

1856-005 SOUTHAMPTON COUNTY
CHANCERY PAPERS

BRITTLE

VS. POND'S ADMR & al

12/1856

Other surnames; Holt
Goodeich, Summerell;
Hancock, Hancock, Summerell

Britti } Bill. and 2 more
 is }
 Britti &c }

1853 Oct. Decree applied.

" Nov. Decree amended

1855. Jan. Report of Decree

" Dec. Rep. of Receiver ret."

1856 Jan. Confm?

" Dec. order to deliver cert. of
 — deposit to A. H. H. Britti & Co.

To the worshipful Court of Southampton - In Chancery
Humbly complaining shew unto your courtship your com-
plainant Alfred I Brittle, that a few months since his mo-
ther Jane Brittle (the widow of John Brittle decd,) did seized
and possessed of the following property as her dower in the
estate of her decd husband, to wit, a small tract of land con-
taining about 150 acres lying in said County and 15
shares - That the said John Brittle the father of your com-
plainant left ~~three~~ ^{four} children his sole heirs and distributees
to wit; your complainant, ^{Elizabeth M B Hancock} Eliza C, who is intermarried with
Howkins Pond and has since died in the lifetime of the dower
tenant leaving five children her sole heirs at law, and Walter
S Brittle who died in the lifetime of the dower tenant leaving
five children his heirs at law - That your complainant to-
gether with the five children of Eliza C Pond, to wit; James W,
~~John~~ ^{in law} who has intermarried with Robinson Holt, Mary
who has intermarried with Albert Goodrich, and Thomas C Pond
the last of whom is an infant, and the children of Walter S Brittle
to wit; Lucy Adian who has intermarried with Joseph Sumner
John W Brittle, George S S Brittle, Samuel & Mary Brittle
the two last infants, are entitled to the said tract of land as
the heirs at law of John Brittle - That your complainant
together with the said Howkins Pond as adm^r of his deceased
wife, and the distributees of Walter S Brittle are entitled to
the said shares as the distributees of John Brittle - That
neither the said land or shares can be divided to any ad-
vantage and it will be necessary that they shall be sold
and the proceeds divided - That the portion of the shares belong-
ing to the estate of Walter S Brittle will not be required of
his adm^r for the payment of debts and had therefore better
be divided among his distributees at once, and that the
said Walter S Brittle left besides the five children aforesaid,
a widow Mary Brittle who is entitled to one third of his
portion of the shares for life or to compensation in fee simple

in line thereof - In under consideration of all which, and
in as much as your complainant is without remedy
in the premises except in a court of equity, where
matters of this kind are cognizable, to the end therefore
that justice may be done, we pray your worship
to make Hawkins Pond adm^r of Eliaz C. his wife, James
Es, John, & Thomas C Pond, Robinson Holt & Louisa Ann
his wife, Albert Goodrich & Mary his wife, Joseph Sum-
merdell & Lucy Adian his wife, John Es W, George S S,
Samuel & Mary Britten jr and Mary Britten & def^r
to this bill; that some fit and proper persons may
be appointed guardians ad litem to the infants, that
the ordinary writ of subp^a may issue &c and that the
said property may be directed to be sold and the pro-
ceeds divided among those entitled, and as in and
about the writs may be.

Alfred I Britten
by Chambliss Moseburne
his atty

The answers of Thomas C Pond, Samuel & Mary Britten
infants by L N Edwards & their guardians ad litem, to
the bill of complaint of Alfred I Britten -

These def^s saying and reserving to for answers
to the said bill say they believe the facts therein
stated are true, and being infants they submit
their rights to the protection of the worshipful court
Chambliss Moseburne
attys

The answer of Hawkins Pond adm^r of Eliaz C. his wife,
James Es & John Pond, Robinson Holt & Louisa Ann his wife
Albert Goodrich & Mary his wife, Joseph Summerdell &
Lucy Adian his wife, John Es W, George S S, & Mary Britten &

to the said bill of complaint of Alfred I Britten
These def^s now and at all times saying & reserving
for answers to the said bill say, that the facts therein
stated are true and that they have no objections
to the sale & divisions prayed for - and having
answered they pray leave to be dismissed &c

Chambliss Moseburne
attys for def^s

Britten
vs
Britten &c
Decree

This day this cause came on to be heard by
consent on the bill & answers and was argued by counsel
and the court doth adjudge
order and decree that Alfred I Britten who is hereby
appointed a special commissioner for that purpose,
after giving due notice of the time and place of sale,
sell to the highest bidder the land & slaves in the bill
mentioned; that after receiving so much in cash from
the sale of the slaves as will be sufficient to pay the costs
of this decree, he shall take for the balance bonds with
good security payable in six months with interest from
date, as follows to wit; two bonds for one third each, one
of which he shall assign to Hawkins Pond adm^r of Eliaz
C Pond and the other retain himself, and for the other
third he shall take six equal bonds, one of which he shall
assign to Mary Britten in lieu of her dower, one to
Joseph Summerdell in right of his wife Lucy Adian
one to John Es W Britten, one to George S S Britten, and
the other two to the guardians ad litem of Samuel and
Mary Britten &c; and for the proceeds of the sale of the
land he shall take bonds with good security payable

twelve months after date as follows, to wit; one for one
third which he shall retain, and for the other two thirds
ten equal bonds, one of which he shall assign to John
Pond, one to James W Pond, one to the guardian at law
of Thomas C Pond, one to Robinson Holt in right of his
wife Louisa Ann, one to Albert Goodrich in right
of his wife Mary, one to Joseph Sumner in right
of his wife Lucy Adrian, one to John W W Britten, one to
George S S Britten, and two to the guardian at law of
James and Mary Britten &c. - That he retain the title
to the said land until the purchase money shall
be paid, and report to court in order for a final
decree

Briar
 is
 Briar, &c.

1853 Oct. Surveys filed.

" Nov. Decree amended

1855. Jan. Report of General

" Dec. Rep. of Receiver genl."

1856 Jan. Conf.?

" Dec. order to deliver cert. of
 deposits to J. H. Biddle and

1856 Nov. 15. Received of the State of Kentucky the certificate of deposit of
 the State of John W. Biddle for \$41,350. Also the certificate of deposit of
 George S. Biddle
 of John W. Biddle

British
is } American
British } Deans

1853 November 10th

Brittle

is

of Amended Decree

Brittle?

This day this cause came on to be again
read on the papers & former & read, and was argued
by counsel, on consideration whereof the court
on ~~the~~ the decree of October Term, doth adjudge
order and decree, that Alfred I Brittle who is hereby
appointed a special commissioner for that purpose
after giving due notice of the time and place of sale,
sell to the highest bidder the land and slaves in
the bill mentioned; that after receiving so much
in cash from the sale of the slaves as will be suf-
ficient to pay the costs of this decree, he shall take for
the balance bonds with good security (payable in six months
with interest from date, as follows to wit; Three bonds for
 $\frac{1}{4}$ each one of which he shall assign to Hawkins Pond
Attor^y of Eliza C Pond, one to Benjamin M B Hancock, and
the other retain himself, and for the ^{other} $\frac{1}{4}$ he shall take
six equal bonds one of which he shall assign to
Mary Brittle &c in lieu of her dower, one to Joseph
Shumaker in right of his wife Lucy Adair, one to
John W W Brittle, one to George S P Brittle, and the
other two to the guardian at law of Samuel and Mary
Brittle &c; and for the proceeds of the sale of the
land he shall take bonds with good security
payable twelve months after date as follows, to
wit, Two for $\frac{1}{4}$ each, one of which he shall retain
and the other assign to Benjamin M B Hancock, and
for the other $\frac{3}{4}$ the equal bonds, one of which he shall
assign to John Pond, one to James W Pond, one to the
guardian at law of Thomas C Pond, one to Robinson
Holt in right of his wife Lucinda Ann, one to Albert
Goodrich in right of his wife Mary, one to Joseph

Summers in right of his wife Lucy Adams, one
to John W. Wither one to George S. Wither, and
two to the guardian at law of Samuel and Mary
Miller Jr. - That he retain the title to the said land
until the purchase money shall be paid and
report to court in order for a final decree

Brittle
vs 3 Amended Decree
Brittle

1855 January

Brittle

24

Brittle &c

This day, this cause came on to be again heard on the papers formerly read, and on the report of John E. Nicholson admr. of Alfred I. Brittle appointed commissioner by this court by the decree entered in this cause at Nov. term 1853 who since that time has departed this life, and there being no exceptions to said report, the same is confirmed, and the court doth further adjudge, order, and decree that John E. Nicholson admr. of Alfred I. Brittle dec'd out of the assets of his intestate in his hands to be administered, pay to John W. W. Brittle the sum of \$349. ³⁸/₁₀₀ with interest from Decr 21st 1853 - till paid - to Samuel Brittle the sum of \$349. ³⁸/₁₀₀ with ^{like} interest ~~from Decr 21st 1853~~ till paid - to Mary Brittle the sum of \$349. ³⁸/₁₀₀ with ^{like} interest ~~from Decr 21st 1853~~ till paid - The said sums being their respective proportions of the sale of the ^{dower} slaves of Jane Brittle dec'd made by Alfred I. Brittle. The court doth further adjudge, order and decree that the said John E. Nicholson admr. as aforesaid out of the assets of his intestate in his hands to be administered pay to John W. W. Brittle the sum of \$23. 97 with interest from Decr 21st 1854 till paid - to Thomas C. Pond the sum of \$23. 97 with ^{like} interest ~~from Decr 21st 1854~~ till paid - to Samuel Brittle the sum of \$23. 97 with ^{like} interest ~~from Decr 21st 1854~~ till paid, to Mary Brittle the sum of \$23. 97 with ^{like} interest ~~from Decr 21st 1854~~ till paid - The said sums being their respective proportions of the sale of the dower land of Jane Brittle dec'd made by Alfred I. Brittle. And the court doth further adjudge, order and decree that John E. Nicholson who is appointed a Commissioner for that purpose collect of John W. Brittle

the purchaser of the land sold in the proceedings mentioned the sum of \$500. with interest from Decr 21st 1854, and credit the estate of his intestate with the said amount, and upon the payment of the said purchase money that he execute to the said purchaser ~~a deed~~ with special warranty, for the said land. If any of the parties entitled ~~to~~^{to} receive money under this decree should not apply for the same within six months the said John E. Nicholson is hereby directed to ~~deposit~~ the several amounts due them in some savings bank in the City of Petersburg, and file the certificate of deposit in the papers of this cause.

Bielle
as } copy of Dec
Bielle
Common of common Report

1855 Dec 6th

For the year ending Dec 31st 1855
the sum of \$100.00

Dec 31st 1855

Dec 31st 1855

Dec 31st 1855

Dec 31st 1855

Dec 31st 1855

Dec 31st 1855

Southampton County Court, January Term, 1853

Alfred J. Brittle

Deft

against

In Chancery

Hawkins Decd, (admr. of Eliza L. his wife, James W. John & Thomas L. Bond, Robinson Hall & Lemira Ann his wife, Albert Goodrich & Mary his wife, John W. W., George D. F. Samuel & Mary Brittle Jr, Joseph Sumnerell & Lucy Adrian his wife and Mary Brittle Sr. Defts.

This day this cause came on to be again heard on the papers formerly read and on the report of John E. Nicholson (admr. of Alfred J. Brittle appointed Commissioner by this Court by the decree entered in this cause at Nov^r Term 1853, who since that time has departed this life, (and there being no exceptions to said report the same is confirmed; and the Court doth further (adjudge, order and decree that John E. Nicholson (admr. of Alfred J. Brittle decd, out of the assets of his intestate in his hands to be administered, pay to John W. W. Brittle the sum of \$349.³⁸/₁₀₀, with interest from Dec^r 21st 1853, till paid, to Samuel Brittle the sum of \$349.³⁸/₁₀₀ with like interest till paid, to Mary Brittle the sum of \$349.³⁸/₁₀₀ with like interest till paid. - The said sums being their respective proportions of the sale of the down slaves of Jane Brittle decd., made by Alfred J. Brittle. - The Court doth further (adjudge, order and decree that the said John E. Nicholson (admr. as aforesaid out of the assets of his intestate in his hands to be administered pay to John W. W. Brittle the sum of \$23.97/₁₀₀, with interest from Dec^r 21st 1851, till paid, to Thomas L. Bond the sum of \$23.97/₁₀₀ with like interest till paid, to Samuel Brittle the sum of \$23.97/₁₀₀ with like interest till paid,

to Mary Brittle. The sum of \$23.97/100. with like
interest till paid, the said sums being their respective
proportions of the sale of the down land of Jane
Brittle dec'd made by Alfred J. Brittle. and
the Court doth further (adjudge, order, and
decree that John E. Nicholson who is appoint-
ed a Commissioner for that purpose collect of
John M. Brittle the purchaser of the land sold in the
proceedings mentioned the sum of \$500. with interest
from Dec 21st 1854, (and credit the estate of his
interest with the said amount, and upon the payment
of the said purchase money, that he execute to the said purchaser
a deed with special warranty for the said land. If any
of the parties entitled to receive money under this decree
should not apply for the same within six months the said
John E. Nicholson is hereby directed to deposit
the several amounts due them in some savings
bank in the City of Petersburg, (and file the
certificates of deposit in the papers of this cause.

Attest.

This.

Henry S. Howard, D.C.

The undersigned Comfr. app. 7. by the Judge
of the Court to report that he has caused to be paid the
sum of \$500. for purchase of land & has executed to him a
deed for same, also deposited in the Court in testimony in
Petersburg of 4/15. to the Court of John M. Brittle and
himself retain Certificate accordingly to decree. The
other parties interested in this decree has been served
with through the undersigned & receipt amount except
Thos. C. Bond who being nearly of age & has no guardian
his father recd. the said for him for me & execute

Recd of J. E. Nicholson according to this decree the sum of
Eight hundred & one dollar 66 cents the full amount of purchase
& interest due Samuel & Mary Brittle of the sales of the
land & slave of the late Jane Brittle as directed by the decree
April 6th 1853-

George S. Brittle Guardian
for Samuel and Mary Brittle

As soon this bond has been returned is as in my power
& ready to deliver to him at any moment when the
Thos. C. Bond comes to face age & execute to me his and
which will also be return of his with same
respectfully Subscribed
1 Dec 1853

J. E. Nicholson Comfr.

Buttle
or Report
Buttle.

1855 January

for J. W.
Sumner's
Receipt

December 21st 1853

Received of Alfred J. Brittle
Cash the sum of three hundred and forty
nine Dollars and thirty eight cents in full
of my portion of the money arising from the
Sale of the negroes belonging to the ^{deceased} estate of
Jane Brittle dec'd Jos. T. W. Summrell

January 12th 1854

Received of Alfred J.
Brittle ^{Cash} the sum of twenty three Dollars
and ninety two cents in full of my por-
-tion of the money arising from the Sale
of the Land of Jane Brittle estate
Jos. T. W. Summrell

G. G. J. Butler
Receipt

Decr 21st 1853

Received of Alfred J. Britton
Coin: the sum of three hundred and forty
nine Dollars and thirty eight cents in full
of my portion of the money arising from
the sale of negroes belonging to the late
estate of Jane Britton dec'd

A J B Britton

Geor G. G. Britton

George
Britten
Receipt

Dec^r 21st 1853

Received of Alfred J. Brittle
Cash the sum of twenty three Dollars and ninety
seven cents & mills in full of my portion of the
money made by the sale of the lower Land of
Jane Brittle Dec^d

George H. Brittle

D. M. B.
Hancock
Receipt

Decr 21st 1853

Received of Alfred J. Brittle
Comr the sum of two thousand and ninety six
Dollars and thirty one and half cents in full
of my portion of the money made by the sale
of the negroes of the dower estate of Jane Brittle
Decr

Dorilla M B Hancock

Hawkins
Pond to
Receipt

December 21st 1853

Received of Alfred J. Bittle
compr the sum of two thousand and ninety six Dollars
and thirty one and three fourth cents, in full of my
portion of the dower Estate of Jane Bittle dec'd
witness
Hawkins Pond

M. W. Britten
Receipt

December 21st 1853

Received of Alfred J. Brittle
Cash on the sum of three hundred and
forty nine ^{Dollars} and thirty eight cents in full
of my portion of the lower estate of
Jane Brittle dec'd
George E. S. Brittle

Mary W Brittle

Rec^d. Dec 24/1853 from Alfred I Brett ^{Comr.}
Six Dollars for acting as clerk ~~of~~ sale of ~~down~~[^]
Negro of same Brett Dec^r.
Andrew I Kille

Rec^d Dec. 24/1853 from Alfred I Brett Com^r the
sum of One dollar for acting as clerk at the sale of the
down land of same Brett Dec^r.
Andrew I Kille

Rec^d the 24th Dec. 1853 from Alfred I Brittle Comr.
the sum of Six dolls. for crying negroes belonging to Jane Brittle's
down

Andrew I Kello for
Eli Davis brier

Rec^d the 24th Dec. 1853. from Alfred I Brittle Comr.
the sum of One dollar for Crying the land belonging to Jane
Brittle's down

Andrew I Kello for
Eli Davis brier

February 18th 1854

A D Goodrich
Rt

Received of Alfred
J. Brittle bearer the sum of twenty two
Dollars and ninety seven cents in full of
my portion of the Lower Land of Jane
Brittle dec'd
Alyc Fairman "

A D Goodrich

On demand the 21st day of Decer next this
Shal oblige us John W. Brettle and
Alfred J. Brettle our Heires and assigns to
pay to John H. Pond the Sum of
Dollars and cents for value recieved
witness our hands and seals this 18th day of
February ~~1854~~ 1854

R Holt
Recept

1800

1800

February 18th 1854

Received of Alfred
J. Brittle Com^r the sum of twenty two
Dollars and ninety seven cents in full
of my portion of the lower Land of Jane
Brittle dec^d

Roberson rec^d

Alex^r Faison

G. H. Pond

Recd

February 18th 1854

Received of Alfred
J. Brittle Cash^r the Sum of twenty two
Dollars and ninety seven cents in full of
my portion of the dower Land of Jane
Britter dec^d John H Pond

Alex^r Faison

I or Pond

February 18th 1854 Received of Alfred
J. Brittle Comr, the sum of twenty two
Dollars and ninety seven cents in full
of my portion of the damer Land of Jane
Brittle decd
Alex Faison
James W Pond

To M. H. H. H.

Rept.
for pt. of
Land

1883

February the 18th 1854

Received of Alfred
J. Brittle, ^{owner} the sum of one hundred and thirteen
Dollars and ninety seven cents in full of
my portion of the dower Land of Jane
Brittle dec'd.

witness
John W Brittle

Drusillo M B Hancock