1845-033 Chancery Causes: William T. Hunnicutt & ux vs William H. Brock, by & c

Isle of Wight County

other SURNames: PRUDEN, HUNNICUT

The answer of William H Brock by Nathaniel P. Young his guardian ad litem to a bill exhibited against him in Tole of wright county court by William T Hunnicutt & Martha L his wife

- This respondent by his said guardian for answer to said bill answer and says that being an infant he is presumed ignorant and begs leave to place himself under the protection of the court claiming his full and equal share in the lands & slaves of his late father Robert Brock decd in any decree the court may deem it proper to make & having thus answered he prays to be dismissed with his costs & in this behalf expended

Signed
N. P. Young

Hunnicutt & wife
vs. } Chancery
Brock per Gdn

July 1st 1844 Bill &c. filed & Intl. decree —

Aug: 5th 1844 Report returned and filed for exceptions —

March 8th 1845
Final decree.

your oratrix and the said infant Williams A Brock and has been under the control of their legal guardians and the rents and hires appropriated for their mutual benefit until the intermarriage of your orator and oratrix. During the lifetime of their mother the land and slaves were kept together undivided the better to promote the interest of the family and to avoid the inconveniences and injury that might arise from a division; but now since the death of the mother and the intermarriage of your orator and oratrix, the interest of the heirs requires a sale of the land and an equal division of the sales thereof, and also of the said slaves: the land is worth up there $600 and up there $300 per share and cannot be divided without injury to both parties interested It is therefore desirable that the same shall be sold, the slaves with their increase since the death of the said Robert Brock now consist of the following to wit Hester, Violet, Nancy, Rowena, George and Lydia and may be divided in kind between the parties your orator and oratrix wish to have and enjoy their portions of the said land and slaves separate and apart to themselves

but they are precluded from so doing by reason of the infancy of the said Wm A Brock except it be by the interposition of a court of equity. To the end therefore that relief may be had and for asmuch as they are without a remedy at law, your orator and oratrix pray the court that the said Wm A Brock by his guardian for that purpose to be appointed be made defendant hereto and be required to answer the premises fully and distinctly, and that by decree of the court the said tract of land may be sold and the proceeds divided, and also that the said slaves may be divided and set apart separately to your orator & oratrix, and the said Wm A Brock and may it please the court to grant all such further relief in the premises as may be consistent with equity and necessary and proper in the premises, and your orator and oratrix will ever &c

To the justices of the county court of Montgomery sitting

Humbly complaining shew unto the court your orator and oratrix Wm J Burnett and Martha L his wife formerly Martha L Brock, that a certain Robert Brock late of said county died intestate on or about the day of 1932 possessed of a tract of land in said county containing by estimation 100 acres and also all slaves and other personal estate, that administration on his estate was granted to a certain Nathaniel Pendleton who duly qualified thereto and delivered the slaves into the possession of a certain Edith Brock the widow of the said Robert Brock for the benefit of herself and her two children and heirs, your oratrix Martha L, and a certain William A Brock who was then and still is an infant under the age of 21 years, the said land and slaves were kept and managed for the benefit of the said ~~Robert~~ Edith and the two children aforesaid until the death of the said Edith in the year 1943 whereby all her right of dower in the land and slaves as aforesaid descended to the two children of the said Robert Brock to wit

In Pursuance of a decree of the County Court of Shelby bearing date the 1st day of July 1844. We the undersigned Commissioners have proceeded to sell the land therein mentioned belonging to the Estate of Robert Brock decd agreable to the tenor of Sd decree and Wm T. Hunnicut became the purchaser for the Sum of four hundred & fourteen dollars and deducting expences of decree $15.00 and $17.28 for Commisions, leaving a neat Sum of three and Hundred and eighty one dollars & 72 ¢ one half of which we have taken Sd Wm T. Hunnicut Receipt for, the other half, his Bond payable to the Guardian of Wm H. Brock & pd over to Sd Guardian &c.

We have also divided the Slaves belonging to Sd Robert Brocks estate in the following maner we have allotted to Wm T. Hunnicut in right of his wife Negro Woman Vilet & Child Lydia & Bivan a Six Hundred dollars, and to receive from the Guardian of Wm H. Brock twelve dollars & 50 ¢ and, We allot to Wm H. Brock Negro woman Hester, George & Nancy a Six Hundred and twenty five dollars, to pay to Wm T. Hunnicut twelve dollars & 50 ¢ all of which we Respectfully Submit to the Court for a final decree Given under our hands Augst 1st 1844

Josiah Holleman
James Gray
Benj Brock

Augt 1-1844 Recd of James D. Long Guardian
for Wm H. Brock twelve dollars & 50¢ in full
for the dispencis of division of negroes belonging
to Robert Brocks estate

Test-
James Gray

his
Wm + Hunnicutt
mark

to the infant defendant William H Brock and deliver the same to his legal guardian taking his receipt for the same; ~~that they~~ and execute to the purchaser a deed for the said land without warranty; that the said commissioners do also proceed to appraise and divide the slaves Hetty, Violet, Nancy, Benny, George and Lydia into two equal part as nearly as possible and allot one part thereof to the said Wm T Hummitt & Martha L his wife, and the other part to the said Wm H Brock to be held by his legal guardian & report their proceedings herein to this Court at a future day

Hummitt & wife
vs
Brock per
guardian

Decree

William J Hammitt and Martha L his wife
against
William H Brock an infant under 21 years by Nathaniel P Young his guardian ad litem

By consent of parties and with the assent of the court this cause was this day docketted and came on to be heard on the bill and answer filed and was argued by counsel on consideration whereof the court doth adjudge order and decree that Josiah Bateman James Gray and Benj Brock ~~~~ who are hereby appointed commissioners for that purpose after giving thirty days ~~public~~ notice in writing at two or more public places in the neighborhood and fixing the time and place of sale, do sell at public auction on a credit of nine months except so much as will pay all the expenses of this suit and of the sale which shall be in cash, the land of which Robert Brock died seized and possessed containing by estimation 100 acres that after deducting the expenses of sale they take a bond with good security for one half the net proceeds payable to Wm J Hammitt and Martha L his wife and deliver the same to him taking his receipt for the same, that they take ~~a~~ like bond payable

Hunnicutt & wife
against } In Chy:
Brock &c }
Copy of Decree
For
Jos Holleman & al;

August 5th 1844.
Report filed and
Continued.

At a Court held for Isle of Wight County on the 1st day of July 1844

Hunnicutt & Wife

against

Brock & Wife

to Chy

By consent of parties and with the advice of the Court this cause was this day docketted and came on to be heard on the bill and answer filed, and was argued by Counsel on consideration whereof the Court doth adjudge order and decree that Josiah Holleman James Gray and Benj. Brock who are hereby appointed Commissioners for that purpose after giving thirty days Notice in writing at two or more public places in the neighborhood and fixing the time and place of sale, do sell at public auction on a credit of nine months except so much as will pay all the expenses of this suit and of the sale which shall be in cash, the land of which Robert Brock died seized and possessed containing by estimation 160 acres that after deducting the expenses aforesaid, they take a bond with good security for one half the nett proceeds payable to Wm. T. Hunnicutt and Martha L his wife and deliver the same to him, taking his receipt for the same, that they take like bond payable to the infant defendant Wm. H. Brock and deliver the same to his legal Guardian taking his receipt for the same, and execute to the purchaser a deed for the said land without warranty, that the said Commissioners do also proceed to appraise and divide the Slaves Austin, Violet, Nancy, Bevina, Tom & Lydia into two equal parts as nearly as possible and allot one part thereof to the said Wm. T. Hunnicutt and Martha L his wife, and the other part to the said Wm. H. Brock to be held by his Legal Guardian and report their proceedings herein in order to a final decree

Clk $5
Atty $10
Costs $15

A Copy
Teste

J. D. Wills D.C.

This will certify that I wish and licence
to sell of 100 acres of land belonging
to the estate of Robert Brock dec'd
also to devide the Negroes named
Hester, violet, Nancy, Ann Giorge
& Lidia given under my hand
&c

3^d June 1844
Test
James D Long

Wm T. J Hammett
in Right of his
wife late
Martha L. Brock

I James D Long concent to the
above as guardian for — —
Wm H. Brock

Brunn