

1884-08

Southampton County - Chancery

Brittle, Jno W. et al vs Habbe, Ada M.  
et al

"  
Land to be sold and  
proceeds properly distributed  
"

Brittle, Jno W.

Brittle, Augustin A.

Brittle, Marina

Barrett, Joseph +

Barrett, Rebecca, his wife

Habbe, Jefferson L.

(Habbe, Ada +  
Jefferson L. Habbe)

(II) 127 78  
No. ~~72~~ ~~70~~ ~~49~~ 58

Brittle

7 3 Papers

Hobbs

Brattle & others  
vs 3  
Hobbs & others

Bills & Exhibits -

1878 October Rules

J. B. Pined / 15.

To the Honorable Geo: Blow. Judge of the  
Circuit Court of Southampton. In Chancery.  
Humbly Complaining & sheweth unto  
your Honor, your Complainants,  
Jno: W. Brittle, Augustin A. Brittle  
Marina D. Brittle, Joseph Barrett  
& Rebecca J. his wife, formerly Brittle  
Henry Rogers & Rosa, his wife, formerly  
Brittle, & Jefferson L. Hobbs. that  
during the year 1834. Alfred J. Brittle  
died intestate, leaving the follow-  
ing heirs at Law, to wit, Jno. W. Brittle  
Augustine A. Brittle, Marina D.  
Brittle, Rebecca J. Brittle, who has  
intermarried with Joseph Barrett,  
Rosa Brittle, who has intermarried  
with Henry Rogers - Susan Jane  
Brittle, who intermarried with Jeff-  
erson L. Hobbs - and who has died  
leaving one child Adia M. Hobbs, an  
infant - & Sarah Brittle, who inter-  
married with Harrison L. Stephenson,  
both of whom have died, leaving one  
child - Sabalia J. Stephenson - an  
infant. That the said Alfred J. Step-  
son, at the time of his death was  
seized of a certain tract of land  
in Southampton County, containing  
acres - which was assigned to his

widow for her dower. That the said  
widow died in Apr 1878. and the said  
tract of land is now in the possession  
of the heirs of said Alfred J. Butler.

That your Complainants pray that  
the said land is not susceptible of  
partition amongst the parties entitled,  
but if it is, then they desire it to  
be divided, but if not, then they  
desire the same sold and the  
proceeds properly distributed.

In consideration whereof, your  
Complainants pray that the said  
Ada M. Hobbs & Sabalia J. Stephenson  
both infants, may be made parties  
defendant to this bill & compelled to  
answer its allegations. That some fit  
& proper party may be assigned & an  
ad litem to defend the interests  
of the infants. That the said real  
estate be divided between the  
parties - and in case the said real  
estate be indivisible in kind, that  
the same be exposed to sale and the  
proceeds thereof properly distributed.  
And that your Honor will grant  
such other, further, general & special  
relief as to Equity may seem meet

and the nature of this case may  
require. And as in duty bound,  
your Complainant will ever pray &c.  
Alloy it please the Court &c.

J.B. Bruce pr.

The Joint & several Answer of Wm.  
M. Hobbs & Sabatia J. Stephenson  
both infants by L.R. Edwards, their  
Gdn ad litem. to a bill of complaint  
exhibited against them in the Circuit  
Court of Southampton by Jno. W. Biddle  
Jorhen.

These respondents, saving preserving  
&c. for answer to said bill say.

That they are infants and know  
nothing of the facts alleged in said  
bill & being such - they submit their  
rights to the protection of this Honorable  
Court. and having answered they  
pray hence to be dismissed &c.

L.R. Edwards

J.B. Bruce pr.

Gdn ad litem

88 99 58

Brattle

of } Stat. Rules

Hobbs

In Southampton Circuit Court.

Ino. W. Brittle, Augustin A Brittle, Marina D Brittle, Joseph  
Barrett, Rebecca J his wife formerly Brittle & Jefferson S Hobbs  
Plaintiffs  
against

Ada M Hobbs & Sabalia J Stephenson Defendants

1878 September 14<sup>th</sup> Summons issued.

" Oct R. Bill filed - L R Edwards assigned Guardian  
ad litem to Defendants - Answer of Deft<sup>s</sup> Gen Rep

" Nov R. Cause set for hearing 1<sup>st</sup>

1178 May J Decree do

" 79 May J Report & decree

Dorchester Circuit Court Clerk's Office  
11th November 1878-

This bond was acknowledged by J. W. Bittle  
& J. B. Bello the obligors therein, and J. B.  
Bello the surety thereto qualified on oath  
as to his sufficiency according to law  
J. R. Edwards Secy

Printed by  
Hobbs } Corn Bond

Recorded  
Page 59

Know all Men by these Presents, That we

sum of Eight Hundred

A. D. 1878

The condition of the above obligation is such, that if the ~~above bound~~ John

~~shall faithfully discharge the duties of~~

John W Britten [SEAL.]

S. B. Kello [SEAL.]

[SEAL.]

[SEAL.]

Brute &

or 3

Hoob. &

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Report of Comr.  
Jno. W. Brute

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May 6. 1879

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Brittle &  
vs 3 Report of Comr. Jno. W. Brittle  
Hobbs.

In this cause your Comr. submits the following report. That pursuant to decree entered in this cause at the Nov Term 1878, I have sold the land in the proceedings mentioned and at the sale thereof, Maria D. Brittle became the purchaser by bidding therefor the sum of \$733.. The price bid was a fair one, and I recommend its confirmation. This is a suit for partition... one third was to be paid in cash.. 244.44 charges.

|                       |             |                 |
|-----------------------|-------------|-----------------|
| To paid attor fee.    | \$16.50     |                 |
| " " Tax acct.         | 4.30        |                 |
| " " Ely Davis (Crier) | 5.00        |                 |
| " " Commissioners     | 3.00        |                 |
| " " Commissions       | 23.66       |                 |
| " " Clerk's fee.      | <u>6.06</u> | 58.52           |
|                       |             | <u>\$185.92</u> |

This amt is due Equally to Jno. W. Brittle -  
A. A. Brittle - Maria D. Brittle - Joseph Barrett  
Nehemiah J. his wife - Benj W. Brittle - Henry W. Rogers  
Rosa, his wife - Sabalia J. Stephenson - Leonidas  
L. Hobbs and Ada M. Hobbs, his daughter.... The amt  
due each is \$23.24.. I will return the bonds  
at some future day..

Respty Submitted..

John W. Brittle  
Comr

May 5. 1879.

Mrs. Catherine Beattie

1878.

To JAMES E. SEBRELL, Treasurer of Southampton County, Dr.

| SUBJECTS OF TAXATION.             | STATE TAX.<br>50c. on \$100. |    | COUNTY LEVY.<br>30c. on \$100. |    | SCHOOL TAXES.            |                            |    |   | TOTAL TAX. |  |
|-----------------------------------|------------------------------|----|--------------------------------|----|--------------------------|----------------------------|----|---|------------|--|
|                                   |                              |    |                                |    | COUNTY,<br>5c. on \$100. | DISTRICT,<br>5c. on \$100. |    |   |            |  |
| To 227 acres of Land, value \$454 | 2                            | 27 | 1                              | 36 | 23                       |                            | 23 | 4 | 09         |  |
| “ Personal Property, value . . \$ |                              |    |                                |    |                          |                            |    |   |            |  |
| “ Capitation Taxes, . . . . .     |                              |    |                                |    |                          |                            |    |   |            |  |
| Total, . . . . .                  |                              |    |                                |    |                          |                            |    |   |            |  |
| Fee Bills, . . . . .              |                              |    |                                |    |                          |                            |    |   |            |  |
| 2 per cent. rebate, . . . . .     |                              |    |                                |    |                          |                            |    |   |            |  |
| 5 per cent. additional, . . . . . |                              |    |                                |    |                          |                            |    |   |            |  |
| Total, . . . . .                  |                              |    |                                |    |                          |                            |    |   | 21         |  |

Received payment 1 day of May 1879. B. H. Clayton, Treasurer. 430

Recd of John W. Brittle Adm<sup>r</sup>. of A. I.  
Brittle as Audineer May the 6<sup>th</sup> 1799  
Eli H. Denny

Brattle &

vs  $\frac{4}{3}$

Hobbs &

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Report from  
Snow Brute  
Cox

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May 5. 1881

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Brattle  
vs  $\frac{3}{4}$  Report of Inco Brattle.

Hobbs

In this cause, Your Court would  
state that the purchasers of the real  
estate have refused to pay their  
deferred bonds, and I have not been  
able to collect them. I ask the Court  
to instruct me what to do in  
the premises. all of the bonds are  
due.

Respectfully,

May 5. 1881.

John W. Brattle  
Counr

To the Judge of the Circuit  
Court. Southampton.

Bottle tokens

<sup>or 3</sup>  
Hobbs tokens

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Report of  
Commissioner

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To the Hon Judge of the Circuit Court  
of Southampton.

Pursuant to a decree entered in  
this Cause at New Decm 1878, we the  
undersigned Commissioners appointed  
to ascertain whether the land formerly  
held by Catherine Brittle as dower  
can be divided in kind, respectfully  
report as follows. That we know the  
land well & have no hesitation  
in saying that partition cannot be  
conveniently made. Without injuring  
the interests of several of the parties.  
The real value of the land we  
think is about six hundred  
dollars. We think the only way it  
can be properly divided is to  
sell the same.

Commissioners

{ D. B. Kelso  
Geo. H. Baird  
Geo. T. Branch

Oct 21. 1878

Brute  
or 3  
Hebb's 4

Final report  
of  
Comm. Brute  

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1844. Nov. 5. Filed  
J.B.P. Co  

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Brittle  
vs 3 Final report of Comr. Brittle.  
Heaber 4.

In this Cause your Comr. respectfully  
submits the following report.  
That he has paid to all the parties  
the amounts to which they are  
entitled under decree of May  
Term 1879, as will more fully  
appear from their receipts hereunto  
filed. There is nothing further  
to be done in this Cause.

Nov: 5, 1884

Respectfully Submitted  
John W. Brittle  
Commissioner.

To the Judge of the  
Circuit Ct. of  
Southampton. }

We and each of us have Received of John W.  
Brittle Commissioner appointed to sell the  
lands of Alfred I Brittle dec'd in a decree  
granted in the Circuit Court of Southampton  
County at this May Term 1879 the sum of  
Twenty three dollars and Twenty four cents  
\$23.24 amount as named in said decree,  
August 17<sup>th</sup> 1879

Marina D Brittle  
H. W. Rogers & wife Rosa H. Rogers  
J. H. W. Barrett & wife Rebecca A. J. Barrett  
Benj. W. Brittle  
Alfred A. A. Brittle

Marina D Brittle guardian  
for S. J. Stephenson

We and each of us have Received of John W. Brittle  
Commissioner appointed to sell the lands of  
Alfred I. Brittle dec'd in a decree granted in  
the Circuit Court of Southampton County at  
this May Term 1879 the sum of Seventy Dollars  
and thirty one cents in full  
Oct. 22<sup>th</sup> 1881

H. W. Rogers & wife Rosa H. Rogers  
Benj. W. Brittle  
J. H. W. Barrett & wife Rebecca A. J. Barrett  
Marina D Brittle  
Marina D Brittle guardian  
for S. J. Stephenson  
Alfred A. A. Brittle

I have Received of John W. Brittle  
Commissioner appointed to sell the lands  
of Alfred L. Brittle dec'd in a decree  
granted in the Circuit Court of Southampton  
County at this May term 1884  
the sum of eighty three <sup>70</sup>/<sub>100</sub> Dollars  
with the interest on the above amount  
to date <sup>infate</sup> Nov. 3<sup>rd</sup> 1884

Wm. H. Hobbbs  
J. W. Brittle

Wm. H. Hobbbs  
mark

Spridley & Co  
Hobbs & Co

2 Copy Same

Dorchester Circuit Court, May Term 1879.

Prindle vs

vs

Hobby vs

Sept

In Chancery

Sept

This day being Court day as to the further heard on the papers  
formerly read, the report of Commr. Prindle filed during the  
Term, reporting sale of Land in the proceeding mentioned to  
Marion J. Prindle for \$733. and was argued by Counsel.  
On consideration whereof, the exceptions being filed to said  
report, the same is hereby confirmed, and the said decree repeated  
Ordered by the said Court and binding between the parties.  
And the Court doth further decree that out of the Cash  
payments, when collected, the said John W. Prindle Comr.  
pay to himself the sum of \$23.24 to J. J. J. Prindle,  
a like sum, to Marion J. Prindle a like sum, to Joseph  
Barrett & Rebecca J. his wife a like sum, to Sperry W.  
Prindle a like sum, to Henry W. Rogers & Rosa his wife  
a like sum, to the lawfully qualified Guardian of  
Peterson J. Stephenson, a like sum, and to Lemuel  
Hobby, a like sum. But the said Lemuel L. Hobby, is  
not to receive the amount decreed to be paid him,  
until he shall have given a bond in the penalty of  
two hundred dollars, with good Security, conditioned  
to keep the principal sum forthcoming at his  
death, provided his daughter should die under age,  
and intestate. And the said John W. Prindle will withdraw  
from the papers in this Cause the bids of Marion  
J. Prindle after reciting to the Clerk for same,  
Collect the same as they become due, & pay to the parties  
thereunto entitled, & make report to Court.

Attest

Sept, J. H. Tyler D.C.

Southampton Circuit Court: Nov. Term: 1878

John W. Brittle. Augustus A. Brittle. Marina D. Brittle  
Joseph Brittle & Rebecca J. his wife formerly Brittle &  
Jefferson. S. Hobbs

Pltffs 2

against

Ada M. Hobbs & Sabalia J. Stephenson infants.

Defds

In  
chey

This day this cause came on to be further heard on the papers formerly read, the Report of Commissioner filed during the term, and was argued by counsel. On consideration whereof, no exceptions being filed to said Report, the same is hereby confirmed; and it appearing from said Report that partition of the lands of Alfred J. Brittle dec<sup>d</sup> cannot be made among the parties thereto entitled, the Court doth adjudge, order and decree that John W. Brittle, he and he is hereby appointed a commissioner for the purpose, that he sell the real estate formerly held by the widow of Alfred J. Brittle dec<sup>d</sup> for her dower Dower after twenty days public notice of time & place of sale, upon the following terms to wit: One third cash, the balance on a credit of one & two years equal annual instalments, the purchaser to give bond with approved security, carrying interest from day of sale & the title to be retained for the deferred payments. But the said Commissioner will not proceed to execute this decree, until he shall have entered into bond in the penalty of eight hundred

dollars. With Security to be approved  
by the Clerk of this Court, Conditioned to  
faithfully execute this and any further  
decree in this cause. And the said  
Commissioner will report his proceedings  
to Court -

A Copy:

Attest. Thos E. Seabell Clk.

Clk \$ 6.06 paid S. R. Edwards

Law fee 16.50, Res report of Snow Brittle Comm  
\$ 22.56 J. B. Pannicelli

Drilled re  
75 3/4  
Hole re

Decre

Brittle Sothers  
vs 3 Decees.  
Hobbs Sothers

This day this cause came onto be further heard on the paper formerly read, the report of Commissioners filed during the term and was argued by Counsel. On consideration whereof, this exception being filed to said report, the same is hereby confirmed. And it appearing from said report that partition of the land of Alfred J. Brittle decd, cannot be made among the parties thereto entitled, the Court doth adjudge order & decree that John W. Brittle be and he is hereby appointed a Commissioner for the purpose that he sell the real estate formerly held by the widow of Alfred J. Brittle decd, for her dower, after 20 days public notice of time & place of sale, upon the following terms to wit. one third Cash. the balance on a credit of one & two years, equal annual instalments, the purchaser to give bond with approved security, carrying interest from day of sale and the title to be retained for the deferred payments. But the said Commissioner will not proceed to execute this decree until he shall have entered into bond in the penalty

Eight.  
of ~~five~~ hundred dollars with security  
to be approved by the Clerk of this Court,  
conditioned to faithfully execute this  
and any further decree in this cause.  
And the said Commissioner will report  
his proceedings to Court.

Buttlesworth  
vs 3 Decree  
Hobbsworth

Nov Term  
1878

To be entered,

Geo. V. Blod,

no 2

Brattle &c

r } Sum's chq.

Stephenson &c

1878 October Rules

# The Commonwealth of Virginia:

To the Sheriff of Southampton County:---Greeting.

We command you to summon Sabalia Stephenson &

Ada M. Hobbs both infants

if they be found within your bailiwick to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the first Monday in

October next to answer a bill in Chancery exhibited against them in our said Court by Jno. W. Brille, Augustin & Brille, Maria D. Brille, Joseph Barrett & Rebecca J. his wife

and have then and there this writ. Witness, **LITTLETON R. EDWARDS**, Clerk of our said Court at the Court House, this

14 day of September 1878 in the 10<sup>3</sup> year of the Commonwealth.

L. R. Edwards CC

Little to the  
as 3 Deer  
Hobbs to the

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Nov Term 1878

To be entered

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Geo. W. W.

no 1.

Brittlesworth  
vs 3 Decree.

Hobbsworth

This day this cause came on to be heard on the bill of the complainant the answer of the infants defendants by Lk Edward their Guardian ad litem, with general replication thereto, and was argued by Counsel. On consideration whereof the Court with a Judge order decree that S. B. Kells and W. Bann & Mrs T. B. <sup>de ch</sup> they are hereby appointed Commissioners for the purpose. That they proceed to divide the real Estate whereof Alfred J. Brittlesworth died seized which was the dower land of his widow, consisting of        acres among the parties thereto entitled. But if said Commissioners cannot divide the said land among the heirs or should be of opinion that a sale thereof would promote the interest of the interested parties, then they will report their opinion with the facts to Court. and also report what is the fair simple value of the said Estate.

76  
Brittle &

is 3 Deere

Hobbs &

~~~~~

May Term 1881

To be entered.

4 cop

Brittle &

vs B Decece

Hobbs.

This day this cause came on to be further heard on the papers formerly read and the report of Court Brittle, filed during the term - reporting that Maria D. Brittle, Henry W. Rogers & Benj W. Brittle, refuse to pay their bonds for the deferred payments of the land in the proceedings mentioned and asking to be instructed by the Court what course he should pursue. On consideration whereof - & no exceptions being filed to said report, the same is confirmed.

And the Court doth adjudge order and decree that Maria D. Brittle, Henry W. Rogers & Benj W. Brittle be summoned to appear at the next term of this Court to show cause why the said land should not be resold at their costs for the deferred payments.

Brittle vs.  
3 Decree.

Hobbs vs.

This day this cause came on to be further heard on the papers formerly read, the report of Comr Brittle filed during the term, reporting sale of land in the proceedings mentioned to Maria & Brittle for \$733- and was agreed by Council. On consideration whereof, no exceptions being filed to said report, the same is hereby confirmed, and the sale therein reported ordered to be held firm & binding between the parties.

And the Court with further decree that out of the Cash payment, when collected the said Jacob Brittle, Comr, pay to himself, the sum of \$23. <sup>24</sup>/<sub>100</sub>, to A.A.A. Brittle a like sum, to Maria & Brittle a like sum, to Joseph Barrett & Rebecca J. his wife, a like sum, to Benj W. Brittle a like sum, to Henry W. Rogers & Rosa his wife a like sum - to the lawfully gratified Son of Sabalia J. Stephenson, a like sum - and to Leonidas L. Hobbs, a like sum - But the said Leonidas L. Hobbs is not to receive the amt decreed to be paid him until he shall have given a bond in the penalty of two hundred dollars, with good security conditioned to have the principal sum

forthcoming at his death, provided his daughter should die under age and intestate. And the said John Brittle will withdraw from the papers in this cause, the bonds of Maria O Brittle, after receipt by the Clerk for them, collect the same as they become due, and pay to the parties thereto entitled - and make report to Court.

1879 May 19 Received of the Clerk the bonds returned by me with this report.

John W. Brittle

Brittle J.

in 3 Decem

Hobbs J.

May Term 1879

to be entered

Test: J. W. Brittle

Brindle & Co.,

vs } Deere  
Hobbs

May Term 1884  
To be entered.

Geo T. Blaw.

Brindle, &c.,

vs } Decree.

Hobbs

This day this cause came on to be further heard on the papers formerly read and was argued by Counsel. On consideration whereof, the Court doth adjudge, order and decree that W. W. Briggs, Sheriff of this County, execute a copy of the decree entered at the May term 1881 of this Court, in favor of D. Brindle, Henry W. Rogers and Benj. W. Brindle; and that the same be executed within twenty days at least of the next term of this Court.

Exhibited Oct. 24<sup>th</sup> 1884 by showing a  
Copy of the within document to Maurice & 3 mill,  
Henry H Rogers & 3<sup>rd</sup> 3<sup>rd</sup> 3<sup>rd</sup> not resident  
of this County

A. A. Scott Jr.  
for witnesses 13<sup>th</sup>

Brittles  
vs Deeren  
Hobbs

A Copy

Southampton Circuit Court May Term  
-1884-

Brittles

vs } Greener  
Hobbs

This day this cause came on to be <sup>finally</sup> heard on the papers formerly read and the report of Com<sup>rs</sup> Brittle filed during the term reporting that Marina D. Brittle, Henry W. Rodgers & Berry W. Brittle refuse to pay their bonds for the deferred payments of the land in the proceedings mentioned and asking to be instructed by the Court what course he should pursue on consideration whereof no exceptions being filed to said report the same is confirmed.

And the Court doth adjudge order and decree that Marina D. Brittle Henry W. Rodgers & Berry W. Brittle be summoned to appear at the next term of this Court to show cause why the said land should not be resold at their costs for the deferred payments.

Hoping

Teste J. B. Prince Clk

Principle  
of Decree  
Hobbs

Nov. Term 1884.

To be entered.

Geo. Brown,

Entered

83

Brittle

vs

}

Deer

Hobbs

This day this cause came on to be further heard on the papers formerly read and the report of Commissioner John W. Brittle filed November 5<sup>th</sup> 1884, to which report there is no exception, and was argued by Counsel. On Consideration whereof, the Court doth approve and confirm the said report, and it appearing that there is nothing further to be done in this cause, it is ordered that the same be removed from the docket.