

1831-028

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BATTLE, By Friend

VS. BATTLE &
BATTLE 11/1831

other surnames; Ramsay,
Scarboro, Scarbrough

1034

Battle

to Bill & amor.

Scarborough

1831 Nov. decree as filed &c
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To the honorable the County Court of Southampton
sitting in Chancery:

Humbly complaining sheweth
to your worship, your Compt Mary Battle wife
of Robert Battle, by Elijah Scarborough her next
friend - that by the will of her father, Robert
Scarboro, certain negro slaves were bequeathed
to your Compt Mary then Rannay, & to her
issue, with remainder over, if none, and also
 $\frac{1}{5}^{\text{th}}$ of the residue of his slaves - that in the
division of the residue, Claiborne, Creey,
and Harry were allotted - that her said

Husband sold the said negro Claiborne, Creey
is an old and infirm woman, Harry a boy
about 13 years old. That her said Husband, after
treating her in a cruel and inhuman manner
has abandoned her, and gone away to some
parts unknown to your Compt. That but for
the interposition of this Court, by writ of ne exeat
at the suit of the said Elijah Scarborough and
others, she w^d have carried off all her property
and left her destitute & dependant. That
the negro slaves aforesaid however were placed
in the hands of the said Elijah Scarborough as
Trustee, by order of this Court, and the said
Battle has never answered the Bill in
that behalf - reference is had to the proceedings
in that cause as part hereof - Your Obedience

is advised, that as her said husband has abandoned her, and there is no One on whom the duty legally devolves to support her, as he is bound to do - that she is entitled to alimony - That she cannot obtain this without the aid of a court of equity.

In tender Consideration whereof and for as much as your Compt is remedied at law and only relievable in this Court. Is the end that the said Hewitt Battle, and the said Elijah Scarborough may be made Defendants hereto, and compelled to answer the allegations hereof, your Orator pray, the Comt's writ of Sp.^a and the usual order of publication, that your worship will require the said Battle to give security for the maintenance and support of your Orator, and pay some sum for her present support during the pendency of this suit, & grant her genl & special relief, as may be consistent with Equity & she will pray &c.

Sworn to in open Court by Elijah Scarborough. 22 Nov. 1831
L.R. Edwards

The separate answer of Elijah Scarborough to the foregoing bill of Complaint admits its allegations that he has the negroes in his possession that he keeps them out, but that the income derived from them is insufficient to defray their expenses of support & make a fund for her support, that she has no

objection to the decree prayed for, & having answered, pray, to be hence dismissed &c

Battle by next friend — plffs }
ag't } H. C. J.
Battle & plffs — Defs

The Court, for reasons appearing, doth order that the Defendant Elijah Scarborough do sell the negro boy Harry, in the Bill mentioned in order to raise a sum of money for the necessary support and maintenance of the p'ty Mary Battle, and report the same to this Court, in order to future proceedings in the premises.