1828-001 SOUTHAMPTON COUNTY CHANCERY PAPERS BARRETT etal. vs BARRETT'S ADM'R. (2)
12/1828

PLAT

other SURNAMES: BRITT, BARRITT, BARRET

To the worshipful the County Court of Southampton sitting in Chancery:

Humbly complaining shew unto your worships, your Compltt. Mary Barnett, widow of Jacob Barnett dec'd Parker Barnett, Jacob Barnett, Martha Barnett, Mary Barnett, Elisha Barnett and Eliz'th his wife, late Barnett that Jacob Barnett late of this County, dies some time since, having a large estate, without will, & leaving, his widow and the foregoing children and also Josiah Barnett who qualifies as adm'r. - that your Compltt believe that there is no longer a necessity for his retaining possession of the slaves - that it is desirable that there should be a division amongst them, of the slaves, and also of the real estate - Your Compltt also state, that in his lifetime the said Jacob Barnett made advancement of land to two of his sons Parker & Josiah. that they are anxious an allotment of the widow's dower should be made, and a division had of the residue amongst the children - But so it is, may it please the Court, no such division can be had without the interposition of this Court & under consideration thereof, and forasmuch as your Compltt are remediless at law, and only relievable in equity, they pray that the s'd Josiah Barnett as adm'r of the s'd decedent, may be made Defdt hereto, and compelled to answer the allegations hereof - they pray the Contents of this bill may be considered &. that your worships will direct an allotment of the widow's dower, and a division of the residue of land & negroes amongst the parties agreeably

to their respective interests & according to law -
and grant them such other & genl. relief as may
be consistent with equity & the nature of this case
and as in duty bound, they will pray &c -

The answer of Josiah Barnett adms. of Jacob
~~Jacob~~ Barnett to the foregoing bill of complaint -

This Respondent saving &c for answer to the fore-
-going bill of complaint, says, that he admits the
allegations of this bill, and has no Objection
to the decree asked for - and having answered
prays to be hence dismissed &c -

Barretts Widow

3 Decree

Barretts admr

Marion

Nov. 1826 Int. Dec.

(Decree copied)

Mary Barrett. widow of Jacob Barrett dec'd Pltff.

against.

Josiah Barrett. in his own right & as adm'r. of the said Jacob. Parker Barrett, Martha Barrett, Jacob Barrett, & Elizabeth & Mary Barrett by the said Josiah as their Guardian Defts. In Chy.

This cause was this day docketed by consent of parties, with the assent of the Court, and came on to be heard, on the Bill & answers and was argued by counsel, on consideration whereof. the Court doth adjudge, order and decree, that John Thomas, Elem Rochelle, Jacob Barnes, Edm Barrett, and Lewis Morrell, or any three of them as attended by the County Surveyor divide the land whereof the said Jacob Barrett died seized, into three parcels of equal value, having regard to quality as well as quantity, and allott one of them to the compl't as widow of her dec'd husband; and for her use during her natural life, and of the residue, allott one equal 6th part to each of the Defendants. That the said Commr's on those executing this order, to divide the negroes in the same manner - that is to say, allott one third to the widow for her use during life, and of the balance, one equal child's part to each of the Defendants - and make report to this court, in order to a final decree.

By consent of parties, and it being suggested to the Court that the Defts Josiah L Parker have been advanced in land by their father in his lifetime, It is decreed & ordered that the order heretofore made in this cause may be amended, so that the said Comrs allott one fourth of the 2/3ds remaining after the allottment of the widow's dower, to each of the other Defendants, if the said Josiah L Parker shall refuse to bring their said advancements into Court and make report to the Court in order to a final decree

882

Barnett &c

vs

Pabst.

Barnetts Adms.

Mason

1828 March Term as file
by Commit-
ee

Barrett's widow &c. Plff

against

Barrett's adm's. Defts. } In Chy.

This cause was this day docketed by consent of parties, with the assent of the Court, and came on to be heard on the bill, ans. & argument of Counsel. On consideration whereof the Court doth adjudge, order, and decree, that Jacob Barnes, Lewis Worrell, Wm. Bryant, and John Barrett, or any three do allot & set off to the said Mary one third part in value of the lands, whereof Jacob Barrett died seized, and of the negro slaves left by him, as her dower in the same, and divide the balance of lands and negroes equally amongst the children of the decedent, charging those who had rec.d advancements, with the value of such advancements, and report their proceedings to the Court, in order to a final decree.

March 17th 1828

Mr John J Mason

Sir It is not Convenient for mee to attend Court to day I wish you to have the order made for a devision of the Lands and negroes belonging to my Fathers estate I think that you Stated to mee at January Court last that as the heirs ware all of age the devison mite take place without any order at the time then git out the order agrable to the Comsioners Reporter, as my Self and Brother Parker had had a part of the Lands given to us Previous to our Fathers deth we had our Lands Valued by the Commissioners they then Valued the othur Lands and added them to Gether with ours then Gave my Mother one thurd of the hole of the Lands they then devide the Ballance of the Land equal between the othur four heirs my Self and Brother Parker then have to pay them money to make ther Land equal with ours as we had had nor negroes given to us after giving Mother one thurd in Value they then=

= [redacted]

= He Voted the Ballance equal with all the heirs

Lewis. Worel. Jacob Barnes. William Bryant and John Barnett, wear the persons Caled on as Commissioners Please to have the order for any Two or three of them. Jours &C

Josiah Barnett Adm^r

Mary widow

Mr John F Mason Esq^r

Sc Ampton County

Va

Barretts widow
vs
Barretts adm^rs

Int^g. Decree

A Copy

Southampton November County Court 1826

Mary Barrett widow of Jacob Barrett dec'd. Complt
against
Josiah Barrett in his own right and as adm'r of the
said Jacob, Parker Barrett, Martha Barrett,
Jacob Barrett and Elizabeth & Mary Barrett by
the said Josiah as their Guardian Defendants

In Chancery

This cause was this day docketed by consent of parties with the
assent of the court, and came on to be heard on the Bill & answer and
was argued by counsel, on consideration whereof, the court doth adjudge
order and decree, that John Thomas, Clements Rochelle, Jacob Barnes,
John Barrett and Lewis Morrell or any three of them do attended by the
County Surveyor, divide the land whereof the said Jacob Barrett died
seized, into three parcels of equal value, having regard to quality as
well as quality, and allot one of them to the complainant as widow
of her deceased husbands land, for her use during her natural
life, and of the residue allot one equal Sixth part to each of the
defendants - That the said commissioners or those executing this order,
do divide the negro slaves in the same manner that is to say, allott
one third to the widow for her use during life, and of the balance, one
equal child's part to each of the defendants - and make report to this
court in order to a final decree -

A Copy Test James Rochelle C:

No. 1. Beg.ng at a persimon tree on the road thence N. 60. W. along the road 145. p. to a corner at the road. S. 27. W. 10. p. to a pine stump corner of Barnes and Barrett. N. 68½. W. 169. p. to a corner red oak. S. 3½. E. 52. p. to a pine stump corner of Jordan Barrett and Jacob Barrett. S. 67. W. 87. p. to a corner dead pine in a branch N. 58. W. 18. p. to a corner in the branch. S. 40. W. 82. p. S. 49. W. 37. p. to a corner pine by the road side. S. 66. E. 102. p. to a corner of Myrick and Mahone. N. 53. E. 146. p. to a red oak corner of Myrick and Barrett. S. 42. E. 134. p. to the Meadow branch thence down the various courses of Sd. branch to a corner pine. N. 53. W. 23. p. to two red Oaks. side lines N. 86. W. 36. p. to a pine S. 20. W. 10. p. to the beg. Containing. 353. Acres

Dividing line of the Dower.

Beginning at a red oak corner of Myrick & Barrett. thence N. 27. W. 74. p. to a pine stump corner of Jordan Barrett.

Surveyd the 14th day of Decr 1827.

Geo. H. Gray. D. S.

No. 2. Beg.ng at a red oak a corner of Fogerson and Barrett N. 43. W. 85. p. to a pine. N. 68. W. 82. p. to a pine. N. 70. W. 36. p. to a willow oak. N. 76. W. 57. p. to a gum a dividing line tree. between Martha Barrett and Mary Barrett. N. 75. W. 123. p. to a corner pine and ash in Swamp thence down the various courses of Sd. branch to the North Carolina State line. thence E. along the Sd. line 314. p. to a cor. gum in a branch thence along the Sd. branch as it meanders. to a pine in the head of Sd branch. N. 42. E. 14. p. N. 53. E. 7. p. to a pine. N. 72. E. 16. p. to a Maple. N. 83. E. 23. p. to the beg.ng. (Containing 376. Acres)

1st Dividing Line Beg.ng at a sweet gum on the State Line thence N. 14. E. 220. p. to a gum in the Wolfspit branch.

2nd Dividing Line.

Beg.ng at a pine in the Wolfspit branch thence S. 3. E. 132. p. to a small white oak and blk. gum. thence S. 55. E. 120. p. to a blk. gum in the State Line.

Geo. H. Gray D. S.

Plat of Land

belong.ng to Jacob Barretts. Esq.

1828 Jany 4th Report returned &c

Cor. Pine at road.

Cor. in branch.

Dead Pine

No 1.

Pine Sump.

No 1. 81 Acres

Red Oak

Pine Sump.

Cor. red Oak.

353 Acres

Magnetic Variation 0. 45. 0. E.

True Meridian.

S.

Dower. 272. Acres

Pine Sump

Persimon.

Pine at road

Scale 40. p. to an inch.

Cor. Pine in Branch.

Line

No 2.

S

Cor Pine & Ash.

No 1. 110. Acres

No 2. 120. Acres

Gum dividing line tree.

376 Acres

Willow Oak

Pine

No 3. 146. Acres

Gum in branch.

Pine

Red Oak Cor. Fogerson & Barren.

We the undersigned Commissioners. In pursuance of a decree of the Hon. Court of Sot^{ou} County to us directed, bearing date , attended by the County Surveyor did on the 11th day of Dec^r 1827. proceed to lay off & divide the lands belonging to the est^e of Jacob. Barret. dec^d & Report as follows.

That we have apigned to Mary Barret, Widow of Jacob. Barret dec^d. 272. Ac^s of the land whereon S^d Barret resided, with all the houses & other improvements that belong to S^d parcel. estimating it at one third in value of the lands belonging to S^d Est^e lying in the State of N.C. as well in Va. — as her Dower.

(Lot. N^o. 1.) Containing 110. Ac^s to Mary Barret. — (Lot. N^o. 2.) containing 120. Ac^s to Martha Barret. — (Lot. N^o. 3.) containing 146. Ac^s to Jacob Barret. — (Lot. N^o. 4.) containing 81. Ac^s to Elisha Britt in right of his wife, who was Elizabeth Barret. and as the lands in posesion of Parker Barret & Josiah Barret belonging to S^d est^e lying in N. C. are more valuable than the lands apigned to the other Legatees. we have decided that Parker Barret shall pay to the other Legatees the sum of Ninety eight dolls. 50 Cts. 16 2/3 cts. each, that Josiah Barret shall pay to the same, the sum of One hundred and Seventy two dolls. 50. Cts. each, which will equalize the value of each lot. ~~of land~~.

That in the division of the Negroes. We have apigned to M^rs. Mary Barret widow &c. the following negroes. (viz) Anthony, Willis, Wright. Treacy & child, Mason. Miles, Aaron. Milly. Lazarus. James, estimating them at 1843

To Mary Barret the following. ~~Anna~~ Henry. Sophia. (valued at 6.

To Martha Barret Hannah. Stephen. Rose. & Anna. 623

To Jacob — Alfred. Nancy & child, Lewis. Valued at —

To Elisha Britt. Emma. Fereby & child. & Jack. do. —

To Josiah Barrett. Eli. Jacob. Maria. & Matilda. do. —

and to Parker Barrett, Simon & Livinia & child. valued at £617
and that Josiah is entitled to the following sums. (to wit,
from Parker Barrett. £1.17.sh. from Martha Barrett
£7..17.sh. from Jacob Barrett £3..32.sh. from Elisha Britt
17.sh. that Mary Barrett is entitled to the following sums.
from Jacob Barrett £5.83sh. which will equalize the
value of each lot of negroes. ——

For the boundaries of the lots, satisfactory reference
may be had to the platts which are hereunto annexed
and with this Report Respectfully submitted to
the Court:

William Bryant
Jacob Barnes Com.
John Barrett Com.