

1819-003

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BROWN

vs. NELSON and wife et al

11/1819

Brown ⁶³¹ 3/4 Bile Am. h.
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Melia nipa h

Prodrad.

Nov. 11/1879 Enty. Duce

To the undersigned the County Court of South Carolina
sitting in Chy. Humbly complaining sheweth to your
wishes your orator Mr. Brown an infant by Mr.
Brown Senr. his next friend, that Chy with
Brown the mother of your orator departed this
life some time since intestate leaving three
natural children who are her legal heirs
to wit Fanny the wife of John Nelson, James
who is of age & your orator, that the s^d intestate
did rigd & a tract of land of about 70 acres
which can only be divided by the intervention
of a Court of Chancery. Your orator suggests
to your wishes that the third part of the s^d
land to which he is entitled is probably of less
value than \$100 & that therefore a sale there-
of will be necessary. To the said therefore
that the said John Nelson & Fanny his
wife & the said Jas. Brown as next heirs to
may be compelled to answer the premises
& that your wishes decree to your orator
such portion of the s^d land or proceeds of
sale in the discretion of your wishes
as may be deemed consistent with equity.
Whereof it prays your wishes to grant so

The Answer of John Nelson & Fanny his
wife & Jas. Brown joint to the Bill of
complaint exhibited against them by Mr.
Brown an infant.

They respondents saving
to themselves the full answer to the s^d Bill

say that they admit all the fact therein stated
to be true & have no objection that the s^r. com-
-plainant should have allotted to him his own
part of the s^r. tract of land, these respondents
however state that they do not wish any
division between themselves of the two thirds
to which they may be entitled after the
allotment to the s^r. complainant of his interest
& having reviewed they pray to be hence
discharged.

Brown

Wilson } In Chy.

This cause was this day dock
and tried by consent of parties on the bill
& Ans^r & the Court on mature consideration
thereof doth order & decree that
Messrs Phillips, Wm Bryant, Jacob Barrett & Jacob Barnes
or any three of them proceed with the assistance
of the county surveyor to lay off & allot to Mr.
Brown joint infant son of Elizabeth Brown dec^d.
an third part of the tract of land of which
the s^r. Elizabeth dec^d seized & possessed having
due regard to quantity & quality, without mak-
-ing any subdivision of the remaining two
thirds between the other heirs of the s^r. intestate,
that having done so they determine whether
or not in their estimation the portion
thus allotted to the said infant exceeds in value
\$100 or not, & if they shall be of opinion that
it is of less value than \$100 that then they

sell the said portion to the highest bidder at
public auction on credit of 12 months
(having given reasonable public notice of the day
& place of sale) taking from the purchaser bond
& such security as they shall approve for
the payment of the purchase money which
and they shall give over to the guardian
of the s^r. infant, & that finally the s^r.
curtissmen having carried this decree
into effect report their proceedings in the
premises to this Court for confirmation.