

1912. 03

Southampton County Chancery -

Brittle, Nannie R. vs
et al

Brittle, Freddie G.

appoint a commissioner to order
a sale of timber that would
benefit the minor children by
helping with their education.

Brittle, J. W.

Brittle, Herbert E.)
" , Irmer, P.)
" , Boykin)
Sebrell, W. J. (G. A. L.)

Drill it. als.

12 1/2 Bill in (Dancy)
Drill it. als.

1902. 2. Sept. Rules filed

L. A. Gay to be

J.C. PARKER, FRANKLIN, VA. E.F. STORY, COURTLAND, VA.
PARKER & STORY,
ATTORNEYS AT LAW,
COURTLAND, VIRGINIA.

TO THE HONORABLE ROBT. R. PRENTIS, JUDGE OF THE CIRCUIT COURT
OF SOUTHAMPTON COUNTY, VIRGINIA:

Humbly complaining, your complainants, Nannie R. Brittle
and J. W. Brittle (husband of the said Nannie R), sheweth unto the
Court the following cause of complaint:

That one of your complainants, the said Nannie R. Brittle, is
jointly seised and possessed, together with her children, namely,
Freddie G. Brittle, Herbert E. Brittle, Irmer P. Brittle and Boykin
Brittle, all of whom are infants under the age of twenty-one years,
to-wit:- seventeen, fifteen, fourteen and twelve years respectively,
in fee-simple of a certain tract or parcel of land lying situate and
being in Berlin and Iver Magisterial District in Southampton County,
Virginia, containing about one hundred and forty acres, more or less,
and bounded by the lands of G. G. G. Brittle, A. S. H. Brittle, T. A.
Holt and Mrs. A. L. Barrett. All of which will more fully appear from
a copy of the deed conveying the said land to your said complainant
and her children filed with this bill, marked "Exhibit A" and prayed
to be read as a part of the same. That there is on the said land
a considerable quantity of standing timber of various kinds; that the
Surry Lumber Company, a corporation engaged in the manufacture of
lumber, has made, in the opinion of your complainants, a very liberal
offer for the said standing timber, provided they can secure a good
and sufficient title thereto, to-wit,- Four Hundred (\$400) Dollars,
and your complainants are very anxious to avail themselves of this
opportunity of disposing of the said timber, for the following reasons,
namely,- They are very much in need of funds to aid them in educating
their said children; that they have no source of revenue other than
the rent of the above described small farm and the wages received by
the said J. W. Brittle as an ordinary laborer, which prove entirely
inadequate to support and educate their said children: That the said
Surry Lumber Company has purchased and is now the owner of practically
all of the standing timber in the vicinity of your said complainants

above described and that it is now cutting its timber adjoining this property and will soon cease to operate in the said locality, hence unless the offer made by the said company is accepted your complainants fear that there will be no market for the said timber, as there will not be enough left in this immediate neighborhood to justify a lumber manufacturer to locate or undertake to purchase such timber as will remain; that in view of the foregoing facts your complainants believe and allege that such a sale of the said timber would be to the interest of all parties concerned.

In tender consideration whereof and forasmuch as your complainants are remediless save in a court of Equity, where such matters are alone heard and determined, your complainants pray that the said N. M. Freddie G. Brittle, Herbert E. Brittle, Irmer P. Brittle and Boykin Brittle may be made parties defendant to this bill and required to answer same, though answer under oath is hereby expressly waived: that a proper guardian ad litem be appointed to defend the interest of the said infant defendants and required to answer this bill; that W. J. Sebrell be appointed such guardian ad litem; that proper process issue; that the Court may make proper inquiries through one of its commissioners and if it deem it advisable to do so it will order a sale of the said timber and that such care be taken of the proceeds as shall seem proper to the Court and is required by law. That all proper inquiries be made, accounts taken and orders made. And that all such other, further, general and special relief may be granted your complainant as may be just and proper, or to equity shall seem meet.

NOTICE is hereby given that the Court will be asked to allow reasonable fees for plaintiffs counsel conducting this cause.

And your complainants will ever pray etc.

[Signature] P. Q.

Nannie R. Brittle

J. W. Brittle

City of Richmond:-

VIRGINIA: Southampton County, to-wit:-

me, B. H. West, a Notary Public This ^{day} personally appeared before in and for the said City in the State of Virginia, in my City, Nannie R. Brittle and J. W. Brittle, and made oath that the statements contained in the foregoing bill are, so far as made of their own knowledge true and so far as made from information derived from others she believes them to be true.

Given under my hand this 15th day of September 1902.

My Commission expires }
Oct. 30th 1903

B. H. West
Notary Public

I acknowledge due and legal service of the within
summons.

Guardian ad litem for the within named infant defendants.

H. J. Seibel Esq. Dec 1891

THE COMMONWEALTH OF VIRGINIA

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County Greeting

We command you to summon Freddie G. Boiette, Herbert E. Boiette,
James P. Boiette and Mykin Boiette, all infants under the age of
twenty one years, by H. J. Sebrall, their guardian ad litem
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 3rd Monday in Oct. 1903 next, to answer ^{an amended} bill in Chancery
exhibited against them in our said Court by Nannie R. Boiette and
J. W. Boiette

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

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this 18th day of
Oct. 1902, ~~10~~, in the 12th year of the Commonwealth.

A Copy, Teste:

L. A. Gay

C. C.

Mrs. Brille tract.

100 of years in tract:

From whom did she get it:

What date:

Froms in full of all the children.

Kind of timber sold. All standing timber 10 in.

10 in.

How long to have to put it. 10-20 or add some time

Did property come by deed or will.

So have all timber necessary for plantation.

10

Bottle it. als.

— 12. ³ 1st Mass.

Bottle it. als.

Enter this Oct. 1902.

We cannot to this Mass.

Part of the Mass for the
W. S. Schell,

John. and his son.

J.C. PARKER. E.F. STORY
FRANKLIN, VA. COURTLAND, VA.
PARKER & STORY,
ATTORNEYS AT LAW,
COURTLAND, VIRGINIA.

Nannie R. Brittle and J. W. Brittle,

vs

Freddie G. Brittle, Herbert E. Brittle, Irma P. Brittle and Boykin Brittle.

This day this cause came on to be heard on the bill of the complainant and exhibits therewith filed, the answers of Freddie G. Brittle, Herbert E. Brittle and Irma P. Brittle, infants over the age of fourteen years, and W. J. Sebrell, guardian ad litem for the infant defendants, Freddie G. Brittle, Herbert E. Brittle, Irma P. Brittle and Boykin Brittle, duly assigned at rules according to law, all duly sworn to, this day filed by leave of Court, and was argued by counsel. On consideration whereof the Court doth adjudge, order and decree that it be referred to one of the Commissioners of this court to enquire and report:

FIRST: The fee-simple value of the timber described in the bill of the complainant.

SECOND: Whether the sum offered by the Surry Lumber Company, namely \$400. is a fair price for the said timber.

THIRD: Whether or not the interest of the owners of the said timber will be promoted by a sale of same.

FOURTH: The interest of the several parties in the said property.

FIFTH: Whether there are any liens on the said property, for delinquent taxes, or otherwise.

SIXTH: Any other matter deemed pertinent by the said Commissioner or required to be stated by any interested party.

Which said inquiries the said Commissioner will make and report to Court.

By consent of all parties to this cause, entered of record in open court, the adults by their attorneys and the infants by their guardian ad litem, it is ordered that this be made a vacation cause and be submitted to the Judge of this court for such decisions and decrees in vacation as might be entered therein in term.

\$415.⁰⁰/₁₀₀

Richmond, Va. Oct 5th 1903

On demand ~~after date~~ I promise to pay
to S. L. Boykin ~~four hundred and fifteen~~ or order, without offset,
Dollars

Negotiable and payable at American National Bank of Richmond
Value received. The drawer and endorser of this note hereby waive the benefit
of my homestead exemption as to this debt.

No. ~~One~~ Due On demand

Mrs. Fannie R. Brittle

Member of Co. 628 E. Broad St. Richmond, Va.



\$1585.⁰⁰/₁₀₀

Nov 4th 1903

On demand ~~after date~~ I promise to pay
to S. L. Boykin ~~the full and just sum of~~ or order, without offset,
the full and just sum of ^{and eighty five} Fifteen hundred ⁰⁰/₁₀₀ Dollars.

Negotiable and payable at American National Bank

Value received. The drawer and endorser of this note hereby waive the benefit of their homestead
exemption as to this debt.

No. Due on demand

Mrs. Fannie R. Brittle

believe them to be true.

fine; and so far as made from information derived from others they
tained in the said answer, so far as made of their own knowledge, are
whose answer is above written, and made oath that the statements con-
tains therein are true.

This day personally appeared before me, _____
for the City aforesaid in the State of Vir-

CITY OF RICHMOND, { to-wit:-
STATE OF VIRGINIA, {

eg. And your respondents will ever pray etc.

dismissed with their reasonable costs by them in this behalf expend-

And now having fully answered these respondents pray to be hence
discharged.

order may be entered or decree pronounced which will tend to their
rights and interest to the protection of the court and pray that no
interest in this connection. But they commend themselves and their
small degree capable of determining as to what is to their best in-
terest, being of the ages above stated, believe that they are in some
their interest will be promoted thereby. Your respondents state that

Smith Pump & Company as set forth in the said bill, believing that

the said property be sold at the price offered by the

the said bill and join in the prayer of the said complaintants re-

as they are advised it is material they should answer, answer

as they are advised it is material they should answer, answer

as they are advised it is material they should answer, answer

as they are advised it is material they should answer, answer

as they are advised it is material they should answer, answer

as they are advised it is material they should answer, answer

as they are advised it is material they should answer, answer

as they are advised it is material they should answer, answer

as they are advised it is material they should answer, answer

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as they are advised it is material they should answer, answer

as they are advised it is material they should answer, answer

as they are advised it is material they should answer, answer

 Brittle et als.
 vs.
 Brittle et als.

The joint and separate answers of Freddie G. Brittle (age)seventeen years) Herber E. Brittle (age fifteen years) and Irma P. Brittle (age fourteen years) all infants under the age of twenty-one years, but more than fourteen years, to a bill in chancery exhibited against them and others in the Circuit Court of Southampton County, Virginia, by Nannie R. Brittle and J. W. Brittle.

These respondents, reserving to themselves the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as they are advised it is material they should answer, answer and say that they fully concur in all of the allegations contained in the said bill and join in the prayer of the said complainants requesting that the said property be sold at the price offered by the Surry Lumber Company as set forth in the said bill, believing that their interest will be promoted thereby. Your respondents state that they, being of the ages above stated, believe that they are in some small degree capable of determining as to what is to their best interest in this connection. But they commend themselves and their rights and interest to the protection of the court and pray that no order may be entered or decree pronounced which will tend to their prejudice.

And now having fully answered these respondents pray to be hence dismissed with their reasonable costs by them in this behalf expended. And your respondents will ever pray etc.

STATE OF VIRGINIA, { City of Richmond, {to-wit:-	<u>Freddie G. Brittle</u>	:
	<u>Herbert E. Brittle</u>	:
	<u>Irma P. Brittle</u>	:

This day personally appeared before me, D. H. West -
Notary Public for the City aforesaid in the state of Virginia Freddie G. Brittle, Herbert E. Brittle and Irma P. Brittle, whose answer is above written, and made oath that the statements contained in the said answer, so far as made of their own knowledge, are true; and so far as made from information derived from others they believe them to be true. Given under my hand this 3rd day of Oct 1903

My Commission expires Octo. 30 th 1903	<u>D. H. West</u> Notary Public
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• STATEMENT •

FOLIO.....

Pickman ^{7th} 10/3 1902

Mr E. Frank Story

§0 B.H. West

Dr.

TERMS:

1902

Oct. 3 To Taking affi-
davit to Bre in
Chamney and an-
swer to same in
suit of Buttle & als
vs. Buttle & als \$2.50

Paid 10/3/02
B.H. West

va. Virginia.

Commissioner in Chancery for the Circuit Court of Southampton County.

Given under my hand this _____ day of Octo. 1905.

Information derived from others he believes them to be true.

so far as made of his own knowledge, are true and so far as made from written and made oath that the statements contained in the said answer, filed for Freddie G., Herbert E., Irma P. and Boykin Brittle, is above Virginia, in my county, W. J. Sebrrell, whose answer as Guardian ad a Commissioner in Chancery for the Circuit Court of Southampton County

This day personally appeared before me, _____

Southampton County, }

to-wit:-

STATE OF VIRGINIA,

Irma P. Brittle and Boykin Brittle.

Guardian ad litem for Freddie G. Brittle, Herbert E. Brittle,

to James dismissed with his costs in this behalf expended.

And now having fully answered the said bill your respondent prays that the Court will in all respects fully protect the interest of the infant defendants.

That the Court will in all respects fully protect the interest of the infant defendants.

That the Court will in all respects fully protect the interest of the infant defendants and says that he knows nothing of

W. Brittle.

to the infant defendants Freddie G. Brittle, Herbert E. Brittle, Irma P. Brittle and Boykin Brittle, to a bill in equity exhibited in the County of Southampton County, Virginia, against them by name

The answer of W. J. Sebrrell, Guardian ad litem

Brittle et al.

vs

Brittle et al.

Brittle et. als.

vs

Brittle et. als.

The answer of W. J. Sebrell, guardian ad litem to the infant defendants Freddie G. Brittle, Herbert E. Brittle, Irma P. Brittle and Boykin Brittle, to a bill in equity exhibited in the circuit court of Southampton County, Virginia, against them by Wannie R. and J. W. Brittle.

The guardian ad litem answers and says that he knows nothing of the truth or falsity of the statements contained in the said bill, but prays that the Court will in all respects fully protect the interest of the infant defendants.

And now having fully answered the said bill your respondent prays to be hence dismissed with his costs in this behalf expended.

W. J. Sebrell

Guardian ad litem for Freddie G. Brittle, Herbert E. Brittle, Irma P. Brittle and Boykin Brittle.

STATE OF VIRGINIA, {
Southampton County, { to-wit:-

This day personally appeared before me, _____ a commissioner in chancery for the circuit court of Southampton County, Virginia, in my county, W. J. Sebrell, whose answer as guardian ad litem for Freddie G., Herbert E., Irma P. and Boykin Brittle, is above written and made oath that the statements contained in the said answer, so far as made of his own knowledge, are true and so far as made from information derived from others he believes them to be true.

Given under my hand this 7th day of Octo. 1902.

B. F. McLenahan

Commissioner in Chancery for the Circuit Court of Southampton County, Virginia.

This Deed, made the 10 day of March, in the

year of our Lord one thousand eight hundred and ⁽⁹²⁾~~eighty~~ ninetytwo, between

G. G. G. Brattle

and Harriet A Brattle, his wife, of
the county of Souhampton, in the State of Virginia, of the one part, and

Namie R Brattle

of Souhampton County, of the other part—

Witnesseth: That in consideration of the sum of

Fifteen Hundred Dollars in hand paid
the receipt whereof is hereby acknowledged the said

G. G. G. Brattle

and Harriet A Brattle, his wife, do grant,

with general warranty, unto the said Namie R Brattle
and her children

^{their}
and to ~~his~~ heirs and assigns, forever, the following real estate, to wit:

A certain tract or parcel of land lying
in the County of Souhampton about 3
miles from Iron Depot on the N & W R Road
and on the Main Road from Iron to Berlin
containing about One Hundred & forty
acres and bounded by the lands of
G. G. G. Brattle, A. S. H. Brattle, J. A. Hock and
Mrs. A. L. Brattle. The same being
known as the Brattle Homestead on which
the said G. G. G. Brattle formerly resided

Brittle G. G. & wife
to
B. S.
Brittle Mamie R.

1892 April 26th Recd x

A.R.

Ex and

1892

1891 Oct 26th Recd

Record A B #42

Page 378

150 Paid
125 Paid
cashed

together with all and singular the appurtenances belonging to the same.

And the said G. G. G. Brittle covenants that he has the right to convey the said land to the said grantee; that the said grantee shall have quiet possession of the said land; that he has done no act to encumber the said land; and that he will execute such further assurances of the said land as may be requisite.

Witness the following signatures and seals:

WITNESSES:

G. G. G. Brittle



Harriet A. Brittle



State of Virginia }
County of Southampton } Its wit

I J. C. Davis a Notary Public in and for the County of Southampton in the State of Virginia do certify that G. G. G. Brittle and Harriet A. Brittle his wife whose names are signed to the writing above bearing date the 10th day of March 1892 have acknowledged the same before me in the County aforesaid Given under my hand this 10th day of March 1892
J. C. Davis N.P.

Southampton County: In the Clerk's Office April 26th 1892
The foregoing Deed from G. G. G. Brittle & wife to Mamie R. Brittle was this day received and with the certificate annexed admitted to record.

Teste B. F. M. Lemore C. C.

PHONE 2091

BENJ. H. WEST
ATTORNEY AND COUNSELLOR AT LAW
RICHMOND, VA.
1115 EAST MAIN STREET

Dec. 21, 1903.

Mr. E. Frank Story,
Attorney at Law,
Courtland, Va.

My dear Story:

Your letter of Nov. the 11th was received in due time and my failure to reply was due to the fact that I was very much rushed with business of various kinds about that time and have been since. You have no doubt, noticed from the Richmond papers that I have closed a peculiar kind of a "contract" recently, one that I have been negotiating for several years.

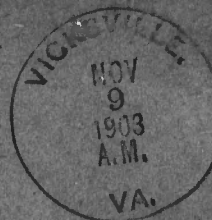
In regard to the matter about which you wrote, I beg to say that I have seen the real estate agent from whom this property was bought on several occasions, and he tells me that the taxes have been paid and has promised several times to bring me the tax receipt, but as yet has failed to comply with his promise. This gentleman, however, is reliable and I think that there is no doubt about the fact that the taxes have been paid, and as soon as I can get the receipt from him I will forward it to you. At that time I will also send you receipt from the clerk of *L. G. H.* showing that the deed of trust has been satisfied.

Very truly yours,

B. H. West

Chor. Va. Nov 9th 1903
Mr. C. Frank Story,
Courtland, Va.
Dear Frank,

Just received
a letter from my sister,
Mrs Buttle, stating that
they had bought and
moved in House X 5 South
Strawberry Street Rich-
mond Va. She says the
trust deed has been
released and they now
have clear deed on
record for said prop-
erty. I understand from
her that Mr West has
examined deed &c and
reports them all O.K.



Mr. C. Frank Story,
Courtland,
Va.

Should you wish other
evidence of title &c-
Write West would be
quicker. I am ready
to seek any information
you may wish. I enclose
you two notes that I
hold against Mrs. J. M. Bittle
which you will find
amount to two thousand
dollars the purchase
price of her farm
you can return notes
to her when farm
is conveyed to me
Yours truly
C. R. Boykin



Mr. C. Frank Story,
Courtland,
Va.

Brietta et als.

vs. }

SUBPENA
IN CHANCERY.

Brietta et als.

Parker & Story

p. q.

To 2nd September Rules.

Lisank

Court.

I acknowledge due and legal service of the within summons:

W. J. Bell :

Guardian ad litem for the within named
infant defendants.

The Commonwealth of Virginia,

To the Sheriff of the County of Southampton Greeting:

WE COMMAND YOU, That you summon Freddie G. Boittle, Herbert G. Boittle,
Ernest P. Boittle and Raykin Boittle, all infants under
the age of twenty-one years, by W. J. Seabell, their
guardian ad litem

to appear at the Clerk's Office of the Orphan Court of the County of
Saukhampton at the rules to be held for the said court on the 2nd Monday in
September 1902, to answer a bill in chancery exhibited against
in our said court by Hannie R. Boittle and J. M. Boittle:

And have then there this writ. Witness L. A. Gay, Clerk
of our said court, at the courthouse, the 9th day of September 1902, and
in the 127th year of the Commonwealth.

Teste: L. A. Gay 12.12

If not delivered in five days return to
E. N. JOHNSON,
DEALER IN
FURNITURE, COFFINS, BUGGIES, ETC.
IVOR, VA.



Mr. C. Frank Story,
Courtland,
Va.

Ernestus
Freddie G Brittle 17 years
25th of March 1902
Herbert Eugene Brittle
15 years 9th Sept. 1901
Irma Pauline Brittle 14
years 25th of June 1902
Boykin Brittle 12 years
31st July 1902
J. K. Brittle.
James H. Harrison.

E. N. JOHNSON,
PROPRIETOR
IVOR FURNITURE CO.

—DEALER IN—

Furniture, Coffins, Buggies, &c.

Ivor, Va., Dec 16 1902

Mr C. Frank Story,
Courtland Va.

Dear Frank,

Mrs. J. W. Brittle lives
at N 424 South Pine St,
Richmond Va. Please attend
to each at your earliest
convenience

Yours very truly
S. L. Boykin

From Va Feb 2nd 1864
Mr. C. Frank Story,
Courtland Va.

Dear Frank,

I have been
expecting you to send deed
for Brittle farm for some
time. but from some
cause or other I have not
received it. Please attend to
it at once. I have sold
the farm and I'm
losing it. I would
have been to see you
before now but for
the condition of my wife
We have a nice boy now
but both mother and child
are sick. Let me hear from
you at your earliest conven-
ience

Yours very truly
L. H. Boykin



Mr. C. Frank Story
Courtland
Va



Mr. E. Frank Story

Courtland

Va

Chor. Va. Sept. 29th 1903
Mr. E. Frank Story,
Courtland Va.
Dear Frank,

Yours of
25th. to hand. I want
you to secure decree. I
am the purchaser
at two thousand dollars
and cost of suit. I
understood you to say
that you would secure
decree for twenty five
dollars if you could
reopen suit. If I am
right go ahead otherwise
let me hear from you.
Can you have deed
examined in Richmond.

