1856-004 SOUTHAMPTON COUNTY CHANCERY PAPERS

BRANCH'S ADM'R. VS. WARREN et al

5/1856

other SURNAMES: Brittle, Everett, Kello

~~26.~~ 7 14

Branches acon

w: [illegible] Bapes.

Bates adv:
Warren &c

1856 May 5

Branches adm.
v. } Stat: Rules

Bills &c.

Clk.	5.~~47~~
Staff	1.50
3 mw. &c.	15.75
	22.42

William L Everett Sheriff and as such administrator admor. de bonis non of Lewis N Branch dec?

against

John L Warren. Samuel Hellen Sheriff &c as such admor. of James Brittle dec? James Brittle. and Sally Brittle

1854 July 18th Summons issued returnable to September Rules.
" Sept. Rules. Summ? ret? Executed. Bill filed & Decree Nisi v. Defts.
" Oct. 1st Monday. " Bill taken for confessed
" " (last Monday) Cause set for hearing &c
" Nov. 7. Trustee appointed by decree for Sale.
1855 July 2? Report.
1856 May 5. Decree abs?

Branch's admr.
vs 3/3 Bill -
Warren Cols.

1854 September Rules

To the Hon: Richard B. Baker, judge of the Circuit Court of Southampton County. In Chancery.

Humbly complaining, your complainant William L. Everett Sheriff and as such a Dmr. de bonis non of Lewis St. Branch dec'd represents to the Court that on the 1st day of March 1833, James Brittle of the County of Sussex being indebted to your complainants' intestate Lewis St. Branch in the sum of two hundred dollars due by bond and carring interest from the time aforesaid, (which bond is herewith filed and prayed to be taken as a part of this bill) executed a deed to John L. Warren trustee, on the day and year aforesaid which deed was duly recorded in the Clerk's office of the County Court of Southampton, (a copy of which is herewith filed and prayed to be taken as a part of this bill) by which said deed he conveyed to the said Warren trustee as aforesaid, a certain tract of land lying and situate in the County of Southampton containing sixty two and a half acres, to secure the payment of the said bond of $200,00 due the said Lewis St. Branch. That the said deed gave to the said Warren trustee as aforesaid, authority to sell the said land when required by the said Lewis St. Branch — That Lewis St. Branch departed this life intestate some years ago, and at the term of the County Court of Southampton 1843, his estate was committed to the hands of your complainant, Sheriff of said County. That James Brittle has departed this life in the County of Southampton and his estate committed to the hands of Samuel

Kells Sheriff of Southampton - That he died intestate leaving no estate whatever except the said tract of land, and that his heirs at law are James Brittle and Sally Brittle - Your Complainant further represents that the said bond of $200. secured by the deed aforesaid is still unpaid, and at the time the estate of his intestate was committed to his hands and ever since that time the said John L. Warren trustee in said deed, resided in the County of Mecklenburg, and although your complainant has made frequent applications to him to sell under the said deed of trust, he has wholly failed, & refused to comply with his request - In tender Consideration of the premises and inasmuch as your Complainant is without remedy save in this honorable Court, it is prayed that John L. Warren, Saml. Kells sheriff and as such admr. of James Brittle dec'd. James Brittle and Sally Brittle be made parties defendants to this bill, and that they be compelled to answer it as fully and particularly as if they were specially interrogated. That your honor will decree that the said John L. Warren, or the sheriff of this County, shall be compelled to sell the tract of land conveyed by James Battle to John L Warren trustee, to secure a bond of $200. due to Lewis M. Branch, by deed bearing date March 1st 1833, and duly admitted to record May 20th 1833, and out of the proceeds of said sale pay to your complainant the sum of $200. with interest from the 1st day of March 1833, and that your honor will decree such further and general relief as equity may dictate, and as in duty bound they will ever pray &c.

Cobb & G.

Branch adm
vs 3 Decem
Warrington

To be entered
R. L. B.
Nov. Co. 54

Branch's adm'r.

vs

Warren & others

It being suggested that since the commencement of this suit the plaintiff has departed this life, on motion of Wm. W. Cobb adm'r. de bonis non of Lewis H. Branch dec'd, it is ordered that the suit be revived and proceed in his name, and the bill of the complainant having been taken for confessed at the rules as to all the defendants and they still failing to appear and answer the cause came on to be heard on the bill and exhibits therewith filed, and was argued by counsel, on consideration whereof the court doth adjudge, order and decree that the Sheriff of Southampton County, after giving at least twenty days notice of the time and place of sale by public advertisement at the court-house of said county, and at other public places in the neighborhood of said land, sell to the highest bidder for cash, on the premises, the tract of land containing sixty two and a half acres, conveyed by James Brittle by deed of trust bearing date the 1st. day of March 1833, and duly admitted to record in the clerk's office of Southampton County court on the 20th. day of May 1833, to John L. Warren trustee, to secure the sum of $200. due from the said James Brittle to Lewis H. Branch by bond bearing date the 1st. day of March 1833, and out of the proceeds of said sale after paying the costs of this suit and the expenses of this decree and said sale, pay to Wm. H. Cobb adm'r. de bonis non of Lewis H. Branch dec'd. the sum of $200. with interest thereon from the 1st. day of March 1833, and the balance if any to Samuel Ellis Sheriff and adm'r. of James Brittle dec'd. and make report thereof to this Court in order to a final decree. And the court doth further order that the said Sheriff upon payment of the purchase money for the said land shall execute a deed to the said purchaser with special warranty.

Circuit
Southampton County Court. November Term, 1851.

Wm L. Everett Sheriff and as such Admr. de bonis non of Lewis N. Branch dec'd Plff

against

John L. McLawsn, Saml. Kello, Shff & as such Admr. of James Bittle dec'd. James Bittle & Sally Bittle, Defts.

It being suggested that since the commencement of this suit, the plaintiff has departed this life, On motion of Wm L. Cobb, Admr. de bonis non of Lewis N. Branch dec'd it is ordered that the suit be revived and proceed in his name, and the bill of the complainant having been taken for confessed as to all the defendants and they still failing to appear and answer, the cause came on to be heard on the bill and exhibits therewith filed and was argued by Counsel. On consideration whereof, the Court doth adjudge, order and decree that the Sheriff of Southampton County, after giving at least twenty days notice of the time and place of sale by public advertisement at the Courthouse of said County, and at other public places in the neighborhood of said Land, sell to the highest bidder for cash on the premises, the tract of land containing Sixty two and a half acres conveyed by James Bittle by deed of mort. bearing date the 1st day of March 1833, and duly admitted to record in the Clerks office of Southampton County Court, on the 20th day of May 1833, to John L. McLawsn trustee, to secure the sum of $200. - due from the said James Bittle to Lewis N. Branch by bond bearing the 1st day of March 1833, and out of the proceeds of said sale after paying the costs of this suit and the expenses of this decree, the said sale pay to Wm L. Cobb, Admr. de bonis non of Lewis N. Branch dec'd the sum of $200. - with interest thereon from the 1st day of March 1833, and the balance if any to Samuel Kello Sheriff and Admr of James Bittle dec'd, and make report thereof to this Court in order to a final decree. And

the Court doth further order that the said Sheriff upon payment of the purchase money for said land shall execute a deed to the said purchaser with Special warranty.

Test.

Henry S. Howard, D.C.

Clks cost // 5.17 p. JR Edwards
Stff " 1.50
Sam & " 15.75 p. W. W. Cobb Atty.
// 22.42

50, 15

Brandis adm.
vs
Brandis trustee

To be entered
R. H. B.
May 3d. 1856

Britt &c Branch adm &c,

This day this cause came on to be again heard on the papers formerly read, and on the report of Samuel Hill Sheriff of Southampton County made in pursuance of a decree made in this cause at November term 1854, to which report no exceptions have been filed, and the court confirming the same doth adjudge, order & decree that Wm. W. Cobb admr. de bonis non of Lewis N. Branch dec'd, out of any assets of his intestate in his hands pay the costs of this decree —

Branches adm

v. Suns Chy.

Brittles admor &c

1854 September Rules

Executed by delivering a
copy to each. Sept. 9th 1854

A. J. Hills Dept. Sh
Hills Shff

The Commonwealth of Virginia:

To the Sheriff of Southampton County, Greeting:

We command you to summon Saml Kello shff & admor. of James Brittle dec'd & James Brittle

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 September next to answer a bill in Chancery exhibited against them & others in our said Court by

~~Edwards de Batts admor. of Lewis H Brandon dec'd~~ William L Everett late Sheriff of Southampton County & admor. de bonis non of Lewis H Brandon dec'd

and have then there this Writ. *Witness*, LITTLETON R. EDWARDS, Clerk of our said Court, at the Courthouse, this 18th day of July 1854 in the 79th year of the Commonwealth.

L R Edwards clk

The Commonwealth of Virginia: Supra

To the Sheriff of ~~Southampton~~ County, Greeting:

We command you to summon Sally Brittle

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 September next — — to answer a bill in Chancery exhibited against her & others — in our said Court by —

~~Edwards Butts admr. Lewis N Branch dec'd~~

William L Everett late Sheriff & admr. de bonis non of Lewis N Branch dec'd

and have then there this Writ. *Witness*, LITTLETON R. EDWARDS, Clerk of our said Court, at the Courthouse, this 18th day of July 1854 in the 79th year of the Commonwealth.

L.R. Edwards clk

I did on the 7th day of August 1854.
deliver to Sally Brittle a copy of the within
summons —

Wm Harrison (Sh'ff)

Brunswick ss.
To Summ. Ctty.
Brittles ats

Branches &c.

28.

Summ. Chy

Brittles &c

1851 September Rules

Executed 28th July

1852

Mecklenburg

The Commonwealth of Virginia:

To the Sheriff of ~~Southampton~~ Mecklenburg County, Greeting:

We command you to summon John L Warren

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 September next — — to answer a bill in Chancery exhibited against Innis & others — in our said Court by

~~Edwards Butts admr of Lewis N Branch dec'd~~
William L Everett late Sheriff of Southampton County & admr. de bonis non of Lewis N Branch dec'd —

and have then there this Writ. *Witness*, LITTLETON R. EDWARDS, Clerk of our said Court, at the Courthouse, this 18th day of July 1854 in the 79th year of the Commonwealth.

L R Edwards cc

Branches adm:

v & Sheffs. Report

Warren & others

1855 July 2d.

In pursuance of a Decree of the County Courts of Southampton pronounced at the November Term 1854. in the case Wm A. Everitt Shff & as such admr &c de bonis non of Lewis A Branch dec'd Pltff: against Jno C. Warren & others Defts: I did on the 23 day of December 1854 at usual & due to the highest bidder for Cash the Tract of Land in the proceedings mentioned and James E, Britton became the purchaser for the sum of $50.25. and after deducting the costs as directed, say $ 27.42 I paid to Wm W. Cobb admr de bonis non of Lewis A Branch dec'd the sum of Twenty Two Dollars & Eighty three cents, as his rect. herewith filed will show.

Respectfully submitted

Samuel Kello Shff.

Rec'd of Saml. Kello Sheriff the sum of $22.83 in full of the balance due after deducting costs &c

Wm W. Cobb admr &c.
d. n. of Lewis A. Branch
dec'd.

L. Butler's Note
To Branch $2000.

Exhibit A.

On demand the first day of march
next I or I shall oblige my Self - my heairs
& to pay unto Lewis W Branch his heairs &
the just and full Sum of two hundred
Dollars Lawful money of Virginia &
being for Value Rec'd as witness my hand
hand and Seal this twenty-th day of
February eighteen hundred and thirty
three

Witness
John L Warren

James Baillie (Seal)

Brittle

to } Deed Trust

Branches Trustee

Mosby

This Indenture made and entered into this first day of March in the year of our Lord one thousand eight hundred 33. between James Brittle of Sussex Ct. of the first part John L. Warren of the County of Southampton of the second part and Lewis N Branch of the County of Southampton of the third part. and all of the State of Virginia. Witnesseth that the said James Brittle for and in consideration of the sum of two hundred dollars which said Sum is due from the said James Brittle to the said Lewis N Branch by bond. bearing date first day of March one thousand eight hundred and thirty 3 as well as all other monies which may be due and owing from the said James Brittle to the said Lewis N. Branch by means of any dealings, transfer of debts or paper whatever, as also for and in consideration of one dollar to him in hand paid by the said John L Warren the receipt whereof the said James Brittle doth hereby acknowledge, hath granted, bargained Sold. and by these presents doth hereby grant, bargain, Sell, and convey and make over unto the said John L Warren and his heirs forever all his right and interest in the following property to wit. A certain tract or parcel of land lying in the County of Southampton and State of Virginia, containing by estimation Sixty two an half acres bounded as follows beginning at Harrison Gays line thence along the said Gays line to Jesse Barrels line, thence along the said Barrels line to Lewis N Branches line and thence along the said Branches line to Claiborne Brittles line. thence along the said Brittles line to the beginning, and one Sorrel mare. belonging to the said James Brittle To have and to hold with all the rights and interest of the said land and mare herein conveyed or intended to be conveyed to him the said John L Warren his heirs and assigns forever. Upon this Special trust Nevertheless, that the said John L Warren upon being thereto required by the aforesaid Lewis N Branch Shall proceed to Sell all the right and interest of the said James Brittle to the above named land and mare hereby conveyed, or intended to be conveyed, after advertising the time and place in the said County of Southampton for ten days previous at some public house or Store for cash, and out of the money arising out or from the said Sale, in the first place pay and Satisfy all costs attending the said Sale. as well as the expense attending the said conveyance. and then pay off the bonds aforesaid with interest as well as well as all other monies which may may appear to be due and owing from the said James Brittle to the said Lewis N Branch by means of any dealing transfer or debts or papers of whatsoever, and the Surplus, if any, pay to the said James Brittle. And the said James Brittle for himself, his heirs. Executors and Administrators the right and title of the said land and mare unto the said John L Warren his heirs and assigns forever doth hereby warrant and defend, against the lawful claim or claims of him the said James Brittle his heirs. Executors and Administrators, and against all and every other person or Persons whomsoever: And the said John L Warren on his part covenants and agrees that he will make Sale of the interest hereby conveyed for the best price he can obtain for the

Same, after advertising the time and place for ten days previous at some public house or Store in the said County, and with the monies arising from the Sale, first pay and Satisfy all costs attending the Same, as well as the expences attending this Conveyance, and then pay off the aforesaid bond and interest, as well as all other monies which may appear to the said John L Warren to be justly due and owing from the said James Brittle to the said Lewis N Branch by means of any dealings, transfer of debts or paper whatever, and then pay the overplus, if any, to the said James Brittle. and the said John L Warren on his part covenants and agrees that he will release the said James Brittle from the obligation of this incumbrance, upon the said land and mines paying him the amount of the aforesaid bond with interest, as well as all other monies which may be due and owing to him from the said James Brittle by means of any dealings. transfer of debts or paper whatever. In Witness whereof the parties to these presents have hereunto Set their hands and Seals the day and year above written.

Signed Sealed and delivered in the presence of }

James Brittle (Seal)
John L Warren (Seal)
Lewis N Branch (Seal)

Southampton County In the Clerks Office the 20th day of May 1833.

This Indenture was acknowledged by James Brittle John L Warren & Lewis N Branch the parties thereto and admitted to record And at a Court held for the County aforesaid the 17th day of June 1833 the said Indenture was ordered upon the proceedings of the day

Teste

James Rochelle clk

A Copy

Teste. L R Edwards clk