

Equity, SC, Spartanburg, JOHN TOLLISON, 1825

Box 6
Package 1

1825

MUSE TOLLISON
STEPHEN TOLLISON, executors

vs.

AMY TOLLISON, et. al.

Equity, SC, Spartanburg, JOHN TOLLISON, 1825

State of South Carolina
Spartanburg District

to The Honorable the Judges of the Court of Equity of the said state.

HUMBLY complaining sheweth, unto your honors, your orators, **MUSE TOLLISON** and **STEPHEN TOLLISON** executors and residuary legatees under the will of their father **JOHN TOLLISON**, deceased, late of the District of Spartanburg, and the said **JOHN TOLLISON** at the time of making and publishing his said last will and testament and at the time of his death was seized and possessed of a considerable real and personal estate.

AND THAT being thus seized the said **JOHN TOLLISON** the testator on or about the 24th day of July 1820 made his last will and testament in writing of that date, and which was duly signed and published by him and attested, as by law is required for the passing of personal property, and died intestate as to his real estate and other things devised as follows, that is:

1st I will give and devise unto such of the children of my deceased daughter **NANCY [TOLLISON] BRYANT** as may be living, at my death, \$100 each to be paid in property of evaluation as they arrive at lawful age or may marry, to all but **WILLIAM T. BRYANT**, who shall receive no part with the other children of my deceased daughter, **NANCY BRYANT**, exclusive of what I may give them in my lifetime.

2nd I will give and devise to my daughter **LIDIA [TOLLISON] SPARKS** at my death one negro boy, named **ISAAC**, to her and her lawful heirs of her body forever, exclusive of what I may give her in my lifetime.

3rd I will give and devise unto my son, dumb **JOHN TOLLISON**, \$500 to be paid him at the pleasure of my executors.

4th I will give and devise unto my daughter **LEVICY [TOLLISON] KIRBY** and to her heirs forever one negro man named **DICK**, also \$700 to be paid in property at my death at valuation exclusive of what I may give her in my lifetime.

5th I will give and devise unto such of the children of my daughter **ANNA [TOLLISON] GOSSETT**, as may be living at my death, \$100 each to be paid in property at valuation as they arrive at lawful age or may marry, exclusive of what I may give them in my lifetime.

6th I will give and devise unto my son **MUSE TOLLISON**, and his heirs forever, one negro man named **COOPER** and \$700 to be paid in property at valuation exclusive of what I may give him in my lifetime.

7th I will give and devise unto my son **ELI TOLLISON**, and his heirs forever, \$500 to be paid in property at valuation at my death exclusive of what I may give him in my lifetime.

8th I will give and devise unto my son **STEPHEN TOLLISON**, and his heirs forever, one negro boy named **DAZO** also \$700 to be paid in property at valuation at my death exclusive of what I may give him in my lifetime.

Equity, SC, Spartanburg, JOHN TOLLISON, 1825

9th I will give and devise unto **BERRYMAN QUINN**, son of my daughter **ITA [TOLLISON] QUINN**, \$5 at my desk to be paid him property at valuation exclusive of what I have given his mother and I never intend to give her any more.

10th I will give and devise and order that all the rest, residue, and remainder of my estate, both real and personal of what nature and kind soever, and every part thereof, be sold at public sale and that out of the money arising from said sale all my just debts, funeral expenses, charges of proving this, my will, and legatees herein made shall be paid, the remainder of the money arising from said sale I will and devise unto my sons **MUSE TOLLISON** and **STEPHAN TOLLISON** to be equally divided between them, of which said last will and testament your orators were appointed two of the executors.

AND YOUR ORATORS further shew unto your honors that the said **JOHN TOLLISON**, the testator, departed this life on or about the 27th day of March in the year of Our Lord 1821, without revoking or altering the said will, leaving the same in full force and virtue.

AND YOUR ORATORS have since duly proved the said will, in court of ordinary for Spartanburg District, and qualified therein and took upon themselves the burden and execution of the said will.

AND YOUR ORATORS further shew unto your Honors that in the discharge of their duties, imposed on them in the execution of the said will, they have caused an inventory of the said testators goods to be made, and had the same duly appraised which said appraise bill amounted to the sum of \$12,220.84 as will more fully appear by a copy of the appraise bill which is herewith filed as an exhibit and marked **A**.

AND YOUR ORATORS further shew unto your Honors that they proceeded and sold, at public auction, all the personal estate of the testator, except what was specifically devised by name, not having returned any part of the said personal estate for the payment of those legatees, which were directed to be paid in property at valuation, in as much as it was found to be utterly impracticable, your orators have therefore sold the property, and intend, by the approbation of this Honorable Court, to pay the said legatees in cash as they conceive this the only means by which the will of the testator can be carried into effect.

AND YOUR ORATORS further shew unto your Honors that the said testator was, at the time of his death, seized and possessed of a considerable real estate, say probably about 1,100 Acres, which he attempted to devise, but not having strictly observed all the malitus required by law for the devising of real estate, your orators are informed that the testator, as to his real estate, must be considered as having died intestate, and if so, he has left the following heirs who are entitled to a distributive share of the said real estate, that is:

1. **AMY TOLLISON**, widow of the testator.
2. The children of **NANCY [TOLLISON] BRYANT**, one of his daughters, who are: **ELIZABETH [BRYANT] HARVEY** wife of **JOHN HARVEY**; **CHARLOTTE BRYANT**; **WILLIAM T. BRYANT**; **JOHN BRYANT**; **POLLY [BRYANT] HARVEY** wife of **WILLIAM HARVEY**; **SALLY [BRYANT] KIRBY** wife of **WRIGHT KIRBY**; **ELI BRYANT**, **MUSE BRYANT**, **JAMES BRYANT**, and **ALFRED BRYANT**.

Equity, SC, Spartanburg, JOHN TOLLISON, 1825

3. LIDIA [TOLLISON] SPARKS, a daughter, wife of JOSEPH SPARKS; JOHN TOLLISON; LEVICY [TOLLISON] KIRBY wife of RICHARD KIRBY; ANNA [TOLLISON] GOSSETT wife of Major GOSSETT; ELI TOLLISON; and ITA [TOLLISON] QUINN, wife of JAMES QUINN.

who together, with your orators, are entitled to a distributive share of the said real estate, according to the provision of the Act of the Legislature in such case made and provided.

AND YOUR ORATORS further shew unto your Honors that the said testator, sometime before his death, had sold a small tract of land in Union District, to one JAMES ORR, and gave his bond for title but that he died without having made the said title, to the said JAMES ORR, as he intended to have done.

AND YOUR ORATORS further shew unto your Honors, though it is with pain they are compelled to call to the view of the Honorable Court, the frailties of their deceased father, the testator, yet in justice to themselves they are bound to state to this court that the said testator, some considerable time before his death, from some cause unknown to your orators, becoming forgetful of the duties of a husband and a father. And being seduced by the youthful charms of a certain POLLY [MARY] SMITH, and being led to believe that he could legally and morally be discharged from the obligation of the marriage contract with his lawful wife, the mother of your orators, discharged her from his bed and board and actually had the marriage ceremony performed between himself and the said POLLY SMITH. And that he continued to live with her as though she had been his lawful wife until the time of his death. And that she became the mother of a number of children, of whom the testator was the reputed father, the names of the said children are as follows, to wit: JAMES SMITH or TOLLISON, BIRDSONG SMITH or TOLLISON, JOSEPHUS BERRYMAN SMITH or TOLLISON, LUCINDA SMITH or TOLLISON, and ALFRED SMITH or TOLLISON who are illegitimate children.

AND YOUR ORATORS further shew unto your Honors that the said testator, being influenced as they suppose, by the importunity of the said POLLY SMITH, the mother of those illegitimate children, during the time he thus lived with her, gave and conveyed unto her, the said POLLY SMITH, his mistress, and her illegitimate children, contrary to the wise and salutary Act of the Legislature in such case made and provided, considerably more than 1/2 of the clear value of his estate, to the great injury and prejudice of his lawful wife, and his legitimate children, some of which gifts were made by direct conveyance, others are made by third persons, to whom the said testator had conveyed the property mentioned in said deeds and trusts, for the benefit of those said illegitimate children, and their mother, the said POLLY SMITH, all which will more fully appear by copies of the said deeds of gift, a file of which is here with exhibited and marked B.

AND YOUR ORATORS expressly charged that the whole of these deeds were without any valuable consideration and that they were executed through trustees for the express purpose of avoiding the Act of the Legislature.

AND YOUR ORATORS further state unto your Honors that the said testator also endorsed, to some those illegitimate children and their mother, a number of notes of hand to considerable amount, say, to the sum of \$6,000, or \$7,000, so that by one means and another he has given to this woman, and her children, about \$18,000 out of his estate of \$30,000, as your orators can clearly show, and they expressly charge that they said POLLY SMITH, and her said children, have detained a considerable portion of the goods, chattels and cash, belonging to the said

Equity, SC, Spartanburg, JOHN TOLLISON, 1825

testators estate, which is not now in the power of your orators, specifically, and to the precise amount to set forth but they hope which the said defendants will be compelled to disclose and account for.

AND YOUR ORATORS further shew unto your Honors that the said **POLLY SMITH**, and her said illegitimate children, or at least some of them, are now proceeding, or threatened to proceed, by due course of law to enforce the collection of those notes of hand that were thus assigned to them without waiting for this Honorable Court to decree whether the transfer is void or not, though they were most clearly void as those deeds of gift are of a date prior to the assignment of those notes and that they, the deeds, above are more than 1/4 part of the clear value of the testators estate so that the notes of right the long to complainants as the executors of the said estate.

AND YOUR ORATORS are fearful if those defendants are permitted to collect the money due on the said notes that it will be difficult for them to get the same out of their hands should this honorable Court decree that the said notes belonged to the executors of the testator and not to the said defendants.

AND YOUR ORATORS further shew unto your Honors that the said testator, in his lifetime, did according to the provisions contained in those deeds of gift to his said illegitimate children convey away the property mentioned in those deeds to other persons by absolute deeds of conveyance so that the last mentioned deeds operated as a defeasance of the former as will more clearly appear by a copy of one of those latter deeds which is herewith filed as an exhibit marked **C**.

AND YOUR ORATORS further shew unto your Honors that one Colonel **JOSEPH COLLINS** has now obtained the appointment of Guardian to those illegitimate children and that he is acting for them.

AND YOUR ORATORS further state to this Honorable Court that there will a question arise in the construction of the will of the testator as to the effect of the residuary clause of the said will or that part of the estate of the testator which is the excess of 1/4 of the same conveyed by the said deeds of gift, to his said mistress and her illegitimate children, as the residuary legatees claim the same exclusively to themselves, while the other heirs contend that the testator must be considered as having died intestate as to that part of his estate if the said deeds should be set aside by this honorable court and that therefore the same is subject to division amongst all of the representatives of the testator according to the statute of distributions.

AND YOUR ORATORS further charge that the said testator, at the time of the execution of some of those deeds of gift and the said assignment of those notes of hand to his said mistress and her illegitimate children, was by no means of sound mind, but that it was done wholly through the agency of the said **POLLY SMITH**, and her said children, during the last illness of the said testator.

AND YOUR ORATORS further shew unto your Honors that they have often applied to those defendants, in the most friendly manner, to have all the matter touching the estate of the said testator amicably settled but that they have refused to comply with their reasonable request as in Justice and Equity they ought to have done.

Equity, SC, Spartanburg, JOHN TOLLISON, 1825

BUT NOW so it is, may it please your Honors that the said defendants, or at least some of them, combining and confederating together, and with other persons at present unknown unto your orators whose names, when discovered, your orators pray may be herein inserted with app and proper words to charge and contriving how to injure and oppress your orators in the premises sometime pretending that those of the lawful heirs who are defendants are equally entitled to a distributive share of the estate the testator has contrary to law attempted to convey to his said bastard children, and their mother, the said **POLLY SMITH**. and those that said illegitimate children, and their mother pretend that the testator has not given them a larger share or portion of his estate than he lawfully might do and that they have not concealed any of the goods in chattels debts or money belonging to the said estate whereas your orators charge the contrary thereof to be the truth. All such actings and doings are contrary to equity and good conscience and tend to the manifested wrong of your orators in the premises in tender consideration whereof and for as much as your orators are religious in the premise at and by the direct end fixed rules of the common law and cannot have adequate relief, save in the court of equity, where matters of the of this, and the like kind, are properly cognizable and relievable, to the end therefore, that each and every of the defendants and their confederates, when discovered, may upon their several and respective corporal oaths, full, true and perfect, answer make to all and singular the matters and things herein before stated and charged as fully and particularly as if the same were here repeated again and they thereto distinctly interrogated and that not only as to the best of their respective knowledge and remembrance but also as to the best of their several and respective information and hearsay and belief and more especially that they may answer and set forth whether the copy of the will set forth in the commencement of this bill is not a true copy? And whether the testator did not die about the time set forth? And that the said **POLLY SMITH**, and her minor children, by the guardian, the said Colonel **JOSEPH COLLINS**, may answer and set forth whether those deeds of gifts and convinces, which purport to be made by third persons, and not directly from the testator, or not in truth executed in consequence on or in the fulfillment of a trust reposed in the persons by whom they were made, which the said testator had imposed on them at the time he conveyed the said property to the said trustees for the benefit of his said bastard children and their mother.

AND THAT they, the said illegitimate children and their mother, may fully set forth and discover what amount of notes the said testator assigned over, or endorsed, to them and each one of them and when the same was done and was or was not the said testator on his deathbed at the time and was he, or was he not, very weak in body and of mind at the time, or was he in his perfect senses at the time the said notes were assigned, and was not the same done without any valuable consideration.

AND THAT they, the said **POLLY SMITH** and her children, may fully and practically set forth and discover whether the said testator had not a considerable sum of money in his possession at the time of his death and how much and whether there was not property to a considerable amount which the said testator had given them in his lifetime of which they have rendered no account to the executors.

AND whether the said testator had not, in his lifetime, gave them considerable sums of money and how much and what property had he given them.

Equity, SC, Spartanburg, JOHN TOLLISON, 1825

AND THAT the said defendants may answer the premises and that the said **POLLY SMITH** and her said children maybe compelled to account for all the money they and each of them may have received from the testator or his estate since his death and that these deeds of gift and conveyances and the endorsement or assignment of those notes to them by the said testator may be declared to be null and void as far as the full amount of the same may exceed the 1/4 of the clear value of the estate of the testator and that the same may pass to your orators under the residuary clause contained in the well of the said testator.

AND THAT your orators may be authorized to discharge the legatees, under the said will, which are directed to be paid in property by paying the amount of the same in money for the reasons above stated.

AND THAT they be or the consideration of this honorable Court be authorized to execute good and sufficient titles in fee simple to the said bound **JAMES ORR** according to the conditions of the said bond Of the testator for the land there in mentioned.

AND THAT your Honors may grant unto your orators the writ of partition of this honorable court for the purposes of obtaining a division of the real estate amongst those legally entitled therein according to their respective interests in the same.

AND THAT in the meantime an injunction may be awarded, by this honorable court, to restrain the said **POLLY SMITH**, and her said illegitimate children, or their guardian, or attorney, or agents from collecting the monies due on those said transfer notes, until the final decree of this court shall determine to whom the money is due on the same of right belongs.

AND THAT your Honors may grant such other and further relief, in the premises, as from the circumstances of the case to your Honors shall seem meat.

AND MAY IT PLEASE your Honors also to grant, unto your orators, the writ of subpoena of this honorable court to be directed to the said **AMY TOLLISON** and the children of **NANCY BRYANT** and the rest of the said defendants commanding them at a certain day and under a certain penalty therein to be inserted personally to be and appear before your honors in this honorable Court then and there to answer the premises and to stand to and abide such order as decree therein as your honor shall see as agreeable to equity and good conscience.

And your petitioners will ever pray & c.

A. W. THOMSON
Complainant's Solicitor

Equity, SC, Spartanburg, JOHN TOLLISON, 1825

The state of South Carolina
In Equity

The answer of the Colonel **JOSEPH COLLINS**, guardian to **JAMES SMITH** alias **JAMES TOLLISON**, **BIRDSONG SMITH** alias **BIRDSONG TOLLISON**, **JOSEPHUS B. SMITH** alias **JOSEPHUS B. TOLLISON**, **LUCINDA SMITH** alias **LUCINDA TOLLISON**, **ALFRED SMITH** alias **ALFRED TOLLISON**, and **ELIZA C. SMITH** alias **ELIZA C. TOLLISON**, minors under 21 years of age.

The defendant, Colonel **JOSEPH COLLINS**, guardian as aforesaid, now and at all times hereafter reserving to himself all manner of exceptions to the many fold errors and insufficiencies in the said complainant's bill of complaint contained for answer thereto, or so much thereof as he is advised it is necessary or material for him to make answer unto, answering saith:

THAT he believes and admits that **JOHN TOLLISON**, the testator, was seized and possessed of a considerable real and personal estate at the time of his making the said will and at his death. this defendant also believes and admits that **JOHN TOLLISON**, the testator, did at the time as set forth by complainants make and execute his last will and testament in the manner and form as alleged by complainants and did make the devises and bequests therein as complaints state and their bill these bill and that complaints are two of the executors appointed in the same will.

AND THAT **BIRDSONG SMITH** alias **TOLLISON** also appointed an executor, by the said will, who was qualified as such.

THIS DEFENDANT further answering saith that he has heard and believes that the testator died about the time set forth by complainants, leaving his said will in full force and unrevoked, and that the said will has been duly proven and complainants qualified as executors and taken up upon taken upon themselves the execution thereof.

THIS DEFENDANT admits that he has seen an appraisement of the estate of the testator, but whether the whole estate had been appraised this defendant cannot say, and he believes the exhibit **A** to be a true copy of that appraisement.

THIS DEFENDANT also admits there was a sale of the personal estate of the testator as alleged by complaints, as he has been informed.

THIS DEFENDANT further answering admits that he has been informed and believes that the said will of the testator was not executed so as to pass real estate, but that quantity of real estate that said testator died seized and possessed of this defendant does not know.

THAT THIS DEFENDANT is informed and believes that the said testator did die intestate as to his real estate and that the persons named by complainants will be entitled to a distribution of the same.

THIS DEFENDANT does not know, of his own knowledge, that a sale of land was made by the testator in his lifetime to **JAMES ORR** and bond given for title, and testator died before title was executed, but he has heard the same.

Equity, SC, Spartanburg, JOHN TOLLISON, 1825

THIS DEFENDANT further answering saith that he has heard that the mother of the complainants was the wife of the testator, but does not know the fact. That he has also heard that the testator had intermarried with **POLLY SMITH**, but does not know the fact but knows that the said testator lived with her as his wife until his death.

THIS DEFENDANT further answering saith that he has heard and believes that **POLLY SMITH** is the mother of several children, of whom this defendant is guardian, and has heard that the testator was the reputed father, but does not know the fact, and admits the names of the children to be as complainants have set forth.

THIS DEFENDANT further answering sayeth that he does not know, of his own knowledge, that the said testator ever conveyed to the said **POLLY SMITH**, and her children, any of his estate except what appears from some papers which this defendant has seen, neither does this defendant know, or admit, that the testator has conveyed 1/2 of his estate or even 1/4 to the said **POLLY SMITH** and her children.

THIS DEFENDANT admits, and believes, that the deed contained in exhibit **B** to be true copy of the originals which this defendant, as guardian to the persons named therein, has in his possession.

THIS DEFENDANT, further answering, saith that he knows of no other deeds than those contained in exhibit **B**, neither does he know, of his own knowledge, that said deeds were made directly a to by third persons to avoid any Act of the Legislature or that any deeds were ever made in trust to the persons for the use and benefit of the said children, and does not know the consideration of said deeds, except from that is expressed in them.

THIS DEFENDANT admits that he has in possession, as guardian to **BIRDSONG TOLLISON**, two notes of hand under seal endorsed by **JOHN TOLLISON**, deceased, as this defendant believes and admits, to **BIRDSONG TOLLISON**, copies of which are contained in exhibit **I**. Also two other notes, endorsed by the said testator, to **ELIZABETH CONRAD TOLLISON** copies of which are hereunto exhibited, and that upon what consideration those notes were endorsed, this defendant does not know. And that this defendant has put those notes in suit for the recovery of the amount of them as guardian to the persons to whom they are endorsed.

THIS DEFENDANT has, in his possession, one other note on one of the complaints, endorsed by the said testator, to **MARY TOLLISON** and that the said **MARY TOLLISON** endorsed the said note to this defendant, upon the consideration that he would become guardian for her children and defend and protect these rights and interest which this defendant agreed to do. And this defendant considers the said notes, and the amount due thereon, as his own right and property. That this defendant, at the time said note was endorsed to him, did not know upon what consideration it had been transferred to **MARY TOLLISON**, neither does this defendant yet know, of his own knowledge, copies of which note and endorsements are attached in exhibit **L**. That this defendant knows of no other notes that have been endorsed by said testator to the said **MARY SMITH** alias **TOLLISON**, or her children, neither has he seen any such.

THIS DEFENDANT does not know, of his own knowledge, that the said testator gave one cent to **MARY SMITH** and her children except what ??? before stated give of the fact. Neither does this defendant know what the said testator was worth.

Equity, SC, Spartanburg, JOHN TOLLISON, 1825

THIS DEFENDANT further answering sayeth that he does not know of any goods and chattels detained by the said **POLLY SMITH**, or her children, which belongs to the said testator at the time of his death, or any cash.

THIS DEFENDANT further answering sayeth that he does not believe that the property mentioned in the deeds of conveyance, if the same was created for the purposes complainants allege, to be one fourth part of the whole estate of the said testator.

THIS DEFENDANT is astonished to hear complainants allege that if of the notes should be collected it would be difficult to get the money from them, as this defendant is their guardian, and will receive the money, when collected, and will be answerable for it and his sureties, and if by an order of this court he has a right to it in behalf of his wards.

THIS DEFENDANT knows nothing of any deed of defeasance, nor does he admit the same, but requires due proof thereof.

THIS DEFENDANT says he does not admit that any deeds were executed by the testator in his last illness, nor that he was of unsound mind at the creation of the same, nor that he was of unsound mind at the endorsement of said notes, or that he was done through the agency of **POLLY SMITH** and her children.

THIS DEFENDANT does not know of any money being given his wards by the said testator in his lifetime, nor any other property other than as before set forth.

THIS DEFENDANT does not believe that the said testator had any money in his possession at his death, themselves this defendant know of his said wards having concealed any property belonging to the said testator at the time of his death.

THIS DEFENDANT on behalf of his wards states to the court that even admitting that all the property mentioned in the complainant's bill were given to the said **POLLY SMITH** and her children for the purposes as complainants states, independent of the increase of said property, yet he does not admit, or know, that it will exceed 1/4 of the whole of the said testators estate.

THIS DEFENDANT has reason to believe that the return of **MUSE TOLLISON**, one of the executors, of debts due the estate of the said testator does not include the total debts due the testator at his death, a copy of which return is here with exhibited and marked **M**.

THIS DEFENDANT has thus answered, as guardian, rather out of usual form, because no subpoena, as he has been informed, has been on his words to answer, which ought to have been done though his answer is in substance the same. It would have been in any form.

THIS DEFENDANT desires all reasonable consideration and prays that he may be dismissed with his reasonable costs.

P. FARROW

Defendant's Solicitor

Equity, SC, Spartanburg, JOHN TOLLISON, 1825

South Carolina
Spartanburg District

you **JOSEPH COLLINS** to solemnly swear that the facts stated in this answer are true to the best of your knowledge and belief.

JOSEPH COLLINS

Sworn to before me the 22nd of October 1821

S. FOSTER, C. E. S. D.

Equity, SC, Spartanburg, JOHN TOLLISON, 1825

State of South Carolina
Spartanburg District

S. FOSTER, C. E. S. D.

To **WILLIAM GOLIGHTLY, DANIEL WHITE, JAMES** Porter, **ANTHONY BATES** of said district and **RICHARD THOMPSON** of Union district and state aforesaid

WHEREAS it has been suggested to us, in our court of equity at Spartanburg Court House that **JOHN TOLLISON** Sr., late of this District and state aforesaid, deceased, was in his lifetime, and at the time of his decease, seized and possessed in fee simple of a certain Plantation or tract of land situate, lying, and being in the district and state aforesaid, more particularly and fully described in the bill of complaint of the executors of **JOHN TOLLISON**, deceased, as **AMY TOLLISON** and others heirs and distributees of the said **JOHN TOLLISON**, deceased, for this purpose among other purposes, filed in the office of the commissioners of the Court of Spartanburg District of which said tracts of land the said **JOHN TOLLISON** died intestate, leaving the following persons to wit: **AMY TOLLISON**, widow of the said **JOHN TOLLISON** deceased, the children of **NANCY BRYANT**, one of his daughters, who are: **ELIZABETH HARVEY** wife of **JOHN HARVEY**, **CHARLOTTE BRYANT**, **WILLIAM T. BRYANT**, **JOHN BRYANT**, **POLLY HARVEY** wife of **WILLIAM HARVEY**, **SALLY KIRBY**, wife of **WRIGHT KIRBY**, **ELI BRYANT**, **MUSE BRYANT**, **JAMES BRYANT**, **ALFRED BRYANT**; and **LIDIA SPARKS**, a daughter, wife of **JOSEPH SPARKS**; **JOHN TOLLISON**; **LEVICY KIRBY**, wife of **RICHARD KIRBY**; **ANNA GOSSETT** wife of Major **GOSSETT**, **ELI TOLLISON** and **ATI QUINN**, wife of **JAMES QUINN**.

AND no division or partition having been made the said executors of **JOHN TOLLISON**, deceased, as above named hath filed their bill in our said Court of equity, praying for a writ of partition and division of the said tracts of land agreeably to the Acts of the General Assembly in such case made and provided, and the said **AMY TOLLISON**, and others, assenting to the same, you, the said **WILLIAM GOLIGHTLY, DANIEL WHITE, JAMES POOLE, ANTHONY BATES** and **RICHARD THOMPSON** of Union district, before said, being first sworn fairly and impartially to execute this writ of partition, according to the best of your knowledge and understanding, are therefore authorized and required, that is your proper pardons, you go to and upon the premises aforesaid, in the presence of the parties aforesaid, by you to be summoned if they wish to be present, and the said plantations or tracts of land together with the buildings and other improvements, respect being had to their value, you can see to be divided in the manner and proportions here in before mentioned and that your you can be several and respective parts to be delivered and assignments to them to be held in several so that neither of the parties have more of the said inheritance then belongeth them to have.

AND the same partitions, by you as aforesaid to be made you are requested plainly and distinctly under your hands and seals to have before the aforesaid Judges of the said State at the Court of Equity to be holden at Spartanburg Court House on the first Monday of June next. And in what manner you shall execute this, our writ, then and there make known unto us and have you then and there this writ.

Equity, SC, Spartanburg, JOHN TOLLISON, 1825

Witness **SAMPSON FOSTER**, Esquire commissioner of the said Court of Equity in Spartanburg Court House the first Monday in February in the year of our Lord 1823 and in the 47th year of the sovereignty and independence of the United States of America.

A. W. THOMSON
Complainant's Solicitor

Equity, SC, Spartanburg, JOHN TOLLISON, 1825

South Carolina
Spartanburg District

Personally appeared before me **WILLIAM GOLIGHTLY, DANIEL WHITE, JAMES POOLE, ANTHONY BATES** and **RICHARD THOMPSON**, Esquires, who being duly sworn say that they will fairly and impartially execute all and singular the premises contained in the annex writ of partition to the best of their understanding and knowledge.

D. WHITE
W. S. GOLIGHTLY
JAMES POOLE
ANTHONY BATES {his mark}

Sworn to before me this 30th of August 1823

JOHN EISON, J. P.

Equity, SC, Spartanburg, JOHN TOLLISON, 1825

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Transcribed from original documents by Brent R. Brian & Martha M. Brian.

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