1822-028 SOUTHAMPTON COUNTY CHANCERY PAPERS BARHAM and Wife vs. MYRICK et al

11/1822

other SURNames: FORT, BARNES, COOK

Barham &c
Myrick

3 Bill 5
3
3 answer

Nov. 1821 Injn. decree
granted

To the worshipful Court of Southampton in Chancery sitting—

Humbly complaining shew unto your worships your complainant Samuel Barham and Elizabeth his wife late Elizabeth Fort a daughter and heatie of Joshua Fort dec'd. and one of the distributees of her deceased father Edwin Fort dec'd. That the said Joshua Fort died sometime in the year 1781 leaving a last will and testament which has been duly admitted to record a copy of which is annexed as a part of this bill. That Celia Fort the widow of said Joshua Fort hath lately departed this life whereby her intent in certain slaves to wit Sampson, Anthony, and Willis and to a tract of land therein mentioned is at an end. and your complainants further state that Edwin Fort a son of the said Joshua to whom the said tract of land is devised after the death of his mother the said Celia Fort died some years back intestate, unmarried and without issue whereby his land aforesaid is to be distributed equally among them entitled under an act of Assembly in such case made and provided. That Celia Fort the mother of said Edwin who at his death was entitled to the distributive share of said land hath devised the same in her last will and testament to your complainant Elizabeth and others who otherwise have been entitled to the same moieties of said land in the same manner as if the said Celia had died upon the said Edwin Fort. your complainants state that besides your complainant Elizabeth Sampson ~~Barham~~ a daughter of said Joshua Fort. Robert Fort the only child of Josh Fort who was a son of the said Joshua, ~~Elizabeth Fort an infant child~~ of Joshua Fort deceased another son of said Joshua Fort ~~died~~ aforementioned and William Barnes ~~husband~~ who intermarried with Rebecca another daughter of said Joshua Fort and who has devised his said wife Rebecca are equally entitled to the slaves aforesaid. They further represent that the same cannot be divided in kind and that to effect that object a sale will be necessary under the act of Assembly in such cases made and

provided. your complainants also represent that your complainant Elizabeth and Temperance Myrick, two of the aforesaid Robert Fort, Eliza Fort an infant daughter and only child of Joshua Fort a son of the first named mentioned Joshua Fort dec'd: and Presley Barnes, Edwin Barnes, and Celia Maria Barnes children of Celia Barnes and Rebecca Barnes who was Celia Fort a daughter of said Joshua Fort dec'd are entitled to distributive shares of said intestate as under an act of assembly in such cases made and provided. your complainants believe that the said land is not worth $300 a share and if not, to effect a division at should be sold under an act of assembly in such cases made and provided. your complainants pray that the said Temperance and Myrick, Robert Fort, Laurence Cook and of Joshua Fort dec'd, Eliza Fort an infant daughter of Joshua Fort dec'd by compound to be appointed to defend her in this behalf, the aforesaid William Barnes, and Presley Barnes Edwin Barnes, and Celia Maria Barnes children of Rebecca Barnes late Rebecca Fort may be made defendants hereto and be compelled to answer all and singular the allegations herein contained fully and unevasively. May further pray that the shares aforesaid may be allotted to each and the moneys of the sale be divided between the complainants and defendants according to their respective rights. May further pray that the said land whereof Ellen Fort died seized may be divided, sold or sold and divided among the complainants and defendants according to their respective rights, and they may for general relief &c

The answer of Temperance Myrick, Robert Fort, Wm Barnes, Presley Barnes, Edwin Barnes, Celia Maria Barnes, Laurence Cook and of Joshua Fort dec'd Eliza Fort an infant by her guardian and next friend Laurence Cook to the bill of Complaint of Exhibited against them by Samuel Basham and Elizabeth his wife late Elizabeth Fort —

These respondents severally for answer thereto say that they believe the facts are truly stated in the bill and are willing to submit to such decree as this Court may think proper to pronounce and have decreed pay into hand disposed to.

Barham ovipd

Portsmouth &c

This cause was this day docketed by consent of parties and
upon the Court and upon the bill answer
and exhibit filed whereupon the Court doth
adjudge order and decree that the three slaves
Sampson, Anthony and Willis late a slave of
Abigail Fort
Abigail Fort a life estate under the will of her
husband Joshua Fort and be sold on a credit
of 12 months and the proceeds of the sale be
divided into four equal parts the purchaser
to give bond with good personal security. That one
of said bonds be allotted to the complainants
Steve Barham & his wife Elizabeth in right of
his wife Elizabeth. one to each of the defts Wm
Barnes. Temperance Myrick, Robert Fort and
Lawrence Cook. It is further ordered that
the land of said ~~Edwin~~ Joshua
Edwin Fort also situated be divided into
four equal parts or case it is not worth more
than three hundred dollars a share, and
one equal fourth part be allotted to the complts
in right of Elizabeth the wife of Jesse Barham
one to Robert Fort, one to Temperance Myrick,
one to Eliza Fort, and the remaining equally
to the three defts - Wm by Barnes. Edwin
Barnes and Eliza
Barnes and Almira Barnes. And in case
the land is not worth three hundred dollars
in the opinion of the commissioners herein after
appointed then it is decreed that the
said land be sold on a credit of 12 months
and the proceeds divided into four equal
parts. and secured by bonds with approved
security. and the bonds allotted to the complts
and the said remaining defts in the same

and it is ordered the Sheriff attached to carry this appeal into effect to make such process and proceedings under it as by law required

Reputations & And it is further ordered that

Walter Mynch. William Rochelle, Lewis Rochelle and Benja Applewhite or any three of them do carry the foregoing decree into execution and make a report to this Court in order to final decree

Southampton County Nov Court 1821

Samuel Barham and Elizabeth his wife late Elizabeth Fort a daughter and heir at law of Joshua Fort deceased and one of the distributees of her deceased brother Edwin Fort - - - - - Complainants

against

Temperance Meyrick, Robert Fort, William Parnes, Presley Parnes, Edwin Parnes, Elizabeth Parnes, Maria Parnes now of Lawrence Cook and Celia Parnes now of Joshua Fort dec'd, Eliza Fort an infant by her guardian and next friend Lawrence Cook Defts

Fee Ch'd.

This day this Cause was docketed by Consent of parties and agreed of the Court, and was heard on the bill answers & exhibits filed whereupon the court doth adjudge order and decree that the three slaves Sampson Anthony and Willis in which Mrs Celia Fort had a life Estate under the devise of her husband Joshua Fort dec'd, be sold on a credit of twelve months and the proceeds of the sale be divided into five equal parts to be secured by Bonds with good ~~personal~~ Security - That one of said Bonds be allotted to the complainant Samuel Barham and his wife Elizabeth in right of his wife, one other to each of the defendants William Parnes Temperance Meyrick Robt. Fort and Lawrence Cook. It is further ordered that the tract of Land to which Edwin Fort died entitled be divided into five equal parts in case it is worth more than three hundred dollars a Share and one equal fifth part be allotted to the complainants in right of Elizabeth the wife of Samuel Barham one to Robert Fort one to Temperance Meyrick one to Eliza Fort and the remaining equally to the three defendants Presley Parnes Edwin Parnes and also Maria Parnes and in case the Land is not worth three hundred dollars in the opinion of the commissioners hereinafter appointed then it is decreed that the said Land be sold on a credit of 12 Months and the proceeds

proceeds divided into five equal parts and secured by Bonds with approved security and the Bonds allotted to the complainant and the said mentioned defendants in the decree and it is ordered that the persons appointed to carry this decree into Effect do make proper deeds of conveyances to the purchasers and it is further ordered that Walter Meyrick & William Rochelle and Levi Rochelle and Benjamin Applewhite or any three of them do carry the foregoing decree into execution and make a report to the court in order to a final decree

A Copy test A. Middleton D.C.

Barham & wife
vs
Meyrick &c } Inc. decree

A Copy

Agreeable to the above order of the County Court of Southampton we the commissioners have proceeded and sold the Land and negroes named in the above order and return the same to your worships

Walter Meyrick
William H. Rochelle
Benjamin Applewhite

Comm.rs Report of
Joshua & Edmd Hoyle Est.

The Estate of Joshua Fort dec'd in Account Current with Walter Mypick, William L Rochelle and Benjamin Applewhite (Commrs:)

To Commissions on $897: 01 at 5 per cent	$ 44	85
" Balance due the Legatees	852	16
	$ 897	01

Paid Samuel Barham per Receipt	$ 170	43¾
" William Barnes per Order	170	43¾
" Temperance Mypick per Receipt	170	43¾
" Robert Fort per do:	170	43¾
" Lawrence Cook Guard: to Eliza Fort per Receipt	170	43¾
	$ 852	16¾

Amount of Sales of the Estate

By Sale of Negro Anthony	$ 485	00
" do. of " Sampson	3	26
" do. of " Willis	408	75
	$ 897	01

Agreable to an Order of the Worshipful Court of Southampton bearing date November Court 1821. And to us directed, We the undersigned have acted in conformity with the same and report as above to your Worships. Signed by us this day of One Thousand Eight Hundred and Twenty two

Walter Mypick
William L Rochelle
Benja Applewhite

The Estate of Edwin Fort dec'd in Account Current with Walter Mypick, William L Rochelle and Benjamin Applewhite Commrs:

To Commissions on $1500 at 5 per Cent	$ 75	00
" Balance due the Legatees	1425	00
	$ 1500	00

Paid Samuel Barham per Receipt	$ 285	00
" Robert Fort per do.	285	00
" Temperance Mypick per do.	285	00
" Lawrence Cook Guard: to Eliza Fort per do.	285	00
" Presley Barnes per do.	95	00
" Edwin Barnes per do.	95	00
" Celia M. Barnes per do.	95	00
	$ 1425	00

Amount of Sales of the Estate

By Sale of 350 Acres of Land	$ 1500	00

Agreable to an order of the Worshipful Court of Southampton bearing date Nov: Court 1821. And to us directed, We the undersigned have acted in Conformity with the same and report as above to your Worships. Signed by us this 15th day of Nov: One Thousand Eight Hundred and Twenty two

Walter Mypick
William L Rochelle
Benja Applewhite

1822 Jan.y 21.st I acknowledge the Receipt of the within to Archer Wyan

Walter Myrick Com.r

Ruby Bowers

1822 January 2nd Rosin Walker Meyrick William Rachels and
Benja. Applewhite You make pleas Deliver to Mr. Presley
Barnes the amount due me from you (as Commissioner)
from the Sales of the Estate of Joshua Fort Senr. Decd.
and this Shall order Shall be your receipt for the same

Witness
Arthur Williamson Wm. Barnes

1822. Janry. 21st Recd. One hundred and Seventy dollars 00/100 in full of
the within
Arthur Wyon

Barns Rapl

March 18th 1822 Recd of Walter
Myrick William L Rochelle and Benja
Applewhite commissioners the Sum of
ninety four dollars for my part of
the estate of Edwin Holland dec'd

Test

Presley Barnes

Arthur Williamson

C. Barnes

receipt

June 19th 1822 Received of Walter Mynick
William L Rochell and Benjamin Applewhite
commissioners, the Sum of Ninety five dollars in
full for my part of the estate of Edwin
Forbes deed

Test
Spratly Williams

Edwin Barnes

Mr Nicks Receipt

for

Commissions

July 1st 1822 Rec'd of Walter Myrick William L Rochelle and Benjamin Apple while Commissioners the Sum of Two hundred & eighty five dollars in full of my part of the estate of Edw in Fort dec'd also the Sum of one hundred and Seventy dollars and forty three Cents in full for my part of the estate of Joshua Fort dec'd

Teste
Wm. G. Myrick

Temperance Myrick

Forts receipt

July 17th 1822 Received Walter Haynick William
LRochelle and Benyamin Applewhite Commis=
ioners the Sum of Two hundred and eighty five
dollars in full of my part of the estate of
Edwin Fort dec'd. Also the Sum of one hun=
dred and Seventy dollars and forty three cents
in full of my part of the estate of Lothus
Fort dec'd

Robert Fort

Test
Lucretia Haynick

Barham Papers

September the 1822 Rec.d of Walter Myrick William L Rochelle and Benj.a Applewhite Commissioners the Sum of Two hundred and Eighty five Dollars in full of my part of the estate of Edwin Fort dec.d, also the sum of one hundred and Seventy Dollars and forty three Cents in full for my part of the estate of Joshua Fort dec.d

Sam Barham

Test

Matthias Williams

Cooks receipt

September the 16th 1822 Recd of Walter Kyrick, William L. Rochelle, & Benj.a Applewhite Commrs appointed by the court of the County Sampson to make Sale of the Slaves belonging to the estate of Joshua Fort dec.d the sum of One hundred & twenty Dollars & 43/100 cts. which is in full of the said Joshua Fort proportionable share of the amount of Sales of the said Slaves — Also at the same time Recd of the aforesaid Commrs Two hundred and eighty five Dollars. which is in full of the said Joshua Fort proportionable share of the amount of the Lands sold by said Commrs under a decree of Court belonging to the estate of Edwin Fort dec.d

Witness

Allred Boyette

Lawr. Cook Guard.n

Marshal Dist.t

el. Barnes

Receipt

4

November 13th 1822 Rec.d of Walter Myrick
William L. Rochelle and Benjamin Applewhite
Commissioners the sum of ninety five dollars
in full of my part of the estate of Edwin
Fort dec.d

Celia M Barnes

Teste
John Edmunds

Abogy of
Joana Fonts Sa
Will

In the Name of God Amen I Joshua Fort of Southampton County & Parish of St Lukes being in Sound & Perfect Sence and Memory do make this my last Will & Testament in manner following viz

Item I give and bequeath to my Son Joshua Fort one Hundred Acres Land more or less the Line to Run from a Read Oake a corner Tree of Moses Fletchers land a Strate Line to the Creake Bridge (the land on the South side of the s.d line) which s.d land I give to my s.d Son Joshua Fort to him and his heirs forever

Item I give and bequeath to my Son Joseph Thorn Fort all my land in Brunswick County lying on the South side of Meherrin River which s.d land I give to my Son Joseph Thorn Fort to him and his heirs forever

Item I give & bequeath to my Son John Fort two Negroes between the Ages of Fifteen years of age in Peice of Land, which s.d Negroes I give to him and his heirs forever

Item I give and bequeath to my Son Edwin Fort after the death of me my loving Wife & my Plantation where on I now live with all the land joining thereto that I have not given to my Son Joshua which s.d land I give to my Son Edwin Fort to him & his heirs forever

Item I lend to my loveing Wife during her Natural life five Negroes Namely Will Ramon Nahum Gilbert Betty also one third Part of my Personal Estate

Item I give & bequeath to all my Children the Remainder of my Estate of what kind or Nature so ever or Where so ever found to be Equally divided as they come of age or marryed by my Executors or Persons appointed by them to them and their heirs forever

Witness

my will and Desire that my Wife shall
have the use of my ~~Whole Estate~~ to Educate &
Maintain my Children upon until they
Come of age as before Mentioned
I Hereby by Constitute & Appoint my loveing
Wife my Son Joshua Fort & my Brother in law
Joshua D Lewis Sole my Sole and Sole Executors
to this my last Will and Testament Hereby Revok-
ing all & ded wills by me heretofore Made as & have
hereunto set my hand & Seal'd my Seal the Seventh
Day of March 1705 6

Signed Seald Published
& Declared by the Testa
Fort to be his last Will in
Presence of

Joshua Fort (Seal)

John Simmons
Benjamin Lewis
Isralley Simmons

A Copy