

JOHN J. CATER & WIFE vs B. A. Roberts, et al
Partition Proceedings. Filed Oct. 30, 1856.

The petitioners, John J. Cater and Almedia A., his wife, in their petition allege that on (blank date), 1845, TARLTON BROWN died in Farmwell District leaving a will dated 9 June 1842, and by the 7th clause thereof did devise to his daughter Frances C. Peyton, wife of Wm. H. Peyton, "and the heirs of her body", one-half of his homestead property on the east side of Lower Three-Runs consisting of several tracts and containing 110 acres more or less, and the other half was bequeathed to testator's son Austin B. Brown and the heirs of his body. Said Austin B. Brown after the birth of issue to him, conveyed his moiety in said lands on March 6, 1847 to sd. Wm. H. Peyton. Said Frances C. Peyton died (blank date) survived by her said husband Wm. H. Peyton and following children:

Sarah F. Way then the wife and now the widow of Charles C. Way,
Mary V. Roberts wife of Berlin A. Roberts,
Francina B. Dewitt wife of Charles H. Dewitt,
Frances S. Peyton,
Josephine Peyton,
and, Pauline P. Peyton, (GA)
and, William W. Peyton.

The said Frances S., Josephine and Pauline P., are minors. On the 4 June 1845, Richard W. Walker, Sheriff of Farmwell District sold at public sale all the right and interest of said Wm. H. Peyton in said land to petitioner, John J. Cater for \$1615.00. The said Austin B. Brown now has two children, Eliza and Laura Brown, both minors. It is alleged that said Berlin A. Roberts, Mary V. Roberts and William W. Peyton are non-residents of the State of South Carolina.

EXHIBIT "A": (attached to petition) Copy of Last Will and Testament of Tarlton Brown dated 9 June 1842, probated 19 Sept. 1845; he directed that his body be buried in the Baptist Churchyard at Boiling Springs and the grave be marked. He bequeaths to his

grandson; Raymond R. Dopson,
Granddaughter; Sarah F. Peyton,
daughter; Frances C. Peyton, wife of Wm. H. Peyton,
s.i.law : Wm. H. Peyton,
My son, : Austin B. Brown,
My son, : Wm. D. Brown,
My son, : Lewis M. Brown,
daughter; Almedia, widow of Preston Harley, deceased.

Service of the proceedings was perfected by publication on William W. Peyton*, B. A. Roberts and Mary V. Roberts, Austin B. Brown and Eliza and Laura Brown, non-residents of the state. The court ordered the lands sold for division, and same was sold January 1858, to John J. Cater for \$1005.00.

*Wm. W. Peyton (above) resided at Stockton, Clinch Co. Ga., about 1860/65, and was Justice of Peace there.

(Folks Huxford: Court of Equity Records of Farmwell District, S. C.: Vol. II, pp52-53).