

1812-008

SOUTHAMPTON COUNTY
CHANCERY PAPERS

FAIRCLOTH

VS BARNES

7/18/12

N^o 153

Enicloth

nl

Barnes

Pile

Alleg 18th Bill

File Rule to answer

Sep 18th

Answer filed & Repd

& commd^d for

July 1872 Referred

to the worshipped fruit of Mr. Hampton's family in Chancery Street.
He is by complaining sheweth unto your worship your oration
Rebecca Tarrill, widow and ~~advent~~ of Ephraim Tarrill, the same
time in the year 1780. or thereabouts he and Mr. Lucy
Barnes departed this life leaving several children, to wit, Briston
Eddy, Charity, Briston, Bailey, Sally, Benjamin and your
oration and leaving also a small personal estate
that is usually stated. The said estate was sold and the
amount of sales, as your oration believes, was equally
divided between the distributees, except to himself
who did not receive his portion for the following
reason. At the time of the said sale, your oration
was an infant under the age of twenty one years,
and presumed the favour of Briston Barnes, his
brother, to become his guardian, who undertook the duties
of that office in a friendly manner, and without
any qualification in court. That he received
the sum of fifty three pounds or thereabouts, the
portion of the sale aforesaid, to which your oration pays

Barnes }
ads } answer
Fairclothe }
Sep 1806 answer
Filed & kept & comm
L

Barnes

The answer of Burston Barnes Deft

to
The bill of Pheryb Faircloth Complat

This Deft now and at all times hereafter saving
and reserving to himself all, and all manner of advantage
and benefit of exception that may be had or taken
to the many errors, uncertainties & untruths in the
said bill contained for answer thereto, or so much
thereof as he is advised is material or material to
be answered, answereth & saith — This Deft admits
that he received ~~the~~ sum of money for and in
behalf of the Complat but that the amount thereof
to the best of this Defts recollection was forty three
pounds, and that was recd sometime either in the
year 1779 or 1780, so that the scale of Depreciation
according to the Law in such Case made & provided
must act upon such payment, reducing it to but
an inconsiderable sum — but be the value thereof
what it will the Deft expressly avers that he has
overpaid the same, viz, in the following manner

to-wit^{in 1782} the sum of sixteen dollars in actual specie
fifteen pounds of feathers at 3/4th each in the same year
and for the greater part of the 1st year to-wit for the
space of ten months and ten days or thereabouts which
time she laboured for her own use & profit and had
cotton found her to spin 19 - 7/11 which board de

this Deft avers are 19 - 7/11 reasonably worth
ten pounds lawful money of 16 - 2/9

16 - 2/9
42 - 31
16 - 53
230 - 027

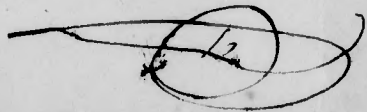
as to the Colt mentioned in the bill this Deft.
admits that there was a Colt he believes about
a year old which was sold probably by this
Deft but that the Comptrolr said some amount to
but he doth not recollect the circumstances
sufficiently to be positive as relative to its value
but he well remembers that the money, he said he
were acknowledged by the Comptrolr as a full satisfaction
for the claims she had against him — there is another
circumstance that ought to be remembered — to wit, that
the money used as the property of the Comptrolr was
by law called in, and the Deft used certificates
for the depreciated value of the money —

The Deft again charges that he has overpaid
the demands of the p^{ty} — & requests to be hence
discharged with his costs he in this behalf most
wrongfully sustained —

Ston County ss.

Benton Barnes this 10th of Sept. personally appeared
before me a justice of the peace for the County afo.
and made oath to the substance & matters of facts
stated in the foregoing answer — Given under my
hand this day & date above —

Sol Holmes J.P.



Faintest
107 } Spa
in
Barner } Charney
To June 1806

Executed 8th day
of May 1806
Robt. Mabry

^{my}
The Commonwealth of Virginia to the Sheriff of Southampton
County greeting you are hereby commanded to summon
Buckston Barnes to appear before the justices of our
said Court at the Court-house of the said County on
the third Monday in June next to answer a bill
in Chancery exhibited against him by George
Faircloth and this he shall in no wise omit under
the penalty of \$100 and have then & there this
writ withing seven miles Clerk of our s.^d Court
at the Chancery the 28th of April 1866 and in
the 30th year of the Commonwealth

Samuel D. D.