

1815-128

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BARHAM & a) VS CAPELL & ADMR & a)

10/1815

Barhams

127

W. Capell et al

Bill de Sumner

March 1815 Order of Pub.

June 1815 Int. J. Decease

entire Record

To the worshipful Court of Southampton in Chancery
sitting - Humbly complaining Shew unto your
wships your complainants Nathaniel H Barkham James
Barkham and Jane Barkham who is under the age of twenty
one years by the said Nathaniel H Barkham her next
friend appointed by the court to prosecute for her in this
behalf - That their Father Joel Barkham departed
this life some years ago leaving a widow Sally
to whom dower hath been assigned on the lands
and slaves whereof the said Joel died seized
and possessed, and also leaving your complainants
and two other children to wit Charles Barkham
and Peggy Capell late wife of Wilkinson Capell
among whom distribution of the real and personal
estate of the said Joel hath been made agreeably
to the laws of this Commonwealth he having died
without a last will and testament, except in that
part of the land and slaves which were allotted to
his widow the said Sally as and for her dower
That the said Sally the widow of the said Joel hath
lately departed this life and her interest in her dower
estate hath consequently terminated. That Peggy
Capell one of the children of the said Joel Barkham
hath lately departed this life leaving the following
children, Lewis, Sally, Patey, Nancy, Charles, Mary, Benjamin
William and Nathaniel M Caprell -
and Wilkinson Capell the husband of the said

Peggy Capell and her ^{letter of} husband taken out administration
on the estate of the said Peggy. That Charles
Barham the remaining child of the said Isaac
Barham and is not an inhabitant of this common-
wealth. That the land allotted to the said Sally
for her dower is not worth one hundred dollars to
each of the parties entitled, neither can the dower
slaves ^{Fanny & Lucy} (then being but two) be divided in kind
therefore your complainants are advised to ^{apply to} this
honorable Court for relief. In consideration
whereof and in as much as your complainants and
without remedy save in a Court of Chancery they
Pray that the aforesaid Wilkinson Capell and of
Peggy Capell and and the aforesaid infant children
of the said Wilkinson & Peggy Capell by some person
whom may be appointed to defend them in this behalf may
be made defendants hereto and be compelled to
answer all and singular the allegations herein fully
and unreservedly. They also pray that the said
Charles Barham who is not an inhabitant of
this state may by proper process be made a defendant
hereto and be compelled to answer the foregoing
allegations fully and perfectly, and they further
pray that the land and two slaves Fanny & Lucy
which were of the dower of Sally Barham and
may be sold on such credit as this honorable

Court may deem expedient and the proceeds of
the sale be divided between your complainants and
the defendants in such proportions as they may be
respectively entitled to. and they finally pray that
your honors would make any other or further order
or decree in the premises which may be caused and
meet and just and as in duty bound they
will &c

Nathaniel H Barham
James A. Barham
Jane Barham by Nathaniel H Barham

Barkley

m

Capell

Bill

q

anna

March 18/5 rows of
Publications —

ent. of Record

To the worshipful Court of Southampton in Chancery
sitting - The joint and separate answers of Wilkenson
Capell administrators of Peggy Capell and Lewis, Sally
Patty, Nancy, Charles, Mary, Benjamin William and Nathaniel
W. Capell
infant children of the said Wilkenson Capell and his
late wife Peggy by their next friends the said
Wilkenson Capell to the bill of Complaint exhibited
against themselves and Charles Barham by Nathaniel
H. Barham, James Barham and Jane Barham
who is under the age of twenty one year by her next
friend the said Nathaniel H. Barham - These
Respondents now and at all times saving and reserving
to themselves all and every benefit of exception to answer
errors or imperfections in said bill contained for
answer thereto or to come to them as they are advised
is material and necessary for them to make answer
unto answering say - That they are willing to
admit the statement of facts contained in the compl-
-aintant's bill, and have no objection that such
dece may be pronounced as is prayed for by the
complainants, These respondents having answered
pray to be heard dismissed &c. - Wilkenson Capell

Agreeably to the within Deed as directed we have made
 sale of the Land therein mentioned for the sum of \$
 396.26. and conveyed the same in fee simple to James
 Barham, who became the purchaser; also have made
 sale of the said slaves therein mentioned for the sum
 of \$528.34. and have taken Bond as the said deed
 and have paid to all the Parties their Shares except Charles Barham
 direct given under our hands this 1st October 1855

William
 as
 J. P. Deane
 Benjamin Wren
 Robert Nicholson
 Charles Nicholson
 Bankers

Oct: 16th 1855 Robert Nicholson
 Clerk Deane's Sale

W.L.D.

Southampton June Court 1855

Nathaniel H. Barham, James
Barham & Jane Barham Complainants
Against

Wilkinson Capell adm^r of his wife Peggy
late Peggy Barham, Lewis, Sally Paty
Stacey, Charles, Mary, Benjamin, Wm
(and Nathaniel W. Capell) infant
children of the said Wilkinson and
Peggy Capell by the said Wilkinson
Capell their natural Guardians
and next friends Defendants

In Chancery

This cause came on this day to be heard on
the bill and answer and it appearing to the satisfaction
of the court that the publication hath been made
in this cause - whereupon and upon due consideration
thereof had the court with advice order and decree
that Benjamin Wrenn, Robert Nicholson, and Sherman
Nicholson or any two of them do after giving reason-
able public notice of the time and place of sale upon
the tract of land lying in this county containing One
hundred and twenty acres more or less, being the same
tract which was assigned to Sally Barham, widow
of Joel Barham and as her dower and also two negroes
to wit Fanny and Lucy, which were assigned to the
said Sally Barham as her dower in the slaves of
which the said Joel Barham died possessed, to public
sale on a credit of nine months that they divide the
proceeds of the sales of the aforesaid two negroes Fanny
and Lucy into five equal parts, taking bond with
approved security for each separate part and assign
one of the parts to Wilkinson Capell, who claims
under his deceased wife Peggy - One other part to Nath^l
H Barham - One other part to James Barham, one
other part to Jane Barham, and the remaining part

to Charles Barham, and that they also divide the proceeds of the
aforesaid tract of land into five equal parts, taking bond with
approved security for each separate part, and assign one
equal part fifth part to each of the complainants, Nathl.
H. Barham, James Barham and Jane Barham, one other part
to Charles Barham, and the remaining fifth part they are
to assign over to Wilkinson Capell the natural guardian
of his infant children, Lewis, Sally, Patsy, Nancy, Charles, Mary
Benjamin William and Nathaniel. ~~to be held~~ to be held
by him for the benefit of the said infants. the said Wilkin-
son here in court acknowledging to them all his interest which
he might claim as tenant by the courtesy in said tract of land
(and that they execute a deed or deed of conveyance to the purch-
aser or purchasers of said land, and make report to this court
of their doings and doing herein in order to a final decree

Teste Richelle D

Nathaniel H. Barkham and others

William Capell & others

Malhamcy-

This cause came on this day to be heard in the Vice
and chambers and it appearing to the Court here
that the order of publication heretofore made
within Cause against the absent defendant Charles
Barkham hath been published in the ~~Peterborough~~
Intelligencer for two months and posted at the front
door of the Court house of this County on two several
Court days whereupon and upon due consideration
thereof had the Court doth adjudge, order and
direct that Benjamin Meigs, Robert Nicholson
and Chaseman Nicholson or any two of them
do after giving reasonable public notice of
the time and place of sale expose the tract of
land lying in this County containing one hundred
and twenty acres more or less being the same tract
which was assigned to Sally Barkham widow of
Joel Barkham deceased ^{as her power} and also two negroes to
wit. Fanny and Leeny which were assigned to the
said Sally Barkham or her assigns in the slaves of
which the said Joel Barkham died & assigned to
public sale on a credit of nine months.
That they divide the proceeds of the sales of the
aforesaid two negroes Fanny and Leeny into five
equal parts taking bond with approved security
for each separate part and assign one equal
fifth part to William Capell who claims under
his deceased wife Peggy. one other part to Nathaniel
H. Barkham, one other part to James Barkham

Another part to the ~~guardian~~ James Buchanan
and the remaining other part to Charles Buchanan
And that they also divide the moneys of the
aforesaid tract of land into five equal parts
taking bonds with approved security for each
separate part. And assigns one equal fifth
part to each of the complainants Nathl. H.
Buchanan James Buchanan and ~~the guardian~~
~~for the infant~~ James Buchanan. One other part
to Charles Buchanan, and the remaining fifth
part they are to assign over to Wilkinson
Capell the natural guardian of his infant
children, Lewis, Sally, Patsy, Nancy, Charles,
Mary, Benjamin, William and Nathaniel. Mr.
Capell to be held by him for the benefit of the
said infants the said Wilkinson here in Court
surrendering to them all his interest which he
might claim as tenant by the Curtesy for said
tract of land - and that they report to this
Court their doings and doings herein in order
to a final decree -