

1817-021

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BARNES v. al vs. BARNES

11/1817

Barnes }
m. 3 }
Ble. 11. }
Barnes }

Barnes }
to } bill & assist.
Barnes }

Oct. 21st 1816 Deane
FOR

6
To the worshipful the County Court of Southampton
In chancery sitting your Orators & Creatrix Presley
Edwin and Eliza Maria Barnes children of Wm. Barnes
Humbly Represent. — That Jacob Barnes departed
this life some years since having first duly published
his last Will and Testament, in which he devised as
follows: "Item. I give and bequeath unto my grand
children the heirs of my son William Barnes one tract
of Land lying on the south side of the Three Creeks
in Southampton County Virginia containing seventy-five
Acres also to John Fort Barnes son of the said William
Barnes I give and bequeath one Negro Boy named Ben
the son of Hannah to him and his son forever" — which
said Will has been admitted to record in the County
Court of Southampton an attested Copy of which is hereto
annexed and prayed to be taken as a part of this bill.
Your Orators & Creatrix beg leave to state that since
the Publication of the said Will, John Fort Barnes has
departed this life intestate by which ^{event} William Barnes
the father is intitled to his proportion of the said Land
devised your Orators & Creatrix beg leave further
to state to your Worship the Land before mentioned is
not worth one hundred Dollars ^{or} share, they therefore
pray your Worship to decree a sale of the same in
conformity to an act of Assembly in such cases made
and provided — They further state to your Worship
that William Barnes who is only intitled to equal
distribution with your Orators & Creatrix has the whole of
the said Land in possession, and refuses a division

on sale of the same without the aid and intervention
of a Court of Equity, all which acting and doing are
contrary to equity and good conscience, & tender consid-
eration whereof and for as much as your Creators &
Creatrix are remediable at common law and alone
relievable in a Court of Equity, to the end that said
= ties may be done the Parties, they pray your Wor-
= ships to compel the said William Barnes, who is
prayer a defendant hereto true and perfect Answer
to the foregoing allegations, and that your Worships
will decree agreeable to the prayer of the bill and
grant such other and further relief the Premises
considered as may be consistent &c. & your Creators
& Creatrix as in duty will ever pray &c.

The Answer of William Barnes to the bill
exhibited against him by Presley Barnes, Edwin
Barnes and Maria Barnes.

This defendant saving & reserving to himself all
every benefit of exception to the many errors in the complain-
= ants bill contained or to so much as he is advised
it is material to answer, answereth and saith,

That the allegations in the complainants bill are
true so far as he knows or believes, and that he
has no objection to the Court granting such a decree
as is prayed for by the Complainants. This defendant

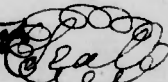
= ant claims all frame, combination &c. and pray hence
to be dismissed &c.

Barnes }
in } In shewing.
Barnes }

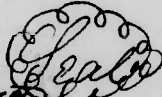
This day this Cause came on to be heard
on the bill, Answer and exhibit, when it is ordered
and decreed by the Court that David Westbrook, Joel
Westbrook, Arthur Williamson and William Singleton
or any three be commissioners appointed by the Court
having first duly advertised the time and place of sale
to make sale of the Tract of Land in the bill mention-
ed upon credit until 21st October next and take
four separate bonds for the same with good and
responsible security and assign one to Presley Barnes,
one to William Barnes, one to Edwin Barnes, and
one to Celia Maria Barnes and make report to this
Court in order to a final decree.

Report

Agreeable to an order of the County Court of Hampshire to us directed bearing date October Court 1846 we have put up at Publick Sale the lands belonging to the children of William Barnes on a credit until 21st of October 1847 which Sales amounting to the sum of Two Hundred Twenty Six Dollars, which money we have divided in the following manner To Wm. to presently Barnes we have assigned the sum of Fifty Six Dollars & fifty cents to Edwin Barnes the sum of Fifty Six Dollars & fifty cents to Mariah Barnes fifty Six Dollars & fifty cents & to William Barnes Fifty Six Dollars & fifty cents it being their proportionable parts of the amount of said Sales agreeable to order to us directed Given under our hands & seals this ninth day of January Eighteen Hundred & Seventeen

David Westcott 

Doel Westcott 

Arthur Williams 

Barnes & } Inty
to }
Barnes } Deere

November 1877

Dep't. ret. fines
receiv'd by consent.

Southampton

Southampton County Oct^r Court 1816

Nesley Barnes, Lewis Barnes and
beta Maria Barnes Children of William
Barnes dec^d - - - - - Comptt.
ag^t

William Barnes - - - - - Defendant. } In
Chancery

This Cause this day came on to be heard
on the Bill, answer and exhibits, when it is ordered
and decreed by the Court that David Westrook, Joel
Westrook, Arthur Williamson and William Singleton
or any three of them Commissioners appointed by the Court
having first duly advertised the time and place do
make Sale of the tract of Land in the Bill mentioned
upon a credit of twelve Mth October next and take
four separate bonds for the same with ^{responsible} good and
Security and assign one to Nesley Barnes, one to
William Barnes, one to Lewis Barnes and one to
beta Maria Barnes, and make a report to this
Court in order to a final Decree

(a copy) Teste
James Rochelle c^l
3

In the name of god Amen I Jacob Barnes of the County
of Wake and State of North Carolina being of sound mind
and memory do make and ordain this to be my last will
and testament in form and manner following to wit
I give unto my beloved wife Winnifred Barnes during
her natural life two negroes Dick and Hannah both
mentioned in our marriage Contract also the three
part of my land whereon I live in Wake County and
one room in my dwelling house say the West part
during her life or widowhood then I give and bequeath
unto my said wife one bed and furniture formerly called
hers one bay mare my part of the stock of Hogs three
head of Cattle she to take choice of to her and her
heirs forever —

Item I give unto my daughter Phoebe Underwood one negro
man named Douglas one negro woman named
Nan to her and her heirs forever —

Item I give and bequeath unto my grand son Weller Under-
wood one negro girl named Cynthia to him and his
heirs forever —

Item I give and bequeath unto my daughter Sarah Joiner
one negro girl named Jenny and one boy named Sam-
to her and her heirs forever —

Item I give and bequeath unto my daughter Lucy Pettit one
negro girl named Juliet to her and her heirs forever

Item I give and bequeath unto my grand children the heirs
of my daughter Mary Spalcomb four negroes
namely Liddie Ase Ben and Anthony them & their
increases to be equally divided between them to them &
their heirs forever —

Item I give and bequeath unto my grand son Henry Jones
all my land in Wake County on the east of New river
whenever I live containing one hundred and ninety seven
acres to him and his heirs forever—

Item I give and bequeath unto my grand children the heirs of
my son William Barnes one tract of land lying on
the south side of the three Creeks in Southampton
County Virginia containing seventy five acres also
to John Fort Barnes son of the said William Barnes I give
and bequeath one negro boy named Ben the son of Hannah
to him and his heirs forever—

Item I give and bequeath unto my grand daughter Rebecca
Mason daughter of Elizabeth Mason one negro
boy named Zeba to her and her heirs forever—

Item I give and bequeath unto my great grand daughter
Sarah Biddle Jones daughter of Henry Jones one negro
girl and her increase named Eliza to her and her heirs
forever—

Item My further will and desire is that the two negroes Dick
and Hannah and her increase if she should have any
after this date at the death of my wife should be sold
and the money arising from such sale be equally
divided among my children that may be alive at my
death—

Item All the residue of my estate not before given away
of whatever kind or denomination I wish to be sold
and the money arising from said sale to be equally
divided among all my all my living children and my
grandson Henry Jones and grand daughter Rebecca
Mason to them and their heirs and I hereby

authorize my executors hereafter named to appoint the
disinterested men to make any division among the
Legates when it may be necessary— And lastly I
do hereby constitute and appoint my two grand sons
Henry Jones and Willie Underwood my whole and
sole executors to this my last will and testament
revoking and making void all others In Witness
whereof I the said Jacob Barnes have hereunto set
my hand and seal this eleventh day of August
Anno Domini one thousand eight hundred and
ten—

Signed Sealed and acknowledged
by the testator to be his last will
and testament in presence of us—

Henry Moring

Isaac Powell

John Fort Junr.

A true copy

Wm Hill Ck

Be it remembered this 30th day of September 1810
That in addition to my before written will and
testament I do hereby give and bequeath unto my
grand son Gray Barnes Jones all my tools of every
description also one Colt the dam of my bay mare
foal last spring In Witness my hand and seal this day
and date above written—

Jacob Barnes

H. Moring

Isaac Powell

A true copy

Wm Hill Ck

Wake County February term 1811

The within last will & testament
of Jacob Barnes dec'd was exhibited in open Court for
probate and duly proven by the oaths of Henry Moring
Jesse Powell and Caswell Powell subscribing witnesses
to the same and ordered to be recorded in testimony
of which I William Hill clerk of the Court of
pleas and quarter sessions ^{in and for the County aforesaid}
do hereby set my hand and affix the seal of said
County at office in Raleigh this 2nd day of March
A.D. 1811—

Seal

W^m Hill clk

At a Court held for the County of Southampton the
18th day of March 1811 The within Copy of the last
will & testament of Jacob Barnes deceased and
codicil thereto annexed with a Certificate from under
the hand of William Hill clerk of Wake County Court
of its having been duly proven there is ordered to be
Recorded—

A Copy

Teste

James Rochelle Ck.

Jacob Barnes's

will

A Copy