1850-025 SOUTHAMPTON COUNTY CHANCERY PAPERS

MASON and Wife vs. BARROW

7/1850

Mason & wife
vs
Barrow

Mason & Wife
vs
Bell. ans &c

Barrow

1849 Dec. Issue as filed

" 1850 June Report.

July " Confirmed

To the worshipful County Court of Southampton sitting in Chancery

Humbly complaining sheweth unto your worships your Compts. Wm H. Mason and Sarah C. his wife formerly Barrow. that Rebecca Barrow departed this life in the year 1837 intestate. seized and possessed of a small tract of land situate in the county of Southampton and supposed to contain Eighty five acres. that the said Rebecca Barrow died. leaving only two children Margaret Barrow, and Sarah C. Barrow who has since intermarried with your Compt Wm H. Mason. Your Compts would state that they are anxious to have the said land sold. as they believe it manifestly to their interest. and that the portion of each one will not exceed three hundred Dollars a share and that ~~the~~ proceeds of sale to be equally divided between them. ~~That~~ this cannot be done without the aid of this worshipful Court sitting in Equity. In tender consideration whereof and forasmuch as your Compts are remediless at Law. To the end that the said Margaret Barrow an infant of under years by some fit and proper person appointed by this Court as Guardian ad litem to defend her in this behalf may be made defendant hereto and compelled to answer the allegations of this bill. they pray the Commonwealths writ of Spa directed &c. that your worships will decree a sale of the land mentioned above and equal division of the proceeds between your Compts and Margaret Barrow. and grant such other relief general and special as Equity dictates and they will ever pray &c. ... 3 Masters for Defts

The answer of James E. Peters Guardian ad litem for Margaret Barrow to the foregoing bill
This Respondent saving &c for answer to said bill admits its allegations. and has no objection to the decree asked for. and having answered prays hence to be dismissed &c

Mason and wife
 ats
Barrow

This cause was this day docketed by consent of parties and with the assent of Court and came on to be heard on the bill and answer of the Guardian ad litem for the infant Defendant Margaret Barrow and was argued by Counsel, On consideration whereof the Court doth adjudge order and decree that L W Mason who is hereby appointed a Commissioner for that purpose, do after advertizing the time and place of sale for ten days previous thereto sell to the highest bidder for cash the land of which Rebecca Barrow died seized and possessed, and out of the proceeds pay the expenses of executing this decree and the balance divide into two equal parts. and pay one unto Mr. Mason in right of his wife Sarah and the other pay to Jas E. Peters Guardian for Margaret Barrow. and how he shall have acted in the premises make report to this Court, in order to a final decree.

But the said L W Mason shall not proceed to act under this decree, until he shall execute in the clerks Office of this Court, in the penalty of $500— for the faithful performance of its requirements.

Mason Wife

& } Co: Deed

Barrow

1838 June.

Southampton December Court 1849.

William D Mason and Sarah E his wife formerly Barrow. Pltff
against
James E Peters guardian ad litem for Margaret Barrow Dft } In Chancery

This cause was this day docketed by consent of parties and with the assent of the Court and came on to be heard on the bill and answer of the guardian ad litem for the infant defendant Margaret Barrow and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that A W. Mason who is hereby appointed a Commissioner for that purpose do after advertising the time and place of sale for ten days previous thereto, sell to the highest bidder for cash the land of which Rebecca Barrow died, seized and possessed, and out of the proceeds pay the expences of executing this decree, and the balance divided into two equal parts and pay one Wm D Mason in right of his wife Sarah and the other pay Jas E Peters guardian for Margaret Barrow. and how he shall have acted in the premises make report to this Court in order to a final decree.

But the said A W. Mason shall not proceed to act under this decree until he shall execute in the Clerks Office of this County in the penalty of five hundred dollars for the faithful performance of its requirements.

Clks. costs $2.88.

Teste. T. R. Edwards clk

In obedience to the within decree. I sold the land therein named at public sale on the 18th. day of February 1850. when Jas E Peters became the purchaser at the sum of Seventy Dollars. I then deducted therefrom my fee and commissions. say $13.50 and the clerks fee $2.38 which left a balance of Fifty four Dollars and twelve cents to be divided between Wm. H. Mason & Jas. E Peters Guardian for Margaret E Barron. say $27.06. each. I have paid to each of them their portions and herewith return the receipts.

D W Mason. Commr

19th Feby 1850

W. H. Mann

Receipt

Rec.d 18th February 1850 of A W Mason Commr the sum of Twenty seven Dollars and six cents in full payment for my portion of ~~land~~ my wifes share of land belonging to her & Margaret Barrow

W D Mase

Return Good
Receipt

Rec'd. 18th. Feby Rec'd of L. W. Mason Commr the sum of Twenty Seven dollars 60 cts in full payment for portion of Margaret Barrow's ~~part~~ share of Sale of Land belonging to her & Sally wife of Wm H. Mason

Jas E. Peters Guar
for M Barrow

KNOW ALL MEN BY THESE PRESENTS, That we B. W. Mason
& J R Chambliss

are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of
five hundred Dollars, for the
payment of which, well and truly to be made, we bind ourselves, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this 18th day of February, 1850

The Condition of the above Obligation is such, That whereas the above bound
L. W. Bishop

has by a Decree of the County Court of Southampton
pronounced ~~on~~ at the December ~~day of~~ Term 1849, in
a cause therein pending wherein Wm D Mason & Sarah E his wife
Plaintiff and Margaret Barrow an infant by &c Defendant,
been appointed Commissioner to make sale of certain real Estate in
the said cause described.—Now if the said L W Mason
shall faithfully discharge his duties as such
Commissioner under said decree, then this obligation to be void, else to remain in full force and virtue.

Signed, Sealed, and delivered in presence of

L W Mason L.S.
J R Chambliss L.S.
L.S.

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