1867-09 Southampton County Brown Ridley et al vs Brown Sda et als

Brown, Jacal L.

Brown, Sda

Brown, Lucy J

Brown, Mary L.J.

(Partition Suit)

Dr. NORFOLK SAVINGS INSTITUTION, in account with

subj to order of Circuit Court Southampton Co.
Suit of Brown vs. Brown

Cr.

1856
May 29 To Cash 327470

Brown

Papers

Brown

Brown's
vs
Brown's

Bill

1854 Appeal Rules

To the Hon Richard H. Baker, Judge of the Circuit Court of Southampton.

Humbly complaining sheweth unto your honor, your oratrix Mary A. Brown and your orators Ridley Brown and Jacob F. Brown that Dr. LaFayette Brown departed this life some time in the year , leaving a widow, your oratrix, and six children, viz: Ridley Brown, Jacob F. Brown (your orators) and Victoria — Ida — Lucy Ford Mary L. F. Brown.

The said LaFayette Brown died intestate and was seized at the time of his death of a certain tract of land lying in this county which is the only property now in this county that was left by the said Brown. The said farm is supposed to contain 1316 acres more or less, about one half of which is cleared, and nearly all of the cleared land lies in one body, that is to say, in one opening. The remainder is woodland and lies on the river Nottaway — A plat of the said tract of land is herewith filed (marked A) and prayed to be considered with this bill.

Your orators are anxious for a division and would much prefer that the whole tract of land should be sold for that purpose and a just and

equitable portion of the proceeds should be assigned to your oratrix in fee simple in lieu of her right of dower.

Your orators and oratrix firmly believe that this would be to the interest of all the parties concerned, as a division in kind among so large a number would not be convenient and the annual rent received compared with the interest at six per cent of the sum which it is believed the land would command if put up at public auction is very small —

Your oratrix and orators humbly pray that your honor would appoint a special commissioner with directions to make a sale of the said tract of land on such terms as your honor may think best for the purpose of effecting a division — that your honor would require Veturia — Ida — Lucy F and Mary L F Brown (who are infants of tender years) to become parties defendant to this bill and to make as full and perfect answer to the allegations herein contained as if they had been thereunto more specially interrogated — and that your honor would do all other things, the premises considered, that equity may dictate and the nature of the case may require, and as in duty bound they will ever pray &c.

Kindred
Atty for the Pltffs.

Brown vs Brown

Amended Bill
&
Answer thereto

1867 Nov. Rules

To the Hon Richard H. Baker, Judge of the Circuit Court of Southampton County —

In chancery

Humbly complaining shew unto your Honor, your Oratrix Mary A. Brown, and your Orators Ridley Brown and Jacob F. Brown, that at the April Rules AD 1854 they filed their Bill in this Honorable Court, praying, among other things that your Honor would grant a Decree for the sale of a Tract of Land lying in Southampton County, which descended to your oratrix and orators from Lafayette Brown, deceased, and to other parties named in the said Bill to be made Defendants thereto; which was accordingly done. The land was decreed by your Honor to be sold by a Decree granted at the May term AD 1854 — among the Defendants was Lucy F. Brown who has since intermarried with Dr. Samuel W. Eaton of Warren County North Carolina and has lately departed this life intestate leaving as her only issue a son, Fayette Eaton an infant of tender years, who together with her said husband, is her heir at law, to that portion of the net proceeds of the sale of the said real estate in the said suit before mentioned which is now pending in this Court, and is of the style of Brown & Brown

The said Lucy F. Brown never drew or received any portion of the net proceeds from the sale of the said real estate, to which she was entitled, but the whole of her said portion still remains in the "Norfolk Savings Institution" in the City of Norfolk, Virginia.

Your orator believing that the said Samuel W. Eaton and Fayette Eaton should receive this said petition whatever it may be, pray that they may be made parties Defendant in this Cause - the said infant Fayette Eaton by one proper person as guardian ad litem - and that the said Court may hereafter continue in their names as Defendants also -

Pray Further and general relief as equity may dictate and the nature of the Case may require -

As in duty bound they will ever pray &c

Jno D Kindred
P Q

The Separate answer of Fayette Eaton an Infant of tender years by L R Edwards his guardian ad litem to a Bill filed against him &c Thos by Mary A Brown, Ridley Brown Jacob F. Brown in the Circuit Court of Southampton County.

This Respondent for answer to so much of the said Bill as he is advised it is material for him to answer says, that he is an infant of tender years, & prays that his interests and Rights may be protected by the Protection of the Court.

And having answered prays to be hence dismissed; with his reasonable Costs &c

Jno D Kindred
P D

Brown

vs. Illinois Central

Brown ji.

1868 April 1st

Commissioners Office
Jerusalem Feby 29th 1868

To the circuit Court of Southampton County

Pursuant to a decree of the circuit court of Southampton County rendered on the 7 day of November 1867, in a suit in Chancery pending in said court, between Mary A Brown & others Pltffs and Vessia & Ida Brown & others Defts, the undersigned one of the Commissioners of said Court, to whom was referred for settlement, by said decree, the following account. That a Commissioner of this court proceed to enquire and report to this court at its next Term what amount of the nett proceeds resulting from the sale of the Brown tract of land in the proceedings mentioned and which was due and owing to Suey F Brown who intermarried with Samuel W. Eaton and has since died leaving her said husband surviving and the said Fayette Eaton her only heirs) should be paid to or drawn out of the funds now invested in the Norfolk City Saving Bank in the City of Norfolk by the said Samuel W Eaton in fee simple in lieu of his life estate therein and what portion of the said funds should be paid to or reserved for the said Fayette Eaton, reports to the court that on the 15 day of January 1868, he issued notices against the several parties aforesaid requiring them to attend the settlement of said account, before him at his said office on the 18th day of February 1868, which were returned to your Commissioner duly acknowledged by the attorney for the parties, whereupon your Commissioner reports to the court from the evidence adduced before him, that the said Samuel W Eaton is 47 years of age and his expectation of life is consequently ~~22~~ 24 years &c. and that he would therefore be entitled to be paid or to draw out of the $414.34 the amount of the fund invested in the Norfolk City Saving Bank in the City of Norfolk on the 29th day of May 1856, the sum $299.35 with interest thereon from the said 29 day of

May 1856 and that Fayette Eaton would be entitled to be paid or to be reserved for him the sum of $114.99 as the balance of the said sum of $414.34. deposited as aforesaid with like interest from the 29 day of May 1856. and that the said Saml. W. Eaton would be entitled to draw the further sum of $320.54 of the Amount of $443.68¢ deposited in the said Savings bank on the 22d day of April 1857. with interest on said sum of $320.54 from the said 22 day of April 1857. and that the said Fayette Eaton would be entitled to be paid or to be reserved for him. the sum of $123.14 the balance of the sum of $443.68¢ deposited as aforesaid with like interest on the said sum of $123.14 from 22 day April 1857. till paid. The Commissioner further reports to the court that after the Completion of the said account, he retained the same in his office ten days for the examination of the parties, which with the decree & notices aforesaid and the evidence relating thereto are here with returned

Given under my hand as Commissioner aforesaid. the day & year first aforesaid

Comm's fee $20.00

Henry S Howard

Commissioner

I acknowledge Service of the within notice as attorney for all the parties.

Jno. I Kindred
Attorney for parties

Filed
Nov 3 Comm's Office.
Filed

COMMISSIONER'S OFFICE,

Jerusalem, Jany 15th 1868

To Mary A. Brown, Ridley Brown & Jacob Brown Plffs.

against

Vesuvia and Ida Brown, Samuel W Eaton, Mary L. F. Brown, and Fayette Eaton an infant by L. K. Edwards his guardian ad litem. Defts.

You are hereby notified that I have fixed upon the 18th day of February next, if fair, if not, on the next fair day thereafter, (Sunday excepted,) to take and settle, at my office, the following accounts, to wit: That a commissioner of this Court proceed to enquire and report to this Court at its next Term what amount of the net proceeds resulting from the sale of the "Brian" tract of Land in the proceedings mentioned (and which was due and owing to Lucy F. Brown who intermarried with Samuel W. Eaton and has since died leaving her said husband surviving and the said Fayette Eaton her only heir) should be paid to or drawn out of the fund now invested in the Norfolk City Savings Bank in the City of Norfolk by the said Samuel W. Eaton in fee simple in lieu of his life estate therein and what portion of the said fund should be paid to or reserved for the said Fayette Eaton.

required to be taken by a decree of Southampton Circuit Court, rendered on the 7th day of November 1867, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs, and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

Henry S. Seward, *Commissioner.*

To the Sheriff of Southampton County to execute.

Brown

vs. } Report

Brown &c

1856 Sept. 15th

In obedience to the annexed order the undersigned Special comr therein named begs leave to report as follows. to wit. He has collected the bond mentioned as then due amounting to the sum of three thousand four hundred & fifty dollars (Principal) also $78.20/100 interest. Making principal & interest the sum of $3528.20/100 out of which he has paid as Expenses to wit

Comrs fee on $6900.00.	147.00
pd for advertising	4.75
for crying land	2.50
for Lawyers legal fee $30- additional charge $50.00 making $80.00	80.00
clerks fee	12.25
Expenses to Norfolk making deposit	7.00
	$253.50

leaving a balance of $3274.70. which sum was on the 29th May last deposited in the savings institution at Norfolk. Their acknowledgment for same is herewith reported

Respectfully submitted

Wm S. Majett

Southampton Circuit Court - Clerks Office. May 19th 1856

This day J. J. Kindred & Jas. J. Darden severally to the within bond made oath before me Clerk of the Court aforesaid that his estate after the payment of all his just debts is worth the sum of five thousand Dollars the penalty of the said bond.

J R Edwards Clk

Brown
vs
Cont. Bond
Brown

Know all men by these presents that we William I Majett
are held and firmly bound unto the Commonwealth of Virginia
in the just and full sum of Six thousand dollars, 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 19 day of May
1856

The Condition of the above Obligation is such that whereas at a Circuit Court
held for the County of Southampton on the day of May 1856 in a suit in Chancery
therein pending in which Mary A Brown & others were plaintiffs & Vesuvia Brown &
others Defendants it was among other things decreed and ordered that the said Special
Commissioner (William I Majett) proceed to collect the bond in the said report mentioned
which bond already fallen due, to wit. the bond which became due January 1st A.D. 1856.
and which for the purpose may be delivered to him by the Clerk, pay all legal charges &
expenses incurred in obtaining and executing the decrees pronounced in this cause, and
that he deposit the residue in the Norfolk Savings Institution in the City of Norfolk,
take a receipt or certificate for the same and file the said certificate with the papers
in the cause together with the report to be made by him to the Court. But the said
William I Majett is not to proceed to the discharge of the duties enjoined by the said decree
until he shall have executed in the Clerks Office of the said Court bond payable to the
Commonwealth of Virginia with good personal Security in the penalty of Six thousand
Dollars conditioned for the faithful performance of the said duties according to law.
Now if the said William I Majett shall faithfully discharge the duties of his trust as
Commissioner as aforesaid then the above Obligation to be void or else to remain in full
force and virtue.

Signed, Sealed & delivered
in Presence of

Wm I Majett (Seal)
Jno. Kindred (Seal)
Jas. H. Barden (Seal)

Browns

vs ? Comrs Report.

Browns

1834. October 6th Returned

Mary A. Brown, Ridley Brown, & Jacob F. Brown
Plaintiffs
against } In Chancery.
Vesuvia, Ida, Lucy F. & Mary L. F. Brown. Defts

An Account of the value of Mary A Brown's interest in one third of the real estate in the proceedings mentioned

	$	cts
To your interest in the first instalment for the purchase of said Land	788.	63
To your interest in the other instalment for the purchase of said Land due the 1st day of January 1857	830	86
$	1619	37

Respectfully Submitted
Henry L. Howard, Comm.

Commissioners Office,
Jerusalem, October 6th, 1856.

To the Circuit Court of Southampton County.

Pursuant to a decree of the Circuit Court of Southampton County rendered at the May term 1856, in a suit in Chancery depending in the said Court between Mary A. Brown, Ridley Brown & Jacob F. Brown, plaintiffs and Vesuvia, Ida, Lucy F. & Mary L. F. Brown by James Majett their guardian ad litem defendants the undersigned one of the Commissioners of the said Court to whom was referred by said decree to enquire and ascertain the value of Mary A. Brown's interest in one third of the real estate

in the proceedings mentioned, reports to the Court that on the 15th day of August 1836, he issued notice against the several parties aforesaid requiring them to attend the settlement of the said account, before him, at his office, on the 20th day of September 1836, which were returned by your Commissioner duly executed. That the parties aforesaid appeared before your Commissioner by Counsel in obedience to said notices, and he reports from the Commissioners report and from the evidence of Wm J. Majett the Commissioner to sell the same that the real estate in proceedings mentioned was sold for $6700.— on two instalments, that the first instalment after paying the costs &c amounted to $3274.70, one Third of which is $1091.56 and the annual value $65.49. The Present value of the life interest would be $788.65¢. The other instalment due the first of January 1837 amounts to $3450.00 one Third of which is $1150.00 and the annual value $69.00 The present value of the life interest would be $830.86¢. Total Amount of the present value of life interest therefor would be $1619.51. The said Mary A Brown is about forty eight years of age and according to the Table of Longevity her expectation of life would be twenty two years.

The Commissioner further reports to the Court that after the Completion of the said account he retained the same in his office ten days for the examination of parties, which with the deeds and notices aforesaid is herewith returned.

Given under my hand, as Commissioner aforesaid this day and year aforesaid.

Henry S. Howard Comr.

Commissioners fee $5.00
Charged to plaintiffs
Sheriffs fee 3.04

Commissioner.

I acknowledge service of the within notice for the plaintiffs
Mary A. Brown, Ridley Brown & Jacob F. Brown.
September 8th 1836

Tho V. Kindred
Atto for Plaintiffs

Executed on James Majett Gdn as Letter &c Sept 15th 1836
by delivering him a Copy of the within notice.

M R Blow Dept
for S Kills Shff

Commissioners Office.

Jerusalem, August 13th 1856.

To Mary A. Brown, Ridley Brown, Jacob S. Brown, pltffs.

And

Vesuvia, Ida, Lucy F. & Mary L. F. Brown by James Majett their guardian ad litem. Defts.

You are hereby notified that I have fixed on the 20th day of September 1856 to take and settle, enquire and ascertain at my Office, in Jerusalem, the value of Mary A. Brown's life interest in one third of the real estate in the proceedings mentioned, required to be taken by the decree of Southampton Circuit Court rendered at the May term 1856 in a suit in Chancery depending in said Court in which you are parties plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand, as Commissioner in Chancery of the said Court, the day and year first aforesaid.

Henry S. Howard, Com'r.

To the Sheriff of Southampton County to execute.

Wm J Mafett Com'r

Report

1857. May 7

To the Hon Richard H. Baker, Judge of the Circuit Court of Southampton.

The undersigned appointed by a decree of the said Court rendered at the last (November Term 1856) of this Court to collect the last installment due from R E & W P. Pope purchasers of a tract of land sold by virtue of a decree heretofore rendered in this Court in the cause of Brown vs Brown, to deposit the same in the Norfolk Savings Institution, after having paid proper expenses, and to execute a deed with special warranty to the said purchasers; reports to this Court that he has executed the said deed and has collected the said sum, viz:

By Amount of principle & int to		$3450.00
Interest to April 20th 1857		62.66
Recd this Amount		$3512.66

To paid clerks fees	$2.27	
" " Sheriff	.50	
" " Com: Howard	5.00	
" " Atto for deed	5.00	
" " expenses to Norfolk	7.00	$19.71
To this amt deposited		[redacted]

[redacted] therefor herewith filed. Respectfully submitted

Wm D Mallett Com

Brown

vs } Sum. chy.

Brown &c

1854 March Rules

Not found

Atty Warren Leake

of Counl Rules &c

The Commonwealth of Virginia:

To the Sheriff of Southampton County, Greeting:

We command you to summon Victoria Brown. Ida Brown. Lucy F. Brown. & Mary A. F. Brown

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in March instant to answer a bill in Chancery exhibited against them in our said Court by Mary A. Brown. Ridley Brown & Jacob F. Brown

and have then there this Writ. *Witness*, LITTLETON R. EDWARDS, Clerk of our said Court, at the Courthouse, this 1st day of March 1854 in the 78th year of the Commonwealth.

L R Edwards Clk

N. Savings Institution

Receipt

"Brun vs Brun"

Office Norfolk Savings Institution
April 22nd 1857

This is to certify that Wm. J Majett Special Commissioner was this day deposited in the Norfolk Savings Institution to the credit of Suit of Brown vs Brown the sum of Thirty four hundred and ninety two 95/100 dollars subject to the order of Circuit Court of Southampton County Va

H B Constable Cas:

Brown
vs
Brown's
Answer

Circuit Court for Southampton County - To Wit

The separate answer of Vesuvia - Ida - Lucy F and Mary L. F Brown, infants of tender years, (by their guardian ad litem James Majett) to a bill filed against them by Mary A. Brown, Ridley Brown and Jacob F. Brown, in the Circuit Court of Southampton County.

These defendants, saving now and always all advantages that may be taken of the defects and insufficiencies of the said bill filed against them, for answer say to so much of the said bill as they are advised it is material for them to answer, that they know of no objection to the decree to make sale of the tract of land in the proceedings mentioned as prayed for, but on the contrary they believe and admit, by their guardian ad litem aforesaid, that such sale for a division as aforesaid would be to their interest and advantage - Having answered they pray to be hence dismissed.

Virginia - Southampton County - To Wit } James Majett (G. A

I, E Joyner, a Justice of the Peace in and for the county and state aforesaid, do hereby certify that James Majett as guardian ad litem as aforesaid personally before me made oath that the facts contained in the above answer were true to the best of his belief. Given under my hand and seal this 16 May 1874.

E Joyner JP

Brown &c

v } Com. Bond

Brown

Know all men by these presents that we William J Majett Samuel A Darden & John J Kindred are held and firmly bound unto the Commonwealth of Virginia in the just and full Sum of Six thousand dollars good and lawful money of the Commonwealth 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 15 day of ~~November~~ December 1856.

The Condition of the above obligation is such that whereas by a decree of the Circuit Court of Southampton County entered on the 7th day of November 1856 in a suit (or a suit in Chancery depending) in the said Court between Mary A Brown &c Pltffs and Vesuvia Brown &c Defts the above bound William J Majett was appointed Commissioner for certain purposes in the said decree mentioned. Now if the said William J. Majett shall faithfully discharge the duties of his office or trust according to law then the above obligation to be void or else to remain in full force and virtue

Signed Sealed & delivered
In presence of

William J. Majett (Seal)
Saml. A. Darden (Seal)
Jno. J. Kindred (Seal)

Southam Circuit Court. In the Clerks Office the 15th day of December 1856
The above bond was acknowledged before me Clerk of the said Court, by the obligors thereto and Saml A Darden & John J Kindred - the security made oath that their estates after the payment of their just debts are worth the Sum of $6.000 — the penalty of the said bond.

S R Edwards Clk

Received May 19 1856 of the Clerk the bond & surveys with this Report due
Jany 1st. 1856

Wm Blackett

Received of the Clerk the bond returned due Jany 1st 1857

Wm Blackett

Brome
&
Report
Brome

1855 May 2nd

To the Hon Richd H. Baker Judge of the Judicial first Circuit —
Circuit Court of Southampton.

In obedience to the annexed decree Emanating from the circuit ~~superior~~ Court ~~of law and chancery~~ for Southampton County Virginia the undersigned Commissioner therein named after due advertising did on the 9th day of Novr 1857 proceed to sell at public auction upon the primises the tracts of land lying near Monroe belonging to the heirs of late Docd Lafayette Brown on a credit of one & two years in two Equal installments When Benj W. E. & Harrison P. Pope Jointly being the highest Bidders became the purchasers for the sum of Six thousand nine hundred dollars for which sum they have executed two joint bonds with George C. Pope & William E. Myrick securities for the sum of three thousand four hundred and fifty dollars Each dated the 9th day of Novr 1857 one of which will be due the 1st day of January 1858 the other the 1st day of January 1859 the possession of said Land Was. retained until the 1st day of January 1858 the time at which the present crops must Expired also the title to the said Land is retained until the whole of the said purchase Money is paid the said Bonds are herewith filed

Respectfully Submitted

Wm. B. Mc. Jill

State of North Carolina,
Warren County

This certifies that Saml. W Eaton and Miss Lucy F Browne were by me united in the bonds of Matrimony on the 17th day of January A.D. 1860. Conformable to the ordinance of God and the Laws of the State.

Thos. G Lowe My.

To hand and duly recorded the 19th day of January A.D. 1860.

J.W. White Clerk

North Carolina
Warren County

I William A. White Clerk of the Court of Pleas and Quarter Sessions of said County do hereby certify that the above is a true, full and perfect copy of the records of said Court in relation to the marriage of Samuel W. Eaton and Miss Lucy F. Browne as appears from Book No 1, page 82, which said Book contains a record of the marriages celebrated in said County.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court, at office in Warrenton, This 20th day of April A.D. 1866.

William A. White Clerk

Brown

v ξ Def.

Brown

1854 Apl. 17th heard and by Ed-
Benton J.P.

The deposition of William Barden and others taken at the Piney Grove in the County of Southampton (Va.) on the 14th April 1854 by the mutual consent of parties between the hours of sunrise and sunset to be read as evidence in a suit now pending in the Circuit Court of Southampton County on behalf of the Plaintiffs, in which Mrs Mary A. Browne, Dr Ridley Browne and Jacob F. Browne are Plaintiffs and Jessuvia — Ida — Lucy F — and Mary L. F Browne (infants the four latter, by their guardian ad litem, James Majett, who was personally present at the taking of the said depositions) are defendants.

William Barden having been duly sworn on the Evangelists of Almighty God says and deposes as follows —

I have been renting and living on this farm (the farm belonging to the heirs of Dr. Lafayette Browne and lying near Munroe) for the last nine or ten years — I have generally paid $125.00 per year rent never more than that sum — There are about 1300 acres in the tract — I suppose about one third or perhaps a little more is cleared, the balance is woodland — The cleared portion is nearly all in one body — all inclosed except one small field —

The buildings are in a very bad condition, hardly fit to live in, having gone very much to decay — all the houses both dwelling and out-houses are much decayed and are rapidly settling down — Without repairs they would not be tenantable much longer.

The woodland a portion of it, is very heavily timbered with cypress, and a small portion

is tolerably well timbered with pine.

I think the whole tract would sell for at least four thousand dollars —

Further this deponent saith not.

William Barden.

Edward Cenumpler having been duly sworn deposes as follows —

I confirm the above of Mr William Barden's statement as true, save to the Condition of the land, buildings

I think the land would now sell for at least four thousand dollars, perhaps more. I think it would sell for a larger sum at this time than it probably would a few years hence, for perhaps a thousand dollars more.

Further this deponent saith not.

Edward his Cenumpler
mark

Elijah Joyner having been duly sworn deposes as follows.

I confirm the statements made by Mr Barden and Mr Cenumpler as true — except the rent — I have seen it rented out only once — it then rented for $125.00.

Further this deponent saith not.

Elijat Joyner

Jno I. Kindred having been duly sworn deposes as follows — —

I am acquainted with Mrs Mary A Brown the widow of the late Dr Lafayette Brown — I have not seen her for two or three years — She is a lady of about fifty years of age when I suppose and when I saw her she was in good health — She is a lady of tolerably good Constitution.

Further this deponent saith not.

Jno I. Kindred.

The foregoing depositions of William Barden, Edward Cenumpler, Elijah Joyner and Jno I. Kindred, were taken sworn to and subscribed before me at the time place and manner mentioned in the caption.

Given under my hand and seal this 14th April 1854

Edward D Beasley

Brown

v. } Stat. Rules

Brown

1856 May

Clk.	$ 12.25
Stff	
Law.	30.75

1856 Nov.

Clk	$ 2.27
Com.	5.00
Stff	50
	$ 7.77

In Southampton Circuit Court.

Mary A Brown, Ridley Brown & Jacob F. Brown
against
Vesuvia, Ida, Lucy F. & Mary A F. Brown

1854 March 1st Summons issued returnable to March Rules
" " R Summons ret'd not found.
" Sp. " Bill filed. James Magee appt'd gdn. ad litem to Defts.
" May T. Decree for sale.
1855 " 2d Report.
1856 May " Decree Cf.
" Nov. " Decree
1857 May. Decree Cf.
" Nov. Decree Cf.
1866 May T. Revived & Decree P

1867 Nov R Amended bill - LR Edwards assigned Gdn. ad litem to Infant - answer of Infant
Defts. ~~answer of Infant~~. G. Resp.

1868 May - Decree Cf

Brown's

vs 3 Copy Deeds

Browns

Southampton Circuit Court. May Term, 1856

Mary A. Brown, Ridley Brown, & Jacob F. Brown Plffs

against

Vesuvia, Ida, Lucy F. & Mary L. F. Brown Defts

This day this cause was again heard on the papers formerly read and the report of William J. Majett special Commissioner together with the bonds returned therewith to which report there being no exception filed, the same is confirmed by the Court. On consideration whereof the Court doth adjudge, order and decree that the said special Commissioner proceed to collect the bond in his said report mentioned which has already fallen due, towit: the bond which became due January 1st A.D. 1856, and which for the purpose may be delivered to him by the Clerk, pay all legal expenses and charges incurred in obtaining and executing the Decree pronounced in this cause and that he deposit the residue in the Norfolk Savings Institution in the city of Norfolk, take a receipt or certificate for the same and file the said certificate with the papers in this cause together with the report to be made by him to this Court. But the said Wm J. Majett is not to proceed to the discharge of the duties enjoined by this decree until he shall have executed in the Clerk's office of this Court, bond payable to the Commonwealth with good personal security in the penalty of Six thousand Dollars conditioned for the faithful performance of the said duties according to Law. And the Court doth further adjudge, order and decree that a Commissioner of this Court enquire and ascertain the value of Mary A. Brown's life interest in one third of the real estate in the proceedings mentioned and report to this Court in order to a final decree.

A Copy Teste, Henry S. Howard, D.C.

1852

Brown

vs } Cir. Decree

Brown

Southampton Circuit Court. May 3d 1854.

Mary A Browne, Ridley Brown & Jacob F. Brown Plffs

against

Vesuvius Brown. Ida. Lucy F. & Mary L F. Brown Defts

This day this cause came on to be heard on the bill. the answer of the guardian ad litem upon oath replication thereto and depositions of witnesses and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that William J Magett who is appointed a Commissioner for the purpose after giving thirty days notice by advertisement in some newspaper published in the City of Norfolk and at the Courthouse door of this County for a like period one some Court day, of the time and place of sale, sell to the highest bidder on a credit of one and two years equal instalments, the real estate in the proceedings mentioned, that is to say the tract of land of which Lafayette Brown was seized in his lifetime and containing acres more or less and lying in the County of Southampton near Monroe on Nottoway. That the Commissioner take of the purchaser or purchasers bond or bonds with good security for the purchase money and retain to the land till the purchase money is paid and make report returning said bonds to this Court.

And the Court doth further order. adjudge and decree that a Commissioner of this Court enquire and ascertain the value of Mary A. Brown's life interest in one third of the said real estate above mentioned and report to the Court in order to a final decree

A Copy

Teste. L.R Edwards Clk

Brown's
vs
Brown's

Decree.

To be entered
R. H. Baker
may Co. '54

Circuit Court for the County of Southampton [redacted]

Mary A. Brown, Ridley Brown,
Jacob F. Brown

vs

Victoria – Ida – Lucy F. & Mary L. F. Brown, by their guardian ad litem James Majett.

This day this cause came on to be heard on the bill, the answer of the guardian ad litem upon oath, replication thereto and depositions of witnesses and was argued by Counsel: On Consideration whereof the court doth adjudge, order and decree that William I. Majett who is appointed a Commissioner for the purpose, after giving thirty days notice by advertisement in some newspaper published in the city of Norfolk and at the court house door of this county for like period on some court day, of the time & place of sale, sell to the highest bidder, on a credit of one and two years equal instalments, the real estate in the proceedings mentioned, that is to say the tract of land of which La Fayette Brown was seized in his life time and and containing acres more or less and lying in the county of Southampton, near Monroe on Nottoway river.

That the Commissioner take of the purchaser or purchasers bond or bonds with good security for the purchase money, and retain the title to the land till the purchase money is paid, and make report returning said bonds to this court.

And the Court doth further order, adjudge and decree that a Commissioner of this Court enquire and ascertain the value of Mary A. Brown's life interest in one third of the said real estate above mentioned and report to the Court, in order to a final decree.

Mary A. Brown et al

vs

Victoria Brown et al

Decree

To be entered

R. H. Baker

May 3rd. 1856.

Circuit Court for Southampton County -

May Term 1856.

Mary A Brown et al

vs

Virginia Brown et al

This day this cause was again heard on the papers formerly read and the report of William L. Majett Special Commissioner, to whom the bond returned therewith; to which report there being no exception filed the same is confirmed by the Court: On Consideration whereof the Court doth adjudge, order and decree that the said Special Commissioner proceed to collect the bond in his said report mentioned which has already fallen due (and which for that purpose may be delivered to him by the clerk) which became due January 1st AD 1856, pay all legal expenses and charges incurred in obtaining and executing the decrees pronounced in this cause; and that he deposit the residue in ~~some good Bank~~ the Norfolk Saving & ~~Trust~~ Institution in the city of Norfolk, take a receipt or certificate for the same and file the said certificate with the papers in this cause, together with report to be made by him to this Court.

But the said Wm L Majett is not to proceed to the discharge of the duties enjoined by this decree until he shall have executed in the Clerk's Office of this Court bond with good personal (payable to the Commonwealth) security, in the penalty of Six Thousand Dollars, (conditioned for the faithful performance of the said duties) according to law.

And the Court doth further order, adjudge and decree that a Commissioner of this Court inquire and ascertain the Value of Mary A. Brown's life interest in one third of the real estate in the proceedings mentioned and report to this Court in order to a final decree.

Brown

vs Decree

Brown's

Novem. term '55

To be entered

R. H. B.

Southampton Circuit Court - November term '56

Mary A. - Ridley &c. Jacob F. Bruce - Pltffs

vs.

Vesuvia - Ida - Lucy F. & Mary F. L. Bruce - Dfdts

This day the cause again came on to be heard upon the papers formerly read together with the report of William S. Mayett, special Commissioner, and the certificate of deposit returned therewith, and the report of Henry S. Howard one of the Commissioners of this Court, showing a sale of the said Mary A. Bruce's interest in one third of the real estate in the proceedings mentioned, to which said report, there being no exceptions filed, the same was confirmed by the Court: On consideration whereof the Court doth adjudge, order and decree that Wm S. Mayett, the said special Commissioner, proceed to collect the bond in the proceedings mentioned and which will fall due on the first day of January AD 1857, so soon as the same shall fall due and which for that purpose may be delivered to him by the clerk, pay all further legal expenses and charges in

cured in obtaining the decrees pronounced in this cause, reserving nothing further to himself the said Commissioner, as Commissioner for collecting the same, and shall deposit the residue in the "Norfolk Savings Institution" in the city of Norfolk, take a receipt or certificate for the same, and file the said certificate with the papers in this cause, together with the report to be made by him to this Court. But the said Wm. D. Maslett is not to proceed to the discharge of the duties enjoined by this decree, until he shall have executed, in the Clerk's office of this Court, bond payable to the Commonwealth, with sufficient personal security, in the penalty of Six thousand dollars, conditioned for the faithful performance of the said duties, according to law.

And the said Special Commissioner is further ordered, after report to this Court in order to a final decree, upon the payment the amount of the said bond to him by the purchaser to execute to them a good and sufficient deed with special warranty conveying the said real estate in the proceedings mentioned; and to report to this Court in order to a final decree.

Brown

v } Ca. Sierra

Brown

93

Southampton Circuit Court, May Term 1836.

Mary A. Brown, Ridley Brown & Jacob Brown Plffs } In Chy
against
Vesuvia Ida, Lucy E. & Mary S.A. Brown Dfts }

This day this cause was again heard on the papers formerly read and the report of William J. Magett Special Commissioner together with the bonds returned therewith to which report there being no exception filed, the same is confirmed by the Court

On consideration whereof the Court doth adjudge, order and decree that the said Special Commissioner proceed to collect the bond in his said report mentioned which has already fallen due, to wit, the which became due January 1st A.D. 1836, and which for the purpose may be delivered to him by the Clerk, pay all legal expenses and charges incurred in obtaining and executing the decree pronounced in this cause, and that he deposit the residue in the Norfolk Savings Institution in the City of Norfolk, take a receipt or certificate for the same and file the said certificate with the papers in this cause together with the report to be made by him to this Court. But the said Wm J. Magett is not to proceed to the discharge of the duties enjoined by this decree until he shall have executed in the Clerk's office of this Court bond payable to the Commonwealth with good personal security in the penalty of Six thousand Dollars, conditioned for faithful performance of the said duties according to Law. And the Court doth further order adjudge and decree that a Commissioner of this Court enquire and ascertain the value of Mary A. Brown's life interest in one third of the real estate in the proceedings mentioned and report to this Court in order to a final decree.

A Copy,

Teste, Henry S. Howell, D.C.

Clks Costs $12 25
Law fee 30 75
$43 00

And wife, parcels of the sum deposited in said Institution on the ~~2~~ 22nd day of April AD 1857 with such interest on each of the said sums to each of the said two parties directed to be paid, as may be due thereon.

And as to the balance of the subject not herein disposed of the cause is continued till the next term.

Brown
vs
Brown

Decree

Entered
April Rules
March 1858.

Brown
vs } Decree
Brown

This cause this day came on again to be heard on the papers formerly read — And it being suggested to the Court by Counsel that since the institution of this suit the defendant Ida Brown hath attained her full age ~~on motion of Jas Mapett her guardian ad litem~~, — and it being further suggested that the defendant Vesuvia Brown hath intermarried with Lepee Faulcon since the last decree entered herein ~~on motion of Jas Mapett it is ordered that~~ guardian ad litem to the said Ida and Vesuvia Brown ~~be discontinued and that the said Jas Mapett be discontinued~~ it is ordered that he be discontinued in the proceedings as such guardian ad litem and that this suit be hereafter prosecuted ~~in~~ against the said Ida in her own proper person and against the said Lepee Faulcon and wife Vesuvia — On consideration whereof and on the argument of counsel the Court doth further order, adjudge and decree that the said Ida Brown and the said Lepee Faulcon and wife Vesuvia Faulcon, check upon an attested copy of this decree upon the Norfolk Savings Institution in the city of Norfolk Va. for the sum of four hundred and fourteen dollars and thirty four cents ($414.34 cents) that is to say the said amount to ~~each of them~~ the said Ida and the said amount to the said Faulcon & wife, parcel of the said sum deposited to the credit of this cause in said Institution, on the 29th May A.D 1886 — and for the further sum of four hundred and forty three dollars and sixty eight cents ($443.68 cents) to the said Ida and the like sum of $443.68 cents to the said Faulcon

and wife parcels of the sum deposited in said Institution on the ~~2nd~~ 22nd day of April AD 1857 with such interest on each of the said sums to each of the said two parties directed to be paid as may be due thereon.

And as to the balance of the subject not herein disposed of the cause is continued till the next term.

Brown
vs
Brown

Decree

Sale entered
P. H. Porter
Sept 18 1857.

say for the sum of four hundred and fourteen dollars and thirty four cents ($414.34 cents) to each of them parcel of the said sum deposited May 29th 1856, and for the sum of four hundred and forty three dollars and sixty eight cents ($443.68 cents) to each of them, parcel of the said sum deposited April 22nd 1857, with such interest on each of the said sums as may be due thereon.

And as to the balance of the subject not [illegible] disposed of the cause is continued till the next [illegible]

Decree

May co. 1857.

To be entered

R. H. B.

Brown
vs
Brown

Fa[redacted]

Brown

vs

Brown

This cause this day came on again to be heard on the papers formerly read and on the report of the commissioner Wm D. Mazett made in pursuance of a decree of this court rendered at the last (November) term thereof, to which no exception being filed the same is hereby confirmed: On consideration whereof the Court doth adjudge, order and decree that Mary A Brown check upon an attested copy of this decree upon the "Norfolk Savings Institution" for the sum of Seven hundred and eighty eight dollars & sixty five cents ($788.65 cents) part of the money deposited to the credit of this suit in the said Saving Institution by Wm D. Mazett comr on the 29th day of May AD 1856, and for the fourteen sum in like manner of eight hundred and thirty dollars & eighty six cents ($830.86) parcel of the sum deposited by said Mazett to the credit of the said suit on the 22nd day of April AD 1857, with such interest on each of the said sums, parcels of the said principals as is depositd as may be due thereon; and that the other two plaintiffs Ridley Brown and Jacob F. Brown upon a like attested copy of this decree check upon the said Norfolk Savings Institution for one sixth each of the residue now so deposited to the credit of the said suit in this Court, that is to

say for the sum of four hundred and fourteen dollars and thirty four cents ($414.34 cents) to each of them parcel of the said sum deposited May 29th 1856, and for the sum of four hundred and forty three dollars and sixty eight cents ($443.68 cents) to each of them, parcel of the said sum deposited April 22nd 1857, with such interest on each of the said sums as may be due thereon.

And as to the balance of the subject not disposed of the cause is continued till the next

Brown
vs
Brown

Decree

Nov. Co. 1857.

Filed

R. H. B.

Brown

vs

Brown

Decree

~~Decree~~

May cv. 1866

To be entered

R. H. B.

Brown

vs Decree

Brown

This Cause this day was again heard on the papers formerly read, and it being proved to the satisfaction of the Court by a Certificate of the Clerk of the County Court of Warren County in the State of North Carolina, marked I, and deposited in this Cause under his Seal of Office that Samuel W Eaton has inter married with Lucy H Brown, one of the Defendants in this Suit, on their motion by Counsel, ~~it is ordered~~ the said Eaton & wife, to compute for ~~and respondent hereto~~, on Consideration thereof and argument of Counsel The Court doth adjudge, order and decree that the said Samuel W. Eaton and Lucy F. Eaton his wife upon an attested Copy of this Decree, Check upon the Norfolk Savings Institution in the City of Norfolk, Virginia, for the sum of four hundred and fourteen dollars and thirty four cents ($414.34 cents) parcel of the sum deposited to the credit of this Cause in the said Institution on the 29th May AD 1856 and for the further sum of four hundred and forty three dollars and sixty eight cents ($443.68 cents) parcel of the sum deposited in the said Institution on the 22nd April AD 1857, with such interest on each of the said sums as may be due thereon - ~~that is to say &c~~

And as to all other matters the Cause is Continued -

Browne

vs 3 Decm

Browne

May court 1862

To be entered

R H. Butler

Brown

vs 3 Decree

Brown

This day this cause came on again to be heard on the papers formerly read and it being suggested to the court by counsel, that since the last decree in this cause the ~~two infant defendants Debra B~~ infant defendant Mary E. F Browne has attained the age of twenty one years on motion of James Majett the guardian ad litem of the said Mary E. F Browne it is ordered that his name be discontinued in this suit as such guardian ad litem on consideration whereof and argument of counsel the court doth further adjudge order and decree that the said Mary E. F Browne upon an attested copy of this decree check upon the Norfolk Savings institution in the city of Norfolk Va for the sum of four hundred and fourteen dollars and thirty four cents ($414.34 cts) parcel of the sum due to the credit of this cause in the said institution on the 2d day of may 1856 and for the further sum of four hundred and forty three dollars and sixty eight cents $443.68 cts parcel of the sum deposited in the said institution on the 2nd day of April 1857 with such interest on each of the said sums as may be due thereon, and as to all other matters this cause is continued till the next term

Brown vs Brown & Decree

This Cause this day came on again to be heard on the papers formerly read, to which were added the Report of Commissioner Howard made in pursuance of a decree rendered in this Cause at the last Term of this Court; to which Report there being no exception the same is clearly confirmed; and the Court did on Consideration thereof upon the argument of Counsel, the Court Clerk to Judge adjudge and decree that the said Samuel W. Eaton Clerk, upon an attested Copy of this decree upon the Utica Savings Institution in the city of Utica in this State, pay the sum of Two Hundred and ninety nine dollars and thirty five cents ($299.35 cents) portion of the $414.31 cents deposited the 29th day of May 1856, with the interest decreed on the said $299.35 cents from the said 29th May 1856, together with the further sum of three hundred and twenty dollars and fifty four cents ($320.54 cents) portion of the $443.68 cents deposited in the said Savings Bank, on the 22nd April 1857, with interest on the said sum of $320.54 cents from the said 22nd April 1857 to be paid: The said sums of $299.35 cents and $320.54 cents to be received and held by the said Samuel W Eaton in his own right, in fee and in lieu of his life estate in the whole of the said respective sums of $414.31 cents and $443.68 cents as tenant by the Curtesy, surviving his wife Lucy F. Brown deceased.

And the residue of the said several sums Viz the sum of $114.99 cents and the sum of $123.14 cents, is retained or reserved in the said Savings Bank subject to the Credit of this suit, for the benefit of

Fayette Eaton minor child of the said Lucy F. Eaton deceased.

And as to all other matters this cause is Continued.

And it appearing by documentary evidence herewith filed that Samuel W Eaton has qualified as guardian of the said Minor, Fayette & Lafayette B Eaton, and given sufficient security to ensure his accountability for any estate belonging to his said ward which is likely to come to his hands by consent of all the parties interested in the said ward's estate the Court doth adjudge, order and decree that the said S W Eaton Guardian as aforesaid be authorized to demand sue for recover and remove the said to the County of Warren in the State of North Carolina where he and his said ward reside the said several sums herein mentioned to wit $114.99 cents and the sum of $123.44 cents or such amount as may be accrued thereon from the said Norfolk Savings Institution in the city of Norfolk, and any other interest belonging to his said ward now in the State of Virginia.

And it appearing to the court that there is nothing further to be done in this cause the same is ordered to be removed from the docket.

Brown & Brown Decree

Warren Circuit Court to be entered R.H.B.

North Carolina
Warren County

Be it remembered, that at a Court of Pleas and Quarter Sessions, begun and held for the County of Warren, at the Court House in Warrenton on the fourth Monday of November A.D. 1864, (it being the 28th day of said month,) before Samuel Bobbitt, Thomas W. Rooker, and N Nicholson, Justices of said Court. The following proceedings are then and there had, to wit, "On motion Samuel W. Eaton is appointed guardian of his infant son, Lafayette Browne Eaton, upon his giving bond in the sum of One hundred thousand dollars, with Joseph S. Jones, as surety. The said bond is executed and acknowledged in open Court by the said Samuel W. Eaton, and the said Joseph S. Jones and is ordered to be recorded. The following Justices were on the bench when the security was accepted, to wit, Samuel Bobbitt, Thomas W. Rooker, and John M Brame."

North Carolina
Warren County

I William A White Clerk of the Court of Pleas and Quarter Sessions of said County, do hereby certify the above to be a true copy of the Record of said Court, in the appointment of D. Samuel W Eaton Guardian of his infant son Lafayette B. Eaton,

In testimony whereof I have hereunto set my hand and affixed the seal of said Court, at Office in Warrenton, this 30th day of April A. D. 1868.

William A. White, C.C.C.

Brown

b 3 Decree

3

Brown

Nov. Court, 1867

R. H. Bolton

Brown vs Brown } Decree

This cause this day was again heard on the papers formerly read and the Amended Bill of the Plaintiffs with the Answer thereto; praying that Fayette Eaton, an infant of tender years by L.R. Edwards who was appointed at the November Rules his guardian ad litem, may be made a party Defendant in the proceeding in this cause hereafter to be had: The Court doth adjudge, order and decree that the said Fayette Eaton by his said guardian ad litem be accordingly so made a party Defendant, and that a Commissioner of this Court proceed to inquire and report to this Court, at its next term what amount of the nett proceeds resulting from the sale of the "Brown tract of land" in the proceedings mentioned (and which was due and owing to Lucy F. Brown who intermarried with Samuel W Eaton and has since died leaving her said husband surviving and the said infant Fayette Eaton her only heirs) should be paid to or drawn out of the fund now invested in the Norfolk city Saving Bank in the city of Norfolk by the said Samuel W Eaton in fee simple in lieu of his life-estate therein and what portion of the said fund ~~should~~ should be paid to or reserved for the said Fayette Eaton.

And as to all other matters the cause is continued.