acres @ $5.20. $6260.80

deduct the field from the Goodwyn tract formerly belonging to the Newsom tract, supposed to contain 50 acres at $5.20 260.00

6000.00

$ 7369.80

The land assigned to Williams Urquhart & Ann Eliza his wife is valued at Seven thousand three hundred and Sixty nine 80/100 Dollars which is $16.72½ less than One fourth of the whole value of said lands.

Horses and Mules.

Polly blk mare	125
Amos, Gray horse	150
Locket, Gray mare	35
Crocket blind mule	25
Ginny Lind gray mare	60
Cynthia blind mule	50
Dangerfield	60
John bay horse	100
Dick mule at Grizzards	150
Jim blk horse	5
Dick, horse	75
Will Ga	25
Tom mule at Grizzards	120
Nick " do	50
Brown " do	175
Dolly " do	175
McGlamre mule	50
Blaze, Belmont	50
Dick at Vicks	160
Rhoda " do	140
Rock " do	140
Charles " do	140
Bob " do	150
Cain " Horse	140
Bill " do	140
Crank " do	125
Charles " do horse	75
Dick " Belmont Mule	50
Rock " do	62
Dew	5
Rose mule Belmont	150
Bob " do	170
Tom	5

Fox Gray horse	50
John Colt,	125
Tom Mule	150
Juliet do	150
Monroe do	150
Colt	50
Whole value $ ¼	3807.00
	951.75

We divided the horses and mules into 4 lots

Mr Urquhart drew lot No 4 containing

John bay horse	100
Charles mule	75
Locket bay mare	35
Patty Cary Colt.	50
Dick mule Vicks	160
Tom do Belmont	150
Juliet " do	150
Charles " Vicks	140
Blaze " Belmont	50
Dick " do	50
$	960

Which is $8.25 over ¼ of whole value of Horses and mules.

27 Oxen			625	00	Amount forwarded		$ 2744	00
16 young Steers	@	12.50	200	00	6 Axes	50	3	00
44 Cows	.	9.00	396	00	1 Buggy harness		40	00
32 yearlings	.	4.00	128	00	Waggon harness		15	00
112 Sheep	.	1.50	168	00	4 Raw hides	2.00	8	-
40.000 lbs Pork	.	8.00	3200	00	3 Spinning Wheels	1.00	3	
38 Sows & 159 pigs			273	00	1 Loom &c		2	50
78 . without pigs	.	5.00	390	00	One 4 horse Waggon &c		50	
262 Shoats	.	2.50	655	00	1 horse Cart		10	
1156 barrels Corn	.	3.25	3468	-	2 Ox carts		20	
114.900 lbs blade fodder	.	1.00	1149	-	2 lock Chains		3	
Yards tops fodder	@	1/.			2 - 2 horse turn plows		12	
5 Waggons			265	-	7 . 1 do &c	1.25	8	75
12 Carts			115	-	7 Truck plows with gear		10	50
6 Stills			445	-	21 plow hoes	50	10	50
Stands . apple mill &c			162	-	8 Coulters	2/3	3	-
Farming implements and plantation tools			488	36	8 Grub hoes	50	4	
					6 Chilling hoes	1/.	1	
		$	12127	36	12 Weeding hoes	1/.	2	
Of the above property William Urquhart					5 Iron Wedges	75	3	75
Credits					3 Augers. 2 planes. hatchet Saw		1	50
7 Oxen	at		155	-	1 hammer & draw knife			50
4 young Steers	.	12.50	50		1 Grind stone		1	50
11 Cows	.	9.00	99		2 Spades	75	1	50
8 yearlings	.	4.00	32		1 Iron			50
28 Sheep	.	1.50	42					
10.000 lbs pork	.	8.00	800			$	2959	50
9 Sows & 40 pigs			67					
20 Sows without pigs	.	5.00	100					
65 Shoats	.	2.50	162	50				
289 lbs Corn	.	3.25	939	25				
28725 blade fodder	@	1¢	287	25				
Sawyers tools			10	00				
Carried up		$	2744	00				

The valuation of the Estate of Robt Ridley dec'd is as follows

Slaves	$ 74275. 00	William Urquhart Rec'd	
Lands & Mill	29546. 00	In Slaves	$ 18600. -
Horses & Mules	3905. 00	" Land	7369-80
all other property	12127 36	" Horses & Mules	960. -
Whole value	$ 119753. 16.	" Other property	2959. 50
			$ 29889. 30

Respectfully Submitted

Jas. E Peters
H. M. Butts
Joseph H. Barham
Saml Drewry
Joshua Pretlow
Commissioners

Feby 1856.

Southampton County Court April 21st 1856.

Urquhart & Wife
against
Ridleys Exor &c

Pltff
Defts
} In Chancery

This day this cause came on again to be heard on the papers formerly read. together with the report of the Commissioners made pursuant to the decree of the 17th December 1855. to which there is no exception. and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that said report be confirmed, and that the parties in this cause pay the costs of this suit in equal proportions.

Copy
Teste. J R. Edwards Cc