

1871-71

SOUTHAMPTON COUNTY
CHANCERY PAPERS

CLAUD

VS

CLAUD

3/1871

Clance

is 3 Bill. and
Clance

1857 Nov. Deceased
#

1871 Mar. Removed from the
Docket.

To the Worshipful County Court of Southampton in
Chancery sitting

Humly complaining your orator Joshua Bland sheweth unto your worships that sometime in the year Joseph Bland your Orator's father departed this life having first duly made and published his last will and testament (a copy of which is herewith filed marked A and prayed to be taken as a part of this bill) by one of the clauses of his will after having provided for his wife by his will he gave to your orator Joshua Bland and to Cornelius Bland who is now an infant certain lands therein mentioned at the death or marriage of his widow and in the event of her renouncing the provision made for ^{him} by the will then they were to take them subject to her dower, all of which will more fully appear by reference to the said will, Mrs Bland the widow renounced the will and was endowd

Your Orator states further that the lands devised to him and his brother Cornelius have up to this time been held in coparcenary, but that he has now reached the age of twenty one years, and being desirous of settling permanently in life he desires that this court would direct a division of the lands now held jointly by him and his brother

In tender consideration whereof and inasmuch as your orator is without remedy at law and only entitled to relief in a court of equity he therefore humbly prays that Cornelius Bland who is an infant may by some fit and proper person his guardian or tutor appointed for that purpose be made a party defendant to this bill and compel him as full and perfect answer make to the allegations therein contained as if he had been himself more fully and especially interrogated, that this court would decree a partition and division of the land now held in coparcenary between them 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 orator will ever pray &c

Shall J. 9.

The answer of Cornelius Bland by Joseph B Bland his
guardian ad litem to a bill in chancery in the county
court of Southampton by Joshua Bland or him

This defendant for answer to the said bill or as
much thereof as he is advised it is material for him to answer
answering says, that he has no objection to the prayer of the
plaintiffs bill, and places the interests of his ward under the
care of this court whose guardian duty it is to protect the rights
of infants and having fully answered prayer humbly to be
dismissed with his costs &c

Charles J. St.

Bland

vs 3 Deem

Bland

By consent of parties this day this cause came
on to be heard on the bill and exhibit therewith filed the
answer of the infant defendant by his guardian ad litem
general replication thereto and was argued by counsel, on the
consideration whereof the court doth adjudge order and
decree, That Wm a Jones, James Downy, James Parsons,
Wm Francis and Joseph St James who are hereby appointed
commissioners for the purpose, and any three of whom may
act, having been first duly ^{sworn} sworn to lay off and divide all
the lands devised by Joseph Bland to his two sons Joshua
and Cornelius Bland into two equal parts having regard to
quality and quantity, and allot one part to Joshua Bland
and the other to Cornelius Bland, and if the said commissioners
find it necessary they may call in a surveyor in order to effect
an equal allotment, and the said commissioners are further
directed to report their proceedings to this court in order to
a further decree

In the name of God. Amen I Joseph I Bland of the County of South-
ampton in the State of Virginia of sound and disposing mind and memory, do
make and constitute this as and for my last Will and Testament.

In premises. After the payment of all my just debts and funeral expenses. It is
my will and desire, that all my estate real and personal shall be kept together and
managed by my Executor and Executor hereinafter named until my son Joseph
W Bland attains lawful age, for the support and education of my younger children
and that of my wife and children as one family. The surplus of the profits of the
plantations and the interest of monies belonging to my estate after a liberal support
for the family and giving my children a good education to fall in and form
a portion of my undivided estate.

Item. On the marriage of either of my daughters including my daughter Elizabeth B
who is now married. It is my will that such daughter shall take a child's share
of all my negro slaves, except those specifically bequeathed counting my wife as a
child, that is to say, if at the happening of that event, there be seven children living
I give to each of my daughters so marrying one eighth part of my negroes and so
if there be a greater or smaller number. I also give to my daughter Elizabeth B
a negro girl named Mariah, and to my daughter Martha a negro girl named
Sabriel (yellow) and to my daughter Adeline a negro girl named Harriet (black).
I also give to each of my daughters on her marriage one feather bed and furniture,
two cows and calves, ten ewes and the sum of two thousand dollars to be delivered
and paid as soon after the marriage as practicable, my daughter Elizabeth B.
portion to be paid as soon after my death as practicable. In all allotments so to be
made one child's share is to be reserved with the undivided shares of the other
children for the use of my wife and at her death I give the share so to be reserved
for her to be equally divided between my three youngest children Joshua, Corne-
lius J. and Rosa J Bland

It is my wish that the several divisions so to be made be effected by the same
Commissioners to be appointed by the County Court of Southampton, as far as practicable.
I give to my son Joseph W Bland when he attains the age of twenty one years my
plantation consisting of the lands bought of John and Joseph Darkman and
the Wallford tract and the piece of land I purchased belonging to the estate
of Benjamin Phillips dec^d. and the plantation devised to me by Jesse Holt now
in the possession of Mrs Nancy Holt for her life which will come into his possession
at her death. I also give him all the stock of every kind which may be on the

Said plantation when my said son attains full age, and all the crops of every kind which may be made on the said plantation in the year of his coming of age. I also give to my said son an equal child's part of all my negro slaves except those specifically bequeathed coming his mother as one to three as before directed at that time. Also the sum of five hundred dollars then to be paid him to buy him furniture. And if I shall not in my lifetime take down, move and have finished for him the dwelling house in which John Barham did live it my will and desire that my Executor and Executor have it done for him at the expense of my estate, the house to be moved to a place on said plantation where I have already made a settlement. I also give to my said son one bed and furniture and his choice of all my horses.

Item I give to my two sons Joshua and Cornelius at the death of my wife, if she remains my widow otherwise at her marriage all the rest of my lands of which I may be possessed, except the tract of land I purchased of John D. Turner, called the river plantation to be equally divided between them. And if my wife shall live to see them attain lawful age I authorize her to place either or both of them in possession of any portion of the same less than one half and in the division to be made at her death such portion to be allotted at its value to the one in possession thereof. In the event of her so settling either of my said, the executor or executor is authorized to give to such son a portion of the stock of cattle, sheep &c. as she or he may think proper not exceeding a child's portion of the whole then in possession, as my said sons Joshua & Cornelius respectively attain the age of twenty one years, I give to each of them a child's share of the undivided negroes excluding those children who may have received their shares and counting their mother as a share as above directed.

Item. It is my will and desire that my river plantation shall be kept up by my executor and executor as I have directed the balance of my farms until the death or marriage of my wife. Upon the happening of either event it is my will and desire that the said land shall be sold and the proceeds be divided between my living children and the descendants of any that may be dead, taking per stirpes.

Item. At the death of Mrs. Nancy Holt widow of Jesse Holt dec. It is my will and desire that the negroes in her possession to which I am then entitled by the said Jesse's will, shall fall into my estate, and if any of my children shall have received his or her share of my negro slaves that such child or children shall then draw his or her share of them in the same manner as if they had been in possession of my estate when such divisions may have taken place. And if the said negroes cannot be divided in kind

so as for three respective shares to be allotted to those of my children who may have received their shares, then I direct that their respective shares of them shall be valued and such valuation to be paid to each so situated out of my monied estate.

Item. It is my will and desire that all the money to which I am entitled at the death of Mrs. Nancy Holt and the legacy left by Jesse Holt to Joshua Bland of Tennessee which I purchased of him in his lifetime, be kept at interest, the interest to be collected annually and placed at interest during the life or widowhood of my wife, and at her death or marriage I give the same to be equally divided between all my children then living and the descendants of any that may be dead taking per stirpes.

Item. If my wife renounce this will or marry again I hereby annul and revoke all bequest herein in her favor, and it is my will on her second marriage or remarriage that her powers as executrix shall be revoked. But it is my will and desire in either event, that the share of negroes which she would have been entitled to for life shall be set apart to my youngest child as an equivalent for the legacies given their brother and sisters.

Item. I desire that the piece or tract of land which I purchased of Thomas D. Ridley and wife, if unsold at my death shall be sold by my executor or executor, and the proceeds form apart of my monied estate and pass as that portion of my estate is directed to be divided amongst my children.

Item. If contrary to my expectation my wife shall renounce the provision I have herein made with an anxious desire for her comfort and the interest of our children I give and devise to my three sons all my lands as herein before directed subject to her claim of dower to be possessed by them from the date of her renunciation, I also give and bequeath in that event all my negroes except those specifically bequeathed, subject to her claim of dower to be then divided into eight parcels of equal value, one of which I give to Joseph W. one to Elizabeth B. one to Martha, one to Adeline and the other four eighths to my three youngest children to be equally divided and after the payment of two thousand dollars to each of my three eldest daughters and five hundred to Joseph I bequeath all my monies and other estate to be equally divided amongst all my children.

Item. If one or more of my children shall die without issue and under age I give all the property herein given to such child or children to the survivors, and as if all die but one, then I give all my estate to that one. If on the death of one of my said children there be living a child or children of one previously dying such child or children to take the share which the father or mother would

take by this clause if then alive.

Item. it is my will and desire that my executrix and executor shall sell any of my property as they may think best & for the interest of my estate and the proceeds to be invested in property of the same kind as that sold.

Item. I hereby authorize my executrix or executor to purchase the land I sold to Etheldred Murrell upon which I have a deed of trust and to pay to my two youngest sons as before directed, unless the land will sell for enough to pay the debt due me by said Murrell.

Lastly. I nominate and appoint my beloved wife Elizabeth executrix and my son in law Joseph H. Prince executor and my son Joseph when he attains the age of twenty one years executor of this my last will and Testament.

In testimony whereof I have hereunto set my hand and affixed my seal this 29th day of April one thousand eight hundred and forty four

Signed published and declared
by the testator as his last will and
Testament before us and by us attested
in his presence and at his request

Jos. T. Olund (Seal)

Hm A Jones.

Simon T. Westbrook

Sampson & Rose

At a Court held for the County of Southampton on the 17th day of June 1844

This last will and Testament of Joseph T. Olund dec^d was proved by the oaths of Hm A Jones, Sampson & Rose & Simon T. Westbrook the witnesses thereto and ordered to be recorded and Elizabeth Olund the executrix therein named refused to take upon herself the burden of the execution of said will on the motion of Joseph H. Prince one of the executors therein named who made oath and together with with Joseph Prince John I. Prince, Daniel Prince & Thomas B. Williamson his securities entered into and acknowledged a bond in the penalty of one hundred and sixty thousand dollars conditioned as the law directs certificate is granted him for obtaining a probat of said will in due form liberty being reserved for the other Executor to be joined in the said probat when he thinks fit.

Teste

L R Edwards lbr

Attest

Teste.

L R Edwards lbr