

1842-013 SOUTHAMPTON COUNTY
CHANCERY PAPERS

ANDERSON VS. TRAVIS etal

4/1842

Other sURNAMES: Branch,
Andison

Anderson

x } Papers

Travis &c.

1841. Aug. Bill filed & Pub. by
Travis &c. Ex. or Dillon.

" Oct. Set for hearing as to Ex. Dillon
" Term. Continued.

1842 Apr. O'Beallo app^r Trustee

1842 Apr

Olke. Costs	\$ 4.07
W. J. J. —	2.00
Or. Pub. —	5.50
Law fee —	16.16
W. J. J. —	73
	\$ 28.98

S.C. 24

Burkett

Townes

Anderson

v. 3 Bill in cas.

Travis &c.

To the Honorable Richard H. Baker Judge
of the Circuit Superior Court of Law & Chancery
for Southampton County.

Humbly complaining sheweth unto
your Honor your orator James M. D. Anderson of
the Town of Petersburg. That one Edwin Travis being
indebted to your orator did by deed in trust dated
the 6th of January 1836 & duly recorded in the Clerk's
office of Southampton County (which deed marked
A is herewith filed & prayed to be taken as a
part of this bill) convey to one Lewis N. Branch
as trustee a certain tract of land lying in South
ampton County containing by estimation seventy
three acres. That since the execution of the said
deed, the said Edwin Travis hath removed from
this State, leaving the debt due to your orator
wholly unsatisfied. That the trustee Lewis N. Branch
hath departed this life. That administration
of all & singular the goods & chattels rights &
credits of said Branch hath been by the County
Court of Southampton committed to Thomas
Bretton, sheriff of said County. That in conse-
quence of the death of the said Lewis N. Branch
your orator is prevented from enforcing the
payment of his debt under the deed. In consi-
deration of all which, and inasmuch as your
orator is remediless save in this Honorable
Court, where matters of this kind are alone
cognizable & relievable. To the end therefore
that the said Edwin Travis, & the said Thomas
Bretton sheriff & as such adm^r of Lewis N.
Branch may be made parties to this bill, &
required true & perfect answers to make to the
allegations herein contained. and that your Ho-
nor will appoint some fit & proper person in the
stead of the said Lewis N. Branch, with the same
powers as are conferred by the deed on the said
Branch, for the purpose of carrying into effect the
stipulations & provisions of said deed. and that
your Honor will grant such other relief as equity
shall dictate, or the nature of his case require.
May it please your Honor to grant &c. And
your orator as in duty bound will ever pray &c.

Birchett pg
J. W. W.

Anderson
24
Harris Jr } Mine

Andrew
vs
Harris &c } Moore

The defendant Edwin Harris who is out of this country, and against whom the Pff appears to have proceeded in the mode prescribed by law against absent defendants, still failing to appear and answer; and the Sp^a awarded in this cause, being returned executed on the defendant Tho^s Pretlow sheriff &c as such agent of Lewis N Branch dec^d and he still failing to appear and answer, altho two months have elapsed as well since the Pff filed his bill, as since the service of the Sp^a upon the said defendant. - On motion of the Pff his bill is taken for confessed as to the said defendant Edwin Harris and Tho^s Pretlow sheriff &c. - And the cause coming on to be heard on the bill and exhibits, was argued by counsel. On consideration whereof the court doth appoint Edward Brath Trustee to the deed of the 6th Jan'y 1836 in the place of Lewis N Branch dec^d with the same powers as are conferred by the said deed upon the said Branch dec^d.

Anderson

v } Or. Pub.

Travis &c

Copy posted at L^d. House door

Aug 9th 1841

L.R.C.

At Rules holden in the Clerks Office of the Circuit Superior Court of Law & Chancery
for the County of Southampton on the first Monday in August 1821-

James Mc D Anderson

Deft:

against
Edwin Travis & Thomas Proctor Sheriff & as such administrators of Lewis W Branch dec'd Defts:
In Chancery-

The defendant Edwin Travis not having entered his appearance and given security according
to the act of Assembly and the Rules of this Court and it appearing by satisfactory evidence
that he is not an inhabitant of this County, it is ordered that the said defendant do appear
here on the first day of the next Term and answer the bill of the plaintiff, and that a copy
of this order be forthwith inserted in some newspaper published in the Town of Petersburg
for two months successively and posted at the front door of the Courthouse of this County.

Attest Teste. L. R. Edwards Clk

C.S.C

Anderson

~ } Sp^a in bdy

Chavis & Co

1841 August Rules

Per

Executed upon
Thos Rutlow Sheriff

N. M. Selville Cor.

THE COMMONWEALTH OF VIRGINIA,

To the ^{Coroner} Sheriff of Southampton County, Greeting:

We command you that you summon

Edwin Travis & Thomas Pullon
Sheriff of Southampton County to whom has been committed
the administration upon the estate of Lewis A. Branch
dec.

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County
of Southampton, at the Rules to be holden for the said Court on the first Monday in August
next, to answer a Bill in Chancery exhibited against them in the said Court by

James M. D. Anderson

And unless they shall answer the said Bill within ^{Two} ~~four~~ months thereafter, the Court will take
the same for confessed, and decree accordingly. And this they shall in no wise omit, under
the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk
of our said Court, at the Court-house, the 7th day of July 1841, in the
65th year of the Commonwealth.

L R Edwards Clk

[One Copy to be delivered each Defendant.]

Anderson
vs
Travis &
Order of Putnam

1842 Jan 15th

N CHANCERY: VIRGINIA.—At Rules holden in the Clerk's Office of the Circuit Superior Court of Law and Chancery for the county of Southampton, on the 1st Monday in August, 1841:

James McD. Auderson,

Plff.

AGAINST

Edwin Travis, and Thomas Pritlow, Sheriff and as such Administrator of Lewis N. Branch, dec'd.,
Defts.

The defendant, Edwin Travis, not having entered his appearance and given security according to the act of Assembly and the rules of this Court, and it appearing from satisfactory evidence that he is not an inhabitant of this Country: It is ordered that the said defendant do appear here on the first day of the next Term, and answer the bill of the Plaintiff, and that a copy of this order be forthwith inserted in some newspaper published in the town of Petersburg, for two months successively, and posted at the front door of the Courthouse of this county.

A copy—Teste,

L. R. EDWARDS, c. c.

aug 12

Town of Petersburg to wit.

Personally

appeared before me (an Alderman of said Town) John Hanwood Clerk of the Intelligencer Office, and made oath that the aforesaid Order of Publication has been published, for eight successive weeks, under my hand this 14th Day of December 1841.

James B. Cogbill A.D.
J.B.C.

Printers fee \$5.50

Travis

to

Anderson's trustee

} Deed of
Trust

1836 Jan'y 6th Ac'd by Travis & AR
" " 18th Enacted upon the
proceedings of the day.

Recorded & Exam'd.
page 537 L.R.E.c

Anderson

"

Travis &c

} Ex. with bill

Exhibit

a

1161A

This Indenture Made this Twenty fifth Day
of November one thousand Eight hundred and thirty
five Between Edwin Travis ~~of~~ the County of Southampton
and State of Virginia of the one party and James M D
Anderson of the County of Dinwiddie ~~County~~ and Lewis A Branch
= of the other part ^{of the County of Patrick} witnesses for consideration of one
Bond of one hundred and sixteen Dollars and fifty cents
due James M. D. Anderson from the first Day of January
Eight hundred and thirty three and an other Bond
of Seven Dollars and twenty three Cents on Demand the
Same Date, to the Said James M. D. Anderson the Said
Edwin Travis hath Bargain and Sold a certain tract
or parcel of Land Lying in the afore Said County by
Estimation Seventy three acres more or less Bounded as
Follows to weth: By Lewis A. Branch Benjamin Travis
Henry Boothe Together the Said James M. D. Ande-
= son his heirs or assigns for ever but the intent and
meaning of this indenture is that Said Edwin Travis
Stand indebted to the Said James M. D. Anderson the
above named Sum of Money to be paid on or Before
the fifteenth Day of April next ensuing with Interest
there on and the Said Edwin Travis is willing and Desir-
= ous the Said Sum of money Shall be paid unto the Said
James M. D. Anderson his heirs or assigns &c now
if the Said Edwin Travis his heirs or Executors &c
do and Shall and truly pay or cause to be paid
unto the Said James M. D. Anderson his heirs or

Executors and the above Sum of money on or before the fifteenth Day of April next ensuing together with all the Contingent Charges attending at the same time the above indentures to be avoided of more or more effect but if the Sum of Money with interest and the Contingent Charges shall not be paid on or before the fifteenth Day of April next ensuing then the above named Lewis & Branch may Enter upon and possess the above mentioned property and make Sale thereof at public auction for Ready money on giving ten Day previous notice and pay the Said James M. S. Anderson the above named Sum with Interest there on until paid together with all Contingent Charges attending the same and the balance (if any) pay the Said Edwin Travis his heirs or Executors or assigns in or out of the Said parties have set their hands affixed their Seals this day and year above written Signed and Sealed and Delivered in the presence of

Witness
John H. Booth

1836 Jan 6th

Edwin Travis Seal
James M. S. Anderson Seal

Lewis Branch Seal

Benjamin H. Genois

Elbert Branch

Southampton County. In the Clerk's office January 6th the 6th day of January 1836

This indenture was acknowledged by Edwin Travis a party thereto and as to him admitted to record. And at a Court held for the County ^{as above} January 18th 1836 the said indenture was entered upon the proceedings of the day.

Teste, L. R. Cawaras