

1836-011

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BARNES et al vs. BARNES

5/1836

other SURNAMES: Garret,
Garrett

1164

Barnes. et al

vs

Barnes

B.A.D.

1836. March. Decree as filed &
" May Rept. vol 2 &c

Townman

To ~~the~~ ^{the} worshipful the county court of Southampton
in chancery sitting.

Humblly complaining sheweth unto your

worships your complaats. Benjamin Barnes Robert

J. Barnes, Marmaduke N. Barnes. & Martha B. &

Jacob D. Barnes infant children of Benjamin

Barnes decd - and Richard Barnes son of Richard

H. Barnes decd who was son of Said Benjamin^{de}

and Maria and William Garret children of

Mary Garret decd. formerly Barnes and daughter

of said Benjamin decd - That sometime about

the year 1827 the said Benjamin Barnes

departed this life possessed of a certain tract

or parcel of Land lying in this county and

supposed to contain one hundred acres

your complainants state that the said

Barnes decd without will leaving a

majority and the aforesaid and two other

children namely John E Barnes and Eliza

M Barnes. who conveyed their interest in

said Land to Benjamin as with shew

by reference to deeds filed in the Clerk's office
of this court and begged to be referred to as
a part of this Bill your compts state that
they are entitled to the Land and as they are
going to the most they wish to have it sold to
the highest bidder on a credit of six months
and so much to the mother of the proceeds as
she may reasonably be entitled to at her time of
life in fee simple she being about 50 years
old and in delicate health - To the end therefore
that your compts may be relieved and
for as much the can not be heard in
a court of Law and can only find relief
in a Court of equity where matters of this
sort are cognizable your compts beg the Grace
Barnes widow as aforesaid may be made
deft to this bill and answer the
and that your worship will grant
such other one further relief as

Drumman P. Q.

Y^e Barnes etc
Barnes et al

The answer of Grace Barnes

to the Bill of complainants. This deft saying
and recovering & says she has heard the
bill of compts and has no objection to
the decree sought in the bill & having
answered begs to be dismissed
&c
Drumman P. Q.

Barnes et al
vs

Grace Barnes widow

This cause this day came on to be
heard upon the bill answer exhi-
bits &c. and was argued by counsel
whereupon the court doth order adjudge and
decree that ~~the said Barnes~~ ^{the said Barnes} the Barret
William Boyant & Davis Bryant
- ers here appointed to proceed after public notice
to sell all the Lands of which Benjamin
Barnes died possessed on a credit of
~~Three~~ ^{Three} months taking bonds with ^{good} security
for the purchase money and that the purchaser be
required to give the following bonds. Namely one
to Grace the widow for one seventh of the whole
one to Benjamin Barnes for 3 months of the remainder
one to Richard, son of Richard who was son of said
Benjamin for one month - to William & Maria

between them one for one ninth. to Robert T. Marmaduke or Martha B. & Jacob I Barnes each to one bond for one ninth reserving on the day of sale so much cash to be paid as may be necessary to the expenses of this suit and having acted report to this court in order to a final decree &c

Barnes & Co

in 3 copy Dated

Barnes

For Commissioners

1836 May. Repl.

Southampton March Court 1836.

Benjamin Barnes. Robert T Barnes. Marmaduke N Barnes. and Martha B and Jacob D Barnes infant children of Benjamin Barnes dec^d and Richard Barnes son of Richard H Barnes dec^d who was son of said Benjamin Barnes dec^d and Maria and William Garrett children of Mary Garrett dec^d formerly Barnes & daughter of said Benjamin dec^d. Pliffs

against
Livia Barnes

In Chancery

Set.

This cause this day came on to be heard upon the bill, answer, exhibits &c and was argued by counsel. Whereupon the Court doth order, adjudge and decree that Thomas B Norrell John Barnett, William Bryant and Davis Bryant or any three of them Commissioners then appointed to proceed after public notice to sell all the lands of which Benjamin Barnes dec^d died seised on a credit of three months taking bonds with security for the purchase money and that the purchaser be required to give the following bonds, namely, one to Livia the widow for one seventh of the whole, one to Benjamin Barnes for three ninths of the remainder, one to Richard son of Richard who was son of said Benjamin for one ninth - to William & Maria between them one for one ninth to Robert T. Marmaduke N. Martha B and Jacob D Barnes to one bond for one ninth - reserving on the day of sale so much cash to be paid as may be necessary to the expenses of this suit: and having acted report to this Court in order to a final decree

Teste L R Edwards Ck.

cells costs \$2.32
Law. fees. - 10.00
12.32

Commissioners Report on
the sale of the land
of Benj^a Barnes, dec.)

Agreeably to an order of the County Court of Southampton to us directed dated March Court 1836. and hereto annexed. We the undersigned Commissioners as expressed in said order. (after giving sufficient public notice of the time and place of Sale) have sold the tract of land lying in this County of which Benjamin Barnes died seised. On a credit of three months from the 31st day of March last (The day of Sale) and Jacob Barnes Esq. became the Purchaser for the sum of Eight hundred and thirty one dollars. of which sum we have received from him the sum of fifteen dollars to pay the expenses attending the sale of said land, leaves a balance of Eight hundred and sixteen dollars. for which sum we have taken bonds with Security from said Jacob Barnes as follows One bond for One hundred and sixteen dollars fifty seven cents for Linea Barnes the Widow. being one seventh of the \$816.00 leaves Six hundred and ninety nine dollars forty three cents. remainder. — One bond for two hundred and thirty three dollars and fourteen cents for Benjamin B. Barnes. being three ninths of the remainder. and Six bonds for Seventy Seven dollars. Seventy one & half cents each, (to wit) One for Richard Son of Richard B. Barnes. One for Maria & William Garrett. One for Robert T. Barnes. One for Marmaduke B. Barnes. One for Martha B. Barnes. and One for Jacob B. Barnes. we have also paid the Bonds over to the following named legatees which we took for them as above. and taken their receipts for the same (to wit) Linea Barnes. Benjamin B. Barnes. Maria Garrett for One half of the bond taken for her & William Garrett. Robert B. Barnes. and Marmaduke B. Barnes. The balance of the Bonds we retain until the legatees come to lawful age. or have Guardians appointed for them. — Respectfully Submitted to the Court. Given under our hands this 16th day of May 1836.

Thos. Norwell
William Bayard
Davis Bryant