

1857-019

SOUTHAMPTON COUNTY
CHANCERY PAPERS

LENOW eI aI vs. PEYTON and Wife

11/1857

other surnames: Holland,
Edwards

387

Senow to thes

Bill, aneur
21 3

Pyton swife

1856 Sept. Dura as filed

1857 Aug: Dura.

Cott. g.

To the Worshipful County Court of
Southampton County - In Chancery -
September Court 1856.

Humblly complaining shew unto
your worships your complainants John H.
Frances L., Josephine, and James H. Senow,
all of whom are infants, who sue by their
next friend ~~Edwards~~ Edwards, that James
Senow of the State of Tennessee, departed
this life intestate some years ago, leaving
as his heirs at law four infant children
who are your complainants, and a widow
Indianna H. Senow, who since his death
has intermarried with one Presley R.
Peyton. That the said James Senow died
seized and possessed of a tract of land
lying and situate in this County
containing by estimation one hundred
& seventy five acres, and valued at three
hundred and fifty dollars. That his
said widow is entitled to dower in said
land, and desires that it should be allotted
to her, but is willing that the said land should
be sold out and out including her dower
interest, and such an amount directed to
be paid to her in lieu of her dower interest
as the court shall think proper - Your
complainants allege that a partition of the
said land could not be made amongst
them in kind, and that their interests would
be clearly promoted by a sale of the said
land out and out as abovementioned, and
the proceeds of said sale divided amongst
them - That if dower should be allotted
to the said widow it would render the

said land utterly valueless to them, - that if
their shares in said land should be allotted
to them in kind they would be worth little
or nothing - In tender consideration of
the premises and in as much as your
Complainants are without remedy save in
a court of equity it is prayed that Presley
R. Peyton and Indiana H. his wife,
formerly Senow, be made parties, defendants
to this bill, and that ~~they~~ make to
the allegations thereof. That your wisdoms
will decree a sale of the tract of land
of which James Senow died seized and
possessed lying and situate in this county
containing by estimation one hundred and
seventy five acres, and a division of the
proceeds of said sale according to the
rights of the several parties entitled thereto,
that the dower interest to which the widow
of the said James Senow is entitled to in
said ~~land~~ shall be included in said sale
and that the court shall direct such an
amount to be paid to her in lieu of her said
interest as shall be right & proper, and that
your wisdoms will decree such further and
general relief as may seem proper & equitable,
and they will very truly say

Colt &c.

The answer of Presley R. Peyton & Indiana H. his
wife, formerly Senow, to the foregoing bill -

These defendants, saving themselves, well
knowing of just exception to said bill do say that they
admit the allegations thereof to be true, and that
they have no objection to the decree prayed for
having answered prayer to be dismissed with costs
Presley R. Peyton &c., by Wm. C. C. &c.

John H. Frances L. Josephine and James
H. Senow, infants who are by Allen Edwards
their next friend. Plffs.

vs
Presley R. Peyton & Indiana H. his wife, formerly
Indiana H. Senow - Defts

This day this cause was docketed by
consent of the parties and leave of the Court
and came on to be heard by like Court
on the bill, answer and replication thereto
and was argued by counsel, on consideration
whereof the Court doth adjudge, order and
decree that Irvin Griffin, who is appointed
a special commissioner for that purpose,
after having given at least twenty days
public notice of the time and place of
sale by advertisement at one or more places
in the neighborhood of said land, sell to
the highest bidder on a credit of six
months, the tract of land of which James
Senow died seized and possessed containing
by estimation one hundred and seventy five
acres and lying in the county of Southampton,
including the dower interest which Indiana
H. Peyton, formerly Indiana H. Senow is
entitled to in said land - That he take
bond with approved security from the purchaser
bearing interest from its date, and return
it with his report to this Court in order
to a final decree; and that he reserve
the title to the said land until the purchase
money is paid. But this decree is not to
be executed until the said Irvin Griffin shall
execute a bond in the clerk's office of this Court
in the penalty of \$400, conditioned according
to law.

Levin to the

or

Peyton & wife

Petition of Thomas W.
Hunt Guardian ad
Litem

1857 Aug. Court

The petition of Thomas W. Hunt Guardian to Frances, John Josephine & James H. Senow, to the County Court of Southampton County, in chancery sitting. August Term 1857.

Yr petitioners represents to the Court that in the month of March 1856, he qualified as the guardian at law of Frances, John Josephine & James H. Senow, infant children of James Senow decd. in the County of Shelby & State of Tennessee, & gave bond according to Law. A regular certified copy of his qualification and bond is herewith filed and prayed to be taken as a part of this petition. He states that at the September term of this Court 1856, a decree was rendered in the suit of Senow & others v Peyton & wife for the sale of the real estate to which his said wards were entitled lying in this County - That said sale has been made and he desires that this Court may authorize him to remove the proceeds of said sale to the State of Tennessee where all of his said wards reside. Yr petitioners has given the notice required by Law for the removal of infants' property to another State. That the heirs of his said wards residing in this State are Jacob Senow, Henrietta Holland wife of John Holland & Louisa Holland wife of Joseph Holland, all of whom are willing that said proceeds of sale should be removed. Yr petitioners prays that the Court may grant the removal of said property the will being, pray &c.

Thos. W. Hunt Guardian to
by W. W. Cobb Attorney.

Senow & others

vs

Peyton & wife

This day this cause came on to be again heard, on the papers formally read, on the report of Irvin Griffin Commissioner appointed by a decree of this Court at September Term 1856, to which report no exceptions have been filed, and on the petition of Thomas W. Hunt Guardian to John, Frances, Josephine & James Senow; On consideration whereof the Court confirming the report of the said Irvin Griffin Commissioner, doth adjudge, order & decree that the

clerk of this court deliver to Allen Edwards the bond of
William Branshaw for the sum of \$200, returned by Irvin
Griffin with his report to this court; that the said Allen
Edwards collect the same, and pay to Presley R. Payton
and Indiraiah H. his wife, the sum of \$40, which amount
is in lieu of her dower interest in the trust of land
owed by Irvin Griffin under a decree of this court belonging
to James Senow dec'd; and that he pay the balance to
Thomas M. Hunt Guardian to John, Hannah, Josephine
and James H. Senow who is authorized to receive
the same to the State of Tennessee - But the said
Allen Edwards shall not execute this decree until
he shall give bond in the clerk of this court before the
said clerk in the penalty of \$400, conditions for the
faithful performance of his trust under this decree, and
payable to the Commisary of the State of Tennessee

Memphis Tennessee
January 3. 1857.

Allen Edwards Esq

My Dear Sir

Your favor was
duly received.

Please find en-
closed Appointment bond of Tho^s.
W Hunt ^{your slave} for the heirs of my
brother, which I hope will be
correct & satisfactory.

Send the money in
an eastern check on Phil^a
or New York, or a Certificate
of deposit will do payable
to the order of Mr Hunt.
enclose to me.

We are all well.

Very truly Yrs. J. S. Snow

If Mr Hunt's right is not in proper form tear it off
and send it back with one that is required.

City
~~Town~~ of Petersburg, TO WIT:

THIS DAY personally appeared before me, an Alderman for
the Town of Petersburg, *Albert B. Anthony*

Click off ~~of~~ *Democrat* ~~THE REPUBLICAN~~,
City
~~Town~~ aforesaid, who made oath

that the Order of Publication, of which the annexed is a copy,
has been regularly inserted in said newspaper once a week for
four weeks successively.

Given under my hand and seal, this *12th* day of *August*
in the year of our Lord one thousand eight hundred and

J. B. [Signature] [SEAL.]

Printer's Fee, *\$2.50*

TO ALL WHOM IT MAY CONCERN
--Notice is hereby given that the undersigned
having as guardian at law of Francis, John, Jeph-
thah, and Jas. H. Leggon the infant children of Jas
Leggon dec'd, in the County of Shelby coun-
ty, in the State of Tennessee, will apply to the
County Courts of said Tennessee at its next
term for an order to remove the personal estate of the real es-
tate of the said wards, which has been sold in obe-
dience to a decree of said Court, 1857. Given under my
hand this, the 15th day of June, 1857.

THOMAS W. HUNT,
Guardian, &c.
Je 20-57

To the worshipping Court of Southampton County
I, John Griffin, Commissioner for the sale of
the land belonging to the heirs of
James Lenow &c. under a decree
of the Court of said County
pronounced at its September term 1856

And I, the said
Commissioner beg leave to make the
following report that I did legally ad-
vertise and sell according to the
directions of said decree to the
highest bidder on the 14th day of
March 1857 of which, Willis Brodshaw
became purchaser for Louisa M. Whitney
by bidding the sum of two hundred dollars
all of which is respectfully submitted
this 16th day of June 1857 and that I have
executed a deed to said Willis Brodshaw
all of which is respectfully submitted.

1857 Nov. 9 I have received the bond filed with this report against
William Brundshaw for \$200. due 14 March 1857.

Allen Edwards

Jeffries & Report
Carvers.

1857 July 20.

Transcript

J W Hunt
Guardian of } App. & Bond

James Lenow's Heir's

1857 Aug. 17

9195 am

At a County Court began and held at the Court House in the town of Raleigh for the County of Shelby and State of Tennessee on the first Monday it being the 3^d day of March A.D. 1855 present Hon. A.C. Edwards Chairman, J.W.A. Pettit, J.S. Dickason and J.W. King justices of the Peace in and for said County the following entry appears upon the minutes of said Court, to wit:

Ordered that Thomas W. Hunt be appointed guardian of Frances, John, Josephine, & James Horace Lenow minor heirs of James Lenow deceased, in place of Joseph Lenow their former guardian, whose resignation has been tendered to this Court and accepted; the said Thomas W. Hunt having given bond and security as by law required."

Which said Bond is in the words and figures following, to wit:

State of Tennessee, Shelby County
Know all men by these presents that we Thomas W. Hunt, P.R. Peyton & C.B. Fraser are held and firmly bound unto the State of Tennessee in the penal sum of Two Thousand dollars, for the payment of which 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 3 day of March 1855.

The Condition of the above obligation is such that whereas the above bound Thomas W. Hunt is this day appointed Guardian of Frances, John, Josephine & James Horace Lenow minor heirs of James Lenow deceased, Now if the said Thomas W. Hunt shall well and truly secure, improve and account for all of the Estate that shall come into his possession for the benefit of said minors until they arrive at full age and shall also make his annual settlements of the

receipts, profits and disbursements of the same, as required by law, and in all other things faithfully discharge the duties of his said Guardianship, then this obligation to be void, otherwise to remain in full force and virtue.

T. W. Hunt *(Seal)*
P. R. Peyton *(Seal)*
C. B. Fraser *(Seal)*

State of Tennessee

Shelby County } I John P. Tresevant Clerk
of the County Court of said County do certify the foregoing to be a full, true and correct transcript of the minutes of said Court appointing Thomas W. Hunt Guardian of the minor heirs of James Senow dec^d together with the Bond of said ~~James~~ Thomas W. Hunt as such Guardian given on the 3^d day of March A.D. 1856, as the same appear of Record and on file in my Office. In testimony whereof I have hereunto subscribed my name & affixed the seal of said Court this 29th day of December A.D. 1856

John P. Tresevant
Clerk

State of Tennessee } I Sylvester Bailey Judge of
County of Shelby } the County Court of said
County do Certify that John P. Tresevant whose
genuine signature appears to the foregoing
Certificate is and was at the time of signing the
same Clerk of said Court duly elected ~~Clerk~~
and qualified and that due faith and
credit are his acts as such. Given under my hand
and seal at office December 31st 1856 Sylvester Bailey *(Seal)*
Judge

\$200.

Memphis Tennessee January 3^d 1857.
Received of the County Court of Southampton
County Virginia Two Hundred Dollars the
amount of sale for a tract of land in said
County belonging to the heirs of James Senow
dec^d sold by a decree of said Court

Teste.

J. S. Senow.

T. W. Hunt

Guardian of his Int. Senow

Know all men by these presents that we Allen Edwards & John P
Boyer are held and firmly bound unto the Commonwealth
of Virginia in the sum of Four hundred 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 9th day of Nov. 1857

The Condition of the above obligation is such that whereas by a decree of the
County Court of Southampton County made on the 17th day of August 1857
in a suit therein pending between John H Lenoir & others infants &c. plaintiffs
against Presley R Peyton & Wife Defts the above bound Allen Edwards was
appointed Commissioner for certain ^{purposes in the said} decree set forth. Now if the said
Allen Edwards shall faithfully perform his trust under the said decree
then the above obligation to be void otherwise to remain in full force & virtue

Witness

Allen Edwards (Seal)
John P Boyer (Seal)