

1855-118

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BRITTLE et al vs. BRITTLE'S ADM'R. et al

7/1855

other surnames: Nicholson

To the honorable the County Court of Southampton
County. In Chancery sitting - February Term 1855.

Humbly complaining sheweth unto your worships
your Complainants Susanna J. John W. and Alfred
et. al. Brittle that Alfred J. Brittle departed this
life intestate sometime in the fall of 1854, leaving
a widow Catherine Brittle, and ten children, to-wit,
your Complainants who are of full age, and Joseph et.
Brittle, Sarah E., Wreilla M. B., Ann E. C., Benjamin
H., Rebecca A., and Rosa H. G. Brittle who are infants
under the age of twenty one as his heirs at law. - That
he was seized and possessed at the time of his death
of a tract of land and several slaves. Your Complain-
-ants state the said slaves are not wanting the
debts of the said intestate, and therefore may be
divided amongst the parties entitled at this time.
That John E. Nicholson qualified as his adm^r at
according to law, and that there are sufficient
assets in his hands for the payment of his debts
without the said slaves - That your Complainants
desire that dower should be allotted to the widow
and also her distributable portion of the slaves.
That it will be impossible to divide the remainder
of the slaves in kind amongst the parties entitled,
and it will be therefore necessary that they should
be sold for a division - That the remainder
of the land cannot be divided amongst the parties
without great injury to their interests and not being

8300- Can and ought to be sold for a division amongst
the parties - In tender consideration of the premises and
inasmuch as your complaint is without remedy save
in a Court of equity, it is prayed that John E. Nich-
olson admr. of Alfred J. Brittle dec'd. Catharine
Brittle, Joseph A., Sarah E., Drucilla M. B., Ann
E. C., Benjamin M., Rebecca A., and Rosa H.
G. Brittle be made parties defendants to this
bill - That some fit and proper person be appointed
guardian ad litem to the infants who shall answer
for them - That your worship will decree an
assignment of dower to Catharine Brittle widow of
Alfred J. Brittle dec'd, and also her portion of his
slaves, and that the balance of his land & slaves
may be sold for a division amongst the parties
entitled - That your worship will decree such
further relief in the premises as may seem
proper & correct & they will ever pray to
Cobb p. 9.

The answers of John E. Nicholson admr. of Alfred
J. Brittle dec'd, Catharine Brittle and L. N. Edwards
guardian ad litem to Joseph A., Sarah E.,
Drucilla M. B., Ann E. C., Benjamin M., Rebecca
A., and Rosa H. G. Brittle infants to the foregoing
bill -

These defendants answer & say that they have no
objection to the decree prayed for & pray to be
hence dismissed with costs &c

By W W Cobb atty.

Brittle & others

vs
3 Decr.

Brittle's admr & others

This day this cause was overruled by consent of
Court and came on to be heard with like consents on the bill,
answers of defendants, replication, threats, and was argued
by counsel, on consideration whereof the Court doth adjudge
order and decree that William T. Brittle, John N. Bain
Alpheus Coker and Drucy Pond, (any three of whom may
act) who are appointed commissioners for the purpose
accord to Catharine Brittle one third part in value
during her natural life of the land and slaves of which
Alfred J. Brittle died seized & possessed, and that they make
report of their proceedings to this Court, and the Court
doth further adjudge, order and decree that John E.
Nicholson who is appointed a Commissioner for the purpose
after giving reasonable notice of the time and place
of sale, sell to the highest bidder the remainder of
the land & slaves of the said Alfred J. Brittle dec'd -
That he sell the slaves on a credit of six months
(except so much as may be necessary to pay the expenses of
this decree and said sales) Taking bonds from the purchasers
with approved security carrying interest from date -
That he take ten bonds in equal amounts and pay
over one to Susannah J. Brittle - one to John W. Brittle -
one to Alfred A. A. Brittle, and the remaining seven
bonds to the guardian at law of Joseph A., Sarah
E., Drucilla A. B., Ann E. C., Benjamin M., Rebecca
A., and Rosa H. G. Brittle - That he sell the said
land on a credit of twelve months (except the expenses

of said sale) and take from the purchaser bonds with approved security in ten equal annuities, and pay ~~them~~ over to the same parties in the same manner as the bonds for the sale of the said slaves are directed to be paid. That unless he shall think it necessary to retain the title to the said land for the purchase money that he execute to the purchaser a deed with special warranty, and that he make report of all his proceedings to this court in order to a final decree.

- 334.

Boittle

3 Bill & Co. & Co.

Boittle & Co.

1855 Feb. 7. above as filed

June. Report.

July. " Confm.?"

Boittle & others

27. 3 Bill, above same

Boittle's above & others

Cole

Brittle &
W. J. Combs Report
Brittle & Co.

1855. June 6th.

like for p^r.

Southampton County Court. February Term, 1833.
Susanna J., John W. and Alfred A. S. Buttle Plffs
against

John E. Nicholson (Admr of Alfred J. Buttle dec'd)
Catherine Buttle, Joseph A. Sarah E. Drucilla
Th. B., Ann E. C., Benjamin W. Rebecca A
and Rosa H. G. Buttle Dfts

In testimony

This day this cause was docketed by consent of Court and came on to be heard with like consent on the bill answers of defendants, replications thereto, and was argued by counsel. On consideration whereof the Court doth adjudge, order and decree that William T. Buttle John N. Bain, Alphens Coker and Dmory Pond (any three of whom may act) who are appointed Commissioners for the purpose allot to Catherine Buttle on this part in value during her natural life of the land and slaves of which Alfred J. Buttle died seized & possessed, and that they make report of their proceedings to this Court. And the Court doth further adjudge, order and decree that John E. Nicholson who is appointed a Commissioner for the purpose after giving reasonable notice of the time and place of sale sell to the highest bidder the remainder of the land & slaves of the said Alfred J. Buttle dec'd That he sell the slaves on a credit of six months (except so much as may be necessary to pay the expenses of this decree and said sale) taking bonds from the purchaser with approved security carrying interest from date. That he take ten bonds in equal amounts and pay over one to Susannah J. Buttle, one to John W. Buttle, one to Alfred A. S. Buttle, and the remaining seven bonds to the guardian at law of Joseph A. Sarah E., Drucilla A. B., Ann E. C., Benjamin W., Rebecca A, and Rosa H. G. Buttle - That he sell the said land on a

credit of twelve months (except the expenses of said sale) and take from the purchaser bonds with approved security in ten equal amounts, and pay them over to the same parties in the same manner as the bonds for the sale of the said slaves are directed to be paid. That unless he shall think it necessary to retain the title to the said land for the purchase money that he execute to the purchaser a deed with special warranty, and that he make report of all his proceedings to this Court in order to a final decree.

Wks 6th of 3.00 p² A. Coffey, Test.
SRE

Henry S. Howard, D. C.

Briggs L
21 3
Briggs L

To the Worshipful County Court of Southampton
In obedience to the former decree of the undersigned Court pronounced on the 28th day of July 1855 ~~to allot~~ to Catharine Briggs widow of the late A. J. Brittle one 1/3 part of the land 700m bonds was taken of the purchaser with good & sufficient security the said A. J. Brittle her lawyer & designating the sum by a check payable on the 3rd day of March 1856 & paid over to the Legatee her Community in the building of the land of the said deceased as directed in your decree, as follows one to John, or one the lands of John ~~at a price made~~ to Alfred A. A. one to Susanah J. Brittle & the other in a northerly direction indicated by chipping trees to a branch then up said Cassette ~~to the land~~ then in a straight line to a large pine tree the land of S. de B. Brittle Darius Constancy of estimate 227 acres.

we also divided the slaves belong to ~~the said~~ which were in the aggregate valued at \$5350.00 1/2 of which money be \$1785.33 to make which we assign to the widow Hamlen valued at \$1000.00, Harriet at \$6.25 & Edna 150.00 which will make \$1775. leaving a balance of \$10.33 1/2 due in favor of the widow or the infant then for the said division

for the land or the Court or respecting Submit
Alfred W. Baker
John N. Baird
W. J. Brittle

To the Worshipful County Court of Southampton
In order to complete the provisions of this decree the undersigned begs leave to state that the widows dowry having been allotted her in the land & slave of the late Alfred J. Brittle (decd) that after duly advertising proceeded on Saturday the 3rd day of March 1853 execute the provisions of your decree by selling at public auction to the highest bidder the remainder of the land & slaves of the sd Alfred J. Brittle as follows

The land supposed to be ^{lying in the County of Sussex} about 237 acres was purchased by Alfred A. A. Brittle for the sum of two hundred dollars on a credit of 12 months from which amt five dollars was deducted for Commission & a proportionate part of the expense of this decree & sale leaving a balance of \$195.00 to be divided into ten equal shares making \$19.50 p share for which amt. ten bonds were taken of the purchaser with good & sufficient security on the 3rd day of March 1856 & paid over to the Legatee as directed in your decree, as follows one to John, or one to Alfred A. A. one to Susanah J. Brittle & the other seven p² to Catharine Brittle the legal Guardian of Joseph A. Sarah E. (Domicile, M. B. Ann E. C. Benjamin or Rebecca A. & Rosa H. E. Brittle) & from whom receipt was taken & are herewith returned

The slaves & in no more purchased by Catharine Brittle at the following prices Lavinia \$300.00, Sam 550.00, Littleton \$800.00, Harriett \$475.00, Diley \$350.00, Minerva \$325.00, Sylvia \$300.00, Amanda \$175.00 making in the aggregate \$3275.00 expenses attending sale Commission & decree 26th of March 1853 ~~and~~ leaving a

Balance of \$ 3182.00 which was divided in ten equal
shares making \$318.20 of share for which a 1- ten bond was
taken from the mortgage with security heavy interest from date &
payable 6 months thenceforth making them payable on 3rd September
next - and more as the land bond paid over to the Legation
to their Legal Guardian in the following manner one to John

W, one to Alfred A. A. one to Susanorck J. & the other seven to Catharine
Brittle Emerson at-law of Joseph A. T. Cook, E. Drucella A. B.
Ann E. C. Benjamin W. Rebecca A. & Rosa H. G. Brittle
from whom receipts have also been taken and are herewith
returned Respectfully Submitted

Geo E Nicholson Comptroller

Billie
Copy of Receipt
Billie

Wm. W. Cobb
Receipt to
Geo. C. Nicholson
Comm.

Mr. Jas. P. Nicholson Commr.

To Wm. W. Cobb Esq

1855. Feby. To bill, answer & decree for
division and sale of slaves of

deced J. Butler decd. \$10. 00

Recd. payment in full

Wm. W. Cobb

C. Brittle Gar
to Receipt
Jno. E. Nicholson Com-
r J. Brittle, Gar

Recd March 6th 1853- of J^r & Nicholson Compr.
 appointed by The County Court of Southampton to sell
 that portion of the Lands & Slaves ~~belonging~~ ^{belonging} to the Estate
 of Alfred J. Brittle after the widows ^{debt} was taken out
 one bond vs Catharine Brittle doth for the sum of \$318.20
 due 3 march 1853-

one do vs do do do do 318.20

due 3 march 1853-

one like bond vs do do do do 318.20

due 3 march 1853-

one like bond vs do do do do 318.20

due 3 march 1853-

one like bond vs do do do do 318.20

due 3rd march 1853-

one like bond vs. J. Brittle 2nd 318.20

due 3 march 1853-

one like bond vs do Brittle 2nd 318.20

due 3 march 1853-

which was the amt due from the sale of the
 Slaves as also to the seven younger Children
 for whom I am Guardian.

also the foeling bond, as the property to which each child
 was entitled after deducting Exp^s & Sales out of the Sale of Land

1 bond vs A A Brittle 2nd for \$19.50 due 3 march 1856

1 do vs do do do 19.50 do do

1 do vs do do do 19.50 do do

1 do vs do do do 19.50 do do

1 do vs do do do 19.50 do do

1 do vs do do do 19.50 do do

1 do vs do do do 19.50 do do

Catharine Brittle Com^r for

Joseph A. Sarah E. Lucilla A. B. Ann E. C. Benjamin
 W. Rebecca A. and Rosa H. G. Brittle

S. J. Brittle
to { Receipts

A. J. Brittle, ^{Comp^r}

March the 6th 1855 Rec^d of John E. Nicholson Com^r appointed
by the County Court of Southampton to sell that part of the land
and negros remaining to the Estate of Alfred J. Brittle after
the widows dower was assigned one bond vs Catharine
Brittle and others bearing interest from the 3rd of March
1855 and payable on the 3rd of Septm^r next amounting
to Three hundred and Eighteen dollars and twenty cts
it being my proportion of the sales of the negros
also one bond vs Alfred A. Brittle and others due
on the 3rd day of March 1856 ^{nineteen dollars & 25 cts} it being my proportion
of the sale of the land

Witness

J. J. Drumwright

Susanna J. Brittle

J. M. & A. A. Brittle
to } Repts.

A. J. Brittle, Esq.

Recd check \$1855 of J. E. Nicholson Com^r appointed
by the County Court of Southampton to sell that part of the
land and slaves remaining to the Estate of Alfred J.
Brittle after the widows dower was assigned one
bond against Catharine Brittle and others bearing
interest from the 3rd of March 1855 payable on the 3rd of
September next One bond amounting to Three hundred
and eighteen dollars and twenty Cents it being
my proportion of the sales of the negroes. Also one
bond against Alfred A. A. Brittle ^{and others} of Nineteen
dollars and fifty cents due on the 3rd day of
March 1856 it being my proportion of the sales
of the land
Teste John W. Brittle
J. J. Drumwright

March 6/1855 Rec^d of John E. Nicholson Com^r
appointed by the County Court of Southampton to
sell that part of the land and negroes remaining to the
Est of Alfred J. Brittle after the widows dower was
assigned one bond vs Catharine Brittle and others
bearing interest from the 3rd day of March 1855 and
payable on the 3rd of Sept^r next amounting to
Three hundred and eighteen dollars and twenty Cts
it being my proportion of the sales of the Slaves
also one bond against Alfred A. A. Brittle and
others of Nineteen dollars and fifty Cts due on the
3rd day of March 1856 it being my proportion
of the sales of the land
Witness Alfred A. A. Brittle
J. J. Drumwright