

1837-002

Chancery Causes: Exum Birrington Britt & al, by & c vs Miranda Britt

Isle of Wight County

Plat in Oversize Box 3

Other SURNAMES: Pope,
Clark, Lewis, Coggin,

To the County Court of Shelby County sitting in alg.
humbly complaining, shew to the Court your complain-
-ant, Esq. B. Britt, Jane Britt, dear the Britt
Benjamin Britt, George Britt, John Britt infant, by No. pop.
of the County of Shelby County their next friend &
that some time ago, to wit on the day of
... 1833, one Esq. & Britt
late of the said county, departed this life
having made his will wholly he leaves to his wife
his land which he purchased from Sally
... and at her death then to Esq.
Britton Britt and Mary E. Britt. which
will is of record in the County Court of Shelby
County. That the said Mary E. Britt has lately
and an infant without issue been married,
and the said Esq. B. Britt as full brother,
and Jane, Martha, Benjamin, ~~and~~ George
and John Britt half bloods, are entitled
to the intent of the said will: infant.
they are advised and believe it to be true
that one half of the said land belongs to the
complainant Esq. B. Britt as ~~his~~ his at law
or issue of his father and the moiety of
the said Mary Britt ought to be divided
so as to give one full share to the said Esq.
B. Britt and the remainder to the said
complainant, Jane, Martha, Benjamin, George
and John Britt, and they understand and
believe it to be true that the said Minerva
Britt is advised that the one half of the said
land which belongs in remainder to the
said Mary shall be now sold, she surrenders
her intent therein for as much as the
Court may think equal to her intent in the
same now. they also charge that the share
of each child is worth less than \$300. &
that their intent will be greatly enhanced by
a sale of the said moiety which they pray
the Court to order and direct. They are advised
that they are without remedy in the premises

except by the aid of this Court in which they
are alone properly relievable —

In tender consideration whereof, & for as much
as the complainant are remediless in the
premises save in this Court of Equity, in
which they are properly relievable, they pray
that the said Miranda Britt —

may be made defendants to this bill, and be
compelled, full true, perfect and sincere answer
to make to all and singular the allegations
aforesaid as fully and effectually, as if the
same were herein again repeated and they
thereunto more particularly interrogated. To
the end that justice be done, they pray the
Court to decree and order that the said
lands left by James B. Britt may be divided
into two equal shares — one share allotted
to the said James B. Britt and the other
share divided equally between John Corp.
according to the statute of distributions — that
you will give a sale of said moiety to
make such division, and make any other
order in the premises which may comport
with equity. —

Witness my hand
at New York

To the County Court of New York in Chancery
The answer of Miranda Britt —

to the bill of complaint against her
exhibited in the County Court of New York
by James B. Britt, Jane, daughter, Benjamin
George Britt ~~and John Britt~~ ^{her} ~~sons~~ ^{children}
This respondent says and reserves to herself
all manner of benefit and advantage
of exception to the errors, imperfections and
false allegations in the bill of complaint
contained. The said respondent says that
it is true that the matter and thing stated
in the said bill which it is necessary she
should make answer unto are properly
charged and set out and that except the
charge of fraud, the said allegations could
be paid, and having perfect conscience
in the conscience and justice of the said
Court, the respondent Miranda Britt
submit to any order in the premises. The
Court may think it proper to award
and have answered, pray hereto
be dismissed. — (Signed, Miranda Britt)

Britt's

ag. Willie Dec. 31

Britt

James
Britt

December 3rd 1836 Will

was answered by Will, and

subscribed

February 6th 1837 in front of the
Court at Concord N.H.

Attest

James B. Britt, Jane Britt, Martha Britt, Benjamin Britt, George Britt and John Britt infants by Rev. R. Pope next for Eliana Britt -

By consent of parties this case - this day came onto the bench on the plea, answer & petition filed and was argued by Counsel; on consideration whereof the it both adj. ord. and decree that Benjamin Vaughan, Benjamin Coggin and Memnon Clement, or any 2 of them, with the aid of a surveyor, do divide into equal moieties the land given by the will of James Britt to his wife Eliana Britt having regard to quality and quantity - that they allot one half to the plaintiff James B. Britt to be held by him subject to the right of the said Eliana the wife of him her husband that Benjamin Vaughan after advertising the time & place of sale for at least 30 days, do sell to the highest bidder on the premises ^{the other} moiety of the land aforesaid on a credit of 9 months, except for so much as will pay the expenses of this suit and of the sale, which will be for each taking from the purchase money with 100¢

... comes to an order that to pay ...

... as in the directions herein after named - that they first pay over to the said Eliana a Britt to be held in fee simple and absolutely $\frac{1}{5}$ part of the nett sale - and divide the balance as follows, to wit $\frac{1}{2}$ to James B. Britt, $\frac{1}{4}$ to Jane Britt, $\frac{1}{4}$ to Martha Britt, $\frac{1}{4}$ to Benjamin Britt, $\frac{1}{4}$ to George Britt and $\frac{1}{4}$ - to John Britt & that the Court convey the land to the purchaser & that the Court is directed to pay the honoraria to the legally qualified persons of the infants, & to Mr. Britt his share, and make report to the Court in order to a final decree &c -

By Virtue of an order of the County Court of Shelby
Pronounced at December Court 1836 and hereto annexed

The undersigned in obedience to that order took along with
them a competent Surveyor and after having the land men-
tioned in said decree surveyed, we laid off and allotted
to the dwelling house twenty acres which we consider-
ed to be half in Value, and upon drawing for the same
the Bal of the land was one hundred and Ten acres more
draw by Exam B Britto for the boundaries and dividing lines
see the plat below all of which is respectfully submitted
to your worships Consideration

Barnes & Co. Surveyors
M. Clements

By Virtue of the order mentioned above which is
hereto annexed Your Commissioner after advertising the land
mentioned in the aforesaid decree thirty days at the
court house of said County and several other conspicuous
places did expose to sale on the 12th of January 1837
the land mentioned in said decree to wit twenty acres with
the dwelling house (see the Surveyors plate annexed)
and the defendant Miranda Britto became the purchaser
at two hundred and Eighty Six dollars and after deducting
thirty nine dollars and fifty six cents for charges - leaving
a net Bal of two hundred and forty six dollars and forty
four cents - It then being paid to the defendant Miranda Britto forty
nine dollars 28⁴/₅ Cents which was $\frac{1}{5}$ of the net sales, I then
paid to Sam Clark the proper Guardian to Sam Britto & Ben^d Britto two
with good Security of Twenty eight dollars & 10³/₄ Cents each making
the amt p^d Clark \$56:32²/₅ Cents, I then paid to the defendant Britto

The proper Guardian to Eun B. Butt fifty six dollars and $32\frac{6}{7}$ ¢
 which $\frac{1}{7}$ of the note proceeds. I then paid to Mr. Allen the pro-
 per Guardian to Martha Butt and George Butt each, one sev-
 enth of the note proceeds, twenty eight dollars $16\frac{3}{7}$ ¢ to each, I
 then paid the remaining seventh to Benj. Coggin the proper Guard-
 ian to Jos Butt which is twenty eight dollars and $16\frac{3}{7}$ ¢
 all of which is respectfully Submitted to Your Considera-
 tion
 Benjamin Vaughan

Sale of Land	\$ 286	
Charges	39.56.	
	<u>246 44</u>	
Paid m ^o m ^o 1/5	~~49.28 4/5~~	49.28 4/5.
Paid Maranda Butt		56.32 6/7.
Guard. to E. B. Butt 3/7		28.16 3/7.
Paid Geo Clarke for Geo Butt		28.16 3/7.
" do. do. for Ben Butt		28.16 3/7.
P. William Quers for Martha Butt		28.16 3/7.
P. Do do Geo Butt		28.16 3/7.
P. Benj. Coggin for Jos Butt		28.16 3/7.
	<u>\$ 246.44.</u>	

Ishof Wright County December Court 1830

Earn B. Britt, Jane Britt, Martha Britt
Benjamin Britt George Britt, and John Britt
plaintiffs suing by at R. Pope their next
friends

against

Meranda Britt

Plaintiffs

Defendant

In Chancery

By consent of parties in this cause, this day came
on to be heard on the bill, answer & exhibits filed, and was argued by
counsel, on consideration whereof the court doth, adjudge, order, and
decree that Benjamin Vaughan, Benjamin Loggin, and Mennas
Clements or any two of them with the aid of a stranger, do divide into
two equal moieties the land given by the will of Earn B. Britt to
his wife Meranda Britt having regard to quality & quantity - that they
allot one half to the plaintiff Earn B. Britt to be held by him subject
to the right of the defendant under the will of her husband; and that
Benjamin Vaughan after advertising the time & place of sale for at
least thirty days, do sell to the highest bidder on the premises, the
other moiety of the land aforesaid, on a credit of nine months
except for so much as will pay the expences of this suit and of the sale,
which will be for cash, taking from the purchaser bonds with good
security so as to enable him to pay them according to the directions herein
after named - that he first pay over to the said Meranda Britt to be held in
fee simple and absolutely one fifth part of the net sales - and divide the
balance as follows (to wit) two sevenths to Earn B. Britt, one seventh to
Jane Britt, one seventh to Martha Britt, one seventh to Benjamin Britt
and one seventh to George Britt and one seventh to John Britt, and that
the commissioner convey the land to the purchaser, and the commissioner
is directed to pay the bonds over to the legally qualified guardians
of the infants, and to Mrs Britt her share, and make report to the court
in order to a final decree

clk's fee \$5.00 my fee \$2.00 N. Young
att's 10.00
\$15.00

Alsephysto Nathl. Young C. J. W. C.

27. 11. 18

MS.

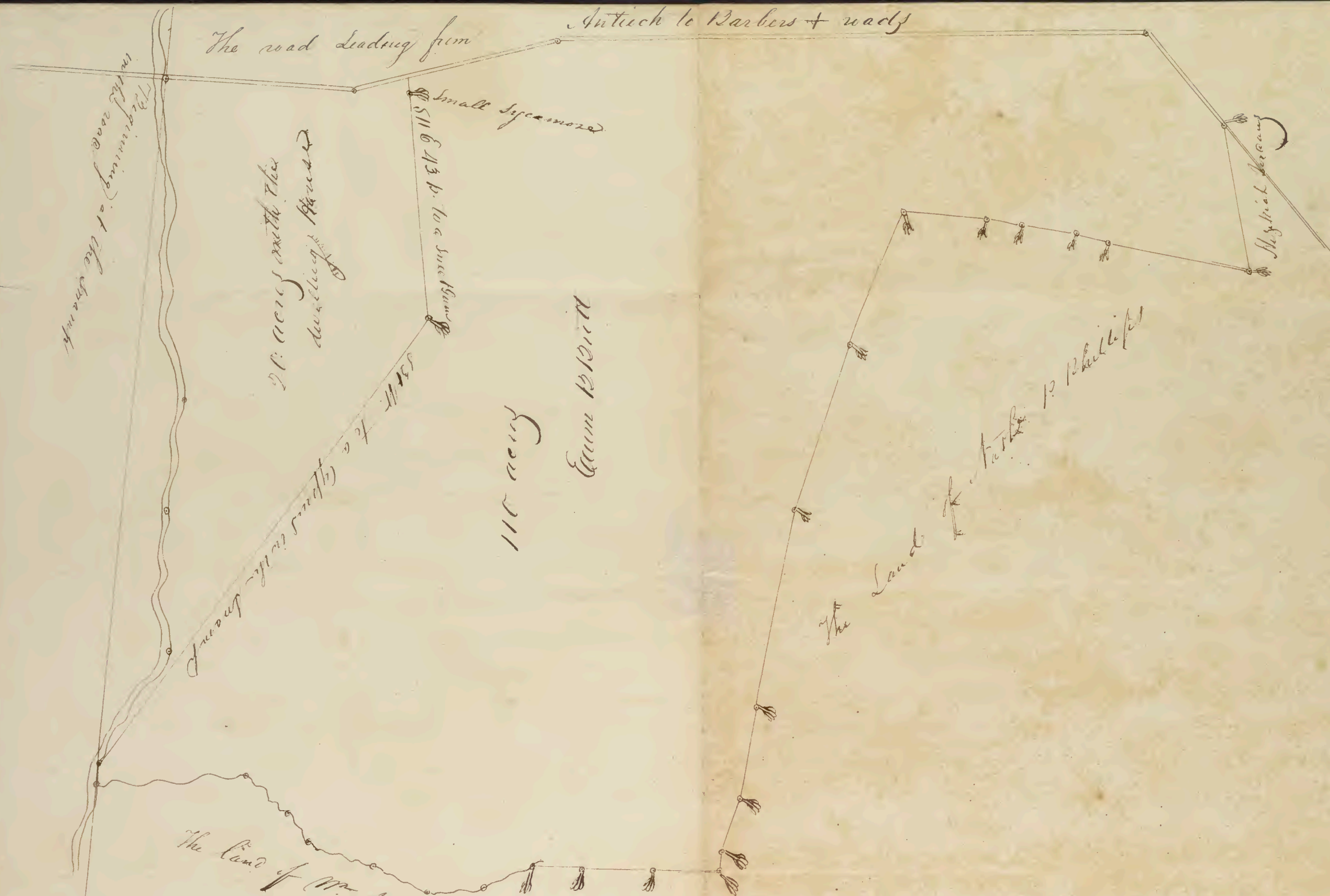
Britt

Copy

Intg. decret

July 5th 1837 rept.
ret. Mount.

ret. Count



The above plat represents one hundred & thirty acres of land lying on the S side of the road leading from Barbers to Antioch - beginning at the swamp and running inform this way N 86 E 34 poles. At 98 E 38 poles. At 152 p E 107 poles. S 45 p E 22 poles to the corner of the farm & a pine. S 14 p E 27 poles to the corner in Oak. At 84 W 20 poles to a pine. At 99 p W 5 p poles to a ~~pine~~ hole Oak. At 87 p W 10 poles to a crooked pine. At 88 p W 5 p poles to a piece den W 15 p poles to the corner of A. T. Phillips lane. S 16 W 26 poles to a pine. S 12 W 31 p poles to a red Oak. S 10 W 25 poles to Phillips Wright's corner of the same course 7 poles further to a pine. S 1 p W 10 poles to a pine. S 13 W 10 1/4 poles to a pine. S 11 p W 3 1/4 poles to a pine the corner. S 78 p W 12 poles to a pine. S 81 W 13 poles to a red Oak. S 83 p W 9 poles to a red Oak standing at or near a branch, thence down the said branch the different meanders thereof to the swamp, thence the line of Scotts to mile, thence ~~down the said Swamp~~ the different meanders thereof to the main road the beginning, surveyed and divided for the commissions appointed by the County Court of Lexington magistral variation N 0. 20. W E. platted to a seal of 10 poles to p inch.

A. P. Phillips J. Sanson

A. P. Phillips S. Ainsworth
County

Dec 13th 1836.

The long line begins in the road is a Small Sycamore tree. Years
S 11 E 43 pole to a Small Gum in the branch, then S 34 W to
the Swamp