1823-024 SOUTHAMPTON COUNTY CHANCERY PAPERS

EDWARDS and Wife et al VS. BROWNE et al

2/1823

other SURNames: Joyner, Cook, Simmons, Williamson, Browne, Ferguson

Cook & Thurs 447
3 Bdls
Brown & Thurs.

Feby 18th 1802 Sett. filed

Dampt rules 1803 discd
nisi to Feby Ct

To the worshipful the County Court of Southampton
sitting in Chy

Humbly complaining shew to your worship
your oators Jonathan Williams & Edward Joyner his
wife formerly Lucy Joyner, Patsy Joyner, and Solon
Cook Son of Lepke Cook - that a certain William
Simmons departed this life in the year 1801 having first
duly published a last will & testament, which was
proved & admitted to record in the County Court of
Southampton, & an authenticated copy of which
is hereto annexed as a part of this Bill: that
by reference to the said will it appears among other
devises that the Test. testator bequeathed to Simmons Brown
(certain) a tract of land which is not the subject of the
present controversy) a negro slave named Willis
& provided that if the said Simmons died without law-
fully begotten of his body then the property be-
queathed to him should go to your complainants
Lucy, Patsy & Solon. Your complainants further
shew that the said Simmons Brown has subsequently
departed this life under lawful age & unmarried
intestate & without ever having had any lawful issue
or the occurrence of which event your complts
claim the said property vested in them. They further
shew that a certain James Brown at Southampton
March County Court 1814 was appointed & duly qualified
as the guardian of the said Simmons Brown & gave
bond & security according to law in the penal sum

£2000 for the faithful discharge of his duties & together with a certain Joel Edwards & Richd. Williamson as his Securities (all of which will more fully appear by an authenticated copy of the said guardian bond hereto annexed & prayed to be considered a part of this Bill) That the s.t James Brown on his qualifying as aforesaid took possession of the said Slave Wille who was very valuable & has since sold him as your complainants are prepared to prove for the sum of $600 — and converted the proceeds to his own use without ever returning any account of his said guardianship or accounting in any manner either for the s.t Slave or his proceeds either to the s.t Infants during his life, or to your complainants since. That the said James Brown has subsequently to the transactions above detailed removed out of this commonwealth & is as your orators are informed & believe dead, leaving Joel Edwards one of the securities for the guardianship of the said James Brown has since died intestate whereupon a certain Dixon Ferguson has qualified as his admr in this worshipful Court. That from the circumstances herein exhibited your complainants are advised that the securities of the said James Brown aforesd. (or the representatives of the one who is dead) are responsible to them for the proceeds of the said Slave with interest from the time of the sale, but this frequently urged to do so refuse to come to any account or to assume any responsibility whatever, which is contrary to equity & good conscience & manifestly tends to the injury of your complainants. In Tender consideration whereof & as they are without remedy in the premises except by the interposition of a Court of Chancery. To the end therefore that the s.d James Brown — Richard Williamson & the s.d Dixon Ferguson as admr of Joel Edwards dec.d may be made defts. hereto & compelled to answer the premises on oath fully explicitly & conscientiously. That your worships order the usual publication against the s.d absent deft. James Brown — that an account of his guardianship & of the proceeds of the s.d Slave be directed before the proper commissioner — and that finally your worships decree the s.d Williamson & the Estate of the s.d Joel Edwards to contribute to your complainants the sum to which they appear to be entitled and moreover to grant them general relief in the premises. May it please &c.

Rodney P.Q.

Jurgum & Wife

-answer

and

Edwards &c

Answer

Feby: 17th 1823 answer filed

To the worshipful Court of Southampton in Chancery
sitting. The joint and Seperate answers of Dixon
Ferguson administrator of Joel Edwards and Richard
Williamson to the bill of complaint exhibited against
themselves and James Browne & Williamson
Edwards and Lucy his wife formerly Lucy Joyner
Patsy Joyner and John Cook. These respondents
now and at all times saving and reserving to
themselves all benefit of exception to any errors
or insufficiency in the Complainants bill contained
for answer to so much thereof as they are advised
is material and necessary for them to answer
say. That such a will as is referred to in the
bill was made by William Simmons and
has been duly admitted to record. That James
Browne did qualify as guardian to Simmons
Browne and that your respondent Williamson
and the intestate of your respondent Ferguson
were his securities. That Simmons Browne
died due, under Confederacy, unmarried,
intestate and without issue, as is alleged
Notwithstanding these facts and true, your
respondents are advised that they are
not responsible to the Complainants for the
value of the negro claimed in their bill
or for any other portion of said Simmons
Brownes estate. Your respondents beg
leave to represent that shortly after the
death of Simmons Browne administration
was granted upon his estate to James

Borne the absent defendant in this
Cause, and that said Character he hold
in his possession the property which was
left by his deceased ward Seminus Borne
which will more fully appear from an
attested Copy of his administration bond
herewith filed as a part of this answer.
Your respondents allege that James
Borne held the property in his possession
as adm'r of James Borne and not as
his guardian because the wife of William
Seminus
Borne dispose of the property therein
mentioned, conveyed to him an absolute
right to the said. Your respondents
further allege that James Borne is
entitled, as the brother to said Seminus,
together with his sister Fanny wife of
Solm Nelson, to the property claimed
in this suit. Your respondents having
answered pray to be hence dismissed with
their Costs in this behalf most unjustly
sustained and they will ever pray &c

Dixon Ferguson
Richd. Wm.son

South amptom County Court.

Dixon Ferguson and Richard
Williamson this day personally appeared
before me a justice of the peace for said County
and made oath to the truth of the facts contained
in the foregoing answer so far as they depend
upon their own knowledge, and so far as they
depend upon the information derived from
others they believe them to be true. Given
under my hand this 17th day of February
1823-

Lawr. Cook J.P.

Southampton February County Court 1822.

Williamson Edwards and Lucy his wife formerly Lucy Joyner, Patsey Joyner, and John Cook son of Sepe Cook ——— Complainants

against

In Chy.

James Browne and Richard Williamson and Dipow Ferguson admrs of Joel Edwards dec'd. ——— Defendants

The Defendant James Browne not having entered his appearance and given Security according to an act of Assembly and rule of this court, and it appearing to the Satisfaction of the court that he is not an inhabitant of this commonwealth. Therefore it is adjudged order and decreed that the said defendant James Browne appear here and answer the complainants said bills on or before the third monday in May next, and that a copy of this order be forthwith inserted in the Petersburg intelligencer for eight weeks successively & posted at the front door of the courthouse of this county on two Several court days —

A Copy Test James Rochelle Cl.

At Rules holden in the Clerk's office of the County Court of Southampton on monday the Sixth day of January 1823

Williamson Edwards and Lucy his wife, formerly Lucy Joyner, Polly Joyner and John Cook son of Jesse Cook - Compl^ts.

against

James Browne and Richard Williamson and Dixon Ferguson Defendants

Attch. Jesse Cook

admr. of Joel Edwards deceased.

The defendant James Browne not having entered his appearance and given Security according to an act of Assembly and the rules of this Court and it appearing to the Satisfaction of the Court, that he is not an inhabitant of this Commonwealth. It is therefore decreed and ordered that the said defendant James Browne, do appear here on or before the third Monday in March next and answer and answer the said Complainants bill otherwise the same will be taken as confessed, and the matter thereof decreed accordingly, and that a Copy of this order be forth with inserted in the Petersburg Intelligencer for Eight weeks successively and posted at the front door of the Court-house of this County on two several Court days — A Copy Test A. Middleton

Cook &
Browne } Decree Nisi

To Feby Tr 1823

Executed

Chas D. Ridley Admr
Thos Ridley Admr

At Rules holden in the Clerks office of the County Court of Southampton on Monday the 6th day of January 1823

Williamson Edwards and Lucy his wife formerly Lucy Joyner, Patsy Joyner and John Cook Son of Jesse Cook dec'd. - - -

Edward & wife &c
vs
Browne &c

Spa in
Ch.y

To May county court 1802

Bro:

Executed on Richard
Williamson & Dixon
Ferguson. James
Brown no inhabi
tant

Coun.s Bills adv.s for
Tho.s Ridley Sheriff

The Commonwealth of Virginia to the Sheriff of Southampton county Greeting: You are hereby commanded to Summon Sarah Bourne, Richard Williamson and Dipson Ingram admrs of Joel Edwards dec.d to appear before the Justices of our county court of Southampton at the courthouse on the third monday in May next to answer a bill in chancery exhibited against them by Williamson Edwards and Patsy his wife formerly Joyner, Patsy Joyner, and John Cook, —

And have then there this writ — Witness James Rochelle clerk of our said court at his office the 12th day of April 1822 and 46th Year of the comm.th.

James Rochelle C.

James Browers
guar. Bond.
a Copy

for Wm H Brodnax Esq.

Know all men by these presents that we James Browne, Joel Edwards and Richard Williamson, are held and firmly bound unto James Miller Richard P. Clements, Nathaniel Bush and George B. Cobb, Gentlemen Justices of the Peace for the County of Southampton, now sitting, in the sum of Two Thousand dollars, to the payment whereof, we bind our selves and each of us, our and each of our, heirs, executors and administrators Jointly and Severally, firmly by these presents. Sealed with our seales and dated this 21st day of March 1814 — The Condition of this Obligation is such, that if the above bound James Browne — his heirs, executors, or administrators, shall well and truly pay and deliver or cause to be delivered unto Simmons Browne, orphan of William Simmons deceased, all such estate or estates as now is or hereafter shall appear to be due and owing to the said orphan, when and as soon as he shall attain to lawful age, or when thereto required by the said Court; & also keep harmless the above named Justices, their heirs executors or administrators, from all trouble and damage, that shall arise about the said Estate or estates. Then this Obligation to be void, or else to remain in full force and Vertue —

James Browne (seal)
Joel his × mark Edwards (seal)
Richd Williamson (seal)

Signed, Sealed and acknowledged in presence of
J. Rochelle

a Copy Test
A. Middleton D.C.

J. Com. Clks. Office
January 28th 1826.

James Brown admitted
to Justice
a Copy

Know all men by these presents that we James Brown Thomas Brown and Wm Cutler are held and firmly bound unto Silas Summerse Benjamin Sevany and Benjamin M Johnston Gentlemen Justices of the place for the County of Southampton now sitting in the Sum of three thousand dollars to the payment whereof well and truly to be made to the said Justices and their Successors in office we bind ourselves and each of us our and each of our heirs Exrs & Admrs jointly and severally firmly by these presents sealed with our seals and dated this day of March 1816

The Condition of the above obligation is that if the said James Brown administrator of all the goods and chattles of Summers Brown dec'd do make a true and perfect inventory of all & singular the Goods chattles and Credits of the said dec'd which have or shall come to the hands possession or knowledge of him the said James or into the hand or possession of any other person for him And the same so made do exhibit into the County Court of Southampton when he shall be thereto required by the said Court and such goods chattles and credits do well and truly administer according to Law and further do make a just and true account of his actings and doings therein when thereto required by the said Court and all the rest of the said goods chattles and credits which shall be found remaining upon the account of the said administrator the same being first examined and allowed by the Justices of the said Court for the time being shall deliver and pay unto such persons respectively as are entitled to the same by Law and if it shall hereafter appear that any last will and testament was made by the dec'd and the same be proved in Court and the Exr. obtain a certificate of the probat thereof and the said James Brown do in such case being required refuse and deliver up his letters of administration then this obligation to be void or else to remain in full force and virtue

Signed Sealed & Delivered
in presence of
Edwd Butler

James Brown (Seal)
Thos Brown (Seal)
Wm Cutler (Seal)

A Copy Teste James Rochelle C.