

1797-012

Charlotte County

Chancery Causes: JOHN BIBB

VS/ WALTHALL HOLCOMB, ETC., EXRS
OF JOHN BIBB, SR.

Z 1 1/2

MOSELEY

SLAVES: TOM
PATT
STEPHEN

To the justices of Charlotte sitting in Chancery
Your orator John Bibb by this his bill
sheweth to the court, that sometime in the year
John Bibb his father ~~deceased~~ this life, having first
made his will in writing wherein he lends to his
wife during her life all his household & kitchen furniture
his stock of Cattle & hogs & after her death to be divided
Equally between his six sons William Bibb, Philemon H Bibb
Branch H Bibb, Thomas Bibb & Richard Walthal Bibb
& your orator & his two daughters Susanah Bibb and
Sarah Bibb, giving to the wife a discretionary power to
give to his children before mentioned their respective shares of
the furniture & stock aforesaid at their respective ages of
twenty one years or marriage; devising also by his said will
the lands whereon he then lived, ^{with the ferry & mills belonging} to be sold at such
time as his executors named in his will should think
proper, appropriating two thirds of the money arising from
such sale to the use of this wife for a certain time, & the
remaining third to be equally divided between his
six sons before named, that is to say William, Philemon
Branch, Thomas, Richard & your orator at their respective
ages of twenty one years or marriage & until such sale the
~~land & ferry~~ to be rented & the money proceeding therefrom
to be divided between his sons as aforesaid, - And further
devising by the said will all his horses except some
therein specifically ~~devised~~ ^{willed} to his wife & son, to be
sold & the money divided equally between his sons &
daughters before named at their respective ages of twenty one
or marriage; & finally by the said will bequeathing all
his negroes except those specifically willed to his wife &
daughter, & all his other estate not before willed to his
six sons & ~~daughters~~ daughters before mentioned to be divided
between them at their respective ages of twenty one or
marriage. all which said devises & bequests will
appear at large by a copy of the said will, as proved
& admitted to record in this court hereto annexed as
a part of this bill - Your orator farther states
that the widow his mother reprouned all benefits to
which she might have been entitled under his fathers
will aforesaid & has taken one third of the estate as
given her by the laws of Virginia since which time

the executors pursuing as nearly as they might could do
the will of the testator after the dower of the widow
was assigned her. have sold the land & ferry devised to
be sold by the testator under the incumbrance of the
widow's dower, as also ~~the~~ two thirds of all the
personal estate of the testator, except the slaves which
were to be divided in kind. & your orator further states
that his Brothers William & Philemon have pursuant to
a decree of this court received their dividend of the estate
& your orator relying on the information of persons
acquainted with his age believes himself to have arrived at
the age of seventy one years (the time appointed by his
father for a dividend to be made to him of his part
of the estate) is advised that he is entitled to a dividend
of one sixth part ^{& rent of the ferry} of the money arising from the sale of
the land & ferry, (that is say one fourth of what remains
^{since} after the division with his brothers Wm & Philemon) &
one eighth part of the money arising from sale of
the personal ~~estate~~ one sixth of what remains since the
division aforesaid with his brothers Wm & Phil. & one
eighth part of the negroes in kind (one sixth in the
divisions aforesaid) as also a proportionate part of the
hire of the negroes. — But now so it is ~~may it~~
that Nathaniel Holcombe Richard Bibb & Hillery
Mosely executors of the said last will & testament &
Branch H Bibb, Thomas Bibb, Rich^d W Bibb, Susanah
Bibb & Sarah Bibb, (whom your ^{orator} prays may be made
dependants to this bill) oppose the division aforesaid,
objecting that it can not be made but under a
decree of this ~~worshipful~~ court. — To ^{the} end therefore that
the said dependants may true & perfect answer make
to all & singular the allegations contained in this bill
his bill & forasmuch as your orator is without
remedy at common law — your ^{orator} prays the common-
wealths ^{be} ~~be~~ ^{of} ~~of~~ ^{sub} ~~sub~~ ^h ~~h~~ ^{as} ~~as~~ that commissioners may be
appointed to settle & give to your orator his dividend
of the money & negroes aforesaid & prays for such

further relief in the premises as may be consistent with
equity & the laws of the state of ~~Virginia~~

Bibb for comp^t

The answer of Hillery Mosely executor of the
last will & Testament of John Bibb deceased, Branch Bibb,
Thomas Bibb, Rich^d W Bibb, Susanah Bibb &
Sarah Bibb infants under the ^{age} of twenty one years
by Hillery Mosely their guardian ^{& next friend} to the bill of ~~Rich^d W Bibb~~
exhibited ag^t them in the court of Charlotte by
John Bibb —

These respondents reserving to themselves
all benefit of exception to the bill aforesaid, for answer
hereto or so much thereof as they are advised they
must answer; say that true it is that John Bibb
de^d did in his life time make the will aforesaid
that the widow did betake herself to her dower at
common law & under the statutes of Virginia, that the
lands & ferry & personal estate were sold, as aforesaid,
that William & Philemon — have received their divi-
dend of the estate as stated by the complainant in his
bill, they moreover confess ^{full} the age of the complainant,
& consent that a division of the estate shall be made
under a decree of this court & the laws of Virginia
These respondents having fully answered the allegations in the
bill aforesaid pray to be dismissed hence with their reason-
able costs —

Hillery Mosely, C^t Ex^r

128
132.
52
312

Bills
25 } Ch 7
Bill Lane

Bills ex 42

L. Bacon }
Wm Haskins }
Fr. Barnes sub. com: 25
Reps Osborne
Hugh Wyllie
Misses Rollon
or my three
1796. Adam?
Intub. Adam.
1797. Adam - cont
In Rep.
May Decus
Ad. to Rep.

Charlotte Court 9th November 1793

John Bill. Plaintiff
against

In Chancery

Wattshall Halsecomb, Richard Bill & Hilary Moseley
Executors of John Bill dec^d - & Branch H. Bill, Thomas
Bill, Richard W. Bill, Susannah Bill and Sarah Bill
Infants under the age of twenty one years by Hilary
Moseley their Guardian. Defendants.

This day came the parties by their Attorneys & the defendants
by their Answer Confesseth the allegations of the Plaintiffs bill to be
true, Whereupon by Consent as Well of the Plaintiff as the said
defendants by their Attorney - It is decreed and Ordered that a
fair and equal division of one sixth part of the money arising
from the Sale of the Land Ferry and ~~Paul~~ Plant of the Ferry
that is one fourth of What Remains thereof from the division
made to William Bill and Phillimon H. Bill, the brothers of the
Plaintiffs heretofore allotted & assigned them under a decree of this
Court, also one eighth part of money arising from the Sale of the
Personal Estate that is estimating it as one sixth of What Remains
after the distributive Shares made as aforesaid to the said William
& Phillimon and one eighth part of the Slaves - that is to say one
sixth part thereof which Remains after the aforesaid dividend
assigned as aforesaid under a decree of this Court to the before named
William & Phillimon - as in the Bill mentioned as Well as the
Plaintiffs proportionably part of the hire of the said Slaves, be made
allotted and assigned to the Plaintiff as his distributive Share
thereof agreeable to the Will of the testator & prayer of the Bill
and that Langston Bacon, William Haskins, Francis Barnes
Jnr^t - Rps Osborne, Hugh Wyllie and Miles Patton or any
three of them do make such division and allotment, & that they
Report the same to this Court in Order that a final decree may
be made in this suit -

Copy Thomas Read. Sec^y

Bible ^P Introd
to
Bible Exeg
has Order.

1797

March 8

The Estate of John Bibb To Hillory Masely
 w^t John Bibb as a delegate. Dr

To 1/6 part of £125.2.4 ¹ / ₂	£	20	17	0 ³ / ₄
To 1/6 part of bonds £45.2.0		7	10	4
To 1/6 part of Ferry Rent £20.1.8		20	0	5
To 1/6 part of Land Money £380.14.8		95	3	8
To 1/6 part of Inland Money £15.16.8		3	17	2
		167	10	7 ³ / ₄
To Balance due the Estate of Contra	499	6	8	³ / ₄
		£	646	17 4 ¹ / ₂

Waltham Holcombe & Richd Bibb Esq. On

1797 Mar 8 By amt of amt Current to this date. 125 2 4¹/₂
 By amt of bonds in the hands of Hillory Masely } 45 2
 By Rent ferry 80 1 8
 By Land sold agreeable to will £571.2. after deducting w^m Bibb }
 & Phill. H. Bibb. Part Lay. } 380 14 8
 By Interest on Land Money to this date } 15 16 8
 646 17 4¹/₂

In obedience to a Decree of the Worshipful Court of
 Charlotte to us Directed we have allot to
 John Bibb a Legatee of John Bibb dec^d one
 hundred Forty Seven pounds 10/7³/₄ as above Stated
 also three Slaves (to wit, Tom, Patt, & Stephen -
 Given under our hands this 8th day of
 March - 1797.

Francis Barnes Secy
 Rps Osborn Junr
 Miles Bottom

John Pabb
Statm^t. proportion

Bible } Rehab.
" }
Bible, upon &c