1862-012 SOUTHAMPTON COUNTY CHANCERY PAPERS

BRANCH et al VS. BRANCH, widow

7/1862

Branch

v } Bill & ans.ª &c

Branch

1859 July. Decree nisi filed

1860. Jany. Report.
Feby. Confirm.ᵈ
May – Decree absolute.

1862. June Report.
July. Rep.ᵗ confirm.ᵈ

To the worshipful County Court of Southampton County, in chancery sitting. July Term 1859.

Humbly complaining sheweth unto your worships your complainants Sallie J., William H. and James E. C. Branch, all infants of tender years, who sue by their next friend William W. Cobb, that sometime during the year 1858 their father William E. Branch departed this life intestate, leaving as his heirs at law your complainants and Mary A. Branch his widow - That he died seized of a small tract of land lying in this County near Ligatwood Swamp containing one hundred and sixty six acres and valued at $300 - Your complainants desire that dower in the said land might be allotted to the widow and the balance divided amongst your complainants, but believing that the interests of all the parties would be more promoted by a sale than a division in kind they ask that a sale shall be made including the dower of the widow Mary A. Branch, who is willing and desires that this should be done, and such an Amount as your worships may deem proper and sufficient be directed to be paid to the widow in lieu of her dower interest, and the balance of the proceeds of said sale be directed to be ~~paid~~ divided equally amongst your complainants - The said tract of land being small, if a division in kind were made after the allotment of dower to the widow, the respective shares of your complainants would be much lessened in value, and would be worth scarcely any thing at all - That the share of either party is not worth $300 -

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 Mary A. Branch widow of William E. Branch be made a party Defendant to this bill, and that she answer all the allegations thereof. That your worships will decree an allotment of dower to Mary A. Branch in the tract of land of which her late husband William E. Branch died seized lying in Southampton County, and a division of the balance amongst your complainants, or if the

said widow is willing, and your worships think it will be best for the interests of all parties interested, that a sale of the said land shall be made, and such a sum as may be deemed sufficient be directed to be paid to Mary A. Branch in lieu of her dower interest, and the balance divided equally amongst your complainants, and that your worships will decree such further and general relief as equity may dictate, and the nature of this case may require; and they will ever pray &c

Cobb p.q.

The answer of Mary A. Branch widow of William E. Branch dec'd to the foregoing bill -

This defendant saving &c for answer to the said bill says that she desires the land mentioned in said bill should be sold, and believes that it would be to the interest of all parties that it should be sold rather than divided in kind - That she has no objection to the decree prayed for in said bill &c -

By W W Crewett her attorney

Sallie J., William H., and James E. C. Branch infants of tender years who sue by Wm. L. Cobb their next friend

vs

Mary A. Branch, widow of William E. Branch dec'd

This day this cause was docketed by consent of the parties and leave of the Court, and came on to be heard by like consent on the bill, answer and general application thereto, and was argued by Counsel, on consideration whereof the Court doth adjudge, order and decree that Wm L. Cobb who is appointed a Commissioner for the purpose, after having given at least twenty days public notice of the time and place of sale, sell at public auction at Berlin in Southampton County, the tract of land of which William E. Branch died seized lying in Southampton County containing one hundred and sixty six acres, including the dower interest of his widow Mary A. Branch, on a credit of six months, except so much as may be necessary to pay the expenses of this decree and said sale, and that he

take a bond from the purchaser with approved security for one sixth of the balance and pay it over to Mary A. Marsh in lieu of her dower interest in said land, and that he take a bond with like security for the remainder of the purchase money and return it to this Court with his report.

But the said Wm. M. Cobb shall not proceed to execute this decree until he shall execute bond with good security in the Clerk's Office of this Court in the penalty of $1000, payable to the Commonwealth of Va. and conditioned for the faithful performance of his trust under this decree.

Branch
v
Branch L

Petition of Mary
A. Branch Gra[illegible]
de

The petition of Mary A. Branch Guardian to Sallie J. Mary R. William A. and James E. Branch minor orphans of Wm E. Branch dec'd — to the County Court of Southampton humbly represents that she has qualified according to law for the aforesaid orphans of Wm E. Branch dec'd in the County of Fayette in the State of Tennessee, as may be seen by a copy of the record of said court duly authenticated herewith filed with this petition. — Your petitioner states that her said wards are entitled to a portion of the proceeds of sale of the land of which Wm E. Branch died seized and possessed decreed to be sold by a decree of the County Court of Southampton County rendered at July term 1869, which your petitioner desires to remove to the said County of Fayette in the State of Tennessee according to the statute of Virginia in such cases made and provided — That due legal notice has been given of the time this petition would be presented to the Court — Your petitioner therefore prays that she may be permitted by an order of this Court to remove the said proceeds of sale to the County of Fayette in the State of Tennessee, and that you will make such other order as may seem proper and right, & she will ever pray &c

Solt for the
Petitioner —

Branch
v. B Deeds
Branch

1860 May Court.

Branch

v

Branch &c

This cause came on this day to be again heard on the papers formerly read, and on the report of Wm W. Cobb Commissioner appointed under a former decree made in this cause, which report has been confirmed, and on the petition of Mary A. Branch guardian to Sallie J. Mary R. William H. and James E. Branch minor orphans of Wm E. Branch dec'd on consideration whereof the court doth adjudge, order and decree that the clerk of this court deliver to Wm W Cobb the bond of James H. Rowe and Wilborne Hedgepeth for the sum of $420.70/100 returned by him with his report to this court and that the said Wm W. Cobb pay out of the proceeds to Mary A. Branch the sum of $100- in full and in lieu of her dower interest in the land of which her husband Wm E. Branch died seized and possessed, and after pay the expenses of this decree pay the balance to Mary A. Branch guardian to Sallie J. Mary R. William H. and and James E. Branch, who is hereby authorized and empowered to remove the same to the County of Fayette in the State of Tennessee - And the court doth further adjudge, order and decree that on the payment of the said bond by the said James H. Rowe that the said Wm W. Cobb shall execute to the said Rowe a deed with special warranty for the said land -

But the said Wm W. Cobb shall not execute this decree until he shall execute bond in the Clerks Office of this Court before the said clerk in the penalty of $600- payable to the Commonwealth

of Virginia and conditioned for the faithful performance
of his trust under this decree —

THE undersigned having duly qualified, in the County Court of Fayette County, State of Tennessee, as Guardian to Sallie J., Mary R., William H., and James E Branch, minor heirs of Wm. E. Branch, dec'd. Notice is hereby given that the undersigned will make application to the County Court of Southampton County, Virginia, at the next May term thereof, for an order directing a certain sum of money, the proceeds of sale of real estate heretofore made by order of said Court, to which said Wards are entitled, to be paid over to the undersigned, as guardian, and to be transferred to said State of Tennessee.

MARY BRANCH,
Guardian to
SALLIE J.
MARY R.
WILLIAM H., and
JAMES E. BRANCH.

ap16—M4W

Norfolk Va 14th May 1860

The undersigned one of the Editors of the Norfolk & Portsmouth Herald hereby certifies that the annexed advertisement was published in said newspaper once a week for four successive weeks beginning 16th April last

Given under my hand this day and date first above mentioned

R G Broughton

Cost of Publication Three Dollars

Paid 14th May 1860

R G Broughton & Co

Branch

v

Branch

Comm's Report

1860 January Court

The undersigned appointed a Commissioner to make sale of the tract of land belonging to Wm. E. Branch dec'd lying in Southampton County by a decree of the ~~Circuit~~ Court of Southampton County reports that after having notice of the time and place of sale as required by said decree he sold the same at public auction at Berlin on the 3rd day of September 1859, and that James H. Rowe became the purchaser at the sum of $465. That after deducting costs of said sale & decree amounting to $39.25/100 which was received in cash, he took bonds from the purchaser with good security for the balance which is herewith returned. He retained the title until the purchase money is paid.

Respectfully Submitted

Wm. W. Cobb Com

Branch

v

Branch

Comm Report

1864

~~2d Rel~~

1865 June. Rep.

In obedience to a decree of the County Court of Southampton County rendered at May term 1860, in the suit of Branch v Branch, the undersigned appointed a Commissioner for the purpose reports that he collected the bond required by said decree and after paying the additional expenses of said decree paid to Mary A. Branch her proportion amounting to $100, and the balance, to wit, the sum of $316.72 to her as the guardian to Sallie J. Mary R., William H. and James E. Branch.

Respectfully submitted

Wm W Webb

Jos. Engelhardt
accept- for my
m. E. Brandt
children

May 21st 1866 - Recd. of Wm L. Cobb Comr
the sum of $100 - it being the amount directed
to be paid to Mary A. Branch by an order of the
County Court of Southampton made at May
Term 1866 in the suit of Branch v Branch.
Recd. also of same the sum of $316.72
it being the balance after paying expenses &c.
directed to be paid by same decree to Mary A.
Branch guardian to Sallie J. Mary R.
William H. & James C. Branch —

J. H. Urquhart
Agent for
Mary A. Branch
in her own
right & as Guard

Rec'd. of L. N. Edwards, Clerk, the bond of Jasper
H. Rowe & Wilborn Hedgepeth for the sum
of $425.70 filed with this report

E W Cobb

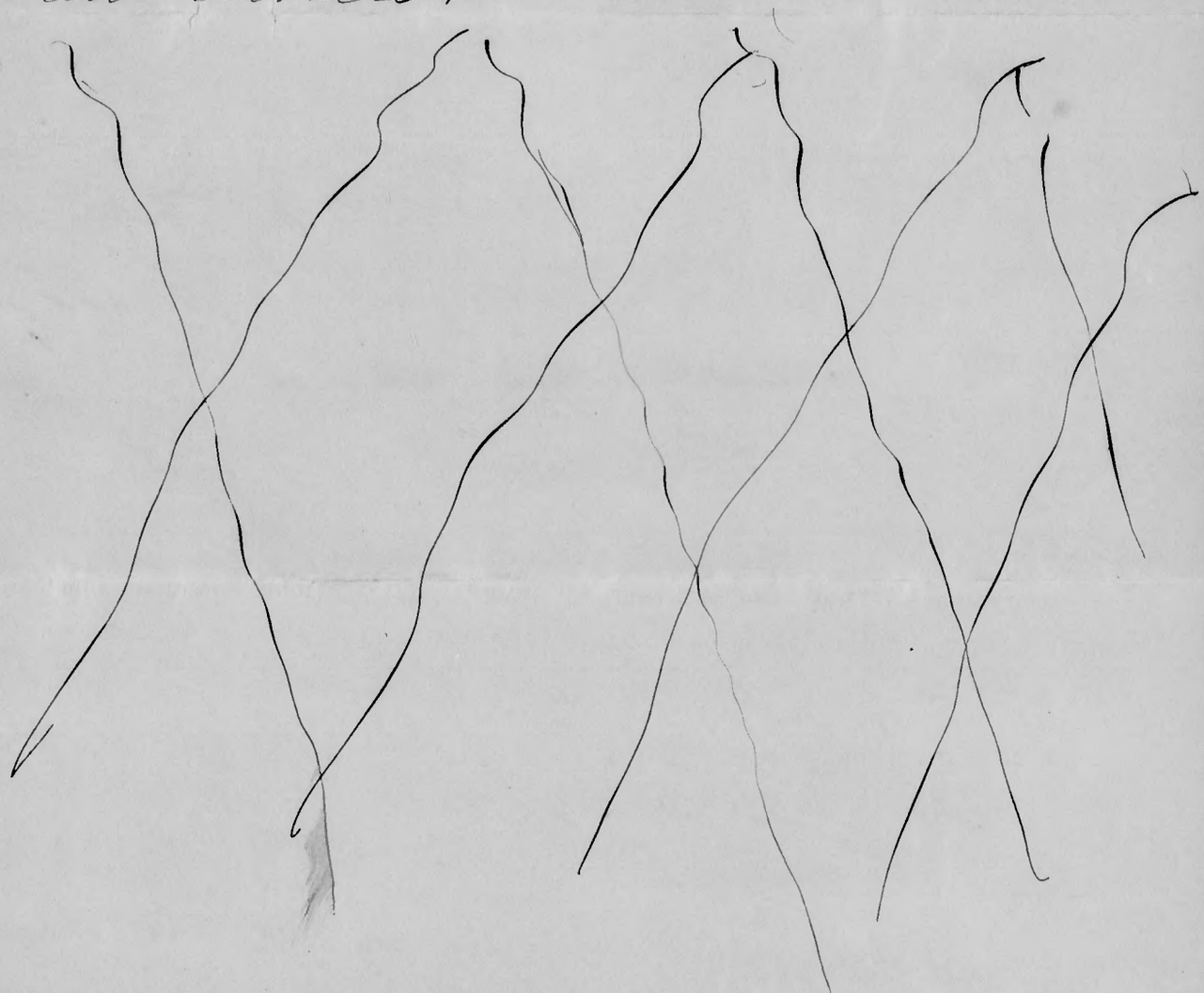
At a County Court begun and held at the Court House in the Town of Somerville in and for the County of Fayette in the State of Tennessee on the 3rd day of April in the year 1860. being the April Term thereof among other things the following proceedings were had, to wit,

Tuesday 3rd April Term County Court 1860.

Court met according to adjournment pursuant to adjournment present and presiding the Worshipful Charles Lynn Chm. &c. and Robt S. Nisbett and Wm Rhodes Justices of the Peace and members of the Quorum Court of said County of Fayette & State of Tennessee, Wm L. Robinson Clerk &c. and John D. Stanley Sheriff.

Upon application it is ordered by the Court that Mary A. Branch be appointed Guardian of Sallie J. Mary R. William H. and James E. Branch. Minor orphans of W E. Branch Dec'd. Whereupon came into open Court the said Mary A. Branch and entered into Bond as such Guardian of said Minors in the sum of Fifteen Hundred Dollars, Conditioned

as the Law directs and signed and
and acknowledged the same in open
Court as principal thereto, and gave
as her Securities on said Bond
W L Anderson and H H Hall
who also came into open Court
and signed and acknowledged
said Bond as her Securities on
same, which said Bond was
accepted by the Court and ordered
to be recorded - And the said
Mary A Branch was then duly
qualified as such Guardian as
aforesaid, in open Court as the
Law directs.



Copy of Bond

KNOW ALL MEN BY THESE PRESENTS,—that we: Mary A. Branch L. M. Anderson and H. H. Falls.

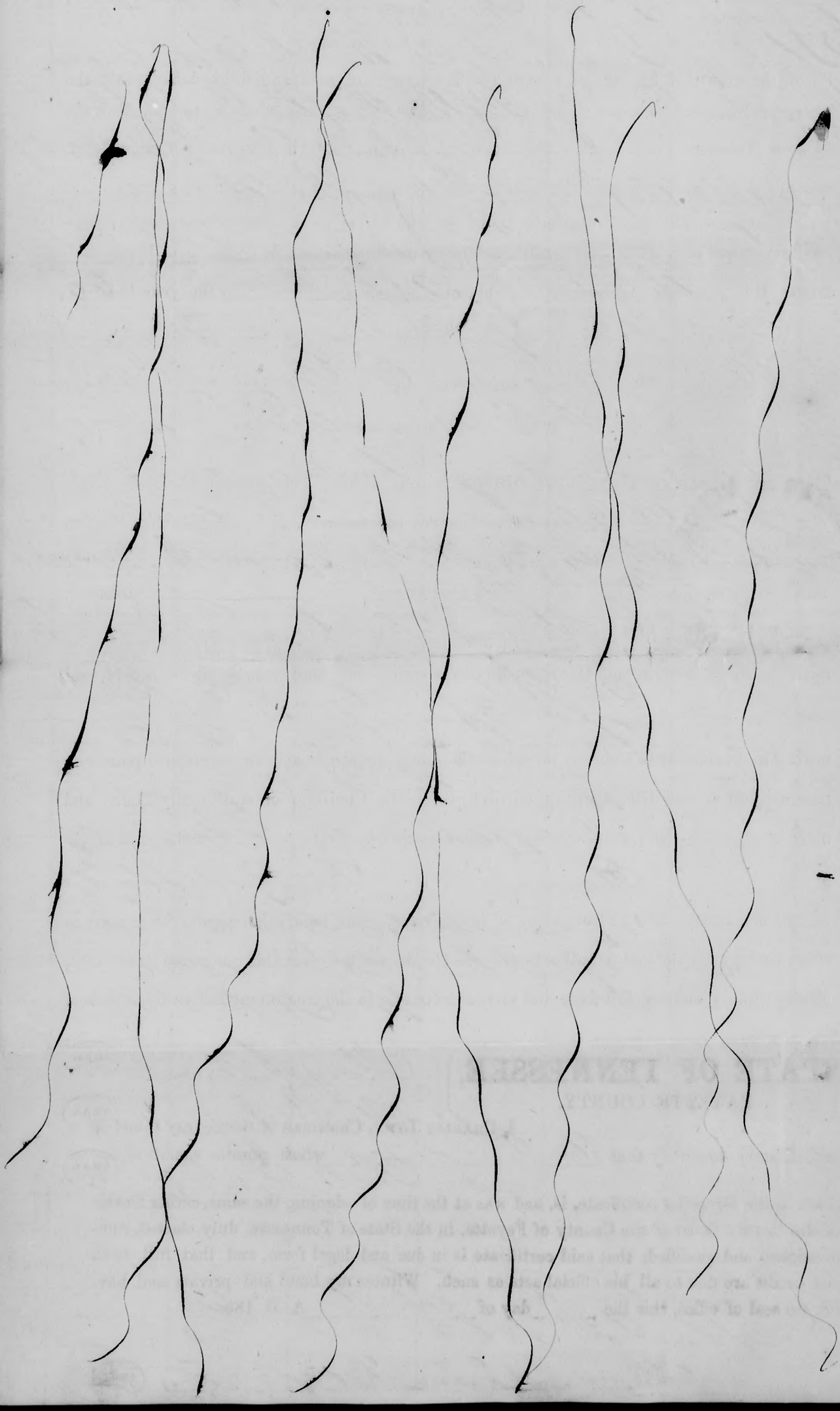
all of the county of Fayette, and State of Tennessee, are held and firmly bound unto the State of Tennessee, in the sum of Fifteen Hundred dollars, to be paid to the State of Tennessee, in Trust for the benefit of the children herein-after named, committed to the care and tuition of the said Mary A. Branch which payment, well and truly to be made, we bind ourselves and each of our heirs, executors, administrators, jointly, severally, firmly by these presents. WITNESS OUR HANDS AND SEALS, this third day of April in the year 1860.

The condition of the above obligation is such, That whereas the above bounden Mary A. Branch is this day constituted and appointed Guardian to Sallie J.- Mary R.- Wm H.- & James E. Branch minor orphans of Wm E. Branch deceased.

NOW IF THE SAID Mary A. Branch shall faithfully execute said Guardianship, by securing and improving all the estate of said above named Minors — — until the arrive at full age, or do sooner thereunto required, and then render a plain and true account of said Guardianship, on oath, before the Chairman of said County Court, and deliver up, pay to, or possess the said above named Minors of all such estates as the ought to be possessed of, or to such other person or persons as shall be duly empowered or authorized to receive the same,—then this obligation to be void, otherwise to remain in full force and virtue, according to the true intent and meaning thereof

wk Mary A. Branch SEAL
wk M. L. Anderson SEAL
wk H. H. Falls SEAL

Recorded by the Court
April 3rd 1860
Chas. Lynn Chmn.



State of Tennessee
Fayette County

I, Wm H Robertson Clerk of the County Court of said County do hereby certify that the foregoing to which this is annexed is a true full, perfect and Complete Copy of the Bond given by Mary A Branch as Guardian for Sallie J— Mary R— Wm H— and James E. Branch Minor Orphans of W. E. Branch Dec'd and of all the proceedings had in our said County Court in regard to the same And that the Securities on said Bond are solvent, and good for the penalty of same.

In Witness whereof I have hereunto set my hand and affixed the Seal of said Court at Office in the Town of Somerville. County & State aforesaid on this 5th day of April A. D. 1860.

Wm H Robertson Clk

STATE OF TENNESSEE,
FAYETTE COUNTY.

I, CHARLES LYNN, Chairman of the County Court of said County do certify that Wm H. Robertson whose genuine signature appears to the foregoing certificate, is, and was at the time of signing the same, acting CLERK of the County Court of the County of Fayette, in the State of Tennessee, duly elected, commissioned and qualified; that said certificate is in due and legal form, and that full faith and credit are due to all his official acts as such. Witness my hand and private seal, having no seal of office, this the 5 day of April A. D. 1860.

Charles Lynn Chm

SEAL

State of Tennessee } I Wm H Robertson Clerk &
Fayette County } of the County Court of said
County in the State aforesaid do hereby
Certify that Charles Lynn whose genuine
Signature appears to the foregoing Certificate
is now, and was at the time of Signing
the same acting and presiding Chairman
of the County Court of Fayette County
in the State of Tennessee duly elected
Commissioned and qualified and that
full faith and Credit are due to all
his Official acts as such.

In Witness whereof I have
hereunto Set my hand and
affixed the Seal of said Court
at Office in the Town of
Somerville, Fayette County
Tennessee on this the 5th day
of April A.D. 1860.

Wm H Robertson Clk

Know all Men by these Presents, *That We* Wm W Cobb & John Cobb

are held firmly bound unto the Commonwealth of Virginia, in the just and full sum of ——— One Thousand ——— Dollars, current money of Virginia, 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 17 day of October A. D., 1859

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound Wm W Cobb appointed Commissioner in the case of Branch & Branch — July Court 1859

shall faithfully discharge the duties of his said office or trust, according to law, then the above obligation to be void or else to remain in full force and virtue.

Signed, Sealed and delivered in the presence of the Court.

Wm W Cobb {SEAL}

Jno Cobb {SEAL}

{SEAL}

{SEAL}