

Probate, NC, Edgecombe, Laurence O'Brian 1815

Court of Probate of Leon County
xxx at Chambers

State of Florida
County of Leon

Be it remembered that heretofore, to wit, on the 3rd day of November 80 1859 **GEORGE H. MCGINNISS** of the state and County aforesaid having presented his petition to the honorable Judge of Probate in and for the county and State aforesaid to be appointed Guardian of the estate of **JOSEPH H. BRANCH**, a minor of the said County and state aforesaid, that upon consideration of said petitioner the said Court made and entered in order in the premises in words and figures, to wit:

State of Florida
County of Leon

Court of probate
At Chambers November 3rd 1858

In the matter of the estate of **JOSEPH H. BRANCH**, a minor, it is that **GEORGE H. MCGINNISS** be appointed guardian of the estate of said minor on his filing his bond in this office in the penalty of \$20,000 condition as his loan direct with **D. B. MCGINNISS** and **J. R. MCGINNISS** has his securities.

D. W. GWYNN
Judge of Probate

And afterwards, to wit, on the 3rd day of November ad 1858 came to said **GEORGE H. MCGINNISS** and filed his bond, as aforesaid, in words and figures, following, to wit:

"Know all men by these that we **GEORGE H. MCGINNISS**, **DANIEL MCGINNISS**, and **JOSEPH R. MCGINNISS** are held and firmly bound unto **MADISON S. PERRY**, Governor of the state of Florida, and his successors in office, in the sum of \$20,000 for the payment of which will and truly to be made we find ourselves our heirs executors administrators and assigns jointly and severally firmly by these presents sealed with our seals and signed this 3rd day of November 8th 1858.

The condition of this obligation is such that where is the above founded **GEORGE H. MCGINNISS** has been duly appointed guardian of the estate of **JOSEPH W. BRANCH** a minor now if the said **GEORGE H. MCGINNISS** shall well and truly pay and deliver to the said **JOSEPH H. BRANCH** all such a state and the states has now are or shall Hereafter appear to be due to him when and as soon as he shall obtain to lawful age or when they're too required by legal Authority than this obligation to be known Android else to remain in full force and virtue.

Probate, NC, Edgecombe, Laurence O'Brian 1815

GEORGE H. MCGINNISS

D. B. MCGINNISS

J. R. MCGINNISS

Signed sealed and delivered in the presence of

D. W. GWYNN

And afterwards, to wit, on the 3rd day of November 8th 1858 the said bond having been approved by the said Court to side Court issued letters of guardianship so the said **GEORGE H. MCGINNISS**, in words and figures following, to wit:

State of Florida
County of Leon

Court of probate

At Chambers

To all To whom these presents show, greeting.

Where is **GEORGE H. MCGINNISS** at present of the county of Leon and state of Florida aforesaid hath been duly appointed guardian of the estate of **JOSEPH H. BRANCH**, a minor, and have entered into bond obligatory to the governor of the state of Florida and his successors in office in the penalty of \$20,000 conditioned as the law directs with **D. B. MCGINNISS** and **J. R. MCGINNISS** as his Securities, now know ye, that guardianship of all and singular the lands, tenements, rights, and credits which now are or may hereafter become due to said minor has been granted and by these presents committed to the said **GEORGE H. MCGINNISS**.

In witness whereof I have hereunto set my hand and affixed my seal of office this 3rd day of November 8th 1858.

D. W. GWYNN

Judge of Probate

I do certified before going to be a true record duly made in my office this 3rd day of November ad 1858.

D. W. GWYNN

Judge of Probate

Probate, NC, Edgecombe, Laurence O'Brian 1815

State of Florida
County of Leon

I **A. P. AMOKER**, Judge of Probate in and for the state and County of aforesaid, do hereby certify the foregoing to be a true, full, perfect, and complete transcript from the records in my said office touching the guardianship of **GEORGE H. MCGINNISS** of the estate of **JOSEPH H. BRANCH**, a minor, and further I hereby certify the bond of said guardian to be ample and sufficient according to the statutes in such case made, and provided, to cover all such property, rights, and effects of said **JOSEPH H. BRANCH** which have come or are likely to come into the hands possession or control of the said **GEORGE H. MCGINNISS** as such guardian, and further that the said **GEORGE H. MCGINNISS** is still Guardian as aforesaid and that his letters as such guardian have never been revoked.

In testimony whereof I hear on to set my hand and I affix the impress of the seal of my said office this 13th day of December 8th 1859.

A. P. AMOKER
Judge of Probate and ex-officio Clerk of said Court
Leon County
Florida

Probate, NC, Edgecombe, Laurence O'Brian 1815

North Carolina
Edgecombe County

Court of equity

Fall term A.D. 1858

To The Honorable the Judge of said Court

The petition of **LAURENCE O'B. BRANCH [LAWRENCE O'BRYAN BRANCH]**, **JOSEPH BRANCH**, **JAMES H. BRANCH**, **ROBERT W. WILLIAMS** and **SUSAN**, his wife, and **JOSEPH BRANCH**, an infant under twenty one years of age by his next friend **LAURENCE O'B. BRANCH**, respectfully show it on to your Honors that **LAURENCE O'BRIAN** late of said County died sometime about the year 1815 leaving heir surviving **SUSAN BRANCH**, his child, to whom he bequeathed the real estate, hereinafter described, after the life estate of **NANCY** his wife that the said **SUSAN BRANCH** after intermarrying with the late **JOSEPH BRANCH**, died leaving her surviving your petitioners and only heirs of law, upon whom her real estate descended, to be equally divided or as tenants in common, between them, each of her said children being entitled to one fifth part thereof.

Your petitioners further show that the said life tenant, **NANCY F. O'BRIAN**, died some time in the year 1858.

Your Petitioners further show that the said **LAURENCE O'BRIAN**, at the time of his death, was seized in fee simple of certain real estate situate, in the county aforesaid and town of Tarboro being Lots No. 11, 51, and 110 in place of said town.

And your petitioners further show that they desire to have partition of said real estate made amongst them, according to their respective rights and interest therein, but that owing to the size of said real estate, the number of parties interested, the nature of the property itself and other causes, it is impossible that actual partition thereof can be made without serious injury to the parties interested.

The petitioners therefore pray that your honor to order the sale of said real estate on such terms as your honor shall deem just and reasonable and that the proceeds of the sale may be divided amongst them, according to their respective shares and interests in the said real estate, and may be paid to, or secured for, them according to law and the course of this honorable court.

And your petitioners, as in duty bound, will ever pray.

JOSEPH A. ENGELHARD
Solicitor for the petitioners

Probate, NC, Edgecombe, Laurence O'Brian 1815

North Carolina
Edgecombe County

In equity

HENRY T. CLARK and **ROBERT NORFLEET** make of that they are well acquainted with the real estate described in the foregoing petition, and that owing to the size of said real estate, the nature of the property, and the number of persons entitled to shares therein they do not believe that actual partition of the same could be possible possibly made without serious injury to the parties.

HENRY T. CLARK
R. NORFLEET

Sworn to and subscribed before me September 13th 1858

W. H. JOHNSTON, C. M. E.

Probate, NC, Edgecombe, Laurence O'Brian 1815

LAURENCE O'B. BRANCH & Others

Ex parte

Petition for sale of land

To September Term 1858

Probate, NC, Edgecombe, Laurence O'Brian 1815

Report of master

To Fall Term 1858

Probate, NC, Edgecombe, Laurence O'Brian 1815

L. O'B. BRANCH & Others, Ex-Parte

In the cause the undersigned respectfully reports that from the descriptions of **HENRY T. CLARK** and **ROBERT NORFLEET** filed herewith he is of the opinion that the real estate described in the petition cannot be divided by metes & bounds without injury to the interests. Is the opinions & that such injury may be avoided by a sale thereof & a division of the proceeds, all of which is respectfully submitted.

W. H. JOHNSTON, C. M. E.

Probate, NC, Edgecombe, Laurence O'Brian 1815

Court of Equity
Sprint Germ 1859

In the matter of **LAURENCE O'B. BRANCH** & others

The undersigned begs leave to report that in obedience to the decree of this honorable court made at honorable court made at the last term in the above entitled cause, he after due advertisement of the time and place, exposed at the public sale on the 9th day of November last, before the courthouse down in Tarborough, the town lots described in the pleadings, when **ROBERT NORFLEET** became the purchaser of Lot No. 51 at the price of eleven hundred and twenty six dollars, **AUGUSTUS H. MACNAIR** of Lot No. 110 at the price of seventy five dollars, and **EDMUND D. MACNAIR** of Lot No. 11 at the price of one dollar.

The lots sold for a fair price and the purchase money is well secured.

W. H. JOHNSTON, C. M. E.

Probate, NC, Edgecombe, Laurence O'Brian 1815

Report of Master

To Spring Term 1859

Probate, NC, Edgecombe, Laurence O'Brian 1815

Court of Equity
Edgecombe County

Fall term 1859

In the matter of **L. O'B. BRANCH** and return

It appearing to the satisfaction of the Court from the report of the Clerk and Master that the whole of the purchase money will be due on the 1st of January 1860, it is ordered and decreed, when the purchase money is paid, that the master convey and issue the Lot No. 51 to **ROBERT NORFLEET** in fee simple, Lot No. 110 to **AUGUSTUS H. MACNAIR** in fee simple, and to **EDMUND D. MACNAIR** the Lot No. 11 in fee simple.

And the master, having stated the cost of this suit, including all allowances whatsoever made, and the court doth order the same to be retained and paid out of the fund, and the residue thereof the court doth order and direct the the Clerk and Master to pay out and dispose of, as follows, to wit

The shares of the petitioners **LAURENCE O'B. BRANCH, JOSEPH BRANCH, JAMES H. BRANCH** each being one-fifth of the whole are to be paid to them respectively, their agents or assigns.

If **ROBERT W. WILLIAMS** and **SUSAN**, his wife, shall join in conveyance of the share of the said **SUSAN**, which is also one fifth of the whole, with all the forms required by law and the transfer by husband and wife, of all the real estate of the wife, and the same after being duly proved and registered, or a certified copy thereof shall be filed in the office of this court, then the Master is to pay said share accordingly to any such deed of assignment.

The share of the infant petitioner **JOSEPH BRANCH** also one-fifth part of the whole, is to be paid to his guardian upon his filing, in the office of this court, a duly certified copy of the record of his appointment by the proper court, and also upon his showing, to the satisfaction of the master, that his guardian bond is sufficient to prevent any loss, not only to the estate and effects of his bond already in his hands, but also as regards this fund, the Master is to take a receipt for this fund as real estate.

It is further ordered that this decree be enrolled.

Probate, NC, Edgecombe, Laurence O'Brian 1815

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