1860-014 SOUTHAMPTON COUNTY CHANCERY PAPERS

THWEATT and Wife vs. WRENN et al

7/1860

Thwaites

vs } Bill &c—

Munns—

Decr. 30. 60. 60

Thwaites Assee

v. } Bill. ans. &c

Munns

1858 Dec. Decree as filed

1860 June. Repl.

" July. Repl. Confm'd

To the worshipful County Court of
Southampton, sitting in Chancery:

Humbly complaining shew unto
your worships, your complainants. Being
Hannah & Martha A, his wife formerly Mann, that
they, together with Andrew J. and Edward M
Mann, infants, are plainly entitled to three
shares to wit. Ephraim, Robin & Chany.
one of three years. One old & the other valuable
arised from their Father Barbard an D-
That your complainants, being entitled to one
third of the said shares, arisen their part.
That they can not be divided in kind, and
it therefore becomes necessary, to effect said
division, that they be sold and the proceeds
divided - The said shares are now in the
possession of James N. Mangum. The late Exor.
of your female complainant & Exor. of her
infant brothers above named -

In tender consideration of all which and
in as much as your complainants are without
remedy in the premises, except in a Court of
Equity. To the end therefore, that justice may
be done, they pray your worships, to make
Edward M. and Andrew J Mann, infants
by some fit & proper person to defend them
in this behalf - subpt to this bill - That your
will appoint a Comr. to make sale of the
above named shares, and a division of the
proceeds according to Law & the rights of
the parties interested, & grant such other and
general relief in the premises as Equity may
seem & the case may require -

May it please the Court &c.
Cas. & Mangum p.p.

Answer of Andrew J & Edward M Mann infants
by L. R. Edwards their Guard. ad litem
to the foregoing bill, filed against them by
George Thweatt & wife.

Their infts. know nothing of the facts
charged in the bill, & they mean age subjoin
their rights to the protection of the Court: and
having answered pray to be hence dismissed

Decree.

George Thweatt & Martha his wife Plffs.

vs.

Andrew J. & Edward M Mann infants }
by L. R. Edwards their Guard. ad litem. } Defts.

On motion, L. R. Edwards is assigned Guard. ad litem to the infant defendants Andrew J. and Edward M. Mann to defend their interest in this suit, who filed their answers — And this cause was this day conducted by consent of parties, with leave of the Court, and by like consent came also to be heard on the bill, answers of the defendants, replication thereto, and was argued by counsel. On consideration whereof the Court doth adjudge order and decree, That James H Mangum who is appointed a Comr. for the purpose; after having advertised the time place & terms of sale for ten days — proceed to sell to the highest bidder for cash Ephraim, Robin & Chauncy

in the proceedings mentioned, for cash, and after paying the costs of this suit and expenses of the sale, pay one third of the proceeds to the Plaintiffs George Thweatt & wife. one third to the defts. Andrew J. Mann & one third to Edward M Mann — and report his proceedings to Court.

But this decree, shall be suspended, until the said J. H Mangum, with his Bond with sufficient security, in the clerks office of this Court, in the penalty of $3000— payable to the Commonwealth of Virginia, conditioned for the faithful discharge of his trust under this decree —

Thomas Ewing

&

Bro. Secord

Urbana O.

Southampton County Court. December Term 1858

George Thweatt & Martha A his wife formerly Wrenn Pffs
against
Andrew J and Edward M Wrenn infants by LR Edwards their guardian ad litem Defts } In Chancery

On motion LR Edwards is assigned guardian ad litem to the infant defendants Andrew J and Edward M Wrenn, to defend their interest in this suit, who filed their answers - and this cause came this day docketed by consent of parties, with leave of the Court and by like consent came on to be heard on the bill, answers of the Defendants, replications thereto and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree, that James H Mangum who is appointed a Commissioner for this purpose, after having advertised the time place and terms of sale for ten days proceed to sell to the highest bidder the slaves Ephraim, Robert Chaney in the proceedings mentioned for cash, and after paying the costs of this suit and expenses of sale, pay one third of the proceeds to the plaintiff George Thweatt & wife - One third to the defendant Andrew J Wrenn & one third to Edward M Wrenn and report his ~~report~~ proceedings to Court. But this decree shall be suspended until the said J H Mangum shall enter into bond with Sufficient Security in the Clerks Office of this Court in the penalty of $3000 payable to the Commonwealth of Virginia conditioned for the faithful discharge of his trust under this decree.

A Copy

Test. LR Edwards Cc

In Obedience to the above decree after advertising the time and place as above directed I did on the 6th day January 1859. sell at public auction at Supr Court House the slaves mentioned in said decree negro man Ephraim bought by myself (James H Mangum) for Twelve hundred dollars Robin bought by the same for One hundred & twenty dollars making thirteen hundred and twenty dollars and paid Geo Thweatt One hundred & fifty dollars for keeping old woman Chaney for life leaving from sale $1170.00

Comrs Comn on	$300. at 5 P. cent	$15.00	
" "	870 " 2 P. cent	17 40	
attorneys fee		10.00	
Clerks fee		3.50	45.90
Nett amount from sales & divided by			3 | 1124.10
Each legatees share			374.70

And have paid to Geo Thweatt & wife One third three hundred seventy four & 70/100 dollars and retained in my hands two thirds as Gdn of Andrew J & Edward M Wrenn seven hundred forty nine & 40/100 dollars all of which is respectfully submitted

James H. Mangum Comr

Know all Men by these Presents, That We James H Mangram & Joel Mangram

are held firmly bound unto the Commonwealth of Virginia, in the just and full sum of Three Thousand ——— Dollars, current money of Virginia, to the payment whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 20 day of December A. D., 1858.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound James H Mangram Commissioner appointed by a decree of the County Court of Southampton entered on the 20 day of December 1858 in the suit of Thweatt & wife against Wrenn. &c

shall faithfully discharge the duties of his said office or trust, according to law, then the above obligation to be void or else to remain in full force and virtue.

Signed, Sealed and delivered in the presence of ~~the Court~~.

J R Edwards

James H. Mangram {SEAL}

Joel Mangram {SEAL}

{SEAL}

{SEAL}