1909- 03 Southampton County Chancery- Bain, Sarah E. (Exec'r.) Vs Williams, T.W. (adm.) etal

Sues to have Court appoint a Commissioner to evaluate the estate and an account of the debts outstanding against the estate & to sell real estate if necessary to settle debts.

Bain, L.F. (decd)

Brittle, A.A. (decd)
" , Sarah F.
" , I.A.
" , James E.
" , W.A.
" , C.S.
" , K.E.
" , C.C.
" , C.E.
" , D.F.
" , A.A.
" , L.A

1424

Bank Execution from Co

Co 3 Bill

to

Exchibits

Bill to admit to als

To The Honorable E. W. Hill judge of the circuit court of Southampton County in chancery sitting

Humbly complaining your Oratrix Sarah E Bain exetrix of the last will and testament of L. F Bain decd sheweth unto your Honor that in the year 188- A. A Brittle departed this life intestate leaving considerable estate both real and personal and that at the december term 1884 of the county court of Southampton his estate was committed to the hands of J. W. Williams sheriff of Southampton for administration as will more fully appear by a certified copy of the said order herewith filed marked exhibit A and prayed to be taken as a part of this bill, that he left his widow Sarah F Bain and the following named children Jennie A. Brittle, James E Brittle, W. A. Brittle C. L. Brittle, K. E. Brittle, C. C. Brittle, C. E Brittle, C. F. Brittle, A. A. Brittle and L. A. Brittle his sons at Law, your Oratrix sheweth further unto your Honor that the said A. A. Brittle in his lifetime

was indebted to Bains & Drew in a bond
for $113.18 cts due 1st of January 1870 which
has been duly and assigned to your
Oratrix Testator by the said Bains &
Drew and which he has held ever since
and which has never been paid by the
said A. A. Brittle in his lifetime or his
heirs at Law or his administrator
since his death either to Bains & Drew
or L. F. Bain or the said executrix
since his death, Your Oratrix has applied
to J. W. Williams administrator as aforesaid
for the payment of the aforesaid bond
and he has replied he had no effects
whatever in his hands of his intestate
with which to pay the said bond
wherefore he brings this suit

In Tender consideration whereof and
inasmuch as your Oratrix is without remedy
at Law and only entitled to relief in a
court of equity where such matters are peculiarly
cognizable Therefore prays that J. W.
Williams shows he and as such Administrator
of A. A. Brittle dec'd, Sarah F. Brittle
Ennis A. Brittle, James E Brittle, W.A. Brittle
C. L. Brittle, K. E. Brittle, C. C. Brittle, C. E. Brittle
A. F. Brittle, A. A. Brittle and L. A. Brittle
may be made parties defendant to this

bill and that the court would compel them as full and perfect answer made to the allegations therein contained as if they had been thereunto more fully and specially interrogated, that the court would vouchsafe one of the commissioners of this court to take the following accounts; J. W. Williams administrations account of A. A. Britts estate an account of the actual and value of all A. A. Britts real estate and an account of the debts outstanding against the said estate and if it shows appear from the said accounts whose claims that there are no funds apt to pay the debts then that the same may be paid by the sale of the real estate and that the court would grant such other and general relief the premises considered as equity may dictate and the nature of her case may require and as in duty bound your Orator will ever pray &c

Chandler Sol. for C.

Bains Executive
Or Ratification
Bailli Adjoint de Ste

1890 Avril 1. Feb 7

The replication of Sarah E. Bain executrix of L. F. Bain dec'd to A. A. Britts plea to the jurisdiction of the court

This replicant saving and reserving unto himself all and all manner of advantage of exception to the manifold insufficiences of the said plea to the jurisdiction for replication thereunto says she will prove her bill to be true, certain and sufficient in law to be answered unto and that the said plea of the said A. A. Britts one of the said defendants is uncertain untrue and insufficient to be replied unto by this replicant in this behalf and that J. W. Williams one of the defendants to the plaintiffs said suit is and always has been a resident of Southampton County without this that any other matter or thing whatsoever in the said plea contained, material or effectual in the law to be replied unto confessed and avoided traversed or denied is true, all of which matters and things this replicant is and will be ready to aver and prove as this honorable court shall direct and humbly prays as in and by his said bill he hath already prayed

Thos. H. Ford p. q.

Bain's Extrs

J. A. Brittle's
Plea to
the
vs. Jurisdiction of the Court.

Brittle et al.

1890. / Jany Rules
filed -

J. F. West
Clk.

Virginia.

In the Circuit Court for
Southampton County.
1st January Rules 1890.

J. A. Brittle Defendant.
ads.
Sarah E. Bain Executrix of L. F. Bain decd
who sues for the benefit of herself and all other
Creditors of A. A. Brittle decd who will come in
and bear their share of the costs of this suit - Complainant.

The plea of J. A. Brittle, defendant, to the
bill of Complaint exhibited against him
and others in this Court by Sarah E. Bain
Extrix of L. F. Bain decd. who sues for the
benefit of herself and all other creditors of
A. A. Brittle decd who will come in and bear
their share of the costs of this suit.

This defendant, for plea to the said bill,
saith that he is now and was at the
time of the institution of this suit, a
resident of the County of Sussex, and
not a resident of the County of Southampton
that A. A. Brittle decd lived and died in the
County of Sussex and not in the County
of Southampton, that all the chattel
estate of which the said A. A. Brittle died
seized & possessed was at the time of his
death and has been ever since his death
in the County of Sussex, and not in the
County of Southampton, that the
mansion house and all the land, so far as
appears by the deed books, of which the said

A. A. Brittle does deny is situate in the County of Sussex, and not in the County of Southampton, that the cause of action did not arise, nor any part thereof, in the County of Southampton, but the cause of action did arise in the County of Sussex) a County other than that in which the suit is brought. Wherefore the defendant doth plead to the said bill and to the jurisdiction of the said Court whether he should be compelled to answer make any further or other answer to the said bill, and prays head to be dismissed with his reasonable costs and charges in this behalf most wrongfully sustained

J. F. West Jr. C.

Virginia

Sussex County, to wit:

This day the within named J. A. Brittle appeared before me a Notary Public in and for the County aforesaid and made oath that the matters and things stated in the annexed plea are true. Given under my hand this 6th day of January in the year 1890.

J. E. West Notary Public

Bains Extrs &c. 15

Wm Stat: Rules

Bibbles Admr + als:

1 Jany

Sarah E. Bain Extx of L.F. Bain dec'd. who sues for herself and all other creditors of A.A. Brittle dec'd. who will come in and bear their share of the Costs of this suit } Pltff

vs

J.W. Williams Sheriff and as such Admr of A.A. Brittle dec'd - Sarah F. Brittle - J.A. Brittle - Jas. E. Brittle W.A. Brittle - C.S. Brittle - K.E. Brittle - C.C. Brittle - C.E. Brittle - O.F. Brittle - A.A. Brittle - and L.A. Brittle. } Deft.

1889. Dec 18. Precp ifp? to 1st Jany Rules.

1890. 1st Jany Rules. Precp rel? Executd. Bill & Ex: filed. Plea of J.A. Brittle filed. Genl replication. Decree nisi.

" 2nd Jany Rules: Bill taken for Confsp Except as to J.A. Brittle & Cause set for hearing.

Baines Patterson
on 3 Decem
3
Bottles to also

To be entered
C.D.D.
Nov 8. 1923

Entered p 614

Baines Exctx

vs

Baitts et als

Decree

This day this cause came on again to be heard on the papers formerly read and the report of Commissioner McLemore made pursuant to a decree of the court entered at the May Term 1891 and to which no exception have been filed and was argued by counsel On consideration whereof the court doth adjudge order and decree that the said report be confirmed and it appearing from the said report that the rents arising from the said tract of land will not pay the debts in five years the debts amounting to the sum of $277.17cts and costs of suit and the annual value of the land $40 Therefore the court doth further adjudge, order, and decree that unless the defendants, heirs at law of the A.A.A. Baitts dec'd shall within ninety days from this day, pay to the plaintiff Sarah E. Baines the above said sum of $277.17cts and costs of this suit, Then George D. Gilliard sheriff of Lupton county who is appointed commissioner for that purpose shall after having given at

least twenty days notice of the time and place of sale by public advertisement at Superr Court house and Wakefield in the said county proceed to sell at Superr Court house on some county Court day at public auction to the highest bidder the tract of land containing 237 acres whereof A.A.A. Brittle died seized and possessed on the following terms to wit one third cash balance in two equal annual instalments taking from the purchasers bonds with approved security carrying interest from date, but option is given the purchaser to pay all the purchase money at the time of sale taking a deed with special warranty from the Sheriff and commissioner and the said George D Grizzard is directed to report his proceedings to court in order to as further decree

Bain's Exhs

No 33 Sum.

Brittle & als:

1890. 1 Jany Rules
Cir: Ct:

Executed Jany 4th 1890. by delivering a true copy of the within summons to each of the within named parties at their usual place of abode in Sussex county.

Geo. D. Grizzard
Shff.

THE COMMONWEALTH OF VIRGINIA, Sussex

TO THE SHERIFF OF ~~SOUTHAMPTON~~ COUNTY—Greeting:

WE COMMAND YOU TO SUMMON J. H. Williams Sheriff and as such Admr of A. A. Brittle dec'd - Sarah F. Brittle. T. R. Brittle. Jas. E. Brittle. W. A. Brittle. C. S. Brittle. K. E. Brittle. C. C. Brittle. C. E. Brittle. O. F. Brittle. A. A. Brittle and L. A. Brittle.

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 1st Monday in January next, to answer a bill in Chancery exhibited against them in our said Court by Sarah E. Bain Executrix of L. F. Bain dec'd who sues for herself and all other creditors of A. A. Brittle dec'd who will come in and bear their share of the costs of this suit.

And this they shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 18th day of Dec'r, 1889, in the 114th year of the Commonwealth.

Teste: B. F. McLemore C. C.

1909

Bains, Executrix
for &c

vs.

Deeter.

Bains, Admr.
et als.

Entered Apl. 4, 1899

Robert Davis

Bain's Executrix for &c.

vs. Decree.

Brittle's Administrator et als.

This cause came on this day to be further heard upon the papers formerly read and upon the petition of J. A. Brittle, this day filed, and was argued by counsel. On consideration whereof, it appearing from said petition that said Brittle is now the assignee of the debt against the estate of A. A. A. Brittle, mentioned in the report of commissioner Mc.Lemore, filed herein, on his motion it is ordered that this cause be continued until the first day of the next term.

Barnes Exts. for Pf.
Ex 3 Report

Baillie's Admrstrs
1893. Oct 5. filed.

assigned to J. A. Baillie

Commissioner's Office.
Courtland, Va.
Oct 5th 1893.

To the Circuit Court of Southampton Co.

Pursuant to a decree of the Circuit Court of Southampton County entered at the May Term 1891. in the Chancery Cause of "Baines Extx &c Brittle & als:" the undersigned Commissioner reports to Court, that on the 22d day of Sept 1893. he issued Notices against the parties to this suit. Notifying them to appear at his Office. in Courtland, on the 5th day of October 1893. at which time and place he should proceed to take the accounts required by the decree aforesaid., that said Notice has been returned executed and is herewith filed., Whereupon the Commissioner proceeded, 1st. to take an account of the Transactions of J.H. Williams. Sheriff and Admr of A.A.A. Brittle, dec'd. and reports that said Administrator has neither received nor disbursed any thing. No property of any discription having come into his hands.

2nd. An account of debts against the Estate of A.A.A. Brittle, dec'd., which

inclusion of interest - amounts to
$277.17 as of Nov 1. 1893.
A. K. A. Brittle, at the time of his death,
was seized of a small tract of land
situated in Sussex County - Va. contain-
ing 237 acres - valued at $602.00 -
and the annal value of said land
is estimated at $40.00. The Com-
missioner states specially - that so far
as the number of acres - apesed value
&c of the above described tract of
land is concerned - he has had to rely
upon information obtained from the
Clerk of Sussex County Court.

Respectfully Submitted.
B. F. McLemore
Comr in Chy

Comr's fee $5.00
ch Plaintiffs

Virginia Jan

In the Circuit Court of
Southampton County
May Term 1891

Bains adm'r &c.
vs } Decree
Boitle adm'r &c.

This day this cause came on to be heard on the plaintiffs bill taken for confessed as to the defendants J.W. Williams sheriff and such administrator of A.A. Boitle dec'd. Sarah F Boitle, James E. Boitle, Wm. A Boitle, C.S. Boitle, K.E. Boitle, C.C. Boitle, L.E. Boitle, O.F. Boitle, A.V. Boitle and L.A. Boitle and the plea of J.A. Boitle and replication thereto and was argued by counsel. On consideration whereof the court doth adjudge order and decree that one of the commissioners of this court, take and settle the following accounts, First J.W. Williams administration account of A.A. Boitle's estate, second and account of all the debts outstanding against the estate of A.A. Boitle dec'd their degrees and priorities, and the actual and annual value of all the real estate whereof A.A. Boitle died seized and possessed and report the said accounts together with any other matters specially reported deemed pertinent by himself or which he may be required so to state by any of the

parties interested.

A copy - Test:

B. F. McLemore clk

COMMISSIONER'S OFFICE,

~~JERUSALEM,~~ Courtland. Sept 1st 1893

To the *Creditors* of the Estate of

A. A. A. Britts

deceased, and all others concerned.

You are hereby notified, that ~~at the request of~~ by decree of the Cir: Court of Southampton Co. entered at the May Term 1891. in the Chancery Cause of Bains Extr v Britts ~~Administrator of the estate of the said deceased,~~

I have appointed the 6 day of October next, at my Office, for receiving proof of debts or demands, against the said decedent or his estate, at which time and place you are required to attend.

Given under my hand, as a Commissioner of the County Court of Southampton County, the day and year first aforesaid.

B. F. McLemore *Commissioner.*

Davis Exrs

vs. Notice

Brittle et als

1893, Oct. 5th Decr

Executed on the
28th day of Septem-
ber 1893 by delivering
a true copy of the
within Summons to
each of the within
named parties at
their usual place
of abode in Sussex
County Virginia;

Geo. D. Wingfield
Sheriff of Sussex Co.

COMMISSIONER'S OFFICE

COMMISSIONER'S OFFICE,

COURTLAND, VA., Sept 22nd 1893

To Sarah E. Bain Extrx of L. J. Bain dec'd. who was
J. H. Williams Shff & adm. of A. A. Brittle dec'd Sarah J.
Brittle 2 A. Brittle, Jas E. Brittle, H. A. Brittle, B. D.
Brittle K. E. Brittle L. L. Brittle B. E. Brittle, O. J. Brittle
A. A. Brittle and L. A. Brittle.

You are hereby notified that I have fixed upon the 5th *day of*
October *next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:*

1st J. H. Williams Administration account of A. A. Brittle Est.
2nd An account of all the debts outstanding against the estate of A. A. Brittle dec'd their dignities and priorities.
3rd. The actual and annual value of all the real estate whereof A. A. Brittle died seized and possessed. Together with any other matter deemed pertinent by himself or which he may be required to state by any interested party.

required to be taken by a decree of Southampton Circuit Court, rendered at the May *term, 189 1, in a suit in Chancery depending in said Court, in which you are parties plaintiffs and defendants; at which time and place you are required to attend.*

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

R. J. McLemore *Commissioner.*

To the Sheriff of Southampton county to execute.

An Account of the debts outstanding against the Estate of A. A. A. Bills dec'd. Proved before B. F. McLemore on the 5th day of Oct. 1893.

Fee bill due B. F. McLemore. $ 1.50

Bond due Bain & Drew $113.68
Int. from Jany 1/90 to Nov 1/93. 161.99 $ 275.67

$ 277.17

Respectfully Submitted.
B. F. McLemore
Comr in Chancery

275.67

OFFICE OF THE

COUNTY AND CIRCUIT CLERK

Sussex C. H., Va., Oct 22 1891

Mr B J M Lemon
Clk of Court.

Dear Sir

In reply to yours of the 20th inst, I will say that A. A. Biddle has charged to him on the land books 237 acres land valued $602.00. I cannot find that Crawford Alley ever had any land in this County

Yours most respectfully

Jas D Noblett DC

Baines Exhx &c
vs } Reply.

Brittles & als:

1891. Oct. 21. Filed

Commissioner's Office.
Courtland Va.
Oct. 21st 1891.

To the Circuit Court of Southampton Co.

The the undersigned Commissioner reports to Court. That in obedience to a decree of the Circuit of said County entered at the May term 1891. in the Chancery Cause of "Baines Extx" vs Brittle & als: he issued Notice against the parties to said suit. Notifying them that on the 21st day of Oct. 1891 he should proceed to take and report the accounts required by said decree. That said Notice has not been Executed because the Defendants to the suit reside in Sussex Co. and no party has advanced a sum sufficient to pay the Sheriff of Sussex his fees for Executing the same.

Your Commissioner reports further, that J.W. Williams, Sheriff and Administrator of A.A.A. Brittle, dec'd, has neither received or disbursed any thing. No property, of any discription having come into his hands.

The Commissioner has taken an account of the debts outstanding against the Estate of the said Brittle. amounting

to $257.28 inclusive of interest to the 1st
day of November 1891.
The said A. A. Willis, at the time of his
death, was seized of a small tract of
land situated in Sussex County Va.
containing 237 acres, valued at $602.00
that the annual value of said land
is estimated at $40.00

Com's fee $5.00.

Respectfully Submitted.
B. F. McLemore
Comm'r in Chancery

Bains extra

No 3 Deeres

Bottles to also

To be entered

C 1151

Entd 4466

Shandon Lane

Bains exec^r &c

vs

Brittle admr &c

Decree

This day this cause came on to be heard on the plaintiff's bill. Taken for confessed as to the defendants J. M. Williams admr and as such administrator of A. A. Brittle dec^d Sarah F. Brittle James E. Brittle Mrs A Brittle, C. B. Brittle, K. E. Brittle C. C. Brittle, C. E. Brittle, O. F. Brittle, A. A. Brittle and L. A. Brittle and the plea of J. A. Brittle and replication thereto and was argued by counsel On consideration whereof the court doth adjudge order and decree that one of the commissioners of this court take and state the following accounts. First J. M. Williams administration account of A. A. Brittle state second an account of all the debts outstanding against the estate of A. A. Brittle dec^d their dignity and priorities and the actual and annual value of all the real estate whereof A. A. Brittle dies seized and possessed and report the said accounts together with any matters specially reported deemed pertinent ~~by him~~ by him or which he may be required so to state by any of the parties interested

	Bain's Executrix &c vs.		
	Clerk's fees due L. A. Gay		
1899	Baillie's Adms. et als.		
March 23	filing J. A. Baillie's petition 15.		15
April 4	(1) one decree 36. Tax Costs 40:		76
1903 November 11	15 Continuances on the docket 3.75 =		3 75
	Tax Costs 7½ years @ 10 cts 75.		75
			$5.41

South'ampton County Court. December Term 1889.

On motion of Sarah E. Bain Executrix of L. F. Bain dec'd it is ordered that the Estate of A. A. Baillie dec'd be committed to the hands of J. H. Williams, Sheriff of this County to be by him administered according to law.

A Copy.

Test: B. F. McLemore C.C.

$113.68 On demand For Value Recd I promise to pay or cause to be paid unto Bain & Drew or Assign the just & full Sum of one hundred & thirteen 68/100 Dollars For which I bind My Self Heirs &c as witness My hand & Seale this 11th January 1870

A. A. [illegible] Brittain

Bain's Executrix for Pl.

vs. } Stat: of Costs

Brittles Adms. Defs.

Bain's Executrix &c vs.
Vs. } Statement of Costs to March 1895

1889		Baillie Admr. et als		
Dec.	18	Summ. 25 ct exp. 15¢ receipt 15, atty. 10. Docket 15 =		2 20
		Rules 1.00, entering return 25, filing bill 15 =		1 50
		Do. exhibits 15. Do. plea 15. replication 15 =		45
		Copy exhibits 25, 2 reports 50 =		75
1893		2 decrees & copies 1.44 =		1 44
			B.F.M.	$6 41
1895 March		2 continuances on the docket 50 =	T.M.H.	50
			Balance	$6.91
			Chgs. of Sheriff	12.00
			Costs	16 50
				$35.41
		For my Comm. B. F. McLemore		10 00
				$45.41

Test: W. A. Gayle Clk.

Paint Executrix
to
Petitions
DJ.
of
J. A. Brittle
Brief's Admr.
et als.

1899. 22nd. March filed.

T. A. Gay C.C.

To the Hon. R. R. Prentis,

Judge of Southampton Circuit Court:

The undersigned, your petitioner, respectfully represents that he has purchased of the plaintiff in the suit of Bain's Executrix for &c Vs. Brittle's Administrator et als, ~~their~~ interest in the debt which has been proven against the estate of said A. A. A. Brittle, and has had said claim duly assigned to him.

He is advised that no decree has been entered in said suit in nearly five years and is very desirous that this cause remain upon the docket. He prays therefore that ~~the~~ decree may be entered ordering that said cause be continued until the first day of the next term.

And he will ever pary &c .

J. A. Brittle
by Counsel.