

1841-021 SOUTHAMPTON COUNTY
CHANCERY PAPERS

ORGAINS, GUARDIAN VS. ORGAIN et al
3/1841

Other surnames: Brydone,
Edloe, Bryden, Boisseau,
Spark, Rochelle, Boyseau, Rochell

Organ of

to } Bill

Organ

1839 Nov. Bill fed. Wmb.

Rauling's appet. for ad. litom to
infants. Gen. Rem. awarded for

1841 Mar. Doree for

To the worshipful the county court of
Southampton in chancery sitting -
Humbly recommending sheweth unto your
worships your oratrix Martha A. ~~oratrix~~
guardian of her infant children William
Allen Elizabeth Foster and Mary M. Ogden
duly appointed by the county court of Surry,
that Griffin Ogden late of the county of
Surry, departed this life in the year
intestate, leaving your oratrix
his widow and the above named chil-
dren and possessed of a considerable
estate both real and ^{according to the catalogue} personal, ~~and~~
~~the annexed hereto, a catalogue of his.~~

That the said Griffin was at the time
of his death entitled to one undivided
third of a large real estate lying in the
County of ~~Surry~~ ^{Southampton} called Poplar Swamp
or Killen's, situated on a narrow river
and containing by accurate survey
six thousand two hundred and fifty
six acres, and that the other two thirds
of the said tract of land is held by David
& Mary Lane and Carter H. Bolles. Your
oratrix is informed and believes that
the said estate could not be advantageously
divided among those entitled, and that
it would be to ^{their} manifest advantage
if ~~those who are entitled to the said estate~~
and that the interests of her infant wards
would be especially promoted by a sale
of the whole of the said tract, or at least
that part of it which is divided by the

Organis gon
D. } Bill

Organis if

(A Copy)

To the worshipful the County Court of Southampton in Chancery
Sitting Humbly complaining sheweth unto your worshipps your Oratrix Martha A
Orguin Guardian of her infant Children William Allen Elizabeth Carter and
Mary M Orguin duly appointed by the County Court of Surry that Griffin Orguin
late of the County of Surry departed this life in the year ^{intestate}
leaving your Oratrix his widow and the above named Children and possessed of a
considerable estate both real and personal according to the Catalogue ~~the~~ annexed hereto
that the said Griffin was at the time of his death entitled to one undivided third
of a large real estate lying in the County of Southampton called popular Swamp
or Allen's quarter on Nettoway River and containing by a recent survey six
Thousand two hundred and forty six acres and that the other two thirds of
the said tract of Land is held by David D Boydsone and Carter M Estlow your
Oratrix is informed and believes that the ^{said} estate could not be advantageously divided
among those entitled and that it would be to their manifest advantage; and
that the interest of her infant wards would be especially promoted by a sale
of the whole of the said tract or at least that part of it which is divided by the
main Road leading from Jerusalem in Virginia to Murfreesborough in the
State of North Carolina there being several persons as she understands residing
in the neighbourhood who are now anxious to purchase and would give
fair and even liberal prices for the said tract or a part thereof, she states moreover
that the surviving Children would be heirs of such of them as might die under
age and without issue, and that if any of them should die after attaining full age
intestate and without issue the surviving Children and herself would be the heirs.
Your Oratrix Guardian as aforesaid being under the firm impression that she
is seeking their manifest advantage in order to effect a sale of the whole or a
part of the said Estate and being informed that the other persons entitled thereto
are willing to sell their interest without division prays that said William
Allen, Elizabeth Carter and Mary M Orguin infants as aforesaid may be made
defendants hereto and that some disinterested intelligent and fit persons may
be appointed Guardians ad litem to defend them in this suit and answer
the bill on oath and that the said David D Boydsone and Carter M Estlow
may be also made defendants and answer the premises and that if upon the
evidence hereafter to be taken it shall manifestly appear to the Court that
the interests of the said infants her wards will be promoted by the ^{sale of the} said real
estate or any part thereof and that the rights of others will not be violated
thereby, that some discreet and proper persons may be appointed to carry
into effect the said sale with authority to sell the whole or any part as
may seem most advantageous to the said infants and the other persons
entitled and that your worshipps would be pleased to grant such other
and further general relief touching the premises as to your worshipps
may seem agreeable to equity. That the Commonwealths of Subpoena may
issue and your Oratrix will ever pray.

Attest

J R Edwards Clerk

Long. County So. Mt. Poponalle appeared before me
Justice of the Peace in the County aforesaid Mrs. Martha
S. Ogden of Layfayette and made oath that the facts
stated in the within Bill are true and those stated upon the
information of others she believes to be true given under my
hand and seal this 13. day of October 1841.

W. B. Adams J. P. Seal

The separate answer of Elizabeth Carter Orgain an infant above the age of ~~fourteen~~ years to a bill of complaint filed in the chancery in the county of Southampton against herself and others, by Matthew A. Orgain, her guardian -

This defendant answering says, that from her tender years, it is not to be supposed, that she can form a correct opinion, whether her interests would be manifestly promoted, by the sale of the whole or any part of the tract of land described in the said bill as "Poplar Swamp or Allen's grant" lying in the County of Southampton in which she is interested as one of the heirs of her deceased father Griffin Orgain - ^{without decision} but from all that she has heard from those in whose judgment she has the most implicit reliance, she cannot but believe that it would be her advantage as well as that of her infant brother and sister that a sale of the whole, or at least a part of the said tract should take place & so far as her rights are concerned, is perfectly willing, that the court should make such a disposition of the subject as its discretion may direct, & having fully answered says to be hence dismissed &c

Swery County Court
Personally appeared before me a justice of the peace for the said county Elizabeth Carter Orgain an infant above the age of fourteen years, and made oath that the facts stated in the above answer are true to the best of her knowledge and belief -

Given under my hand and seal this 13th day of March 1841

Wm. B. Evans. *(The seal)*

Bryden &

vs

Bryden & others

answer of the defend-
ants Bryden & others

The joint and several answer of David
~~the~~ Brydson and Peter H & Allee, to a
bill of complaint exhibited against
themselves and others by Martha R
Brydson guardian &c -

These defendants answering &c
for answer say, that they are
of opinion that it would be to
their advantage as well as that
of the infant defendants, that
the tract of land, described in the
bill of the complainant as "pepper
swamp or Allen's quarter" should be
sold either in part or in whole without
objection & the money arising be
divided according to the ^{rights of the} respective
parties, and they are willing to
enter into such compromise
or compromise as the court
shall think proper to approve
on the part of the infant defendants,
in making a good and sufficient
title to the purchaser or purchasers
on such terms as the court may
direct & having fully answered
pray to be hence dismissed &c

The answer of William C Rowling's
guardian ad litem, duly appointed by
the County Court of Southampton to defend
the infants William Allen, Elizabeth Carter
and Mary M Ogain, in a suit in chancery
brought in the said Court, against them and
others, by their guardian Martha A
Ogain.

This defendant reserving all benefit of excep-
tion &c, for answer says that he is in-
timately acquainted with the situation and
supposed value of the tract of land, described
in the said bill as "people's swamp or
Allen's grant" and from information
upon which he confidently relies, believes
there are several persons in the immediate
neighborhood, who are anxious to
purchase parts or the whole of said tract
at fair prices - He is of opinion that
the whole of the said tract would not be
undispatchably divided among those
who are entitled thereto & thinks moreover
that it would be beneficial to all con-
cerned, and especially to the infant defendants
that the whole should be sold without
division, provided a fair price can
be obtained - but at all events he has no
doubt that it would be to their manifest
~~advantage~~^{interest} that that part should be sold
which is divided from the main tract,
by the public road leading from Lunenburg
in the County of Southampton to Wy-
the ferry supposed to contain about two
thousand acres, & for which he believes

purchasers could be readily obtained -
and that the court would promote
the interests of all concerned, by rendering
a decree, appointing some fit person or
persons, with discretionary power to sell
the whole or a part of the said tract of
land, subj. et of course to the supervision and
final decree of the court so far as the infant
defendants are concerned; and this defendant
having fully answered prayers to be heard as
described &c

Sworn to and
Personally appeared before me a justice
of the peace for the said County, William
H. Rawlings, of lawful age, and made oath
that the facts stated in the above answer agree
with his knowledge are true, and those stated upon
the information of ~~others~~ he believes to be true.
Given under my hand and seal this 13th
day of March 1841

W. B. Davis. J. P. (Seal)

Organ &
n { Deane

Organ

By your

order

By order of the court

This cause came on to be docketed & heard by consent of parties, upon the bill annexed, of the several defendants, the exhibits filed in the cause and the defences of sundry witnesses, and was argued by counsel on consideration whereof the court doth adjudge order and decree, that Nathaniel Winstone be appointed a commissioner on the part of the several defendants, to sell their undivided interest in the tract of land described in the Bill of complaint, "as poplar swamp or Allen's quarter" situated between one thousand two hundred and forty six acres, either in whole or in such parts as may be sold to the greatest advantage on a credit of one two and three years by equal annual instalments, except one third of the purchase money, which shall be for cash, reserving the title until the whole amount of the purchase money shall be paid, and the said commissioner is further directed to make report to this court in order to a final decree.

Organs of
n { Depositions

Organ of

handed in by Jas Magrath Justice of
Peace Feby 15. 1841

The defendants of Peter F. Bourke and
elements Rochelle and William A.
Spark, all of lawful age, taken in
pursuance of the assumed commission
at Jerusalem in the County of Southampton
on Monday the 15th day of February
in the year 1841 he be did see evidence
in a deed now depending in the County
Court of Southampton, on the chancery side
of the said Court between Martha Orgain
guardian of William Allen, J. C. Orgain &
Mary M. Orgain, and Elizabeth Orgain
is plaintiff and Wm. C. Rawlings guardian
and heirs of the said infants,

and Carter H. Edloe & David D. Bryden are
defendants, the said Wm. C. Rawlings guar-
dian and heirs being personally present
and Carter H. Edloe and David D. Bryden
being represented by their attorney Wm. Parker
The defendants being first sworn over
the Holy Evangelists of Almighty God
depone and say to wit Peter F. Bourke says
that he is well acquainted with the plantation
in Southampton County late the property of
Coker Allen dead known as Allen's Quarter now
belonging jointly to D. D. Bryden, C. H. Edloe and
the estate of Richard J. Orgain dead having
resided on the same for the last two years
and that ^{he} is of opinion that the said tract of land
could not be ~~justly~~ ^{advantageously} divided into three equal
parts because of its peculiar location being of great
extent having a very valuable water power with
a grist mill so situated that whoever should happen
to get that would probably get the most valuable
part; a considerable portion of the open land
is very poor situated at one end of the plantation
& a large proportion of valuable timbered land
at the other end rendering the tract of land incapable
of equal division in any way, more especially
when ~~when~~ we take into consideration that ~~as~~
one third part of the same will again have to be
subdivided among the orphans of R. J. Orgain
& that it would be much to the interest of the
said orphans that the land be sold without
division & the proceeds divided amongst the owners

another reason against the division of the land is that
there are two public roads running at right an-
gles, nearly through the heart of the plantation
which would render a division extremely difficult

Peter T. Boysean

Mr. C. M. Rochelle and Mr. Spark being
well acquainted with the estate above
alluded to do entirely concur in the state-
ment made by Mr. Boysean

C. M. Rochelle

Mr. Spark

This day Peter T. Boysean, C. M. Rochelle & William A
Spark personally appeared before me James May Jr
a Justice of the Peace for the County of Southampton
and made oath to the truth of the foregoing depose-
ments ^{given under my} hand and seal this
15th day of May 1841

James May Jr. J. P.