1892 - 01 Southampton County - Chancery Branch, Wm. E. et ale Vs. Branch, N. V. et als

Bill &
Contest Will

Branch, Sarah A
Branch, Ellen
Branch, E J.
Branch, Mary E.
Branch, Louisa A.
Branch, N. W.
Branch, J L.

Cornwell, L. J
Cornwell, E N.
Cornwell, Caleb
Branch, Delia A.
Parker, W H
Exr

Branch et als

vs

Bill & Exhibits

Branch et als

Shands & Son p.q.

To the Hon b.W Hill Judge of the Circuit
Court for Southampton County Va

Humbly complaining your oralors
Wm. E. Branch, Sarah. A. Branch, Ellen Branch,
E. J. Branch, Mary. E. Branch, Louisa. O. Branch
N. W. Branch and J. L. Branch show unto
your honor that sometime in the
year 1881 Newit Branch departed
this life testate seized and possessed
of a tract of land situated in this
County on the Courtland and Wakefield
County road and adjoining the lands
of A. L. Morris, J. b. Barrett and others
containing one hundred and ninety
eight acres more or less, that he
left The following devisees and
heirs at law. Namely your oralors
who were his children. a widow
E. A. Branch who has since
died in Jany 1890. a Son N. V.
Branch, a daughter Delia. V. Branch
who is under twenty one years
old and a daughter Helen who
was married to A. S. Cornwell
and who has since but prior to
the death of his said widow E. A
Branch. died; she having died

sometime in the year 1883. leaving three children to wit; L.J. Bonwell E.N. Bonwell and Caleb Bonwell the last named being under twenty one years old, as her heirs at law That the said Newit Branch owes no debts. That by his will he devises his property as follows "I want all my estate to remain as it is as long as my wife lives or remains Single. at her death or marriage all of my entire property is to be equally divided between all my living children after all my just debts are paid &" all of which will more fully appear from a duly certified copy of said will herewith filed marked exhibit A and prayed to be read as a part of this bill your oralors state that as the daughter Helen Bonwell died prior to the death of said Branch's widow that according to the terms of the will it seems as if her children inherit no part of the estate of said Newit Branch and your oralors now wish the

court to construe the said will and say whether they do or not. Your orators state further that it is to the interest of all parties that partition maybe made of said lands or if that cant be done then that the same maybe sold and the proceeds divided among the parties according to their rights. That they wish the same done. In tender consideration whereof and inasmuch as your orators are without relief save in a court of equity where such matters are especially cognizable. your orators pray that N. V. Branch, L. J. Cornwell E. N. Cornwell, Caleb Cornwell and Delia V. Branch the two last infants by W. H. Parker their guardian ad litem may be made parties defendant to this bill and compelled to answer; but an answer under oath is hereby expressly waived; all the allegations herein contained as if they were more fully and especially interrogated thereto. That the court would construe the said will and state whether or not the children of the

paid Helen Cornwell or entitled to any portion of the said estate of Newit Branch. That the Court would appoint Commissioners who would report whether partition could be made of the said land or whether the same would have to be sold for a division. That all necessary accounts may be taken. and that the Court would grant all such other, further and general relief as the nature of the case may demand or to equity seem meet. and your orators hereby give notice to all the parties interested that they will ask ~~they will ask~~ the Court to allow their attorneys in this cause Mess. Shands & Son — an attorney's fee of $30.00. As in duty bound your orators will ever pray may it so please the Court &c

Shands & Son p.q.

Branch et. als:

vs Summ:

Branch et. als:

1890. 1 Sept. Rules

Cir: Ct.

L. J. Cornwell is a Soldier in the U. S. Army, Stationed at Ft. Monroe

Executed this 29th day of August 1890 by leaving a true Copy of the within with the Sergeant of L. J. Cornwell's Company U. S. Army.

A. Williams
Sheriff

Fee 50
Postage .02
5-2

Please remit fee as under the new law Clerks are required to send Cash for service + postage with papers

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ~~SOUTHAMPTON~~ Elizabeth City COUNTY—Greeting:

WE COMMAND YOU TO SUMMON L. J. Cornwell.

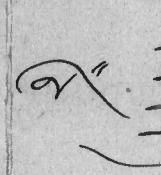
to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the 1st Monday in September next, to answer a bill in Chancery exhibited against him & others in our said Court by Wm. E. Branch, Sarah A. Branch, Ellen Branch, E. T. Branch, Mary E. Branch Louisa C. Branch, N. W. Branch and J. L. Branch

And this he shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 20th day of Augt, 1890, in the 115th year of the Commonwealth.

Teste: B. F. McLemore C. C.

Branch &c.



Sum

Branch + alv:

1890. 1st Sept. Rules
Cir: Ct:
Et vontia by
delivering a copy
of the writing to
N. B. Branch and
E. N. Cornwell U.S.N.
Captain Yard & Dikin
Aug. 27 - 1890
A. F. Cobb
Lieut. ~~Capt~~.
E. H. Williams
Dep.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON N. V. Branch, L. J. Cornwell, E. N. Cornwell, Caleb Cornwell and Delia V. Branch. two last infants, by W. H. Parker their Guardn ad litem.

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 1st Monday in September next, to answer a bill in Chancery exhibited against them in our said Court by Wm E. Branch, Sarah A. Branch, Ellen Branch, E. J. Branch, Mary E. Branch, Louisa C. Branch, N. N. Branch and J. L. Branch

And this they shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 20" day of August, 1890, in the 115 year of the Commonwealth.

Test: B. F. McLemore C. C.

Branch + als
vs Report
Branch + als:
1891. Aug 31. filed.

Branch et als

vs

Branch et als

Report

We The undersigned commissioners appointed by an decree of the circuit court entered in the case of Branch et als vs Branch et als on the 22nd of May 1841 to divide a certain tract of land containing one hundred and ninety eight acres belonging to the estate of Nicol Branch by lean to report that after due notice to the parties interested they examined the said tract of land and find that it cannot be divided and they recommend to the court a sale of the entire tract of land and the division of the proceeds of the sale among the parties interested according to their rights all of which is respectfully submitted

Augt 13 – 1841

J. N. Wells
W. D. Pond
R. C. Morris
R. C. Hines
L. L. Morris

} Commissioners

Branch Jails

vs

Branch Jails

Answer of

L. J. & E. N. Comwell

The joint and separate answer of L. J. and E. N. Cornwell, adult children of Helen Cornwell unto a bill of complaint exhibited against them, Helen Cornwell and others in the Circuit Court of Southampton County by Wm E. Branch & others.

These respondents for answer to said bill or to so much thereof as it is material for them to answer, say - that the facts as set out in said bill are in the main correct, but they insist that the children of Helen Cornwell, who was the daughter of Nevit Branch dec'd are entitled under his will to their equal share of his estate. The clause of his will that your Honor is called upon to construe are 1 & 2. and are in these words, to wit: "I want all my estate to remain as it is, as long as my wife lives or remains single. At her death or marriage all of my entire property is to be equally divided between all my living children". It is a fact that their mother, Helen Cornwell was living when Nevit Branch, the testator died. The only question for your Honor to consider is whether the words of survivorship employed

by the testator. Next Branch died, relate to the period of his death or to that of the death of the life tenant, who was his widow and who survived him. Your respondents are advised that this question has been passed upon by the Supreme Court of Appeals of this State recently and that they have decided that "the safest and soundest construction of such clauses as those in question and that most consonant to the intention of the testator and best supported by the authorities is to refer them to the death of the testator and not to give the whole estate to such legatees as happen to survive the life tenant." Your Honor is respectfully referred to the late case of Stone v Lewis. 84 Va Reports p 474-, and it is submitted that this case is conclusive of this whole question. Notice is hereby given in this answer that respondents will ask the Court to allow a reasonable attorneys fee to their counsel, Price & Lebrun for their services in presenting their view of this case which has since come

from any funds that may be in the Custody of the Court. And having thus answered they pray hence to be dismissed &c. May it please the Court &c.

L. J. Carnwell
E. N. Carnwell
by Preston Shirley
their attys.

Jany 3. 1890

A copy of Will
of
Newit Branch

Exhibit "A"

Ordered to be recorded
Test. J. P. Edwards Co. C.
A copy Note 13 D. Mckenzie Co C

In the name of God Amen: I Newit Branch of the County of Southampton and State of Virginia being in Sound mind and memory do make this my last Will and Testament

1st I want all my Estate to remain as it is, as long as my wife lives or remains Single.

2nd at her death or marriage all of my entire property is to be Equally devided between all my living Children after all my just debts are paid. I leave my Son William E. Branch my Executor.

Given under my hand and seal this 22nd day of February (1879) one thousand Eight hundred and Seventy Nine

Witnesses
J. H. Williams
H. S. Briggs
B. H. Laine

his
Newit X Branch
mark

At a Court held for the County of Southampton on the 16th day of Jany. 1882 This last Will and Testament of Newit Branch dec'd. was proved by the oaths of J. H. Williams and B. H. Laine two of subscribing witnesses thereto & and

Brandt et als
Brandt et als
} Answer of the infant defendants by W. H. Parker their Guardian ad litem
1890 Sept. R. files

The answer of Caleb Cornwell and Delia V. Brand two infants by W. H. Parker their guardian ad litem to a bill of complaint filed at the 1st Sept Rules 1890 of the Circuit Court of Southampton County Va by Wm E. Brand & others against them and others

This defendant for answer to to the said bill or as much thereof as he is advised it is material for him to answer. answering. says that he knows nothing of the allegations contained in the plaintiffs' bill but submits the interests of his wards to the care of this court whose especial and peculiar duty it is to look after and protect the interests of infants. and having thus fully answered prays hence to be dismissed with his costs &c

Signed Wm H Parker, G'd'n ad litem.

Shands Bond & d.

Form No. 309.

Shands

to { COMMISSIONER'S BOND.

Commonwealth.

1891. Oct. 17. Filed

Everett Waddey, Stationer and Printer, Richmond, Va. } Form No. 309.

Know all Men by these Presents, That we Wm Shands and Wm B. Shands

are held and firmly bound unto the Commonwealth of Virginia, in the sum of two thousand Dollars, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligaiton, and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office, post or trust, with coupons detached from bonds of this State. Sealed with our seals, and dated this 17th day of October one thousand eight hundred and ninety one.

The condition of the above Obligation is such, That if the above bound Wm Shands shall faithfully perform the duties of his office or trust, as Special Commissioner under a decree of the Circuit Court of the County of Southampton, pronounced on the 28th day of September, 1891, in the suit therein depending under the name and style of Branch & als & Branch & als:

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

Wm Shands SEAL.

Wm B Shands SEAL.

SEAL.

In the Clerk's Office of the Circuit Court of the County of Southampton:

This day Wm B. Shands surety on the above bond, made oath before me B. F. McLemore, Clerk of the Circuit Court of the County of Southampton, that his estate after the payment of all his just debts, and those for which he is bound as security for others, and expect to have to pay is worth the sum of two thousand dollars; whereupon the said bond is admitted to record according to law.

Given under my hand this 17 day of Oct 1891.

Teste: B. F. McLemore Clerk.

Branch vs Ala

vs } Decree

Branch vs Ala

Cafey

Southampton Circuit Court. Sept 28-1891.

Branch &als

vs Decree

Branch &als

By consent of parties by their Attorneys in terms entered of record in the last decree in this cause, this day this cause came on again to be heard on the papers formerly read, the petition of N. W. & J. L. Branch, the report of Commissioners recommending sale of the land in the bill & proceedings mentioned and division of the proceeds among the parties entitled thereto, to which report no exceptions have been filed and was argued by Counsel, on consideration whereof the Court doth adjudge order and decree that the said report be confirmed. And the Court doth further order and decree that Wm Shands who is hereby appointed a special Commissioner for the purpose, shall after having given twenty days notice of the place time and terms of sale proceed to sell at public auction on some County Courtday in the town of Courtland Va to the

ing hereby vested the real estate in the bill and proceedings mentioned on the following terms to wit: one half of the purchase money Cash, balance on a credit of twelve months from date of sale, purchaser giving his bond with approved security for the same, bearing interest from day of sale, title retained till all the purchase money is paid, With option to the purchaser upon approval of sale by Court to pay all the purchase money cash and take a deed with special warranty for said land. And if the purchaser only pays one half the purchase money cash and gives his bond for the balance then return along with his report the said bond. But the said Commissioner shall not proceed to act under this decree until he shall have first entered into a bond before the Clerk of this Court in penalty of $2000.00 with sureties deemed sufficient by said Clerk con-

ditined for a faithful discharge of his duties as such under this and any further decree that may be entered in this cause.

C. W. Hill.

A Copy
Test. B. F. McLemore C.C.

Branch & als
vs. } In Chancery.
Branch & als

I B. F. McLemore Clerk of the Circuit Court of Southampton Co Va do certify that the Bond required of Wm Shands Spl. Comr. by decree in above style cause has been executed with security deemed sufficient by me.

Given under my hand this 27th day of Oct 1891, as Clerk of said Court.

B. F. McLemore C.C.

Brandt + als
vs
Report
Brandt + als

To the honorable C. M. Hill judge of the circuit court for Southampton County Va

Your undersigned Commissioner begs leave to report that in pursuance of a decree entered by this Court on Sept 28. 1891 in the chancery suit of Brandt et als vs Brandt et als. after having given the required notice of place time and terms of sale he proceeded to sell on Oct 19. 1891 (County court-day) at public auction in the town of Boykins Va to the highest bidder the real estate in the bill & decree mentioned. that N W & J. B. Brandt being the highest bidders become jointly the purchasers of the same for the sum of fifteen hundred and five dollars. That the sale is considered a very good one. that all the interested parties are fully satisfied with it and wish the court to ratify and confirm it. and your Commissioner recommends a confirmation of the same. That the said purchasers have not paid any of the purchase money. but are ready upon confirmation of said sale

to pay all the purchase money cash and take a deed for said property all the interested parties are willing for them do so and your Comr. therefor recommends that they be allowed to do so and he offer paying all costs of this suit pay the balance out to the said parties interested according to their respective interests. all of which is

Respectfully submitted by
Wm Shands Special Comr.

Dec 28th 1891

Branch & als
1st
Rep of Wm Shands
& Special Comr
Branch & als

Cornwall C. Me

To 3 Receipt #41.23

Stamps & Special Cover

Received aug 5. 1892 of W Shands
Special Comr in the Chancery suit
of Branch et als vs Branch et als
Forty one 73/100 dollars on payment
in full of the amount in his
hands belonging to me

L M Cornwell

Branch rate

vs } 3rd Report (final) of Mushandr Special Court

Branch rate

To the honorable B. W. Hill Judge of the Circuit Court for Southampton Co Va

Your Commissioner reports that the minor Caleb Boswell having become 21 years old your Court paid him the sum of $41.23 which he had in his hands belonging to him as will appear by his said receipt herewith filed. That there remains no funds in said Court's hands and nothing further to be done by him. all of which is respectfully submitted by

W Shands Special Com'r

Aug 5th 1892

Branch + als

vs } Petition of H.W. & J.L. Branch

Branch + als

1891 Sept 19 filed

B.F.M. C.C.

To the Hon B H Hill Judge of the
Circuit Court for Southampton County Va

Your Petitioners N W Branch & J L Branch
show unto your Honor that since the in-
stitution of the chancery suit of Branch
& als vs Branch & als they have bought
out the interests of Wm E. Branch, E. J.
Branch, Sarah A Branch. Ellen Branch
Mary E Branch Louisa O Branch in
the tract of land containing one
hundred and ninety six acres
whereof Newit Branch died seized
and possessed. as well appear from
a copy of a deed of bargain & Sale
from said parties to them herewith
filed marked exhibit B and
which deed has been duly recorded
in the clerk's office of this County
your Petitioners therefore pray that
when the said land is sold
that such part of the proceeds
as may belong to the above named
parties may be paid over to
them. As in duty bound your pe-
titioners will ever pray May it so
please the Court &c

N. W Branch & J. L. Branch Petitioners
By Shands Son their attorneys

Branch Wm E + al

To } Deed of Bd

Branch W + J S

A Copy

Exhibit B

This deed of bargain and sale made and
entered into between Wm. E. Branch and
Bettie S his wife. E J Branch and Nannie
D his wife. Sarah A Branch. Ellen Branch
Mary E Branch. Louisa O Branch grantors
and N W Branch + J L Branch grantees
Witnesseth that for and in consideration
of the sum of six hundred dollars
by the said grantees in hand paid the receipt of which
is hereby acknowledged they hereby
grant. bargain sell and convey with
general warranty unto said grantees
all right title and interest what-
soever that they have in and to a
certain tract of land whereof Nevil
Branch died seized and possessed
same lying and being in South-
ampton County Va and bounded
on the north by the lands of A. L.
Morris on the East by the public
road leading from Boykins to
Wakefield on the South by the land
of Wm. E. Branch, J. L. Barnell wife
and on the West by the lands
of R. L. Hines and others containing
one hundred and ninety six
acres more or less together with
all the appurtenances thereto belonging

or in anywise appertaining. as witness the following signatures and seals this 10th day of September 1890

Wm. E. Branch (Seal)
Bettie A. Branch (Seal)
E. T. Branch (Seal)
Nannie Branch (Seal)
Sarah A. Branch her mark (Seal)
Ellen Branch mark (Seal)
Mary E. Branch (Seal)
Louisa O. Branch (Seal)

State of Virginia
County of Southampton to wit
I. A. M Adkins a Justice of the peace for the County of Southampton State of Virginia do hereby certify that Wm E. Branch and B A Branch his wife. E T Branch and Nannie D. Branch his wife. Sarah A Branch. Ellen Branch Mary E Branch and Louisa O Branch whose names are signed to the writing above bearing date on the 10th day of September 1890 personally appeared before me in my County aforesaid and acknowledged the same to be their acts. Given under my

hand and seal this 10th day of
September 1890

A. M. Adkins J.P. (L.S.)

Southampton County to the Clerk
Oct 31st 1890

The foregoing deed from W. E. Brand
et als to N. W. Brand et als was
this day received and certificate
annexed admitted to record

Teste B. F. McLemore C.C.

A copy. Teste: B. F. McLemore C.C.

Received May 3rd 1897 of
N. W. Brandt the sum of Seventy
five dollars as payment in
full of all amounts due
me by him as my Guardian
and received by him for
me from my fathers estate
or otherwise and also as
payment in full of all
amounts due me by him
from any source whatsoever

Lelia V Dearborough

Witness
H. E. Hest.

Brandreth

3 2nd Report of Husband
{Special Comm
Brandreth
1871. Nov. 20. filed.

Branch & als
vs
Z Report
Branch & als

To the Honorable C. W. Hill Judge of the Circuit Court for Southampton Co Va

your undersigned Commissioner begs leave to report that in pursuance of a decree entered in this cause at the Nov Term 1891 of this court he collected from N W Branch and J L Branch the sum of $1505.00/100 and made them a deed with special warranty for the real estate sold them and paid the following costs in this case as directed in said decree

		$. cts	$. cts
	By cash from sale of land		1505.00
	To Com on $1505.00/100 @ 5 & 2 per cent	39.10	
Pd Nov 11th 1891	Shands & Son paid Shands & Son atty fee	30.00	
Pd	Prince Sebrell " " Prince Sebrell " "	30.00	
Pd	B. F. M " " clerks fees & writ Ex	10.20	
Pd	J. H. H " " Shff's "	2.00	
Pd	J. L. G " " J. L. Giduelle Com's fee	5.00	
Pd	W. H. Stroud " " W. H. Stroud for advertisement	1.50	
Pd Nov 11th 1891	N White " " J. N. White	1.00	
" " "	N D Pond " " N. D. Pond	1.00	
" " "	R C Morris " " R. C. Morris	1.00	
" " "	R C Hines " " R C. Hines	1.00	
" " "	J L Morris " " J. L. Morris	1.00	
" " "	" " for writing deed	5.00	
		127.80	
	Balance	1377.20	
		$1505.00	$1505.00

he then divided the balance of $1377.20/100 into eleven equal shares of $125.20/100 and paid them out to the parties entitled to them as follows

	$cts	$.cts
Balance to distributed		1377.20
To N. W. Branch one share	125.20	
" J. L. Branch " "	125.20	
" Wm. E. Branch " "	125.20	
" E. J. Branch " "	125.20	
" Sarah A. Branch " "	125.20	
" Ellen Branch " "	125.20	
" Mary E. Branch " "	125.20	
" Louisa O. Branch " "	125.20	
" N. V. Branch " "	125.20	
" Delia V. Branch's Guardian " "	125.20	
" L. J. Cornwell 1/3 of one share	41.73 1/3	
" E. N Cornwell 1/3 " " "	41.73 1/3	
" Caleb Cornwell's Guardian " " "	41.73 1/3	
	$ 1377.20	$ 1377.20

That that in addition to paying to N. W. Branch and J. L. Branch their shares of $125.20/100 each be paid to them as directed by the said decree the shares of Wm. E. Branch E. J. Branch, Sarah A. Branch, Ellen Branch Mary E Branch and Louisa O. Branch Receipts for all of said payments herein named are herewith filed that there remains no funds in the hands of your Commissioner except the share ($41.33 1/3) of Caleb Cornwell no one having qualified as his guardian. Your Comr asks the court to direct him to deposit the same in some good bank subject to the future order of the court. All of which is = Respectfully submitted by

Wm. Shands Special Comr

Received Nov 11. 1891 of Wm Shands special Com'r in the chancery suit of Branch & als vs Branch & als The sum of one Thousand and one dollars and sixty cents ($1001.60/100) as payment in full of the amount in his hands belonging to us on account of our own shares and the shares of Wm. E. Branch E. J. Branch. Sarah A Branch. Ellen Branch Mary E Branch. and Louisa O. Branch of proceeds from sale of land of Nepry Branch dec'd

Witness
E A Bain

N. W. Branch
J. J. Branch

Received Nov 16th 1891 of Wm Shands Special Commissioner in the chancery suit of Branch & als vs Branch & als one hundred and twenty five dollars and twenty cents as payment in full of the amount in his hand belonging to Delia V. Branch on account of her share of proceeds from sale of land of Nevil Branch dec'd

N. W. Branch
Guardian of Delia V. Branch

L. J. Cannuchet & } Forty one & 73/100 dollars
E. N. Cannuchet, } Forty one & 73/100 "
by Annie Schneckloth.

Paid Nov 14. 1891

Received Nov 16 1891 of Wm Shands special Com'r as above stated $125.20/100 as payment in full of the amount in his hands belonging to me on account of my share of proceeds from sale of land of Nevil Branch dec'd N. V. Branch

Brandon et al

vs 4th Decree

Brandon et al

In vacation
To the clerk of the
Circuit court for
Southampton Co Va

To be entered
CWT

Jan 21, 1871

Entered -
Page 517

Brandt &c
vs
Decree
Brandt &c

This day this cause come on again to be heard on the papers formerly read. the report of Comr Shands showing receipt of the purchase money for real estate sold. making of purchasers a deed with special warranty for same disbursement of said money supported by proper vouchers to which report no exceptions have been filed and was argued by counsel. on consideration whereof the court doth adjudge order and decree that the said report & and is hereby confirmed. and the court doth further order and decree that the said Comr deposit with Vaughan & Barbers the sum of $41.23/100 in his hands belonging to the minor Caleb Cornell and take the certificate of deposit for the same and file it in these papers. subject to the future order of the court

C Watts
Judge

Brandrade

to 3. 12c Deeree

Brandrade

To be Entered
May 22nd 1891
C Wade

Ent fuge 472

The consent to this
Deeree
Shands Bond & Co
Price Shuck Ltd

Branch + als
vs } Decree
Branch + als

This day this cause came on to be heard on the plaintiffs bill taken for confessed as to the adult defendant N.V. Branch. the answers of the adult defendants E.N. and L.J. Bonnell and the infant defendants Caleb Bonnell and Delia V. Branch by W.H. Parker their guardian ad litem and general replication thereto. exhibits filed and was argued by counsel. On consideration whereof the court doth adjudge. order and decree that J.W. White. R.L. Morris, R.L. Hines, J.L. Morris and William P. Pond who are hereby appointed special commissioners for that purpose and any three of whom may act. shall after having given reasonable notice to the parties interested proceed to divide the tract of land containing one hundred and ninety eight acres whereof Newit Branch died seized and possessed into eleven equal shares having regard to quantity and quality employing if necessary a competent surveyor to

assist them and allot one share to Wm. E. Branch. one to Sarah A. Branch one to E. J. Branch. one to Mary E. Branch one to Louisa O. Branch, one to J. L. Branch one to N. W. Branch. one to N. V. Branch one to Ellen Branch. one to Delia V. Branch and one jointly to E. N; L. J and Caleb Cornwell children of Helen Cornwell deceased. but if partition cannot be conveniently made then further report whether any of the interested parties ~~take~~ will take the entire tract and pay therefor to the other parties such sums of money as their interest therein may entitle them to or whether the interest of all parties will be best promoted by an allotment of a part and sale of the residue of the tract or a sale of the entire tract and division of the proceeds among the parties interested according to their rights and report to court in order for a further decree. And by consent of all parties by their attorneys given in open court. the court consenting for the infant defendants ordered that the further

hearing of this cause may be
heard in vacation

Branch + als

vs 3 2nd Decree

Branch + als

To be entered

CMH

Sept 28. 1891

decree entered

We consent to this Decree

Shande Hon J.V.

Prince + Sibell, n.s.

Branch + als
vs Dy Decree
Branch + als

By consent of parties by their attorneys in term entered of record in the last decree in this cause, this day this cause come on again to be heard on the papers formerly read, the petition of N W + J L Branch, the report of commissioners recommending sale of the land in the bill and proceedings mentioned and division of the proceeds among the parties entitled thereto, to which report no exceptions have been filed and was argued by counsel. on consideration whereof the court doth adjudge order and decree that the said report be confirmed. and the court doth further order and decree that Wm Shands who is hereby appointed a special commissioner for the purpose. shall after having given twenty days notice of the place time and terms of sale proceed to sell at public auction on some county court-day in the town of Courtland Va to the

highest bidder the real estate in the bill and proceedings mentioned on the following terms, to wit; one half of the purchase money cash, balance on a credit of twelve months from day of sale. purchaser giving his bond with approved security for the same. bearing interest from day of sale. title retained till all the purchase money is paid. With option to the purchaser upon approval of sale by court to pay all the purchase money cash and take a deed with special warranty for said land. ~~And upon approval of sale by court said Commissioner from out of proceeds of sale shall first pay all costs in this Court. including an attorneys fee of thirty dollars to Messrs Shands Hon Plaintiffs' attorneys and an attorneys fee of thirty dollars to Messrs Powell Hebell defendants attorneys. that divide the balance into three equal shares and pay one share to H. Branch and J. K. Branch each and also pay to them the six shares belonging to Mrs E. Branch. C.S.~~

Branch, Sarah A Branch, Ellen Branch Mary E. Branch. Louisa O. Branch, pay one share to N.V. Branch, pay one share to the lawful guardian of Delia V. Branch. pay one third of one share to L.J. Cornwell. pay one third of one share to E.N. Cornwell. pay one third of one share to the lawful guardian of Caleb Cornwell. take receipts for all said payments and return them along with his report ~~to court~~. and if the purchaser only pays half the purchase money cash and gives his bond for the balance, then return ~~the~~ along with ~~his receipts~~ report the said bond. But the said Commissioner shall not proceed to act under this decree until he shall have first entered into a bond before the clerk of this Court in penalty of $2000.00 with Surety thereon approved by said Clerk conditioned for a faithful discharge of his duties as such under this and any further decree that may be entered in this cause

C W Hall

Branch st: als:

(4" 3 3 3 3) Stat: Pulm 163

Branch st: als:

1 Sept -

Wm E. Branch - Sarah A. Branch
Ellen Branch - E. T. Branch, Mary
E. Branch. Louisa A. Branch - A. V.
Branch and J. L. Branch. Pltffs.
Against
A. V. Branch, L. J. Cornwell,
E. N. Cornwell, Caleb Cornwell,
and Delia V. Branch - last
two infants, by Wm H Parker
their G'dn ad litem. Deffts.

1890. Aug 20. Procp ifs. to 1st Sept. Rules.
" 1st Sept. Rules - Procp rel. Executed.
Bill & Ex: filed, W. H.
Parker appt G'dn ad
litem - decree nisi
v adults.
" 2nd Sept. Rules - Bill taken for confessed
as to adults - answer
of G'dn ad litem filed.
& guil. rep: and
Cause set for hearing.

Branch et als

vs

Decree

Branch et als

This day this cause coming again to be heard on the papers formerly read. the report of Special Comr Wm Shands of the sale of the land in the bill and proceeding mentioned and desire of the purchasers to pay all the purchase money cash and take a deed with special warranty for said land to which report no exceptions have been filed and was argued by counsel. on consideration whereof the court doth adjudge order and decree that the said report and the sale therein reported be and is hereby ratified and confirmed. and the court doth further adjudge order and decree that the said Commissioner proceed at once to collect from the said N. W & J. L. Branch the sum of $1505.00/xx. the purchase money for the said real estate. & upon receipt of the same execute to them a deed with special warranty for the said real estate. and out of the said purchase money first pay including an attorneys fee of $30 to Bronson & Bedford all costs in this cause & then pay to Shands upon a like fee - divide the balance into eleven

equal shares and pay one share to N.W Branch and J. L. Branch each and also pay to them the six shares belonging to Wm E Branch, E T Branch, Sarah A Branch, Ellen Branch, Mary E Branch and Louisa O Branch, pay one share to N.V. Branch, pay one share to the lawful guardian of Delia V. Branch. pay one third of one share to L. J. Cornwell. pay one third of one share to E. N. Cornwell. pay one third of one share to the lawful guardian of Caleb Cornwell. Take receipts for all said payments and return them along with a report of his proceedings to court in order for a further decree.

Branch + al
vs
Branch + al

3rd Decree

To be entered Nov 3rd 1891

Entered

Branch rds

vs Z 5th Dsemt (final)

Branch rds

To be entered

Nov Term 1892

C Mot

Entered

Brandrath
vs 3 Decree
Brandrath

This day this cause came on again to be heard on the papers formerly read report of W. Shands Special Comr to which report no exceptions have been filed and was argued by counsel. On consideration whereof the court doth adjudge order and decree that the said report be confirmed and it being shown to the court that there is nothing further to be done in this cause ordered that the same be removed from the docket.