

1829-007 SOUTHAMPTON COUNTY EVERITT ^{ux + al} VS. BATTLE'S ADMX
CHANCERY PAPERS

6/1829

PLAT

Other surnames: Barnes,
Smith, Darden

Erpitt
~~Batute~~ H. 3
Batute H. 3
Bil and
anwer

Decr. Court 1816
Deems and orders

W. D.

To the worshipful the Justices of the County of Southampton
in Chancery sitting, A worthy complaining shew unto your
Worships your Orators and Oratrices, Samuel Emitt & Elizabeth
his wife, William Battie Polly Battie Nancy Battie Abraham
Battie, Martha Battie Sally Battie, which said Nancy,
Abraham, Martha & Sally are infants suing by Carr Darden
their next friend, that some time in the year 1815, a certain Jesse
Battie formerly of this County, departed this life, intestate, seized
& possessed of a considerable personal real estate - that Peggy
Battie widow & relict of the said Jesse Battie hath in proper
& due form qualified as administratrix of her late husband,
& hath by virtue thereof possessed herself of the personal estate
of her intestate - that if the personal estate which came to
the hands of the said Peggy, ^{as aforesaid} then still
remain the following negro slaves, to wit, Harry, Will, Amey,
Sarah, Lisle, Hannah, Patty, Jann, Charlotte, Rose, Nathan,
Jack & ^{who, ~~are~~} together with the land of which the
s^d Jesse Battie died seized, are liable to division among the
children of the said Jesse Battie & the said Peggy, widow &
relict - as aforesaid - that the tract or parcel of land of which
the said Jesse Battie died seized & possessed & which is now sought
to be divided, contains about two hundred & fifty ^{acres} - situated on Chatham
River near the line dividing the States of Virginia & North Carolina.

Your Orators & Oratrices charge, That the estate of the said Jesse
Battie dec^d, without the negroes herein before mentioned, will be
sufficient for the payment of all debts which are due & owing -

that they have frequently applied to the said Peggy Battle,
administratrix as aforesaid, & urged her to make division of the
land & slaves aforesaid - notwithstanding which, the said Peggy,
upon a variety of pretences, hath hitherto wholly refused & still
still refuse to consent to a division thereof - In ^{known} consi-
deration whereof and for as much as your Orators & Oratrices
are remediless in the premises, except in a Court of equity where
matters of this kind are properly cognizable & rehearable -
To the end therefore that the said Peggy Battle (who
is pray to be made defendant hereunto) may upon her refusal
to do full, true & perfect answer make to all and singular
the allegations herein contained, as fully & perfectly as if the
same were here again repeated & she thereto were especially
interrogated - That she may declare whether the said land & slaves
are not subject to division & distribution, after having allotted
one tenth part thereof to the said Peggy as her dower therein,
among your Orators & Oratrices share & share alike, that is
to say to William, Polly, Nancy, Abram, Martha & Sally, ^{each} one
seventh part thereof, & the remaining, one seventh part thereof
to Samuel Enoch in right of his wife Elizabeth, formerly Elizabeth
Battle - Your Orators & Oratrices pray that your worship will
make such other or further order or decree in the premises as
may seem consistent with equity & good conscience & that you
will grant them the writ of Subpoena commanding &c.
& as in duty bound they will now pray -

The Answer of Peggy Battle administratrix & widow &
relict of Jesse Battle ^{ad.} to a Bill of Complaint exhibited
by Saml. Enoch & others in the County Court of ^{Superior} ~~Superior~~

This Respondent saving & reserving to herself
all & every benefit & advantage of exception to the many
errors & insufficiencies in the said Bill contained, for
answer thereto saith, that she cannot deny the
allegations in the said Bill contained - that she consents
to a division of the land & slaves in the Bill mentioned in
such a manner as to the Court may seem just and
equitable - She denies all fraud & combination & says she
be here disposed with her reasonable costs in this behalf
sustained

Peggy Battle
H

Samuel Ewinth & Elizabeth his wife, William Batth, Polly Batth,
Nancy Batth, Abraham Batth, Martha Batth & Sally Batth, whom
said Nancy, Abraham, Martha & Sally are infants suing by their Father
their next friend

vs. B M Chy

Peggy Batth adm^r & of Jope Batth dec^d.

This cause came on this day to be heard upon
the Bill & answer by consent of the parties with the assent of the
Court, whereupon the Court both were adjudge & decree that James Kinison
William Owens, Jope Parker, Richard ^{man} ~~and~~ Dollard & Abbie Ogden Jones or
any three of them, do allot to the defendant, Peggy Batth, one third
part of the land & slaves in the Bill mentioned, as her share therein
& the balance of the S.^d land & slaves do divide into seven equal
parts, & allot & deliver over to Sam^l. Ewinth in right of his Elizabeth
one of the said parts, & the one of the S.^d remaining parts to each
of the complainants & make report to this Court in order to a
final decree.

Everett

as { Cor. cleared

Battle of

Southampton December Court 1816.

Sam^r. Everatt & Elizabeth his wife, William Battle }
Dolly Battle, Nancy Battle, Abraham Battle }
McArthur Battle & Sally Battle, which said Nancy }
Abraham, McArthur & Sally are infants saving by }
Carr Danson their next friend — Compt^s } the Chf.
against }

Peggy Battle cont^s & of Ipe Battle ad. Sept^r }

This cause came on this day to be heard upon
the bill and answer by consent of the parties and
with the assent of the Court. Whereupon the Court doth
order adjudge and decree that James Harrison, Wm.
Owens, Ipe Parker, Richmond Dillard & Alvirton
Jones or any three of them, do allot to the defendant
Peggy Battle, one third part of the Land & Slaves
in the bill mentioned, as her dower therein and the
balance of the s^d Land & Slaves do divide into seven
equal parts and allot and deliver over to Samuel
Everatt in right of his wife Elizabeth, one of the
said parts, and one of the s^d remaining parts
to each of the Complainants and make report
to this Court in order to a final decree

Attest James Rochelle co

Baile &
is } Chancery
Baile &

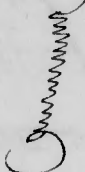
Jan 16th 1817 Neph. R. R.
H. C. R. R.

Acc^t of the division of the Slaves
belonging to the estate of J. Battle dec'd.

Certs -		A Statement of the Value and division of the Slaves belonging to the estate of Jesse Battle deceased.		What left to pay to and received from	By whom	For whom	Value of each Slave and What to pay or receive and the proportions caused to the last column	Whole Amount of Value of Slaves belonging to the Estate of Jesse Battle decd.	Balance to be divided into 7 equal parts after the Widow's share is taken out	Each child's proportion
		Names of each Slave								
		Man Harry			Peggy Battle		\$ 350 .. 00	\$ 2600 .. 00		
		Woman Sarah			do .. do		300 .. 00	\$ 866 .. 66		
		do .. Sister			do .. do		150 .. 00	1733 .. 34		
		Child Sophia			do .. do		75 .. 00	2866 .. 66		
		Mr. Peggy Battle to pay to .. No.	7				575 .. 00			
		Mr. Peggy Battle's share as her dower					8 .. 34			
No. 1		Girl "Cose" to pay to .. No.	7		Samuel Everett		250 .. 00			
		to pay to Sally Battle the sum of ..					2 .. 38			247 .. 62
No. 2		Woman "Amy" to pay to .. No.	7		William Battle		250 .. 00			
		to pay to Sally Battle the sum of ..					2 .. 38			247 .. 62
No. 3		Girl "Hannah" to pay to .. No.	687		Polly Battle		300 .. 00			
		to pay to No. 2 \$ 4.46.8 and to No. 6 \$ 47.62					52 .. 38			247 .. 62
No. 4		Girl "Patty" to pay to .. No.	7		Martha Battle		250 .. 00			
		to pay to Sally Battle the sum of ..					2 .. 38			247 .. 62
No. 5		Boy "Nathan" to pay to .. No.	7		Nancy Battle		250 .. 00			
		to pay to Sally Battle the sum of ..					2 .. 38			247 .. 62
No. 6		Girl "Fanny" to receive from No.	3		Abraham Battle		200 .. 00			
		to receive from Polly Battle					47 .. 62			247 .. 62
No. 7		Boy "Jack" to receive			Sally Battle		100 .. 00			
		Girl "Charlotte" do			do .. do		125 .. 00			
		to receive from Mr. Peggy Battle					8 .. 34			
		do do Samuel Everett No.	1				2 .. 38			
		do do William Battle No.	2				2 .. 38			
		do do Polly Battle No.	3				4 .. 76			
		do do Nancy Battle No.	5				2 .. 38			
		do do Martha Battle No.	4				2 .. 38			247 .. 62
							\$ 2600 .. 00	1733 .. 34	1733 .. 34	

In Obedience to a decree of the Honourable court of Southampton County, we the undersigned have allotted to Peggy Battle Widow and Administratrix of Jesse Battle decd. One third part of the Value of the Slaves belonging to the estate of the above named decd. her dower thereon, and the balance of the said Slaves we have divided into seven equal parts as stated above and have allotted to Samuel Everett in right of his Wife Elizabeth one of the said parts and one of the said remaining parts to each of the complainants as above stated, tho we have not divided the land as the parties did not wish it divided at the time that we divided the Slaves. Given under our hands this 8th day of May - 1817

James Harrison
Jesse Parker
Jm. Owens

Batute V. C. Inty
 to 
Batute Decree

Southampton County December Court 1816
Samuel Everett and Elizabeth ^{his wife} William Battle, Polly Battle -
Nancy Battle, Abraham Battle, Martha
Battle and Sally Battle which said Nancy
Abraham, Martha and Sally are infants
Living by Barr Darden their next friend, Comptants
agt

Peggy Battle administratrix of Jesse Battle dec'd. Defendants

In
Chancery

This Cause came on this day to be heard upon the bill and
answer by Consent of the Parties and with the assent of the Court
whereupon the Court doth order, adjudge and decree, that James
Harrison, William Owens, Jesse Rachel Richmonds Pillars and
Abraham Jones or any three of them, do allot to the defendant
Peggy Battle one third part of lands and Houses in the bill mentioned
as her dower therein and the balance of the said lands and Houses
do divide into Seven equal parts and allot and deliver one to
Samuel Everett in right of his ^{wife} Elizabeth one of the said parts
and one of the said remaining parts to each of the Comptants
and make a report to this Court in order to a final Decree -

At Copy Teste James Rochelle c/c

Everett & Co

in { Report

Pathe & Co

1829 June Report returned &
final decree &

river, a Corner of Edwin Harrison, thence down said river the several courses thereof and bounded thereon 270 poles to the state line, thence along the state line due West 350 poles to a white Oak a Corner of Carr Darden & others in Wm Battle's line, then along said Battle's line due N 87 poles to a pine stump at the Sandy ridge road, then along Edwin Harrison's line due North 78 poles to a post Oak thence along S^r Harrison's line N 75 E 115 poles to a pine; then S 83 E 54 p to the beginning.

The dower as allotted to the said Peggy Battle contains sixty acres: marked and bounded as follows: and as represented in the annexed plat: Beginning at a Cypress at the river standing a little below the fishery thence down the river the several courses thereof 156 p. to the state line; then along the state line due West 200 p to the fork of the road; then along the Sandy ridge road 20 p. to a stake, thence N 50 E. 108 poles to the beginning.

Lots N^o 1 & 2 as represented in the annexed plat; was drawn by Wm Battle N^o 1 in his own right, and N^o 2 as the purchaser from Abraham Battle marked and bounded as follows: Beginning in the state line at the fork of the road, then due west 150 poles to a white Oak afore^d; then due North 89 poles to a pine a Corner on N^o 3. thence N 70 E 84 p. to a stake a Corner on N^o 3 & 4 then N 70 E. 116 p to a stake in the dower line, thence S 50 W. 26 p. to the Sandy ridge road, then along the road 20 p. to the beginning: Containing sixty five acres more or less.

Lots N^o 5 and 6 as represented in the annexed plat was drawn by Wm Battle, as purchaser from Samuel Everett in right of his wife Elizabeth and from John Obery in right of his wife Sally, both of which lots are marked and bounded as follows: Beginning at a stake in the dower line thence N 35 W. 177 p to a stake in Edwin Harrison's line, thence along S^r Harrison's line N 75 E. 44 p to a gum a Corner of lot N^o 7. thence running thereon S 35 E 160 p. to the dower line, thence

S 50 W 42 poles to the beginning Containing Fifty six acres.

Lot N^o 3 as represented in the annexed plat was drawn by Richard Barnes in right of his wife Martha: marked and bounded as follows: Beginning at a pine near the Sandy ridge road in Edwin Harrison's line, thence due North 76 poles to a post Oak; then N 75 E. 41 poles to a pine, thence S 37 E. 69 poles to a stake a Corner of N^o 2. thence S 70 W 85 poles to the beginning - Containing Thirty acres.

Lot N^o 4 as represented in the annexed plat: was drawn by Richard Barnes as purchaser from Edwin Smith in right of his wife Nancy: marked and bounded as follows: Beginning at a stake in the dower line, thence N 37 W. 186 p to a pine in Edwin Harrison's line, thence N 75 E. 18 poles to a post, thence S 35 E. 180 p to the dower line at a stake thence along the dower line 20 p to the beginning: Containing Twenty seven acres.

Lot N^o 7 as represented in the annexed plat: was drawn by Richard Barnes in right of his wife Martha who was cheer and legatee of Polly Battle dec^d. marked and bounded as follows: Beginning at a stake in the dower line a Corner of N^o 6. thence N 35 W. 460 p to a gum in Edwin Harrison's line thence S 83 E 62 p to a Cypress at the river thence down said river 108 p. to a Cypress a Corner of the dower; thence out along the dower line S 50 W. 24 p to the beginning Containing Twenty seven acres.

All of which is submitted; Given under our hands the 10th day of March 1829.

Jesse Parker

Attn Jones

Wm Jones