

1851-017

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BRANCH

VS.

BRANCH

val
4/1851

other surnames: Booth,

Branch

3 Bill of Law.

Branch

1849 Dec. Decree as filed

Branch

2

3

Branch

This day this cause came on to be heard on the bill and answer by consent and was argued by counsel on considerations whereof the Court doth adjudge order and decree that Richard H Branch; who is here appointed a special commissioner for the purpose, after giving reasonable notice of the time and place of sale & advertising at the Court House and at two or more public places in the vicinity of said land, proceed to sell the land mentioned in the bill to the highest bidder, and that he receive so much in cash as will be necessary, to satisfy the expenses of this suit, and for the balance

of the proceeds of sale he take bonds with good security payable in nine months, two for seven eighths of the amount, ^{each} one of which he shall assign to Marissa A Branch and the other to Mary Branch, and four for one eighteenth each one of which he shall assign to Bartholomew Branch in right of his wife Lucy, one to Penneck Branch in right of his wife Emma, one to Geo Booth in right of his wife Dorette, or to his assignee, one to Hewitt Branch in right of his wife Elizabeth, and that he reserve the title to said land until the purchase money shall be paid and that he report to court in order for a final decree, and it further ordered that the said Richard H Branch shall have no power to act under this decree until he shall enter into bond with good security in the Clerk's office of this court in the penalty of \$300 conditioned as the law directs.

Branch
in
Branch

Rich. Br. Secured

1857 March - Report.

Apr. Dec. final

To the worshipful County Court of South-
ampton In Chancery

Humbly complaining shew us to
your worships, your complainant Mary
Branch, that some years since her sister
Nancy Branch departed this life, having first
published her last will and testament which
was duly proved and admitted to probate at the
Term 1844 of the County Court of South-
ampton. That at the time of her death she was
seized and possessed of a small tract of land lying
in said County containing about 150 acres
which she by her said ^{will} devised equally to be divi-
ded between your complainant and her
sister Marina and Martha Branch. That the
said land remained undivided, and in the year
1844 Martha Branch one of the said devisees
did institute being as her heirs at law, the
other two devisees under the will of Nancy
Branch viz your complainant and Marina
Branch, together with Lucy Branch who has in-
termarried with Calthrop Branch, Emma
Branch who has intermarried with Penrock
Branch, Dorothy Branch who has intermarried
with Tho. Booth, Elizabeth Branch who has
intermarried with Hewitt Branch. That
the said land being undivided since the death
of Nancy Branch your complainant is
entitled as devisee of Nancy Branch, and as
heir at law of Martha Branch, to seven
eighths of the whole tract of land and her
sister Marina A. Branch is entitled to a like
interest, and the balance being seven eighths
thereof belongs to the other heirs at law

of Martha Branch, Your Complainant
desires that the said land may be sold &
the proceeds of sale divided among those
entitled - In answer consideration of
the premises & in as much as your com-
plaint is without remedy sure in a
court of equity, she prays that the said
land may be sold and the proceeds divided
as above mentioned and that Marina &
Branch, Colthrop & Lucy Branch his wife, Pen-
nock & Emma Branch his wife, Nemi-
Branch & Elizabeth his wife, Geo Booth and
Dorothy his wife, may be made Defs to this
bill and answers the allegations thereof
and that your ^{will grant} "wishes" such other and
general relief &c and she will ever pray
&c

Chambler Propenberg
Attys

The answers of Marina & Branch, Colthrop Branch
& Lucy his wife, Pennock Branch & Emma his
wife, Nemi Branch & Elizabeth his wife, Geo
Booth & Dorothy his wife to the above bill of
complaint -

These Defs answer & answering do
say they believe the facts stated in the above
bill are true and they have no objection
to granting the prayer of the complainant
and having answered they ^{pray} "desire to be
discharged" with their reasons see next be
C & M

March 17th 1851. I hereby certify that I created
the estate of Martha Branch with one
third of the proceeds of the sale directed
by the within deced, in the account
of Rich^d. H. Branch as administrator
of the said Martha Branch deced.

Wm. P. Cobb Comr.

~~Your Commissioner reports that
in obedience to the annexed decree he pro-
ceeded to sell the land mentioned to Mari-
na Branch upon the wife of Henry
Branch for \$165.00 and carried ^{over} the
amount of ^{the} to his account as admin-
istrator of Martha Branch which he
has since settled with the parties,
having paid all expenses incurred
in said suit. All of which is re-
ported & submitted.~~

Your Commissioner begs leave to report
that in obedience to the annexed decree
he sold the one half to Martha Branch
more the wife of Henry Branch for \$160
and here one 1/3 to Henry Branch in right
of his wife 1/3 to Emma Fisher in right
of her wife Polly Branch and certain the
other then you see in account of admin-
istrator of Martha Branch, which has
since been admitted according to the
decree: all of which is referred to out-
rightly H. Branch

Branch
of } Dec^d Deced
Branch

Southampton December Court 1849.

Branch

against

Branch

Plff

Def

} In Chancery

This day this cause came on to be heard on the bill and answer by consent and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that Richard A Branch who is hereby appointed a special Commissioner for the purpose, after giving reasonable notice of the time and place of sale by advertisement at the Court house door and at two or more public places in the vicinity of said land, proceed to sell the land mentioned in the bill to the highest bidder, and that he receive so much in cash as will be necessary to satisfy the expenses of this suit, and for the balance of the proceeds of sale he take bonds with good security payable in nine months, two for seven eight eighths of the amount each, one of which he shall assign to Miriam A. Branch and the other to Mary Branch, and four for one eighth each, one of which he shall assign to Galthrop Branch in right of his wife Lucy, one to Bennock Branch in right of his wife Emma, one to John Booth in right of his wife Dorothy, or to his assignee, and one to Keest Branch in right of his wife Elizabeth, and that he reserve the title to said land until the purchase shall be paid. And that he report to Court in order to a final decree. And it is further ordered that the said Richard A Branch shall have no power to act under this decree until he shall enter into bond with good security in the Clerks Office of this Court in the penalty of three hundred dollars, conditioned as the law directs.

Costs: Costs \$2.88.

Attest

Justi. J. R. Edwards lb