

Leroy Brizendine & Others vs. Administrator of Estate of Isaac Brizendine

Transcription by Kelley Lear 22 Aug 2020

Charlotte County, Virginia, Chancery Court Case, Leroy Brizendine Etc. v. Admr of Isaac Brizendine, 6 November 1820; images, Library of Virginia, *Virginia Memory*, (<https://www.lva.virginia.gov/chancery/default.asp#res> : accessed 22 August 2020), index 1826-036.

[Image 1]

[manilla file folder]

1826-036

Charlotte County

Chancery Causes: Leroy Brizendine, etc.

Haines, Tisdale, Ford, Petty, Redmond

Admr.

vs/ of Isaac Brizendine

[Image 2]

To the worshipfull The County Court of Charlotte siting in Chancery, Humbly complain in Shew unto your Worships your Orrators and oratrixes Leroy & Richard Brizendine Phoebe Haines, William Tisdale and Jane his wife formerly Brizendine, John Ford and Elizabeth his wife formerly Brizen=dine, Isaac & John Brizendine Jane Brizendine only Child and hier of Joshua Brizendine and who sues by the aforesaid Leroy her next friend, Young Brizendine George Petty and Susan his wife formerly Brizendine, George Redmond husband of Nancy, now and, formerly Brizendine That some time in the year ____ [blank] Isaac Brizendindine died intestate leaving Ann his widow, and twelve Children, towit the aforesaid, Leroy, Richard, Phoebe, Jane, Elizabeth, Isaac, John, Joshua (now dead) Young, Susan, & Nancy now dead, as aforesaid, and William, herein after made defendant; some of whom have intermarried as above. That Joshua died intestate leaving the aforesaid Jane his only child and heir. Nancy has died since her father, and George her husband and representative is now living. That among other things two negro slave ^ Georgy & Winney were assigned to the aforesaid Ann as dower of the estate of the aforesaid Isaac the elder. that William Brizen=dine administered on the estate of said Joshua^{Isaac} the elder That the aforesaid Ann is now dead, and the said slaves can not be divided among those entitled but by a sale

[Image 3]

[left side of page]

of the same, and one has now become chargeable, being unable to maintain her self. That the aforesaid William refuses to make sale of the slaves aforesaid, named George & Winny, or otherwise to act. That it will be necessary to allow something for the charge and support of the said winney.

In tender consideration of the premises and for as much as these complainants are with out remedy in the premises they pray that the slaves aforesaid may be decreed to be sold, and if the one, Winny, ~~which is now unable to support herself~~ will bring nothing, that commissioners may be empowered to provide for her support out of the money arising from the sale of the other. That the purchase money arising from the sale aforesaid be divided between these complainants and the defendant William in equal portions after paying the expenses aforesaid. ^{according to their respective rights} That the said William be made defendant to the bill and compeld to answer the same on oath, and say what objection he has to a decree according to the given _____ [illegible] above and may the Court grant all such other and further relief as the Case of these complainants may require or to equity sworn meet, and award all _____ [illegible] &&
L.C. Boclair p.q.

[attached right page]

The several answer of William Brizendine administra tor of Isaac Brizendine dec^d to a bill in Chancery exhi bited ^{^against him} in the County Court of Charlotte by Leroy Brizendine and thus seek^{^ing} to have a sale of their mothers Dower slaves. This respondent reserving & answers and says that the facts set forth in the complainants bill are true & he is perfectly willing that a decree be made accor ding to the [paper folded, partial portion of line illegible] answered prays to be hence dismissed with his costs.

L.C. Bo.

[Image 4]

Leroy Brizendine & others } Bill & v	1821 June Cont ^d 1824 June Cont ^d 1826 June Cont ^d
Wm. Brizendine Adm ^{rst} . of Brizendine 1820 Nov 6 decree for sale of dower negroes of Ann Brizendine dec ^d , & and division, & William Baron, J M Jeffress, Tho Brook & John Boothe or any 2 app ^d to make sale & division & to rep ^t & Cash to be equally done by the bankes	decree

[Image 5]

Leroy Brizendine & other plaintiffs
against {
William Brizendin administrator of & defendant { In Chancery

This cause this day by concert of all parties came on to
be heard on the bill and answer and was argued by
council whereupon it is considered, and the Court doth adjudge
order & decree, that the Dower slaves of Ann Brizendine
deceased to wit Winny and George be sold to the
highe bidder on a credit of twelve months, the
purchasers giving bond and security for the purchase
money, that the commissioners herein after appointed if
the aforesaid Winny will bring nothing provide for
her support out of the money arising from the sale
of the other. That after paying the expense of this
suit and the Charge above mentioned. the money
arising from the sale aforesaid be divided in to
twelve equal parts, and that each of the plaintiffs

~~to wit Leroy and Richard Brizendine~~ one twelfth, be assigned to the plaintiff Leroy, one twelfth to Richard, one twelfth to Phoebe Haines, one twelfth to William Tinsdale and Jane his wife, one twelfth to John Ford and Elizabeth his wife, one twelfth to Isaac one twelfth to John Brizendine, one twelfth to Jane Brizendine only Child and heir of Joshua Brizendine one twelfth to George Petty and Susan his wife, one

[Image 6]

twelfth to George Redmond, husband of Nancy Redmond decd, formerly Brizendine and one twelfth to the defendant William Brizendine that the sale afore said be at such time and place as the commissioners hereinafter appointed shall think mos expedient first giving publick notice of the time and place and it is further ordered and decreed that ^{Wm Bacon} Jennings, M. Jeffris, Thomas Brook and John Booth or any two of them, (who are hereby appointed commissioners of this Court for that purpose) execute this decree and that they take bonds of the purchasers payable to themselves and collect the money and dispose of it as aforesaid. and that they report to this Court in what manner they have proceeded here in in order to a final decree and that the costs of this suit be paid out of the proceeds of said sale.

[upside down at bottom of page]

Brizendine & others
vs } Decree
Brizindine Admr
Of Brizendine

[Image 7]

Agreeable to the within order to us directed we as the Com^s. in the s^d. order nam^d. Have this to 25 Dec^r. 1820: proceeded to sell the slaves Winney & George named in s^d. ^{Decree} on a Acct of 12 months which was Sold as follows —
George a Negroe man to Matthias Petty for \$566—

Winney a old woman to George Petty for 1 dollar & well sold 1—
 \$567—
 J.M. Jeffress } 2 of the
 W^m. Baron } Com^r

And bond taken of the purchasers. And plac^d in the hands of s^d.
 Jeffress for collection & distribution, which is according by Law
 as near as practicable, as will more fully appear by a sta:
 tement of s^d. bond Interest & Costs hereto annexed—

Turn Over.

[Image 8]

Sta. of the first Exr. is Matthias Petty^{Sen} in favour of Brizendine Com^s.
 Debt due 25 Dec. 1821 for Purchase George \$ 566—
 In^t to 22 Aug 1822 22.55
 By Cash p^d to J.M. Jeffress by M. Petty 140—
 In^t to 22 Feb 1823 13.32
 Costs 7.68
 D^r bond 63 [] Com^r 1839 19.02
 \$ 488.57

 Sta: 2d Excr D^r Bond as above on 22 Feb 1823 \$ 488.57
 In^t to 1 Mar 1823 2.12
 490.69
 By Cash p^d to J.M. Jeffress by M. Petty 40—
 460.69
 In^t to 1 Dec 1823 18.79
 Costs 5.86
 475.34
 Shsr Com^r. 18.50
 493.84
 Am^t Rec^d on 1 Ex^r. as above \$140— do. on 2d. Exr 40\$ 180—
 673.84
 Geo. Petty^s bond for purchase Winney \$1 In^t. [] 1.10
 For 1 Com^r. & serving writ \$674.94
 Deduct Shff Tickeh 20.28^ Ck. do. 252.40.186 25:06
 Deduct 3 notices given on D^r bond 1.50
 Deduct layers fees on 1 & 2 Exr 6—
 Deduct Shes Com^s on last Ex^r. 18.50
 51.06

	\$ 623.88
Deduct 5 p ^r . Cent Com ^s . for selling Collecting & dividing the money	31.19
	/12 \$ 592.69
Ea: Legatees part—	\$ 49:39:

[Image 9]

twelve months purchaser giving bond and security for the purchase money that the Commissioners herein after apointed, if the said Winney will bring nothing provide for her support out of the money arising from the sale of the other. That after paying the expenses of this suit and the charge above mentioned, the money arising from the sale of aforesaid be divided into twelve equal parts and that one twelfth be assigned to the plaintiffs Leroy, one twelfth to Richard, one twelfth to Phebe Haines, one twelfth to William Tinsdale and Jane his wife, one twelfth to John Ford and Elizabeth his wife one twelfth to Isaac one twelfth To John Brizendine one Twelfth [page folded, line obscured] and heir of Joshua Brizendine one twelfth to George Petty and Susan his wife one twelfth to George Redmond husband of Nancy Redmond dec^d. formerly Brizendine, and one twelfth to the

[Image 10]

Brizendine & al
 }
 } Int decree
 Brizendine adm^r

L.C.B.

Matt. Petty George \$566
 Winney Geo. Petty 1—
 Suit Car^d. on Petty Bond
 Returnable [page damaged] 1822.

[Image 11]

Leroy Brizendine	49.39	Paid to Richd Brizendine pr. order
Richard Bridendine	49.39	Paid himself pr. ord.
Pheby Haynes	49.39	Paid herself pr. Ord.
Wm. Tisdale & wife	49.39	Paid to his order to Jno. J.B. Tisdale
John Ford	49.39	Pd to himself & Wm. Tisdale pr. ord.
Isaac Brizendine	49.39	Pd to Wm Brizendine pr. ord.
John Brizendine	49.39	Paid himself pr. ord.
Jane Brizendine	49.39	Pd. to Jno. Roberts her Gardn. Pr. ord.
Geo. Petty	49.39	Paid himself pr. ord.
Geo. Redmond	49.39	Pd. F. Barner \$22.50 per his judgmt agt same
Wm. Brizendine	49.39	Pd to Richd Brizendine pr. order
Young Brizendine	49.39	Pd. himself & his order to Richd Brizendine
	592.69	

J.M. Jeffers : the Comr
 who settled the whole
 case
 Wm. Baron

[Image 12]

Brizendine
 — } Copy Decree
 V }
 Brizendine &
 Report of the Com^{rs}.

[Image 13]

1823. December 1st: Rec^d. of Jennings M. Jeffress One of the
 Commissioners appointed by the County Court of Charlotte to see the
 Estate of Isaac Brizendine dec^d. the sum of Forty Nine Dollars
 & thirty Nine Cents—that being in full for the Acct. Sale &
 Interest of Our /12 part of the Negroes in said decree
 mentioned — — to bear date from the date above being
 the time the s^d. Jeffress rec^d. all of the money—

Witness	John Roberts
[folded, ____] as to John Roberts	for [____] Brizendine
W ^m . Dupree as to Richard Brizendine	Rich ^d Brizendine

Act^s S. Jeffress as to Jno.
& Isaac Brizendine }
Wm. Dupree
as to Pheby Hanes

John Brizendine
John Brizendine for
Isaac Brizendine
her
Pheby X Haynes
mark
George Pettey

[Image 14]

[in right margin]	49.39
	22.50
	———
	26.89

[Image 15]

january th 3 1824
Sir plesse to send the money that is in your hands
for Leroy and William Brizendine by Richard —
Brizendine will receipt you the same
Jenings M Jeffres Leroy Brizendine
teste William Brizendine

[Image 16]

1824. January 3 Recd. of J.M. Jeffress One of the Com^s. appointed
by the County Court of Charlotte to sell the Estate of Isaac Brizendine
decd. The sum of Ninety Eight Dollars & 78 Cents. being in full for
our portions in the said Decree mentioned for the sale of the
Negroes ——
Attest Richd. Brizendine
Edward O. Rutter, J^r. for Leroy and william
~~~~~                                              Brizendine

[in left margin at 90 degree angle]  
49.39  
49.39  
———  
98:78  
1.22



**[Image 17]**

december th 21 1823

please to pay Richd. Brizendine  
my part of money that you have in your  
hands ~~that is~~ [ ] and this shall be yor  
Receipt for the same

Young Brizendine

Mr. Jennings m. jeffress

**[Image 18]**

1824. Jan<sup>y</sup>.30th Rec<sup>d</sup>. of J.M. Jeffress fourteen  
dollars & 39 cents being the allowance which  
is in full for Young Brizendine proportion  
in sale of the negroes of Isaac Brizendine  
Dec<sup>d</sup>. — there being \$35 — sent him before  
by J.M. Jeffress —

Rich<sup>d</sup>. Brizendine

Young

[in middle margin at 90 degree angle]

**[Image 19]**

Mr. Jennins M. Jeffress Sir you will please  
pay John R.B. Tisdale my part of the money  
coming by my wife to me from the sale of  
the property Sale of the Estate of Isaac  
Brizendine deceast and this order Shall  
be your receipt for the same.

May 15<sup>th</sup> 1823. William Tisdale

Richd. Brizendine

Thomas J. ['J' cut off] Redmon

**[Image 20]**

1823. Dec<sup>r</sup>. 12<sup>th</sup> Rec<sup>d</sup>. of J.M. Jeffress Twenty  
five Dollars [ ], smudged] part of this order

John R.B. Tisdale

Dec<sup>r</sup>. 23. 1823. also rec<sup>d</sup>. of J.M. Jeffress  
twenty four Dollars & 39 Cents in full for

my 1/12 shr. the sale of the Negroes in the decree  
Mentioned — Order on  
Jn°. R.B. Tisdale  
[some writing cut off on left margin, illegible]

**[Image 21]**

August the 26~ 1823  
John Brisendine you will please  
to pay to William A Tisdale the  
ballance of the money that is a coming  
to me from your fathers and mothers  
estate and this shall be your Reecat  
for the same

witness *his* John X Ford  
Jane C fo[paper creased]rd *marke*

**[Image 22]**

Act div ~~William Tisdale~~ <sup>Jno Ford</sup> from sale negroes of Isaac  
Brizendine dec<sup>d</sup>. 1 Dec<sup>r</sup>. 1823 \$49:39  
By cash sent him 24 Aug<sup>t</sup>. 1822 \$35—  
By in<sup>t</sup>. on same to 1 Dec<sup>r</sup>. 1823 2.62  
37:62  
—————  
11:77

1823 Dec<sup>r</sup>. 18<sup>th</sup> Rec<sup>d</sup>. of J.M. Jeffress one of the  
Com<sup>s</sup>. P. Esta Eleven dollars & 77 cents in full  
for Jno. Ford Legacy in the sale of the negroes  
In the Decree mentioned —  
William A. Tisdale

[some writing in right margin cut off and obscured]

[following numbers upside down at bottom of page]

{11.47}

4.44

—————  
400

844

341”2

1185

45

60

80

[page torn]

**[Image 23]**

1822 William Bacon and Jennings M. Jeffress To  
The Clerk of Charlotte

|                  |                                                  |        |
|------------------|--------------------------------------------------|--------|
| Aug <sup>t</sup> | Copies in Petty 18 declaration 18 return 18 bail | }      |
|                  | 18 papers 18 attorneys 8 docketing 8 order 20    | }      |
|                  | judgement 18 taxing Cost 20 copy judgement       | }      |
|                  | & Cost 38 filing papers 18 orders to stay        | }      |
|                  | Execution 26                                     | } 2:52 |

Winslow Robinson C.

[Image 24]

Bacon & Jeffress  
2:52

**[Image 25]**

1823 William Bacon & JM Jeffress to Clerk of Charlotte Do.

Jany execution in Petty fr 20 [unsure of number]

Winslow Robinson C

**[Image 26]**

Bacon & Jeffress  
20

**[Image 27]**

William Bacon & JM Jeffress Commissioners  
 1823. To the Clerk of Charlotte D°.  
 Acts. Motion on Delivery bond vs Petty & 26 judgement }  
 18 taxing costs 20 copy judgement & costs 38 }  
 filing papers 18 oath 18 Execution 40 } 1.86  
 —  
 W Robinson C

**[Image 28]**

Bacon & Jeffress 1.86

**[Image 29]**

1822 Wm. Bacon & J.M. Jeffress Com<sup>s</sup>. Brizendines Estate  
 July... To serving Copies to John & Mat. Petty . . . . . 1.26  
 1823  
 Feby “ Coms & del. bond on yr. Exe. to same . . . . . 19.02  
 “ Serving parties \_\_\_\_\_ [illegible struck through]  
 20.28  
 J.M. Jeffress OL.

**[Image 30]**

Bacon & Jeffress  
 Com<sup>s</sup> &  
 20.28  
 Exe<sup>d</sup>.

**[Image 31]**

John Brizendine to L.C.B D°.  
 1822  
 August to fee & tax the Commissioners }  
 of Brizend. Estate v John Petty & oth } 3.50  
 1823. Sep<sup>t</sup>. 1<sup>st</sup> Rec<sup>d</sup>. payment in full of J.M. Jeffress  
 Witness Lewis C. Bowdin  
 Winslow Robinson

**[Image 32]**

dine

John Brizen

To } wit 3:50  
 L.C.B.  
 — — —  
 Capt. Jeffress to  
 pay them

**[Image 33]**

23rd March 1823.

J.M. Jeffress one of the commissioners appointed by the County Court of Charlotte to sell the Estate of Isaac Brizendine, <sup>decd.</sup> and divide the same between the several Legatees therein nam<sup>d.</sup> & Geo. Redmond being one of the legatees, and the s<sup>d.</sup> Jeffress being sum<sup>d.</sup> by Francis Barnes a creditor of said Redmond, ~~the~~ states that he will have effects in his hands when the money is collected, It is therefore ordered that the s<sup>d.</sup> Jeffress to pay unto the s<sup>d.</sup> Barnes the sum of \$15.91. with In<sup>t.</sup> from 15<sup>th</sup> day of November 1817 & costs 30¢

|                                        |           |
|----------------------------------------|-----------|
|                                        | Wm. Bacon |
| Aud Judgm <sup>t</sup> due 15 May 1817 | \$15.91   |
| In <sup>t</sup> to 1 Dec 1823          | 6.29      |
| Costs                                  | “ 30      |
|                                        | \$22.50   |

1823. March 23. Rec<sup>d.</sup> of J.M. Jeffress one of the Com<sup>s.</sup> as above  
 Stated Twenty two Dollars and fifty cents Infull of the above  
 Judgement — Francis Barnes

[address at top left of page at 90 degree angle]

Barnes Francis  
 viz } attachment  
 Geo. Redmond

**[Image 34]**

Barnes  
 v } Judgem<sup>t</sup> Brizendine



**[Transcriber's Notes]**

*Every effort has been made to retain the original integrity of the document which includes punctuation, misspellings or omissions of words and names. Notes are included where copies are damaged and writing is obscured, illegible, torn or faded.*