

1819-030

SOUTHAMPTON COUNTY
CHANCERY PAPERS

JAMES' HEIRS

VS. BARRETT and Wife

12/1819

See also: Barrett and Wife vs. James' Adm'r & Heirs, 1819-17

other surnames: Gurley

James's heirs
R. & Wife Mrs.
Barnett & wife

Produce

January 19th 1818 James
Barnett & wife

To the worshipful the County Court of Southampton in
Chancery sitting. Humbly complaining shew unto
your worship your ~~petition~~ & petitioners Mary James
Eliza James, Lucy James & Susan James, infant chil-
dren of Robert James dec'd by George Gwiler
their next friend, that their said father departed this
life some time in the year 1813 intestate leaving
the children above enumerated as complainants &
a widow Martha James who intermarried with
a certain William B. Barnett both of whom are
prayed to be made dependents to this Pet. that
the said intestate left a tract of land in this County
containing about 200 acres in which the widow
of the said intestate is entitled to dower & that your
petitioners are advised that they are legally entitled to
the remainder in fee simple by virtue of the
Statute of Descents. They further state that if
their proportions of the said land were allotted to
them in kind that each share would be of less
value than \$100 that therefore it must be sold as
they are advised & a division of the money made
among them, that they have ~~submitted to the~~
~~defendants~~ ~~petitioners~~ ~~the~~ ~~sale & division according~~
by who will not consent thereto except under
the sanction of a decree of this Court. To the
end therefore that the said dependents may
recover the premises & that your worship
be pleased to decree & order proper commissions
to be appointed by the Court to ~~sell~~ to the said
defendants their share in the said land & to sell

the balance in such mode as to the Court may
seem most politic & divide the proceeds among
your oratrixes, and to grant them such other
& further relief in the premises as may be consist-
-ent with equity &c. May it please the Court
to grant the Commission writ of Sp. Lc.

The Answer of Polling B. Barnett & Martha
his wife to the Bill of complaint exhibited
against them in this honorable Court by the request
& heirs of Robert Somers decd.

These respondents owing to themselves for
the answer to the said Bill say that they admit
the facts alleged in the Bill to be stated correctly
that they have no objection to a sale of the
land mentioned in the Bill as therein prayed
for after allotting to the said respondent Martha
her dower therein or to such sum as to your
wishes may seem just & equitable & having
answered they pray to be rece. dismissed &c.

James's heirs
Barnett & wife } In Chy.

This cause was this day docketed &
tried by consent of parties & the Court on mature
consideration thereof doth adjudge order & decree
that John Thomas, Thomas Sturges, Henry Thomas
and John Rochelle or any three of them proceed
with the assistance of the County Surveyor to lay off
& allot to Martha Barnett the wife of Polling B. Barnett
one third part of the land of which her first husband
Robert Somers died seised to be holden by her during
the term of her natural life as her dower in the
said estate, that they then sell at public sale to
the highest bidder (having first given reasonable
public notice of the time & place of such sale)
the remaining two thirds ^{together with} the reversion in the third
so allotted as dower of the said land, on a
credit of twelve months - that they take for requit
bonds for the payment of the purchase money with
good security & assign ^{over} such bonds to each of
the infant children of the said Robert Somers decd.
& that having done so they report their proceedings
in the premises to this Court in order to a final
decree. —

Barrett } copy
#5 } done
Barrett }

Dec 1879 Repd
note & final done

^{The}
December 28. 1818. We the undersigned commissioners
made Sale of The Lands of Robert-James dec^d.
agreeable to The within decree. & Bolling B
Barrett became The purchaser & gave
four Bonds for Two hundred & thirty Six
Dollars & fifty five Cents each, with George
Gurley & Joseph T Joyner. Securities -
which bonds we have assigned over
to Henry Gurley, as Guardian —

John Thomas
Thomas Nelson
John his Rochelle
mark

Dorchester January Court 1818

Mary James, Eliza James, Lucy James
and Susan James, infant children of
Robt James dec'd by George Smiley their
next friends.

Complainants }
In }
Chancery }
Defendants }

ag^t
Bolting B. Barrett and Martha
his wife

This Cause was this day docketed and tried by
consent of parties & the Court on mature consideration
did of its own accord, order & decree that John
Thomas, Thomas Benson, Henry Thomas, and John
Richelle, or any three of them proceed with the
assistance of the County Surveyor to lay off & allot
to Martha Barrett the wife of Bolting B. Barrett
one third part of the land of which her first hus-
band Robert James died seized, to be holden by
her during the term of her natural life
as her dower in the said estate, that they
then sell at public sale to the highest bidder
(having first given seasonable public notice
of the time and place of such sale) the
remaining two thirds together with the remainder in the
said, so allotted as dower of the said land on
a credit of six months, that they take four
equivalent bonds for the payment of the purchase
money with good security & assign one of such bonds
to the guardian, each of the infant children of
the said Robert James dec'd & that having done
so they report their proceedings in the premises to
this Court in order to a final decree.

at test
Teste

A. M. idleton D.C.

Memo for a bill
Answer to Duke
the Slaves of Kettle
James and

Robert James Died without a will. Henry Gurley his
admr. - Bolling B Barrett intermarried with Patsy
the widow of Robert James died - Robert James left
five children Polly Amey, Charlotte Eliza, Lucy Gurley,
William Henry died, Susan Robert all infants and
Henry Gurley Guardian.

Slaves of which Robert James died possessed - Ben, Harry,
Jenny, Nan and Ester and six or eight young ones

Perman a bill to assign to the widow of James her
power and to divide the balance of the slaves
according to law -