

1800-013

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BROWNE VS. GRAY

6/1800

See also: GRAY v. TAYLOR'S EXECUTOR, 1794-015

other SURNAMES: Browne,
Taylor

To the worshipful Court of Southampton County
~~House~~ in Chancery sitting humbly complaining shew
 to your worships your orator Benjamin E. Brown
 of the County of ~~Southampton~~ Surry County.

That sometime in the Year of
aduit was brought on the Chancery side
of this Court by James Gray against your
orator as Executor of a certain Robert Taylor
deceased to Compell your orator to execute a conveyance
for lands to the said Gray. ~~It was shewed~~ ~~that the~~
~~deceased had sold~~ ~~off~~ ~~land~~ ~~lying~~ ~~in~~ ~~the~~ ~~County~~
which the said Gray stated in his bill
had been sold to him by the said Robert
in his lifetime, and for which no deed had been
executed. Your orator begs leave to refer
to an attested Copy of the said bill, which
is a part of this his bill.

is hereto annexed as part of
That your orator filed an answer to the said
bill, in which he admits the truth of all the
allegations, and submits to any decree of the
Court, which might be legal & consistent

~~with~~ with his rights and duties as Executor. A copy
of which answer is hereto annexed as part of
this bill. That the Court, (after the aforesaid suit was
~~decided~~ by consent of parties) decreed and ordered
that the said Benjamin Brown the defendant should
convey a title of the aforesaid land to the said James
Gray, and that your orator should furthermore pay costs
all which ^{will} be further understood by reference to an
attested copy of the said decree, which is hereto
annexed as part of this bill. That your Orator
avows that the decree of aforesaid ought
to be ~~reversed~~ & reviewed for the
following reason. ^{Because} It appears that Robert
Taylor was not entitled to the land, it being
in the devise of William Taylor ^{at his death} who had a
fee-simple right to it - the father of ^{the} said
said Robert, and that the said William by his
last will and testament directed the
aforesaid tract of land to be sold &
equally divided by his executors -
among all his children. All which will
fully appear by an attested copy of the said
Will, which is hereto annexed as part
of this bill

^{Because}
2. That the Court decreed and ordered that the
executors of Robert Taylor dec^d should execute
a conveyance to the said Gray. whereas ~~it~~
(if Gray was entitled to a fee simple right
to the land in question) the suit ought to have
been against the proper heirs of Robert
Taylor who were the only persons competent
in the Law to make conveyance for the
said land, and not against your Orator
whose authority extends no farther than to the
~~movable~~ goods & chattels of his testator
~~for~~ from these and other reasons apparent in
the record & decree - your Orator conceives there
is ~~there~~ manifest error, and that the said
decree ought for the aforesaid manifest error
and imperfections ~~aforesaid~~ to be reviewed,
and ~~reversed~~ by this worshipful Court -

In tender consideration whereof and inasmuch
as your orator is relievable in the premises
said in this Court. To the end therefore that your
worship will compell the said James

Whom your orator prays to be hence ~~dismissed~~
made defendant to this Bill of Complaint,
to answer on Oath all the foregoing allegations as
if the same were here again repeated, and he thereto
particularly interrogated, And that your worship
will reverse the said decree & all proceedings
in pursuance thereof.

May it please your worship to
grant the Commonwealth writ &c.

Procurator

James Gray

Bill of Complaint

Southampton

June 1870

Abraham, Esq. Clerk

Brown
vs
J. Gray } Sp^u
 } in
 } Ch. S.

To March 1800
Executed
Jas. Sebrule Dy for
Allen
for pay In Vignatant Aff

June 1800
Whites Dept accd

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of *Southampton* County, greeting:

YOU are hereby commanded to ~~the~~ *summon James Gray*

if ~~he~~ ^{*to appear*} be found within your Bailiwick, and ~~to~~ ^{*to appear*} ~~keep~~ ^{*to appear*}, so that you
~~have~~ ~~that~~ before the Justices of the County Court, of

Southampton at the Courthouse of the said County, on the
third monday of March next to answer a Bill ~~of~~ ^{*to answer*} ~~revenue~~
~~into~~ the proceedings in suit in chancery instituted in this
Court by the S. James Gray agt the Benj: E. Browne ex: p:
of Rob: Taylor ~~because advised to be so~~ ~~because~~ ~~exhibited~~ ~~agst~~
them by the S. Browne this he is not to omit under the penalty of £100
And have then there this Writ. Witness *Sam: Hells*

Clerk of our said Court, the *26th* Day of *November* 1799

in the *24th*

Year of the Commonwealth.

Sam: Hells
