

Estate File for Edmund Tilley – 1836 to 1842

When Edmund Tilley died in 1835, his will directed that his son David would serve as the executor. When his other six children learned of this and read what was in the will, they weren't happy. They said their father was too old and infirmed to have decided the disposition of his property, and that David, an influential member of the community, must have influenced officials and submitted the will fraudulently.

As I read the will, it doesn't look so unfair to the other six children. Most everything was to be divided evenly among all the children. That includes his household property, his land, and two of his slaves. A third slave would belong to David, but David would pay the estate \$250 in return. The only unequal bequeath was that David received a fourth slave as his own. It seems like if David were determined to commit fraud, he would have developed a will that was more favorable to himself.

The records don't clearly state that David won the case, but the settlement of the estate seems to agree with what was written in the will. The ledger suggests that the other six children actually received less than they would have due to having to pay court costs. The case lasted for six years after their father's death, and records provide a valuable glimpse into the way of life for this family in the 1830s.

Notes

- I underlined words that were difficult to read. When I couldn't read a word at all, the letters are replaced by an underline.
- The page numbers at the beginning of each section represent the sequence of the pages in the original estate file. I reordered the pages so that they are somewhat in sequential order. This makes it easier to follow along with the story that's being told by the documents.
- The 1829 will was witnessed by Thomas Martin and Phebe Tilly. Later, in 1836, Phebe Tuttle is one of the witnesses. In the 1836 complaint, the other children of Edmund state that the will was witnessed by "one of the daughters of the defendant". I believe Phebe is David's daughter. I found the 1859 will that David wrote soon before his own death, and it mentions his daughter Phebe who was married to John Tuttle. There was a Phebe Tilly who married John Peter Tuttle in Stokes Co on 4/16/1835, and I believe this is her. The 1835 marriage would explain the name change from Tilly in 1829 to Tuttle in 1836. The 1850 census suggests Phebe was born in 1811, and that would mean she was only 18 years old at the time she served as a witness to the will of her 90 year old grandfather.

Timeline

- October 7, 1829: Edmund Tilley Sr submitted his Last Will and Testament.
- December 6, 1835: Edmund Tilley died.
- January 26, 1836: First sale of Edmund Tilley's estate.
- March 1836: Last Will and Testament produced in Stokes Co Court of Pleas and Quarter Sessions.
- October 1836: Last Will and Testament produced in Stokes Co Superior Court. The will was objected to by the other heirs who claimed that it was unfair and submitted without their knowledge.
- December 1837: Case was heard at Rockingham Co as a change of venue due to the challenge of finding an impartial jury in Stokes Co. The verdict is that the Last Will and Testament was valid and that the case should be sent back to Stokes Co where there document would be recorded.
- January 6, 1838: Sale of Edmund Tilley's slaves and his land.
- February 20, 1841: Settlement of estate and determination of how much is owed to each legatee. But this calculation had errors.
- January 28, 1842: Recalculation of the amount owed to each legatee.

Page 14: 1836 Inventory of estate

January 26th 1836

A list of the sale of the property of Edmund Tilly, Decd.

Bed and furniture	\$2.00	one cow and yearling	\$9.95
Beds and furniture	\$8.10	one cow and yearling	\$10.07
Bedsteads and cord	\$1.10	one yearling	\$4.01
Bedstead	\$0.125	two steers	\$10.00
3 chairs	\$0.1875	one calf	\$2.15
Flax wheel	\$0.75	1 st choice of hog	\$7.23
1 looking glass	\$0.30	2 nd choice of hog	\$5.77
1 table	\$0.13	3 rd choice of hog	\$3.50
1 lot of pewter	\$1.08	4 th choice of hog	\$2.50
lot of dish spoons, etc	\$0.125	lot of 5 hogs	\$4.445
coffee mill	\$0.13	lot of shoats	\$3.45
Sheep shears and candlesticks	\$0.15	plough and coulter stock	\$0.0625
cups and saucers, tumbler__	\$0.13	lot of shucks	\$2.125
Bottle <u>gimblet</u>	\$0.60	lot of oats	\$0.065
one plough hoe	\$1.2625	top <u>stock</u>	\$1.10
one log chain	\$1.02	top fodder	\$0.75
1 <u>chest</u> and saddle	\$2.50	blade fodder	\$0.75
one cupboard	\$0.125	ditto	\$2.03
r__ and salt tub	\$0.0625	ditto	\$1.27
lot barrels	\$0.125	some straw	\$0.12
Flax seed	\$0.31	some hay	\$0.25
Large pot and hooks	\$0.87	1 pr cards	\$0.17
one small pot and hooks	\$0.77	<u>trans. swingletree</u>	\$1.00
oven hooks	\$0.80	an__	\$0.70
oven lid	\$0.125	lot of 5 bar'l corn	\$15.05
hammer etc	\$0.34	lot of corn	\$19.80
raw hide	\$1.50	one pad lock	\$0.3625
Bible	\$0.50		
Prayer book	\$0.125		\$168.6175
one lot of books, no bid			
one mare	\$27.11		
one lot of sheep	\$6.00		
1 pair of dog irons	\$1.90		

David Tilley, executor

An inventory of the personal property of Edmond Tilly, decd

Two feather beds, one bedsted, two bedsteds, four blankets, two pots, one oven, three pair of pot hooks, one piece of a skillet, two oven lids, one iron wedge, one pair of fire dogs, one plough hoe, one pair of chains, one singletree, one pair of cards, one small wheel, one clevis, one pan handle, one drawing knife, one bell, two padlocks, one claw hammer, one gimblet, one pair sheep shears, one coffee pot, one candlestick, one coffee mill, one dish, one bowl, one tin tumbler, two pewter basins, seven spoons, one dish, one plate, two teaspoons, one fork, six knives, three tea cups, three saucers, one bottle, one sallet and sweat pad, one looking glass, Bible and Testament, one hymn book, one small book, one prayer book, one chest, one fat tub, one crock real, one cupboard, one table, three chairs, two axes, four hogs, one log chain, one plough stock, one c___ stock, one grindstone, two barrels, part of oat stack, some fodder, shucks and corn, one mare, eight head of cattle, fourteen hogs, four sheep, four fattening hogs, two reap hooks, 7 slaves to wit: Be___ and her four children and the two other children of his.

Charles E. Moore

David Tilley

Page 22: 1836 Stokes Co court officially received the will and the subsequent objection

State of North Carolina, Stokes County

Be it remembered that heretofore to wit at a court of pleas and quarter sessions begun and held in and for the county of Stokes at the courthouse in Germanton on the second Monday of March 1836.

The following paper writing purporting to be the last will and testament of Edmund Tilly Senr, decd, being offered for probate to wit.

In the name of God, Amen.

I Edmund Tilly Senior of the county of Stokes being mindful of my mortality but believing in a resurrection to eternal life do this seventh day of October in the year of our Lord eighteen hundred and twenty nine make and publish this my last will and testament in the manner following.

First. I bequeath my body after my decease to its native earth to be decently interred.

Secondly. I give and bequeath unto my son David Tilly my negro boy Martin to him and his assigns forever.

Thirdly. I give and bequeath unto my son David Tilly my negro girl Malinda and her increase by paying \$250 in three years after my decease.

Fourth. I will that my negro woman Becky and my negro boy Jim be sold after my decease and the money equally divided among my children.

Fifth. I will that all of my land to be sold and the money equally divided among my children.

Sixth. I will that all of my household property be sold and equally divided among all my children and I do hereby constitute David Tilley and Mathew R. Moore executors of this my last will and testament.

In witness whereof I have hereunto set my hand and seal the day and year first above written, signed, sealed, published, and declared by the said Edmund Tilly Senior as his last will and testament in our presence who at his request in his presence and in the presence of each other have subscribed our names as witnesses thereto.

Edmund Tilly

Thomas Martin

Phebe Tilly

And the probate of the same being objected to, it was ordered by the court that the following issue be submitted to a jury to wit: "Is the paper writing propounded for probate the last will and testament of Edmund Tilly Sen, decd, and is the same duly executed to pass both real and personal property."

And that the said issue be submitted between David Tilly and Matthew R. Moore the executors therein named party plaintiffs and Edmund Tilly, John Tilly, Joel Tilly, Nancy Tilly, Frederic Hill and his wife Elizabeth, and William Rigs and his wife Susan party defendants.

Whereupon the same being duly entered of record was continued from term to term until September term 1836. When the same being called for trial, the following jury were duly sworn and empannelled to try said issue to wit: Pleasant Webster, Jacob Carson, Balsam Barham, Matthew Crews, Hardy Carroll, Absalom Scales, John Ferguson, Harmon Kizer, Alex. M. Boles, David Enocks, David Tharp, and John Hine.

Who for their verdict did say we find the paper writing offered for probate in the last will and testament of Edmund Tilly, decd, and that he did thereby devise and bequeath.

Whereupon the defendants prayed and obtained an appeal to the next Superior Court by giving for security for said appeal the following persons, viz: John Banner, Alexander Hampton, and Andrew Steel.

I, John Hill, Clerk of Court of Pleas and Quarter Sessions for Stokes County, certify the foregoing to be a true copy of the record and transcript of the proceedings held in the suit therein stated as it remains of record in my office.

In witness whereof I have hereunto set my hand at office this 17th October 1836.

Jno. Hill, C. C. C.

Costs due

Hill with tax	\$6.65
Stone	\$1.00
Jno. Banner	\$1.80
I. M. M. and N. B.	<u>\$4.00</u>
witnesses	\$13.45
Phebe Tuttle	\$1.02
Jos. Martin	\$5.80
Cha. Banner	\$0.60
Thos. Martin	\$5.20
Wm. Moore	\$5.20
Wm. Hardin	\$4.88
Sam'l Thackleford	\$1.42
Jas. Lyon	\$2.90
Joel Tilly	\$4.80
Nelson Shelton	<u>\$2.26</u>
	\$47.53

Page 7: 1836 (though undated) Complaint by defendants that the will was fraudulently submitted

State of North Carolina, Stokes County

Court of Pleas and Quarter Sessions

The petition of Edmund Tilly, John Tilly, Frederic Hill and his wife Elizabeth, Joel Tilly, Nancy Tilly, William Riggs and his wife Susan.

against David Tilly

Humbly petitioning them unto your worship your petitioners, that Edmund Tilly Senior, late of Stokes County, departed this life about 6th of December 1835, leaving your petitioners Edmund, John, Joel Tilly, also Elizabeth intermarried with Frederic Hill, and Susan intermarried with William Riggs, and Nancy Tilly who intermarried with Aaron Tilly who died during the life of the said Edmund, her leaving your petitioner Nancy a widow. ____ and the defendant David Tilly, __ children who are the heirs at law and next of kin of the said Edmund Tilly, decd.

Your petitioners further show that for some time previous to his death, the said Edmund Tilly was from age and infirmity rendered almost wholly unable to get about and had become so weak and impaired in understanding that he was incapable of transcribing the most ordinary concerns of life, that he was deprived of moral agency so far that he was incapable of managing and disposing of his property and utterly incapable of making a disposition of the land with ____ and understanding. That he had at the time of his death considerable personal and real estate. Your petitioners charge that at the time of the death of the said Edmund, they had no idea that any person had attempted to impart upon him the shameful fraud of attempting (to) get him to make a will or any disposition of his property well knowing his infirmity and incapacity as he was about ninety years of age. That the day after the corpse of the said Edmund was interred, your petitioner Edmund Tilly went home with the defendant David Tilly for the purpose of seeing and conversing about the estate with whom he stayed all night. That during the time of his stay he had frequent conversation with the said David about the estate of their deceased father, and the particularly about the disposition of the slaves as it had been stated and charged that conveyances had been obtained from the old man from the slaves. On the subject the said David replied to your petitioner Edmund that it was all right, that he himself had caused all the papers to be destroyed and that he had been at the trouble of riding at least five hundred miles fi__ and last for that purpose. It was then stated that it be necessary that

something should be done in relation to the estate as the county court was to be held the week following. To this the defendant replies that it would be unnecessary to do anything as it was his wish that Colonel Matthew N. Moore should attend to the estate and that he was then in Raleigh, a member of the state legislature. To this suggestion your petitioner Edmund Tilly readily assented as he was well acquainted with the individual designee too and had the utmost confidence in his probaty and capacity. It was then stated by the defendant that none of the parties need attend as he himself should not attend court the week following. Your petitioners charge that during all this time and consideration, not one word was said by the defendant about a will, that they know of no such instrument, and that in the interaction between the defendant and your petitioner Edmund, the execution of a will was not disclosed to him nor had he any idea that there was any paper, either testamentary or otherwise, purporting to convey the estate of the decesased, nor did he know anything to the contrary until some time after court he was informed that the defendant was about to sell the slaves of the estate in the chts of executor. Your petitioners further charge that during the night that your petitioner Edmund stayed with the defendant, in order to conceal the existance of a pretended will, the defendant observed that he expected the negro traders would get the negroes as we (meaning the children of the deceased) were not able to purchase them in among ourselves.

Your petitioners further show to your worship that some time in the year previous to the death of the said Edmund, your petitioner Elizabeth saw the defendant who is her brother, and told him that she heard that her father had made a will. To this, the defendant replied, "No it is not so, there is not the scratch of a p___ of the kind." That the information was soon thereafter disclosed by the said Elizabeth to her husband and others by the way of assuring them that there was no will.

That under these circumstances and assurances, your petitioners Edmund Tilly and Frederick Hill and Elizabeth Hill were not concerned about the will as the said Edmund, on his return from the house of the defendant, told your petitioner that he and David, the defendant, had agreed nothing would be done until March court. Nor did your petitioners Frederic Hill and his wife Elizabeth know anything to the contrary until after December term of the county court when they were informed that the defendant was about to sell the slaves, is ____.

Your petitioners further show to your worhsip that notwithstanding all the assurances on the part of the defendant, he pan__cently and secretly came to court the week after to __t at December term, early on Monday, caused in paper writing to be proven by one witness purporting to be the last will and testament of Edmund Tilly, decd, and took out letters testamentary to himself, that all __ was done secretly and clandestinely from your petitioners to prevent them from contesting the validity of the same. That the said paper writing a copy of which is hereto attached as a part of the petition, purport to have been executed in 1829 long before the defendant denied the existence of such a paper. That the same is witnessed by one of the daughters of the defendant and gives the greater part of the estate to the defendant, not withstanding the supposed testator had six other children.

Your petitioners further state that the other executor therein named Matthew N. Moore has never taken out letters testamentary on the estate. that your petitioners except Edmund Tilly and Frederic Hill and his wife Elizabeth live beyond the limits of this state and was wholly ignorant of the death of their father and the proceedings in relation thereto. That your petitioners who live in the county, as soon as they learned the fraud which the defendant had practiced on them, immediately sought co__ for relief. That their co__ __ __ them, that their only relief was to supply to the court at the earliest opportunity which a __ could grant them relief, which they now accordingly do.

Your petitioners further show that they expect to be able if permitted to prove to the satisfaction of any court and jury that at the time of the execution of the will paper writing, the said Edmund was wholly incapacitated from making a will or testament, that the same was obtained by fraud and that the defendant himself he often alledged want of capacity in the testator himself. All of which outings and doing of the defendant are fraudulent and oppressive, and for as much as your petitioners are __ __ in the previous __ in this court, when the probate and ____ation of pro__s of which is properly cognizable. To the end therefore that your petitioners may be relieved in the prem__, that the defendant may be compelled to answer on oath all and signgular the charges herein noted in a full and ample a manner as if the __ were herein again rep__ted and has thereto more particularly interrogated, that he state whether he did not conceal from your petitioners the existence of the paper purporting to be a will and if he did not conceal the fact, did he disclose it to them or anyone of them.

Did he not have the conversation charged with your petitioners Edmund and Elizabeth. If not, what conversation did he have, and did he not state that he would not attend at December term of the court and the affairs of the estate would be laid over until March term. And did he not apply on Monday of the December term early in the day, produce the alleged will to be proven by one witness and take out letters testamentary. If so, did he apprise any of your petitioners of his intention. And that by a ____ and decree of this court, the probate of the said paper writing may be revoked and set aside, and the letters testamentary __ called in, and that the said defendant may be called upon to pro__ a new __ paper writing as a will or testament for probate in ____ ____, and that your petitioners may be permitted to ca__t and contest the same. May it please your worship to grant to your petitioners the ____ writ of subpoena to be directed to the said David Tilly commanding him to __ and appear at the next term of this court to be held for the county of Stokes in Germantown on the second Monday in March next, then and there ____ ____ ____ to __ to all and ____ the charges and allegations i__ed in this petition ch__ to grant __ other and further relief to your petitioners as may be deemed just and necessary and your petitioners in duly bound will ever pray.

James T. L__head

for petitioners

State of North Carolina, Stokes County

Edmund Tilly and Frederic Hill make oath that the ____ matters of part set forth in the above petition to be of their own knowledge is true and those stated not to be of their own knowledge they believe to be true.

Edmund Tilly

Frederick Hill

Sworn to and subscribed in open court

M. Hill, clk

Page 18: (no court or date given)

Edmund Tilly and others vs David Tilly

It appearing to the court that the defendant David Tilly had acknowledged ____ of the petitioners and that probated of the paper writing mentioned in the petition, had heretofore been granted without ____ moving the petitioners to __ proceedings, it is therefore concluded by the court that the probate heretofore granted be set aside and the letters testamentary be called in, and that the said papers writing be propounded anew for probate.

Wherefore the petitioners by their council came into court and entered their caviat to the same, upon which the court ordered the following issue to be submitted to a jury, __ __ paper writing propounded for probate the last will and testament of Edmund Tilly Senr, decd, and the law duly executed to pass both real and personal property and that the said issue be submitted between Daniel Tilly and Matthew R. Moore the executors therein named, party plaintiffs and Edmund Tilly, John Tilly, Joel Tilly, Nancy Tilly, Frederic Hill and his wife Elizabeth, and William Riggs and his wife Susan, party defendants.

Page 6: 1836 Request by defendants to move the trial out of Stokes Co

State of North Carolina, Stokes County

Superior Court of Law, October Term 1836

David Tilly and others v Frederick Hill and others

Caviat of Will

Frederick Hill makes oath that the subject of controversy in the case has caused considerable notoriety and much talk among the people, that he is informed and believes that the plaintiff David Tilly has made every effort in his power to prejudice the public mind in his favor and against the defendants, and that he is a man of considerable influence and has so far forestalled public opinion, that this affiant does not believe that the defendants can have an impartial trial in this case in this county.

Sworn to and subscribed in open court.

W. H. Lyon, clk

Frederick Hill

Page 1: 1837 Presenting prior evidence with change of venue from Stokes Co to Rockingham Co

State of North Carolina, Rockingham County

Be it remembered that at a Superior Court of Law opened and held for said county on the fifth Monday after the fourth Monday of September 1836 the following transcript of record from Stokes County was filed and entered of record in this county as follows (Viz)

State of North Carolina, Stokes County

Superior Court of Law, October Term 1836

Be it remembered that at a Superior Court of Law began and held for the County of Stokes at the Court House in the Town of Germantown on the third Monday after the fourth Monday in September AD 1836, the following record was returned to the honorable court then setting in the word and figures as follows (Viz)

State of North Carolina, Stokes County

Be it remembered that heretofore (Viz) at a Court of Pleas and Quarter Sessions began and held in and for the County of Stokes at the Court house in Germantown on the second Monday in March 1836, the following paper writing purporting to be the last will and testamend of Edmund Tilly Senr, decd, being offered for probate (to wit)

In the name of God Amen.

I, Edmund Tilly Senr of the County of Stokes, being mindful of my mortality but believing in a resurrection to eternal life, do this seventh day of October in the year of our Lord Eighteen Hundred and Twenty nine make and publish this my last will and testament in manner following.

1 First, I bequeath my body after my decease to its natural Earth to be decently interred.

2 Secondly, I give and bequeath to my son David Tilly my Negro Martin to him and his assigns forever.

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3 Thirdly, I give and bequeath unto my son David Tilly my Negro girl Melinda and her increase by paying Two hundred and fifty dollars in three years after my decease.

4 Fourth, I will that my negro woman Becky and my Negro boy Jim be sold after my decease and the money equally divided among my children.

5 Fifth, I will that all of my lands be sold and the money equally divided among my children.

6 Sixth, I will that all my household property be sold and equally divided among all my children and I do hereby constitute David Tilly and Matthew R. Moore executors of this my last will and testament.

In witness whereof I have hereunto set my hand and seal the day and year first above written, signed, sealed, published, and declared by the said Edmund Tilly Senr as his last will and testament in our presence who at his request in his presence and in the presence of each other have subscribed our names as witnesses thereto.

Thomas Martin

Phebe Tilly

Edmund Tilley, seal

And the probate of the same being objected to, it was ordered by the court that the following issues be submitted to a jury (to wit). In the paper writing propounded for probate, the last will and testament of Edmund Tilley Senr, decd, and is the same duly executed to pass both real and personal property.

And that the said issues be submitted between David Tilly and Matthew R. Moore the executors therein named party Plaintiff; and Edmund Tilly, John Tilly, Joel Tilly, Nancy Tilly, Frederick Hill and his wife Elizabeth, William Rigs and his wife Susan party defendants.

Wherefore the same being duly entered of record was continued from term to term until September Term 1836 when the same being called for trial, the following jury were duly sworn and empowered to try said issues (to wit): Pleasant Webster, Jacob Carson,

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Balsam Barham, Mathew Crews, Hardy Carroll, Abraham Scales, John Forguson, Harman Kiger, Alex. M. Boles, David Enocks, David Tharp, and John Hine, who for their verdict did say they find the paper writing offered for probate is the last will and testament of Edmund Tilly, decd, and that he did thereby divine and bequeath.

Wherefore the defendants prayed and obtained an appeal to the next Superior court by giving for surety for said appeal the following persons (Viz): John Banner, Alexander Hampton, and Andrew Stu__.

I John Hill Clerk of Court of Pleas and Quarter Sessions for Stokes County certify the forgoing to be a true copy of the record and transcript of the proceedings had in the suit therein stated as it remains of record in my office.

signed Jno. Hill, C. C. C.

In witness whereof I have hereunto set my hand at office this 17th October 1836.

Jno. Hill, C. C. C.

Which said appeal was duly entered of record in said Superior Court of Law wherefore Frederick Hill one of the defendants made the following affidavit (to wit)

State of North Carolina, Stokes County

Superior Court of Law, October Term 1836

David Tilly and others v Frederick Hill and others

Caviat of Will

Frederick Hill maketh oath that the subject of controversy in this case has caused considerably notoriety and much talk among the people, that he is informed and believes that the plaintiff David Tilly has used every effort in his power to prejudice the public mind in his own favor and against the defendant, and that he is a man of considerable influence and has so far forestalled public opinion

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that this affiant does not believe that the defendants can have an impartial trial in this county.

Sworn to and subscribed in open court.

W. H. Lyon, clk

Frederick Hill

Whereupon the following orders were made by the Hon'l Thomas Settle presiding judge of our Superior Court of Law, that this cause be removed for trial to the County of Rockingham, and to be set apart for Wednesday of the next term of the Superior Court of Law for the County of Rockingham.

State of North Carolina, Stokes County

I, William H. Lyon, Clerk of the Superior Court of Law for said county do hereby certify that the foregoing is a true transcript of the record in the foregoing case.

In testimony whereof I, the said W. H. Lyon, hereunto offered the seal of said court and set my hand at Germantown this 22nd day of October AD 1836.

W. H. Lyon, Clk

Which said cause being entered of record for the County of Rockingham at a Superior Court of Law opened and held for said county on the fifth Monday after the fourth Monday of September 1836, which case was continued from court to court until the Superior Court of Law opened and held for said county on the fifth Monday after the fourth Monday of September AD 1837 when the cause coming on to be tried, the following good and lawful men being impanelled and sworn (Viz): Thomas Blackwell, Thomas B. Wheeler, Ezekiel Wheeler, Miles D. King, Willaby C. Robertson, John Craig, Solomon Harey, Joseph Hooker, Thomas Roach Jr, Nathaniel Roach, S__th Moore, and Samuel H. Walker. For the verdict say they find the paper writing heretofore

inserted to be the last will and testament of Edmund Tilly, decd, and that he did thereby divine and bequeath.

Whereupon the court here doth consider and adjudge the said paper writing and every part thereof to be the last will and testament of Edmund Tilly, decd, and doth order and adjudge that a writ of procedendo to issue to the Court of Pleas and Quarter Sessions of Stokes County, directing the justices of said court to proceed to record the said paper writing and every part thereof as the last will and testament and desire of the said Edmund Tilly, decd, and to open ____ testamentary thereon according to law.

State of North Carolina, Rockingham County

I, Thomas Searcy, clerk of the Superior Court of Law for the county aforesaid do hereby certify that this and the four preceding pages contain a true copy and exemplification of the record of the case David Tilly and Mathrew R. Moore against Edmund Tilly, John Tilly, Joel Tilly, Nancy Tilly, Frederick Hill and his wife Elizabeth, and William Rigs and his wife Susan.

In testamony whereof, I have hereunto set my hand and affixed my seal of office this 22nd day of November AD 1837.

T. Searcy, C. S. C.

The original will and writ of procedendo herewith sent.

T. Searcy, C. S. C.

Page 19: 1837 Rockingham Co court decides the will should be probated in Stokes Co

State of North Carolina, Rockingham County

Superior Court of Law, Fall Term AD 1837

To the worshipful Court of Please and Quarter Sessions of Stokes County, greeting.

It is ordered, adjudged, and decreed by the honorable court that you admit to probate and record the last will and testament of Edmund Tilly, decd.

And grant letters testamentary to the executors therein named.

In testimony whereof I have hereunto set my hand and affixed the seal of office the 24th day of November AD 1837.

F. Searcy, C. S. C.

Page 20: 1838 Statement that the slaves had been hired out during the trials

An additional inventory of the estate of Edmund Tilly, decd. The amount of the hire of the negroes of said deceased due from Jo. Martin \$161.28. And the hiring for a short time at the sale of the personal estate the negroes (to wit) Beck, Jim, and Linda for the sum of \$12.00.

Ent. from the 13th December 1838

David Tilly

Matt. R. Moon

Page 21: 1838 Sale of three slaves and the home tract

Clement's Forge, January 6th 1838

A list of the amount of the sale of the negroes and land belonging to the estate of Edmund Tilly, decd, made according to advertisement of the executors.

1st James, bid off by Thos. Moody at \$537.

2nd Beck, bid off by William Hardin at \$201.

3rd Milly, bid off by Joseph Martin at \$233.

The home tract of land bid off by William Boyles at \$40.

\$1,011.

David Tilly and Matt R. Moon, executors

Page 11: 1841 Settlement of estate (calculations were corrected the following year)

The Executors of Edmund Tilly

To the heirs

First Sale on 26 th day of January 1836 at 12 months	\$168.69
First hire of negroes from 26 th January 1836 til the hiring in May following	\$8.00
Second hiring to Jo. Martin on 2 nd day May 1836 to the 26 th day November 1837 (\$195)	
Of this, Linda belonging to D. Tilly hired at \$3.35 per month (\$62.8925)	\$132.1075
Sale of negroes and land January 6 th 1838 at 12 months	<u>\$1,071.00</u>
Total Amount	\$1,319.8025

Commissioners allowed the executors on the above statement	<u>\$66.00</u>
Amount	\$1,253.80

Amount M. R. Moore bought at sale	
discounted in his amount against the estate in being in all \$21.4375	<u>\$13.02</u>
leaving a balance due M. R. Moore \$8.41	\$1,240.78

Contras

Receipt from James Lyon as witness	\$12.10
Receipt from Jno Banner, agent of said heirs	\$43.00
Receipt from Jno Banner, agent	\$4.00
Recv'd by Banner as agent	\$28.00

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amount brought from other side	\$87.10
Receipt from <u>Barnes</u> agent	\$60.00
for making the dec'd coffin	\$3.00
Feby Tuttle's attendance as witness	\$15.06
Tax receipt for 1833	\$3.175
paid William Boyles his acct	\$7.79
Tax receipt for 1832	\$3.18
Tax receipt for 1831	\$3.775
Tax receipt for 1828	\$3.27
Tax receipt for 1829	\$3.67
Tax receipt for 1834	\$3.175
Tax receipt for 1827	\$3.3375
Tax receipt for 1835	\$2.875
Tax receipt for 1826	\$4.125
Tax receipt for 1830	\$3.66
paid Sam'l Simmons for ____	\$2.00
paid William Boyles on account	\$1.00
paid Mathew Nelson	\$2.57
paid Alexr Maib	\$0.25
paid Abner Maib	\$0.50
paid Frederick Hill	\$0.875
paid William Moore	\$4.63
paid Frederick Hill toward his share as a legatee	\$60.00
allowed F. Hill by note	\$44.775
allowed David Tilly one of the executors his account against estate	<u>\$25.4375</u>
	\$349.22
By error in carrying into the credits the amount of Frederick Hill's note above \$44.775 and his receipt above of \$60 above	<u>\$104.775</u>
	\$244.45

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The debits being as stated above	\$1,240.78
The credits	\$244.45
	<u>\$996.33</u>
which shows due from executors to each legatee, seven in number, the sum of	\$142.3175

From the will of the testator there is due from David Tilly to the other six legatees the sum of \$250 as payment for Linda. Each legatee's share of which will be \$41.6667
\$183.9825

By error above in not deducting from balance of the credit to M. R. Moon of \$8.41

Stokes County, February 20th 1841

We the undersigned commissioners having in _____ the accounts and vouchers above do report the same to the worshipful court as being in our opinion just and correct.

Alex King, JP

Jno. J. Terry, JP

Report of the commissioners, Edmund Tilly's heirs

March 1841

Page 16: 1842 Recalculated final settlement of estate

The Executors of Edmund Tilly
To the heirs (Corrected return)

First sale January 26 th 1836. Amount	\$168.695
First hiring of negroes from 26 th January 1836 till May	\$8.00
Second hiring to Jo. Martin from 2 nd May 1836 to 26 th November 1837 (\$195)	
Deduct the hire of Linda belonging to D. Tilly who hired at \$3.35 per month (\$62.8975)	\$132.1025
Sale of negroes and land January 6 th 1838	<u>\$1,011.00</u>
Total Amount	\$1,319.8025
Contra	
Commissions allowed	\$66.00
M. R. Moore's account	\$21.4375
James Lyon's receipt as witness	\$12.10
John Banner's receipt as agent for heirs	\$43.00
ditto	\$4.00
ditto	\$28.00
ditto	\$60.00
for coffin for deceased	\$3.00
Phebe Tuttle's receipt as witness	\$15.06
Tax receipts from 1827 to 1836 inclusive	\$33.8425
William Boyles account	\$7.79
ditto	\$1.00
Sam'l Simmons for salt	\$2.00
Matthew Nelson	\$2.57
Alex. Maab	\$0.25
Abner Maab	\$0.50
Frederic Hill	\$0.875
William Moore	\$4.63
David Tilly account	<u>\$25.4375</u>
	\$331.4925
Deduct payments to Banner Lyon and P. Tuttle agent and witnesses	<u>\$156.16</u>
This balance deducted from debits above	<u>\$175.3325</u>
Legatees 7 /	<u>\$1,144.47</u>
Each legatee's share of debits above	\$163.21

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Each legatee's share of different sales and hirings as stated above	\$163.21
Each legatee's share of the \$250 paid by D. Tilley	<u>\$41.6667</u>
	\$204.8767
The legatee's liable for costs of caviat owe David Tilly the payments above stated to John Banner, to James Lyon, and to P. Tuttle	\$156.16
In addition to this credit in favor of D. Tilly, he is also entitled to a credit from F. Hill of a payment of \$60 and his note of \$44.775	\$104.775
F. Hill proportion of the \$156.16 above	\$39.04
Edmund Tilly proportion	\$39.04
John Tilly's proportion	\$39.04
W. Riggs' proportion	\$39.04
They being all who David Tilly's ____ are liable for costs of caviat	
Joel Tilly's share as above is	\$204.8767
Nancy Tilly's share as above is	\$204.8767
Deduct from Fred's Hill's share of \$204.8767 the above credit of \$143.815 leaves him	\$61.06
Take from \$204.8767 Edmund's and John's and Riggs' part of the costs (viz) \$39.04 as follows will leave \$165.8367 for Edmund Tilly	\$165.8367
for John Tilly	\$165.8367
for William Riggs	\$165.8367

January 28th 1842 examined and allowed by us:

C. S. Pat____, JP

Wm Cox, JP

Edmund Tilly Estate – Amended return March 1842