

1831-007

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BRANCH VS. DAVIS etal

6/1831

other surnames: Gay

494

Branch

✓
Davis etc

} Bell

1827. Aug. restraining order
home kept & over publications
about Sept. to November Court
Sup. of Cop

to the worshipping the County Court of Southampton
in Chancery sitting. Humbly complaining sheweth
unto your worship, your Orator Lewis A Branch - That
a certain Newcome Davis who is since dead. was in his
lifetime justly indebted to your Orator in the sum of
for board of himself & horse by your Orator from
sometime in the early part of October. (say between the
first tenth) 1820 to the 5th March 1822. being about
one year & five months. - That the said Newcome Davis
departed this life in the Spring day of 1823 without having
paid to your Orator any part of the same. the whole
amount remaining due. except so far as this. that it
is believed by your Orator that the said Newcome Davis
held a bond executed to him by your Orator a considerable
time previously to the first of October 1820 for a small
amount upon which also there had been some payments
made before the said bond commenced - the balance
due on which was intended to go as a credit to the
account of your Orator. - tho it is believed that it would
be a very small one. which said balance your Orator
is now willing to credit on his account. if the said
bond is produced so that the said balance can be
ascertained tho it is believed to be very trifling. -

That a certain Isaac Davis brother to the said Newcome
is also indebted to the said Lewis A Branch your Orator
in the sum of \$ for boarding the said Isaac
Davis and his horse by your Orator from sometime in the

first part of October. (Day between the 1st & 10th) 1822 to November 9th 1823 being about one year & one month or a little more for the amount etc of both which ~~debt~~ ^{debts} ~~is~~ ^{are} in hand.

to the two accounts herewith filed of the same and prayed to be taken as a part of this bill. That the said Newome Davis' estate was unrepresented from the time of his death which occurred as before stated in the spring of 1823 until

County Court of Southampton in the year 1826, when the said New Davis in the said Court qualified as the adm^r of the said Newome Davis and shortly after that time as your orator has been informed & believes separated from this Commonwealth neglecting & refusing to pay or settle either of the said debts. That the said New Davis as your orator believes was permitted to qualify as the adm^r as aforesaid without giving any security and that the said New Davis is at this time & likely so to remain an inhabitant of the State of Indiana from which facts it must be obvious that your orator cannot recover either of the said debts (the justice of which he is abundantly able to prove) without the assistance of this honorable Court as hereafter prayed.

That a certain Mon Branch as your orator has been informed is indebted to the said Newome Davis' estate or to the said New Davis or to both & has executed a deed in trust to a certain Cary Gay conveying certain property to secure the payment of the same. That a certain George Branch is indebted to the estate of the said Newome Davis in the sum of \$ ^{both which} debts the said New Davis either individually or as the

adm^r of Newome Davis is seeking by suit or otherwise to collect. which if this honorable Court should permit your orator will in all probability lose both his demands. inasmuch as the said New Davis is not an inhabitant of this Commonwealth and the ordinary process of law cannot be served on him. That Mon Branch & George Branch are inhabitants of the State of Va^a and County of Southampton. To the end therefore that your orator may be relieved in the premises it is prayed that New Davis individually & as adm^r of Newome Davis dec^d Mon Branch, George Branch and Cary Gay be made defendants hereto & that the said Mon Branch be compelled to state distinctly whether he owes any thing & what amount either to New Davis or to Newome Davis' estate, & to which whether it be due by bond or not & whether the same be secured by deed in trust or otherwise - that the said George Branch be compelled to answer whether he owes any thing to New Davis or to the estate of Newome Davis & in what amount. That the said Cary Gay answer as to the circumstances of the said deed in trust ^{& whether he in any manner owes to or has any effects of New Davis} whether he be the trustee or not. and that the Court restrain the said Cary Gay from proceeding on the said deed in trust or from paying over any money or effects in his hand to the said New Davis & the said Mon Branch & George Branch from paying away any money or effects in their hand, belonging to the said New Davis or Newome Davis' estate. and that all process

ing. in any suit by the said Drew Davies to compell
the payment of the same. be forbid. that the Court
grant the Com^{rs} writ of Subpoena restraining &c
the usual order of publication & such general relief
in the premises as may seem equitable & just
& as in duty lie — Lewis N Branch.

This day personally appeared before me a justice of the
peace for the County of Southampton Lewis N Branch
who made oath to the truth to the allegations in
this bill contained given under my hand this 28th day
of August 1827. Benj Griffiths

1827 November 19 The within ^{answer} ~~to~~ sworn to by John Davis
JH Edwards

Davis

et al } ans.

Branch

1827 Nov. ans. filed. Com. given &
next order set aside.

Marion

Deeds Com: to take depositions of

Cont^d 11A June 1831.

In the month of the County Court of Southampton
sitting in Chy.

The answer of Drew Davis, to the bill of Com-
plaint exhibited against him, as well in his
individual character, as in his character of
Adm. of Neusome Davis dec'd by Lewis A. Branch.

This Respondent saving d. for answer to the
material allegations of the said bill says,
That it is true, he has qualified as adm. of
the estate of Neusome Davis, who died in the State
of Indiana, which is in this Commonwealth
That in consequence of your Respondent having
given ample security, for his adm. of the said
estate, in the proper Court in Indiana, no
security was exacted from him - ^{here by 9th of 1871} - That he does
not admit, that one cent is due to the ~~camp~~
from his decedent - but thinks that he will
satisfy your worships, that such is not the fact
He avers, that a short time previously to the
departure of Neusome Davis from Virginia
perhaps on the very morning of his departure
and after he had sojourned at his house, the
Plff & the said Neusome had a settlement
of their acc't no other evidence of which
has fallen into his hands, than the bond to
which the Plff alludes in his bill, which
is herewith exhibited, and an acknowledgment
or promisory note given by the said Branch

to the said ~~Neurose~~ Davis - which note or due bill
falling into your Respondent's hands, ~~it was~~ was
by him brought into Virginia, presented to the
said Branch, who paid it off without preten-
ding to have any set off agst it, or any de-
mand agst the 1st Neurose - That this paper
it is believed & charged is now in the 5th Branch's
possession - and your Respondent maintains con-
cludes him from the claim which he now sets
up -

That in regard to ~~the~~ acct which he sets up
against your Respondent individually, your
Respondent admits that he staid at the Plff's
house for some of the time, say about eleven
months - but claims that the Plff certainly
ought not to be paid for the board of his
horse because the Plff had the use of her
services for a good portion of that time - and
that his own board sh^d be reduced in conside-
ration of some services which y^r Respondent
rendered in person -

This Respondent having fully answered, prays
that the restraining order granted the Plff
in this behalf, may be removed, and your
Respondent permitted to go on with the col-
lection of his money - and the said Bill
be dismissed &c -

To restrain the Defendants Orson Branch, George
 Branch & Cary Gay from paying, conveying away
 or secreting the debts by them owing to, or the effects
 in their hands of the defendant Drew Davis individu-
 ally or as Administrator of Newsum Davis dec.
 And also to injoin the said Cary Gay from proceeding
 on a deed in trust executed by Orson Branch to the
 said Gay as trustee to secure the payment of a debt due
 from said Orson Branch to Drew Davis individually
 or as admor. of Newsum Davis, until the further order
 of the Court to the contrary. Teste Jas. Rockelle Clk

Branch

in Gallop's & Rest. order

Davis & L

1827 & November Court

Executed

William Edward & L. Dwyer
 James Claxton Sheriff

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of *Southampton* County—Greeting;

WE command you to summon *Brew Davis individually and the said Brew Davis as. Adm'r*
of Nassau Davis ac.? *Orson Branch, George Branch and Mary Gay*

to appear before the *Judges* of our *County* Court of *Southampton* at the
Courthouse on the *first* day of *November* term next, to ~~testify and the truth to speak on~~
~~behalf of~~ *to answer a Bill in Chancery exhibited* ~~in a certain matter of con-~~
~~troversy now depending and undetermined, between~~ *against them in our said Court by*
Lewis N Branch ~~Plaintiff~~ and

~~Defendant~~ ,
and this *they* shall in no wise omit, under the penalty of £100—And have then there this writ.—

Witness, *James Rochelle* Clerk of our said Court, at his office, the *22^d* day
of *August* 1827, in the *32^d* year of the Commonwealth.

James Rochelle

November the 29- 1817 To cash Paid
Thirty five Dollars and Sixty Cents
Which is a credit on this Bond
March the 11- 1820 Received Seventeen
Dollars of the within Arther Newson Davis

James Brown
to 3 mts
F 34-10-4

On demand I promise to pay to or to the order of
or to his heirs or assigns the true & just sum
of Thirty four pounds Ten shillings lawfull money of
Va, for Value Received which I bind myself my heirs
Executors &c in the penal sum of Sixty nine pounds
like currency as witness my hand & seal this 4th
day of March 1815-

Witness

Lewis A. Bromfield

Attest
" " " " " "

Know all men by these presents that we Drury Davis, Cary Gay, Geo. G. Gray, and Robert Murray are held and firmly bound unto Lewis A Branch in the Just and full sum of six hundred and ninety dollars current money of Virginia To the payment whereof well and truly to be made we bind ourselves and each of us our and each of our heirs executors & administrators jointly and severally firmly by these presents sealed with our seals & dated this the day of November 1827

The Condition of the above obligation is such that whereas in a suit in chancery depending in the County Court of Southampton between the above named Lewis A Branch plaintiff against the above named Drury Davis individually and as Administrator of Newson Davis dec'd, Orson Branch, George Branch & Cary Gay Defendants, the said Drury Davis who is not an inhabitant of this County, has been permitted to file his answer on giving security for performing such decrees as may be made in the said suit

Now if the said Drury Davis his Executors or Administrators shall obey and perform the order of the Court which may be made in the suit aforesaid then this obligation to be void otherwise to remain in full force and virtue

Drury Davis Seal
Cary Gay Seal
Geo. G. Gray Seal
Robert Murray Seal