

1859-017

SOUTHAMPTON COUNTY
CHANCERY PAPERS

CRICHTON VS LITTLE'S ADM'R. etal.

11/1859

other SURNAMES: Briggs

Lexington &c.

vs.

Bill.

Letter com. &c.

1859 etc. D. J. 21

To the Hon^{ble}. Richard H. Batten Judge of
the circuit court of Southampton County.

Humbl^y. complaining sheweth unto your Honor, your
complain^t Margaret A. P. Brickton, wife of James E.
Brickton, Robert, H. Sarah E. Estelle, Catherine
H. Hugh McLeod & James H. Brickton infants children
by James E. Brickton their ^{by James E. Brickton her} husband, ~~father~~ and next
of kin.

That by the last will and testament of Elizabeth A.
Littel - (a copy of which is herewith filed) ~~they~~ ^{together with her infant children - Robert, Sarah, Estelle, Catherine, Hugh & James} ~~she~~
entitled to a tract of Land lying in the County of
Southampton, containing by estimation about 1050
acres, located on the Three Creeks, adjoining the Lands
of B. F. Ephs & others, - also to 19 negroes Slaves.
Together with the Stock, Tools &c on the farm, and
this is all the estate to which they are entitled -
That, in the opinion of your complainants, Their interests
will be greatly promoted by a sale of the real estate
mentioned - lying in Southampton, and the investment
of the proceeds, in the purchase of Land either in the
County of Brunswick, where your complainants
reside, or some other locality, to be held as the said ^{Land} complainants
will state some of the reasons, that
satisfy ~~their~~ ^{these} needs, and which will satisfy your Honor
of the propriety of selling this Land.

The object of the Petition was to benefit your complainants
& her children
and provide for their support, being the only child and

the ascendants. This can not be done in their present, and probable, future condition - They live in the county of Brunswick, thirty or forty miles from the land too remote to enjoy any of its current advantages - or to attend to its interest, care and management - and thus leaving their whole estate under the management, and control of stewards and overseers -

They want not consider their health safe to remove from the healthful region to which they have been so long accustomed to the miasmatic locality of this plantation - Dr. Crockett the husband and father of your complainants, is a practicing Physician, in Brunswick, & would be subject to his interest & propensity to leave his practice, for the uncertainty of obtaining an equally lucrative one in Southampton

again - This estate, is in the hands of W. W. Briggs, Sheriff of Southampton - and while he is as vigilant and attentive to its concerns, as it can be expected he can be, yet his official & private duties require his time to such an extent, that he is compelled to trust to the management or mismanagement, of overseers - whose probable purpose is, often to get their wages - without a just regard to the interest of their employers - Thus many matters of expense are frequently incurred, that might be avoided, if the property was differently situated - One great item, is the medical bills - These could be avoided if the negroes were in the vicinity of Dr. Crockett - as well as securing his personal attention, and that of your complainants about the little negroes &c &c -

To show the attention necessary & proper to be rendered this estate, and the improbability of getting any one to devote that attention, without incurring an expense, too great for the property, your complainants here with file a letter from a most respectable gentleman of Southampton, addressed to Dr. Crockett (marked B-) and in addition thereto will furnish abundant evidence - of the propriety of selling the Southampton Lands, and inserting the names in other Lands, to be held under the limitations & conditions of the will of Elizabeth A. Little.

In your consideration of all which - and in as much as your complainants are without money save in this cause. To the Exec - They pray your Honor to make William W. Briggs and, with the will annexed of Elizabeth A. Little - Robert N. - Sarah E. Estlin - Catherine S. Hugh Millard and James H. Crockett, minors under the age of 21 years by some fit & proper person to defend their interests, in this behalf defendants to this bill - That your Honor will decree a sale of the real estate in the bill mentioned and an investment of the proceeds of such in other Lands to be held under the limitations & conditions imposed by the will of the Testatrix herein filed - and grant such other and general relief in the premises - as the nature of the case may require -

May it please the Court &c.

Edw. Mas. pg

Munsonick County to wit:

This day Margaret A. E. Crickton
personally appeared before me, a Justice of the Peace
for the county of Adams, & made oath, that the facts contained
in the within bill are true, to the best of her knowledge & belief.

Given under my hand this 30th day of July
AD 1858.

R. F. Astrop J. P. Seal

Orickton
ms. }

Little. com.

Answer of
the com.

To the Hon. Mr. H. Baker. Judge of the Circuit Court,
of Southampton County.

The answer of William W. W. is
now with the will answer of Elizabeth A. Little as
to a bill exhibited against him & others - by Mary out
A & E. Brighton, in this Court.

This defendant saying & assuming all benefit
of exception &c - for answer to so much of the
said bill, as he is aware it is material he
should answer and say. That he admits, he is
now with the will answer of Mrs. Little, and
has under his management and control, the
real and personal estate, arising by his testator's
to the complainant and her children.

That he is managing the property to the best
of his skill, but no management of his. can
render the property as profitable ~~as~~ it could be
under the management of those to whom
it belongs. That it would be better managed by
Mrs. Brighton, and those more nearly interested
in the welfare of her and her children, than
it can be, under the direction of your Resp.
or of any other disinterested individual.

Your Respondent further states, that the real estate
of the Plaintiff consists of a tract of land in
this County containing about ~~acres~~ acres. The
places numbered 15 - and in the opinion of your
respondent, the interest of the parties would be
promoted, by a sale of the real estate and
an investment of the proceeds or a portion of
the same in the purchase of other lands
in some locality more convenient to the
parties.

Your Respondent is willing to render any
accounts, which may be required and abide

by any order, this court may think proper to
make. and having answered prayer to be
shown his majesty.

So ampton coming to mt.

This day Wm. Briggs
personally appeared before me on Justice
of the Peace for the County of Essex, and
made oath, that the facts stated in his
answer, are true to the best of his knowledge
and belief. Given under my hand this
day of Sept. 1858.

Brighton

no

little. about.

Answer of friends.

To The Honble Rich^d. H. Baker, Judge of the Circuit Court of Southampton County.

The answer of Robert H. Sarah E. Estelle Catherine S. Hays M. and James E. Brighton, infants of underv age as by William W Briggs, their Guardian ad litem, to a bill filed against them in this Court by Margaret A. E. Brighton.

These defendants saying and reserving &c. for answer says that the allegations of the bill are true; that their interest would be promoted by a sale of the real estate in the bill mentioned and an investment of the proceeds, in other lands for the reasons stated in the bill:

That if the sale should be decreed, they pray your honor to protect their interest, and secure the proceeds, under the management of some competent person. and having answered pray to be hence dismissed. &c.

Southampton County to wit:

This day W. W Briggs

Guardian ad litem to the infants named in the foregoing answer, personally appeared before me, a Justice of the Peace for the County aforesaid, and made to the truth of the facts stated in the bill, is the best of his knowledge and belief Given under my hand this day of Sept. 1858.

The Commonwealth of Virginia: To the Sheriff of Southampton County Greeting
We command you to Summon W. W. Briggs adm. with the Will annexed of Elizabeth A. Little &
Robert H. Sarah E. Estelle. Catharine S. Hught W. & James H. Crichton.

to appear at the Clerks Office of our Circuit Court of Southampton County at the Rules to be
holden for the said Court on the first Monday in July next. to answer a bill in
Chancery exhibited against them in our said Court by. Bettagurett A. E. Crichton by James
E. Crichton her next friend

And have that there this writ Witness Littleton R Edwards Clerk of our said Court at
the Courthouse this 25th day of June 1858 in the 32^d year of this
Commonwealth.

J. R. Edwards Clk

Executed by delivering a true copy of
this summons.

For W. W. Briggs by
W. W. Briggs shff

Received by J. S.

to J. S. S. S. S.

Little and 13

1858 July 13

In the name of God Amen: I Elizabeth A Little of the County of Southampton & State of Virginia being feeble of body but of sound mind do publish this my last Will and Testament in manner and form as follows. to wit. Item 1st. It is my will and desire that all of my just debts be paid out of my estate by my Executor who I shall hereafter proceed to appoint as soon as convenient after my decease.

Item 2. It is my will and desire furthermore that my S^r. Executor proceed to pay out of money arising from the proceeds of my estate the following sums as mementoes of regard & friendship, to wit. To my niece Virginia Billbrow the sum of twenty dollars, to my esteemed friend Phebe Rollings the sum of twenty five dollars also to Peter Ann Bettnay the sum of seventy dollars and to my relative M. A. M. Peters the sum of ten dollars to them and their heirs forever.

Item 3. It is further my Will and desire that my plantation be kept up during the natural life of beloved daughter Margaret A. C. Brichton, that all of my slaves a sufficiency of stock and every thing necessary to keep up the plantation be reserved for that purpose, and farther that such things as shall not be necessary for the keeping up of my plantation shall be sold by my S^r. Executor as soon as he may think best after my decease.

Item 4. It is further my will and desire that the money arising from sale of such surplus of my estate with all due me after the payment of my just debts the settlement of my estate and the legacies given in Item 2nd. be loaned out at interest or placed in some safe Savings Bank at interest by my S^r. Exor. and the annual interest arising therefrom with the annual net proceeds of my plantation, the one half of which I give to the support and special benefit of my beloved daughter Margaret A. C. Brichton & family and the other one half of annual interest and net proceeds be expended annually on the education of the lawful issue of body of my beloved daughter M. A. C. Brichton during her natural life or until the youngest of said lawful issue shall be educated then and in that event It is my wish that S^r. interest and proceeds be added to the general deposit.

Item 5. It is further my will and desire that in event of the death of my beloved daughter Margaret A. C. Brichton, that all my negro slaves with their increase be equally divided between her said lawful issue and furthermore that my plantation with all of further estate of every kind be sold and the

Proceeds arising from said sale with the entire amount at interest be also equally divided between said lawful issue, and in event of the death of either of said lawful issue before arriving to lawful ^{age} or marriage, then and in that case I give and bequeath his or her part to be equally divided between the surviving ones to them and their heirs forever.

Item 6. I appoint lastly my esteemed friend W^m B. Westbrook the Executor to this my last Will and testament and furthermore request that the duties of Agent or Curator as the case may be may devolve upon him. Given under my hand and seal this the 27th day of December, (A^{no}), One thousand eight hundred and fifty five.

Witness

W^m B. Westbrook

Wm^y Johnson

W^m ^{this} Marks
mark

Elizabeth A^{her} Little (Seal)
mark

At a Circuit Court held for the County of Southampton the 3rd day of May 1856.

The last Will and testament of Elizabeth A Little deceased was proved according to law by the oaths of W^m B. Westbrook and W^m Marks two of the subscribing witnesses thereto and is ordered to be recorded. And W^m B. Westbrook the executor named in the said Will having appeared in Court ^{and refused} to take upon himself the burden of the execution thereof. On the motion of James E. Brighton who made oath and together with Rob. R. Jones, Thomas J. Hicks and John T. Harris his securities - the said securities sworn by Littleton R. Edwards their attorney acting under a power of Attorney under the hands and seals of the said Securities & entered into and acknowledged a bond in the penalty of twenty five thousand dollars conditioned as the law directs. Certificate is granted the said James E. Brighton for obtaining letters of administration on the said decedent's estate with her will aforesaid annexed in due form.

Teste

L. R. Edwards cl^k

Attest

Teste. L. R. Edwards cl^k

Mr James E. Brickton Dear Southampton April the 22nd 1838

Sir yours of the tenth Inst^{ce} come to hand the other day Requesting me to qualify on the Estate of Mr^s Brickton and children that is utterly impossible for me to do as I have at this time as business on my hands as I can attend to you were rather of opinion that it would cost me no trouble but Sir if a man should discharge his duty there as he should do which I would do if it was in my power to do so I should be compelled to be there for a month every day which would very much operate against the other business that I have on hand at this time I think the business is in the hands of a very good man and all that is wanting concerning the matter is attention which could be remedied very easy by your going to Mr. Briggs and apprising him of the situation of every thing there and the manner it is going on I think the most proper plan would be to appoint some one to superintend there twice every week and then you would perceive there would be no need of any body's taking any further steps in the matter. Come down according to appointment I shall be glad to see you at my house at any time when convenient

So I remain yours Truly

John James