

1867-021

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BRITTLE VS. BRITTLE etal

4/1867

452
Bottle { Bell. answers
as and deore
Bottle &c

1859 Aug. Deore 1st as filed
Sept. Report & Deore 1st
Apr.
1867 Deore as filed *

Colk's for paid \$5.
" " " 22.50

To the worshipping County Court of Southampton County - In
- Chancery sitting -

Humbly complaining sheweth unto your
worship your orator William A Brittle an infant under the age
of twenty one who sues by his next friend Samuel B Thelb, that sometime
in the year 1856, his father James C Brittle departed this life, leaving
as his heirs and distributees a widow Emma Brittle, and four
children, to wit, your orator, Martha J Brittle, Clara V Brittle
and Walter L Brittle - being seized and possessed at the time of his death
of a tract of land lying in the County of Southampton containing by
estimation 85 acres more or less - that widow is entitled to a
dower interest in this land, in lieu of which she is desirous and
willing that this court should grant her a sum in gross
to compensate her for her dower, that the same may be sold and
a sum in gross granted her and the balance of the proceeds equally
divided between your orator and his three brothers and
sisters - your orator would state that the said land is worth much
less than \$300 a share, your orator is advised that it would be
greatly to the interest of all the parties, that the said land should
be sold and the proceeds of sale equally divided among them,
that Martha J, Clara V, and Walter L Brittle are infants
under the age of twenty one - In tender consideration
whereof and inasmuch as your orator is without remedy
save in a court of equity where matters of this kind are peculiarly
relievable - To the end then that justice may be done,
he prays that Mrs Emma Brittle, Martha J, Clara V. and
Walter L Brittle may be made parties defendants to this
bill and answer the allegations thereof - that some fit
and proper persons may be appointed guardian ad litem to the in-
fant defendants to defend their interests in this suit, that the
court may direct the sale of the said land, and divide the
proceeds among those entitled to and grant such other and ge-
neral relief in the premises as equity may dictate, or the nature
of their case may require

Per Petition P.E

The answer of Emma Buittle widow of James C Buittle died
to the foregoing bill. This defendant saying &c say that she
believes the facts as stated in the bill to be true, and has
no objection to the decree prayed for, and having answered prays
therein to be dismissed

Emma Buittle
By W H Puttner

The answer of Martha J. Clara V. and Walter L
Buittle by Littleton B Edwards their guardian ad litem
These defendants saying &c say that being infants, they
submit their interests in this suit to the care and
protection of this worshipping court

Buittle
v
Buittle &c } Decree

This day this cause came on to be heard, by con-
sent of parties, on the bill answers thereto, and general repli-
cations and was argued by counsel - on consideration
whereof, the court doth adjudge order and decree that
W H Puttner who is appointed a Commissioner for that
purpose after giving at least twenty days notice of
the time and place of sale, sell to the highest bidder
the said land mentioned in the bill of which James C Buitt.
the died seized and possessed, and that after removing so
much ^{in cash} as may be necessary to defray the expenses of this
decree and said sale and also on sixth part of the purchase
money, the amount granted the widow for her dower by the court,
that for balance of proceeds of sale he take from the purchaser
four equal bonds payable three months after date with
interest from date, and return the same bonds to court
with a report of his proceedings under this decree, and retain
title to said land until further order of this court, but
this decree is to be suspended until the said W H Puttner
shall give bond in the clerk's office of this court with
approved sureties in the penalty of two hundred and
fifty dollars conditioned faithfully to perform the
duties herein assigned him

Brattle

v. } Copy Diver

Brattles

Southampton County Court - August Term 1859 -

William A Bristle an infant under the age of twenty one years who sues by his next friend
Samuel B Kello

vs

In Chancery

against
Emma Bristle widow of James C Bristle dec'd Martha J. Clara V. and
and Walter L Bristle by Linton R Edwards their guardian ad litem Df's.

This day this cause came on to be heard by consent of parties, on the bill, answers thereto
and general replications and was argued by counsel - On consideration whereof the Court doth
adjudge, order and decree that W. H. Prebloss who is appointed a commissioner for that pur-
pose after giving at least twenty days notice of the time and place of sale, sell to the
highest bidder the said land mentioned in the bill of which James C. Bristle died, seized
and possessed, and that reserving so much in cash as may be necessary to defray the
expenses of this decree and said sale and also one sixth part of the purchase money, the
amount granted the widow for her dower by the Court - that for balance of proceeds of sale he
take from the purchaser four equal bonds payable three months after date with interest
from date, and return the same bonds to Court with a report of his proceedings under this
decree and retain title to said land until further order of this Court -

But this decree is to be suspended until the said W. H. Prebloss shall give bond in the Clerk's
office of this Court with approved security in the penalty of two hundred and fifty dollars
conditioned faithfully to perform the duties herein assigned him.

Let the costs \$5.00 paid

A Copy

L. R. Edwards

Test L. R. Edwards Clk

Brittle }
or } Deere
Brittle &c }

1859 September 6th

Brittle }
" } Deere
Brittle & }

This cause came on this day to be heard upon the papers formerly read, and the report of Commissioner made pursuant to the decretal order of August Court last 1859, of the sale of land in proceedings mentioned, agreeable to the terms of the said decree, and was argued by counsel on consideration whereof, it appearing to the Court, that the land in the proceedings mentioned sold for forty dollars in cash, it is adjudged ordered and decreed that the said report be confirmed - and it is further ordered that the Commissioner convey to Mrs Louisa Branch, ^{the purchase of said land} the said land with special warranty, and that he do out the balance of the purchase money in his hands after subtracting the expenses of suit and sale to come on with bond and good security, ^{for the benefit of J. L. Brittle's children} and deposit the bond in the clerk's office, with a report of his proceedings under it is decreed

Brittle
vs
Brittle } Deers

1867 April Tenn

This ^{This day} came on again to be heard
on the papers formerly read and on report of
Commissioner Patton made pursuant to
the clerical order entered in this cause
as its September Term 1889 and was
argued by Counsel. On consideration
whereof the Court confirming said
report, doth adjudge, order, and decree
That Wm. H. Patton, who is hereby appointed
a special Commissioner for that purpose,
proceed to collect the bond ^{\$1833 - against Dandridge & Wick} for the proceedings
mentioned filed in said report, which the
Clerk is directed to hand to him, and That
out of the amount so collected he first pay
any expenses incurred in this cause since
the entering of the last decree, and That the
balance he return ~~in~~ some Savings Bank
or loan it out to some responsible per-
son taking his bond with good security,
and in either case report to Court. But
the said Court is not to execute the pro-
visions of this decree, until he shall have
given bond in the Clerk's office of this Court
in the penalty of \$40.00 ~~payable~~ with
good & sufficient security payable to the
Commonwealth of Va conditioned as the
law directs

Britten
as -
Britten & Co } Report

1859. Oct. 18th

Bottle

as } Pursuant to a decree of the County Court
Bottle & } rendered on the 1st day of September Court
last. ~~your commission~~ } loaned out the balance of the proceeds of sale
of land in the decree mentioned, and that Messrs
R J Darden & B F Vick became the borrowers, and that
he took their bond for the amount, and with this
report is returned to the court, your commission
reports that he conveyed the land in the proceedings
mentioned to Mrs Louisa Branch with official
warranty, all of which is respectfully submitted

W H Pettow Com^r

Check ~~to~~
Recd of L B Edward M. Bowser Darden &
Value of \$18.33 under a decree of Court entered
at the April Term of Court 1867.

Wm. H. Wallace

Brattle

in } Com. Rept.

Brattle

Britten
 v
 Britten et al. } report

The undersigned Commissioner reports that pursuant to the decree of August Court last, he proceeded to sell the land in the proceedings mentioned, and that Mrs Louisa Branch became the purchaser for the sum of forty dollars (\$40) which sum was paid in cash to the Commissioner, and that after receiving so much as was required to defray expenses of suit and sale, and one sixth of the balance in the decree mentioned, he returned the balance amounting to eighteen dollars and thirty three and one third cents, to the Court, which will appear by the statement below, to wit:

Am't of sale		\$40.00
Costs of suit	\$15.00	
Cryer	1.00	
Commissioners	2.00	
widows interest	3.66 $\frac{2}{3}$	
Am't deposited in Court	<u>18.33 $\frac{1}{3}$</u>	
	\$40.00	\$40.00

All of which is respectfully submitted

Wm H Patton Comr.

Know all Men by these Presents, That We *William H Peltow &*
John J. Kindred.

are held firmly bound unto the Commonwealth of Virginia, in the just and full sum of _____
Two hundred fifty _____ Dollars, current money of Virginia, to the payment
whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and
severally, firmly by these presents. Sealed with our seals, and dated this *17* day of
August. A. D., 18*59*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound

William H Peltow Commissioner appointed by a decree of the County Court of
Southampton County entered on the 15th day of August 1859 in the suit of
Bottle against Bottle.

shall faithfully discharge the duties of his said office or trust, according to law, then the above obligation
to be void or else to remain in full force and virtue.

Signed, Sealed and delivered }
in the presence of the Court. }

Wm H Peltow

{ SEAL }

John J. Kindred

{ SEAL }

{ SEAL }

{ SEAL }

Know all men by these presents that we Wm. H. Preston &
E. W. Massey

are held and firmly bound unto the Commonwealth of Virginia, in the just and full
Sum of forty _____ Dollars
current money of Virginia, to the payment whereof well and truly to be made we
bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by
these presents. Sealed with our seals and dated this 16 day of April
A D 1867

The Condition of the above obligation is such that if the above bound
Wm. H. Preston as Commissioner in the case of Brittle & Brittle - appointed
April Term 1867

Shall faithfully discharge the duties of his said office or trust according to law
then the above obligation to be void or else to remain in full force and virtue.
Signed, sealed and delivered
in the presence of the Court }
Wm. H. Preston
E. W. Massey

(Seal)

(Seal)

(Seal)

(Seal)