

1876 - 02

Southampton County - Chancery

Beale, Chas's
Estate

vs

Branch, Geo. R

"
On sale of land to
settle land for loan"

Wm. Briggs
Adm. Est
Chas. Beale

190
Bealer's Adm.

or G. Bill Exhibits

3
Branch

1875 August Rules

J. B. Prince p. 9.

To the Hon. Geo. Blount, Judge of the Circuit
Court of Southampton County. In Chancery.
Humbly complaining sheweth unto
Your Honor, Your Complainant, Wm. B. Ruff
Adm'r of Chas. Beale died, as follows.
That during the Year 1843, and in the
lifetime of Chas. Beale, the said Beale
sold to Geo. R. Branch a tract of land
situated in Southampton County, contain-
ing - acres, for the sum of ~~\$499.98~~^{1300.00}
and the said Branch executed his bonds
therefor, due respectively March 1. 1844,
March 1. 1845 & March 1. 1846, Each for
\$366.66, as will be seen by reference
to the said bonds, which are herewith
filed & moved to be made parts of this
bill. That since the sale of said real
estate, Chas. Beale the vendor has
departed this life & his Estate has been
committed to the hands of Your Complain-
ant. for administration. That the said
Branch has never paid either of said
bonds, though two of them have long
since been due, but on the contrary,
the said Branch has abandoned the said
land, and, as Your Complainant is
informed & truly believes, is now not
a resident of this State. That the
said Branch has no property of

any kind in this State. In consideration
whereof, and forasmuch as your
complainant is without remedy, except
in a Court of Equity, where matters of
this kind are properly cognizable, he
prays that Geo: R. Branch may be
made a party defendant to this
bill & compelled to answer the same.
That your Honor will grant an
order directing a resale of the said
Real Estate sold to said Branch by
said Beal, unless the said Branch
or some one for him shall within
such time as to your Honor may
seem right pay the bonds now
due - and that your Honor will
grant such other, further & general
relief as the nature of this case may
require to Equity may seem meet.
and as in duty bound, your
complainant will ever pray &c.
May it please the Court &c.

J. W. Hines fe

\$366.66². With Interest from date, at Six per Cent-
interest, due March 1st 1876, I owe and
promise to pay to Charles Beal or order, the
just and full sum of Three hundred &
Sixty six dollars & Sixty six Cents.
it being for the fourth payment, due on
a certain Tract of land named in written
Contract, duly signed & held by M. Williams.
Given under my hand and seal, this
1st day of March 1873.

Witness in presence of
Ezekiel Holladay }
Miles H. Williams }

C. W. Branch, Seal

Pay the within to J M Corbett
Charles Seale

Pay the within to Jett Corbett
Charles Gale

\$366.66[¢] With Interest from date, at six per Cent
interest, due March 1st 1874, I owe and
promise to pay to Charles Beal, or order
the just and full sum of Three hundred
& sixty-six dollars & sixty-six Cents,
it being for the second payment, due on
a Certain Tract of land, named in
written Contract, duly signed & held by
M^r H Williams, Given under my hand
and seal, this 1st day of March 1873.

Witness in presence of
Carr Solomon }
Miles H Williams }

C. R. Beach } Seal
Seal

\$366,66

On the first day of March 1893 at six per cent Interest I owe and promise to pay to Charles Beale Three hundred and sixty six Dollars & sixty six cts, It being the third payment on a certain Tract of land named in contract held by Mr. H Williams. Witness my hand and seal. This March 1st 1893

Witness in presence of
Cass Hollander
Miles H Williams

G. R. Branch Seal

Pay the within to J. M. Corbett
Charles Deane

Excuse us
we forgot to certify

Office of the Suffolk Herald,

Suffolk, Va., *Oct 18th* 1875

We hereby certify that the order, of which the annexed is a copy, has been published in the SUFFOLK HERALD in the manner prescribed by law, once a week for four successive weeks.

ELAM & CAMPBELL, Eds. Herald.

A TRULES HELD IN THE CLERK'S
Office of the Circuit Court of South-
ampton county, on Monday, Aug. 2, 1875:
Wm. W. Briggs, administrator of Chas.
Beale.....Plaintiff,
against
George R. Branch.....Defendant,
IN CHANCERY.

The object of this suit is to have a re-
sale of a tract of land sold by Charles
Beale in his lifetime to the defendant,
unless the said defendant or some one for
him shall pay the purchase money.

And affidavit being made that the de-
fendant is not a resident of the State of
Virginia, it is ordered that he appear
within one month after due publication

sub eqj 'eodj peneqrap tuj ut no
r eqj jo erem sruder jo tros tshu perepuo
ed by de pus 'sremotno ,sejggnus per "

Beales adv

v { Or. Pub

Branch

Copy posted at Front door of House
Aug. Co. G. 1875 LRE

At Rules held in the Clerk's Office of the Circuit Court of Southampton
County on the 2^d. day of August 1875-

Wm W Briggs administrator of Charles Beale dec^d

Plaintiff

against
Geo. R Branch

In Chancery
Defendant

The object of this suit is to have a re-sale of a tract of land sold by
Charles Beale in his lifetime to the Defendant unless the said Defendant
or some one for him shall pay the purchase money - And affidavit
being made that the defendant is not a resident of the State of Virginia It is
ordered that he appear within one month one month after due publication of
this order and do what is necessary to protect his interest.

A Copy -

Prince p. q.

Teste L. R. Edwards cly

Beales adm

v } off.

Branch

Southampton Circuit Ct. Clk's Off: July

Beales adm

v

Branch

} In lhy.

J. B. Prince this day made oath before me Clk of said Court that
the Deft. Geo. R Branch is not a resident of the State of Virginia as he
verily believes.

L. R. Edwards Clk

Beals adm.

& J. Sum. Chy.

Branch

1875 August Rules

Geo R Branch is
not a resident of my
County

W W Briggs off

The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting :

WE COMMAND YOU TO SUMMON

Geo: R Branch

if *he* 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 *August next* to answer a bill in chancery exhibited against him in our Said Court by *W. W. Briggs* admor: of *Charles Beale dec^d*

And have then there this Writ.
the Court House, this 22
year of the Commonwealth.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at
day of *June* A. D. 1875, in the 99th

L. R. Edwards Clk

Agreement this day and date made and entered into
February 3rd A.D. 1843, Between Charles Beale of the
County of Southampton and State of Virginia of
the first part, and George R. Branch of the same
County and State aforesaid of the second part.
Witnesseth that the said Charles Beale for and in
consideration of the sum of Four hundred
Dollars, Four hundred Dollars to be paid on the First-
day of March 1843, after which three annual payments
of Three hundred and Sixty Six Dollars and sixty Six
cents are to be paid at the rate of six per cent,
The last payment to be made on the First day
of March 1846. At which time the said Charles
Beale has bound himself his heirs executors or
administrators to Give to the said Geo. R. Branch
his heirs or administrator, A full Deed warranting
and defending the rights and title of said
Land for ever. This Tract of Land is composed of
three Tracts, Viz. One known as the Jas. R. & Wm. A.
Goyner Tract containing one hundred and
Eighty Acres more or less, One known as the
Bell Tract containing Seventy-five Acres
more or less, One known as the piece sold
by G. L. Beaton containing Fifty Acres more
or less, making in all Three hundred Acres
more or less, Including all the buildings

on said land; In witness we hereunto set
our hands and seal, This day and date first ^{mentioned} above
In the presence of,
Carr Lollar Charles Beale Seal
M. H. Williams
G. W. Branch Seal

This contract said to be held by
M. H. Williams, in notes given
by Geo. W. Branch to Charles Beale
has been transferred to Wm. A. Joyner
by the consent of the within
Parties, Feb 15th 1843

Contract
between
G. W. Branch
& Charles Beale
(C)
Seal

Sealed Order
against Report
of Branch

May 5. 1876

1876 under decree of May Term 1876, in this case I
have received of the Clerk of the Court the bonds filed as ~~an~~ exhibits with the
affs bill executed by Geo. R. Branch to Charles Beale for \$366.⁶⁶ each, due
March 1. 1874, March 1. 1875 & March 1. 1876.

In obedience to a decree of the Circuit
Court of Southampton County in the Chancery
Suit of Beale Adams against Dranchman
dated at Winchester Term 1855. I advertised
the Real Estate described in said decree,
according to the direction of said decree
and sold the same at public auction
in the Town of Jerusalem on the 3rd Monday
in February, 1856, and at the sale so made
James M. Corbitt became the purchaser by bidding
therefor the sum of Six Hundred & thirty dollars
and the said Jas M Corbitt paid the said
sum of Six Hundred & thirty dollars in cash,
and out of said amount I paid costs of such
sale as follows, Clerk of Court \$4.51. Order
of Publication \$5.50. Attorneys fee \$16.54.
Auctioneer \$3.00. Bonds Commis. \$21.60. I reserved
\$5.00 to pay future costs, making total costs
\$56.31 leaving a balance in my hands of \$578.69
which amount I paid to James M Corbitt
and took his receipt therefor, which receipt
is herewith returned; I also executed to
said Jas M Corbitt a Deed for said real
Estate with Special Warranty.

W. W. Duggins

Attest Judge Blaw.

April 1st 1856

Rec February 26th 1856 of Wm Briggs Comy in
the Chancery suit of Charles Deane acting
against Geo R Branch Five Hundred & Seventy
three & 69/100 dollars in part of Two bonds, due
by Geo R Branch to Charles Deane - described in
a decree in said suit rendered at November Term
of the Circuit Court 1855, which bonds I hold as
assignee of said Deane.

Jas. M. Corbitt

Received Apr 28. 1836 of
W. W. Briggs Corn in Chancery
suit Beals Adams vs Branch
fifty⁵⁰ dollars, taxed fee
in said suit.

J. B. Sumner

Salv of Larnie

9 630 00

to Cont. Com.

21 60

" paid Auctioneer -

3 00

Cost of Suit

16 31

" reserved to pay future costs

5 00

56 31

9 573 69

61

Southampton Circuit Court November Term 1875.
H. H. Briggs admor. of Charles Beale dec. Plaintiff
against
Geo: R. Branch Defendant } In Chancery

This cause, in which the plaintiff appears to have proceeded against the defendant, Geo: R. Branch, who is one of this Commonwealth, in the manner prescribed by law against absent defendants, and he still failing to appear and answer, came on this day to be heard on the plaintiff's bill, which has been taken for confessed as to the defendant, exhibits filed therewith and was argued by Counsel. On consideration whereof, the Court doth adjudge, order and decree that unless Geo: R. Branch or some one for him shall within sixty days pay to H. H. Briggs Admor. of Chas: Beale dec. the sum of \$366.⁶⁶ with interest from Mch 1st 1873, and also the further sum of \$366.⁶⁶ with interest thereon from Mch 1st 1873, same being the amounts now due by said Branch for purchase of real estate from Chas: Beale in his lifetime, that that H. H. Briggs, Sheriff and as such Admor. of Chas: Beale dec., who is hereby appointed a Commissioner for the purpose, sell the land, sold by Chas: Beale dec. to Geo: R. Branch, a description of which is more fully given in the contract of sale, filed among the papers in this cause marked (C), upon the following terms to wit - One half cash - The balance on a credit

of one and two years, equal annual instalments, the purchaser to execute bonds with approved security, interest from day of sale, and title to be retained for all the purchase money - And said Commissioner will report his proceedings under this order to Comh.

Attest

Done, Sept 16, 1871 Attest

Qualis A. Minor
to } Copy Received
Branch

GC 30 - Jan 12 1871

Colts costs \$4.71

Shiff

Or Pub

5.50

Saw & Co

16.50 \$26.71

The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting :

WE COMMAND YOU TO SUMMON

Charles Beale, Bettie Beale, & Lucy Beale infants of J. M. Corbitt

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 *August next to* answer a bill in Chancery exhibited against them in our said Court by *Exum* *Garris*

And have then there this Writ.
the Court House, this *22*
year of the Commonwealth.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at
day of *June* A. D. 1875; in the *99th*

L. R. Edwards

Garris

to { Sum. Chy.

Beale &

1875 August Rules

Executed by delivering
I M Corbitt a copy of
the Summons on the
15th day of July 1875
W W Briggs Shff

103.

Beales adm

to: } Stat. Rules

Branch

1876 May. Removed from
the Docket

In Southampton Circuit Court.

W. W. Briggs admor. of Charles Beale dec^d
against
Geo. R. Branch

1875 June 22: Summons issued

" Aug R Summons ret^d ~~representant~~ ^{Bill filed} - Affdt made. Or. publication on
Deft.

1875 Nov. J. - Deft for sale

1876 May 1 Report & leave to withdraw bond

Sale, filed among the papers in this
cause & marked (C), upon the following
terms to wit. - one half cash - the balance
on a credit of one & two years, equal
annual installments, the purchaser to
execute bonds with approved security, valued
from day of sale, and title to be retained
for all the purchase money. And said
Court will report his proceedings under
this order to Court.

Beale's Adm.
14 3 Decree.
Branch

Nov: Term 1895
to be entered,
Geo. T. Shaw.

Beale's Adm^r
as $\frac{3}{4}$ Decree.
Branch

This Cause, in which the Plaintiff appears to have proceeded against the defendant, Geo: R. Branch, who is out of this Commonwealth in the manner prescribed by law against absent defendants, and he still failing to appear & answer, came on this day to be heard on the plaintiffs bill, which has been taken for confessed as to the debt, exhibit, filed therein and was argued by counsel. On consideration whereof, the Court doth adjudge order & decree that unless Geo: R. Branch or come one for him shall within ~~10~~ days pay to W. W. Briggs, Adm^r of Chas Beale dec^d, the sum of \$366. ⁶⁰, with interest from Mch 1. 1873 and also the ^{further} sum of \$366. ⁶⁰, with interest thereon from Mch 1. 1873, same being the amounts now due by said Branch for purchase of real estate from Chas Beale in his lifetime, then that W. W. Briggs, Sheriff & as such Adm^r of Chas Beale dec^d, who is hereby appointed a Commissioner for the purpose, sell the land, sold by Chas Beale dec^d to Geo: R. Branch, a description of which is more fully given in the contract of

Beater's Adm.
in 3 Decree.
Branch

May Term 1876

To be entered.

Yerison

Beale's Adm'r

vs 3 Deere.

Maine

This day this cause came on to be further heard on the papers formerly read, the report of Court Missp filed during the term, and was argued by Counsel on consideration whereof, and exceptions being filed to said report, the Court doth adjudge order & decree, that the same be confirmed and leave is hereby granted Wm. Missp Adm'r of Chas Beale doe to withdraw from the papers in this cause, the bonds executed by Geo. R. Branch to said Beale ^{leaving office} it appearing to the Court that nothing further can be done with said bonds in this suit. And nothing further being necessary to be done in this cause, it is ordered to be removed from the docket.