

1837-004

Chancery Causes: Exum B. Britt, by v c VS Miranda Britt, admx of Mary Elizabeth Britt

Dsh of Wight County

val

other surnames; Pope,
Coggin, Clark, Dews

To the Worshipful County Court of Isle of Wight
sitting in Chancery - humbly complaining - shew
to the Court your complainant James B. Britt
an infant suing by Robert A. Pope his next friend -
That some time ago, to wit, about the year
1841 - one James Britt of the County
of Isle of Wight died in the County aforesaid,
having made and published his last will
and testament (an office copy whereof is
to the Court now here produced, which
will be of record in the County Court of
Isle of Wight - the testator by his will gave
the slaves (which might be left after the
payment of his debts) to be divided into 3
parts - ^{equal} one third to his wife Miriam
Britt, and then to his children -

Some time ago, one third part of the said
slaves, consisting of two slaves, Gilly & Jack
was set apart and allotted to the said Miriam
- da Britt widow as aforesaid - Since the
death of the said James O. Britt, one of the
children of the said James O. Britt by the
said Miriam, has died under the age of
twenty one year, intestate, without issue &
unmarried leaving as his distributees, his
mother Miriam Britt, your complainant
the said James B. Britt and half brothers and
sisters, to wit, Jane, Martha, Benjamin, George & John Britt

all under the age of twenty one years -
That recently, the said Miranda a Brito
has proposed to surrender the slaves so
as aforesaid held by her under the will
of her husband, in order that that may now
be done which must be done at her death
and that the said slaves may be divided
by a sale, so as that all is interested in
the estate of the said Mary & Britt and
may now come in and participate
in the property aforesaid - under such cir-
cumstances your complainant is anxious
that the said slaves shall be sold in order
to make the division which would greatly
promote the interest of your complainant,
but, altho the said Miranda has agreed
to surrender the said slaves, no division
can be made except by the aid of this
Court - your complainant charges that
the said Miranda Britt the mother
of the said Mary & that the Britt is her
adversary; and in that character would
have a right to have the interest of the
said Mary & Britt in the slaves aforesaid,
to pay her debts if any - but your orator
charges that there are no debts of the said
Mary & Britt to be paid, and consequently
he shall ought to be divided at once

between those entitled thereto - but she refuses
to accede to such a proposition, all
which is contrary to equity - In tension
consideration whereof, and for as much
as he is without remedy in the premises,
your orator in this Court, ~~the~~ prays that the
said Miranda Britt is her own right &
as adm^r of the said Mary & Britt may be
made defendants to this bill, and be com-
pelled to answer the same - and that the
said Jane, Martha, Benjamin, George &
John Britt who are infants, may be made
defendants hereto, and all be compelled to
answer this bill - and that you will
grant a sale of the said slaves, and
direct a distribution according to law,
and make any other order in the premises,
which may comport with equity & do
is duty bound hereto pray &c -

A. Atkinson p. 9

Britt J. P.

7 1/2 Bids.

Britt L.

Lang. 2^d 1837

Lang. 2^d 1837. Bill & ans.
filed & Int. done

Files. 5th 1837 report of the
Com. ret. filed & ~~not~~ confirmed
to

To the County Court of Shelby County Illinois in chancery
The answer of Miranda Brittan widow
of Isaac O. Brittan a debtor of Isaac
Brittan decd. to the bill of complaint
against her exhibited in the County Court
of Shelby County by Isaac B. Brittan infant son of
Isaac Brittan his next friend —
This defendant says she is a debtor of Isaac
Brittan decd. and is willing to surrender for
a division according to laws, such slaves
or interest therein as the said defendant
had or her heirs or distributees are
entitled to. She is willing to surrender
as a widow the interest which accrued
the wife of her decd. husband she is
entitled to so that the slaves Gilly &
Jack in her possession may be sold —
and she consents to any decree
the Court may pronounce in the
premises —

(Signed)
Miranda Brittan

Mr. Smith

Dear Sir,

To the County Court of Isle of Wight settled in
Chy. The joint and separate accusers of
Jane, Martha, Benjamin, George & John Britt
infants by Benjamin Bagger their guardian
as litig, to the bill of complaint against
them and others in the said Court exhibited
by Esq. W. Britt, an infant being by Robt.
K. Pope his next friend. Their respondents
saying &c. for answer, say they are under the
age of twenty one year and incapable of
guarding their own rights and interest, &
altho they cant gain say the allegations
in the complaint, how, they submit their
right to the care of the Court - They pray
hence to be dismissed &c. -

Brett's infant

and

Brett &

accompany

Now B. Britt an infant suing by Robert K
Pope his next fr. or guardian Britt &
other - On the motion of the Jeff:
Benjamin Caggia is appointed for ad
litem to the infant respondent; they
consent of parties, this cause came
on this day to be heard, on the bill &
answering files, and was argued by
counsel; On consideration whereof, the
Court took a g. ord. and decreed that
Benjamin Vaughan, after previous notice
of the time and place of sale for at
least ten days, sell to the highest bidder
on a credit of 6 months (except for
so much as will be necessary to pay
costs of suit and of sale (which costs be
for Cash) the slave Jack and Gilly in
the bill named - That of the proceeds of the
sale he pay and good security in such way
as to enable him to distribute the proceeds
according to the distribution herein after
mentioned - to wit, 1/2 to the couple
in his own right, and the other one half
to Miranua Britt, as mor: of Mary
& Britt - That they then proceed to
divide the said last mentioned half &

to distribute and pay over the same as follows,
to wit, $\frac{2}{9}$ to the p^{er}ss: $\frac{2}{9}$ to Miracosa Britt
or the mother of the said Mary E. Britt,

$\frac{1}{9}$ to Jane Britt, $\frac{1}{9}$ to Martha Britt, $\frac{1}{9}$ to
Benjamin Britt, $\frac{1}{9}$ to George Britt some
month to John Britt - that he pay over the
share of the infants to their respective
guardians - and make report in order to
a final dec^r. Liberty is reserved to the
infant executants to show cause aft^r,
they dec^r if any they can in one year
after they shall respectively receive toll^d
one of ~~2~~ year. -

Britt

~

Britt Jr.

dec^r

By Virtue of a ~~decre~~^{Decree} of the worshipful Court
held for the County of Essex on the 2nd day of Janu-
ary 1837 and hereto annexed I proceeded to advertise the
negroes mentioned in said decree and after having given
ten days publick notice of the time and place of sale
did expose to sale on the 12th day of January 1837 upon a cre-
dit of six months the two negroes mentioned in said decree
to wit Gilbey & Jack. Gilbey sold for two hundred and forty
dollars & Jack for Eighty five ^{dollars} making the amt of sales
three hundred and twenty five dollars, after deducting thirty
one dollars and twenty five Cents cost & commissions, leaves
the net proceeds two hundred and ninety three dollars &
seventy five Cents. I then paid to Merinda Britte the proper
Guardian to Emory B. Britte One half of the net proceeds say
one hundred & forty seven dollars and eighty seven 1/2 Cents. I then
proceeded to divide the other half as follows, to wit paid
Merinda Britte in her own right 2/3 which is thirty two dollars
& sixty four Cents, & also paid Merinda Britte as Guardian to Emory
B. Britte 2/3 which is thirty two dollars & sixty four Cents
paid Mrs Clark as Guardian to Saml Britte sixteen dollars and
thirty two Cents also paid Mrs. Clark as Guardian to Benj. Britte
sixteen dollars and thirty two Cents, Paid to Mr. Lewis as
Guard. to Martha Britte sixteen dollars and thirty two Cents,
also the same sum \$16.32 as Guard. to Geo. Britte - the rem-
aining ninth I paid over to Ben. Coffin Guardian to Emory Britte
all of which is respectfully submitted to your consideration.

Gilbey \$240 }
Jack 85 } \$325
Charges 31.25

net Sales	\$293.75
paid net proceeds	16.32
to E. B. Britte Guardian	146.87 1/2
to Merinda in her own right 2/3	32.64
to do as Guardian to E. B. Britte 2/3	32.64
to Clark Guardian to Saml Britte 1/3	16.32
to do do Ben Britte 1/3	16.32
to Lewis Guardian to Martha & Geo. each	32.64

293.75 1/2

Benjamin Vaughan

Ben^a Vaughn
report

Miranda Britte & c.

On the motion of the Plaintiff Benjamin Coggin is appointed guardian
ad litem to the infants defendants, and by consent of parties this cause
came on this day to be heard, on the Bill and answer filed, and was
argued by counsel, on consideration whereof the Court doth ad-
judge order and decree, that Benjamin Vaughan after giving
notice of the time and place of sale for at least ten days, sell
to the highest bidder on a credit of 6 months (except for so
much as will be necessary to pay costs of suit and of sale,
which will be for cash), the slaves Jack and Filly in the Bill
mentioned, that if the purchaser be true bond and good security
in such way as to enable him to distribute the proceeds accor-
ding to the distribution herein after mentioned, to wit, one
half to the Complainant in his own right, and the other on half
to Miranda Britte as adm^r of Mary E. Britte, that they therepro-
ceed to divide the said last mentioned half & to distribute and
pay over the same as follows (to wit), two ninths to the Plaintiff,
two ninths to Miranda Britte as the mother of the said Mary E. Britte,
one ninth to Jan Britte, one ninth to Martha Britte, one ninth to Ben-
jamin Britte, one ninth to George Britte & one ninth to John Britte
that he pay over the shares of the infants to their respective Guardians &
make report in order to a final decree - liberty is reserved to the
infants defendants to shew cause if any they can against this
decree, in one year after they shall respectively arrive to the age
of twenty one years. —

Clarks \$ 3.00 my fee \$ 10.00 W. Young

A copy

Teste

Atto. = 10.00
\$ 13.00

e. J. Young & Co.

Write 1
as 3 } copy from
Write 3 } 1

July 6th 1837 rept. not.
Cont'd

I Edwin Brett of the County of Hopewell and State
of Virginia do make and declare this to be my Last
Will and Testament in manner & form following to wit
1st I Give my Wife Meranda Brett the Land & Purchase
from Sally Newworthy Wido of Tho^s Newworthy dec^d
containing one hundred & 30 acres as long as she Rem
-ive my Wido and after her death or marriage I give it
to her Children Lawfully begotten of my body (to wit)
Edwin Brett Mary E Brett and

2nd) I give my son John W Brett one hundred acres
to Board and Cloath him four years (3) I leave the
Ballance of my estate to be sold except my negroes and Land to pay
my Just debts and if there be any Ballance to be equally divided
Between Jane E Brett Martha A Brett George I Brett & John W Brett
after my Wife Thiers are Taken out and should there not be
enough to pay my Just debts I give my Ex^{ors} privilege to sell other
Land or negroes as they may think best to make my debts good

4th) if any negroes Left I wish them to be divided in three
parts one part to my Wife and her Children and given to her Children
as in the first Item of this will

5th) if there be any Land Left I wish it to be Rented until
1840 and then sold and the Sale and Rent money to be equal
-ly divided between Jane E Brett Martha A Brett George I
Brett and John W Brett

6th) I do appoint Benjamin Loggin and Robert Pope
executors of this my Last Will given under my hand and
Seal this ... day of ... 1832

Witness { all gifts to them and their heirs forever

Corn Britt
Will—