

1828-111

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BAILEY et al vs. BAILEY'S ADMINISTRATOR et al

6/1828

Other surnames: Brittle, Pond,
Briggs

a final demand.

888
Bailey &
to the Bill of Exchange
Bailey's Account

1828 when drawn as filed

To the worshipful the County Court of Southampton
- now sitting in May. Humbly complaining shew
to your worships your compts Saml Bailey
Joseph Bailey, & Liza Bailey the latter of whom
is an infant by Patrick Pond, his guardian
Edwin, Diana, Ann, Clinton, Nancy Brattle
children of Barbara Brattle formerly Bailey
& the last three of whom are infants by the
P. Barbara Brattle their guardians, that
Chas Bailey the father of the P. Barbara
& the other three compts, did some time
ago having duly published a will which has
been admitted to record in this Court, & of which
an authenticated copy is here referred to as
part of this Bill. That his widow Rebecca
survived her P. husband but a short time
did intestate leaving your orator Liza her only
child. ~~That~~ ~~the~~ ~~compts~~ having seen the will
of the P. testator by a former marriage.
That a certain Lem Briggs has duly qualified
as Adm^r with the will annexed of the testator
& is proved def^t hereto in that character. -
That it will be seen that the testator bequeaths
to his P. widow ~~among~~ ~~other~~ a slave named
Clarissa without saying any thing of any increase
& after the date of the will but before the
death of the testator Clarissa had a child
named Henry which your compts are advised
is undisposed of specifically & therefore constitutes
a part of the residuum of the estate di-
rected to be divided equally among
all your compts. That in effecting this
division they are further advised that the
children of Barbara Brattle are enumerated

by a description personarum, which entitles them to come in with the testator immediately after children per capita, & last per stirpes.

That a division of this negro child Henry can only be effected by a sale under the authority of a Court of Ch. That the child has been (from his tender years) thus far expensive, & has been kept by your orator Patrick as guardian of the P. & kept Bailey since Christmas 1822 ~~for the~~ expenses they pray may be refunded out of the proceeds of the slave himself when sold. To this and therefore that the S. P. Wm. Briggs Dec. with the will annexed & the S. P. Bailey dec. may answer the premises - That your worship pronounced such decree as may be deemed equitable & moreover grant your completely general relief may it please L. Broome R. C.

The Answer of Wm. Briggs Dec. with the will annexed & Ch. Bailey dec. to the foregoing Pils. This respondent reserving to himself to for answer to the S. P. Pils. denies the facts alleged by the Compt. to be true - & has no objection to not mean as the Court may deem consistent with the principles of equity & justice. And having now answered he prays to be hence dismissed L. B.

Broome R. C.

Bailey L. B. } the Ch.
Bailey Dec. }

This cause this day came on to be heard on the Pils. Answer & exhibit, and the Court on mature consideration of the premises doth adjudge order and decree that the def. Wm. Briggs & Dec. with the will annexed & Ch. Bailey dec. proceed to sell at public auction to the highest bidder the negro boy Henry (the child of Clarissa) who belonged to the estate of his testator, for so much cash as may be sufficient to pay the expenses of these proceedings and the residue on a credit of some months - taking from the purchaser bond and good security - that he collect the amount as speedily as may be and out of it refund to Patrick P. as guardian of the Compt. Leve Bailey, a reasonable compensation for keeping the said boy Henry for the period during which they may appear to have been supported by him. - And that the said def. then divide the residue into eight equal parts & pay one to Saml. Bailey, one to Joseph Bailey, one to Leve Bailey, one to Edwin Brittle, one to Diana Brittle, one to Mrs. Brittle, one to Clinton Brittle, and the remaining one to Nancy Brittle, or the guardian respectively of each as may be ordered - and that he report her proceedings in the premises to this Court in order to

a final deus. —