

1877-21

Southampton County - Chancery -

Scarborough, Elizabeth et al vs. Branch, Wesley et al

"To make division of
land"

Elizabeth Scarborough

Calvin Scarborough

Lucy Scarborough

Bennett E. Lane +

William E. Lane

Wesley Branch
Neville Branch +
Edmond H.
Wife

75 80

Scotborough rules

as 3 Bill

Branch rules

1873 July Rules

To the Honorable George Blow Judge of the
circuit court of Southampton County in
chancery sitting

Humly complaining your orators
Elizabeth Scarborough, Calvin Scarborough, and
Lucy his wife who was Lane, Bennett &
Lane and William F Lane, shew unto
your Honor that sometime in the year
1867 Wiley Lane of Southampton County
deceased this life and devised a certain
tract of land to his widow
Lane for life and at her death to be
divided equally among his five children
to wit Elizabeth Scarborough, Lucy
Scarborough now married to Calvin Scarborough
Bennett & Lane, William F Lane and
Eleanor now married to Nimit Branch
that the widow of Wiley Lane has been
dead sometime and the said tract of land
containing one hundred acres more or
less came to the possession of the above said
five children by virtue of the said will
that in order to make a division of
the said land or rather of the money
arising from the sale of the same
all the parties being of age, your orators
along with Eleanor Branch and her
husband Nimit Branch, On the 4th of
November 1872 in the county of Southampton
sold at public auction the tract of land
containing one hundred acres more or
less devised to them by Wiley Lane or

the following terms to wit, One half of
the purchase ^{money} to be paid in cash, balance
on twelve months credit the purchaser
giving bond with satisfactory security for
the deferred payment, and the purchaser
not to take possession until he complies
with the terms of sale And Wesley
Branch became the purchaser for the
sum of Two hundred and twenty dollars (\$240)
And your orator states, charges, and avers
that the said Wesley Branch without
either paying the one half cash as required
or executing a bond as required for
the deferred payment has taken possession
of the said land and has retained
it ever since to the manifest wrong
and injury of your Orators, your ^{orators} do
not know whether he has ever made
any payment or satisfactory arrangement
with Mervin Branch and Eleanor his
wife but have been informed he has
but they charge and aver that he
has not paid them any money or
given the bond stipulated by contract
of sale but has refused to do so
and now holds this land which
is against all right and equity
They further state that they have made
him no dues for the said land and
that they are now forced to invoke the
aid of a court of equity for the enforcement
of their just rights and demands

In Tender consideration whereof and
inasmuch as your orators are entitled only
at Law and only entitled to relief in a
court of equity where such matters are
peculiarly cognizable They therefore pray
that Wesley Branch and Mervin Branch
and Eleanor his wife may be made
parties defendant to this bill and that
the court would compel them as full
and perfect answer make to the
allegations therein contained as if they were
themselves more fully and specially interrogated
and that the court would direct and decree
that unless the said Wesley ^{Branch} should in
such time as may be fixed by it pay
to the plaintiffs and Mervin Branch
and Eleanor his wife money they have
already been paid the sum of \$130
with interest thereon from the 9th of November
1872 and ^{give a} bond with satisfactory security to
them for the sum of \$130
that the said tract of land should be
sold for the purpose of paying them
on such terms as to the court may
seem ^{right} if any surplus over to go to
Wesley Branch if a deficiency for the
court to decree against him for same
in favor of your orators

And that the court would grant such other
general relief the premises considered as equity
may dictate and the nature of this case
may require And as in duty bound your
orators will ever pray etc

Shana, p. 5.

The Commonwealth of Virginia

To the Sheriff of Southampton County--Greeting:

WE COMMAND YOU to summon *Wesley Branch & Janet Branch & Eleanor Branch his wife*

if *they* be found within your bailiwick, 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 *July next* to answer a bill in chancery exhibited against them in our said Court by *Elizabeth Scarborough, Gavin Scarborough & Sney his wife, Ben M E Lane & William F Lane*

And have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, this *18* day of *June* A. D. 1873, in the *97* year of the Commonwealth.

L R. Edwards Clk

Dearborough &

Sum. Chy

Branch &

1873 July Rules

Excentic.

A. H. Cobb Jr.

for W. W. R. 1999

Shft

June the 27 - 1873

Mr Wm B Shumas

Dear Sir

I recide your letter of June 17
yesday in return to your request I will state
to you the Lane sale for two hundred and sixty
dollars half cash the ballance a credit of twelve
months the purchasers to give bond and satisfactory
security to each legatee the terms ~~to~~ was to be
strictly complied with before the purchaser takes
the property in possession

yours truly C. H. Dearlough

In Southampton Circuit Court.

Elizabeth Scarborough, Calvin Scarborough & Lucy his wife, who was
Lane, Bennet E Lane & William T Lane

^{against}
Wesley Branch and Stewart Branch & Eleanor his wife

1873 June 18 Summons issued

" July 18 - Sum. Ret? Executed - Bill filed. D. Nisi & Dft.

" Aug. " Bill taken for Confessio & Cause set for hearing &c

1877. May Dismissed

283
 96
 40
 359
 150
 16.00
 21.09

155

85

Scarborough $\frac{1}{2}$
 } Stat. Rules
 2

Branch $\frac{1}{2}$

1877. May. Dinnified

Scarborough

as 3 Dec

Branch

May June 1877

To be entered

Geo B. Wood

Scarborough, N.C.
as 3 Decem
Branch

On motion of the
plaintiffs by their
attorney this bill in this cause is
dismissed