

1866-017

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BARNES and Wife VS. WORRELL et al

N. B. Sheets pasted together + folded.

other SURNAMES : Darden, Powell,
Gillette

Robt S. Barnes & wife

Benja E. ^{by} Wmell Vothers

Degree &c.

1864 Dec. Dues as filed &c.

#1865 Feby. 20 Report & dues.

1866 March Report.

" 24th Report Confir.

Exhibit not filed with this
bill.

To the Worshipful County Court of Sunderland
County - In Chancery - December Term 1864

Your Complainants, Robert S. Barnes
and Matilda his wife humbly complaining shew
unto your Honors that Lewis Worrell father of the
said Matilda departed this life many years since
leaving a widow, and having previously executed
his last will and testament which was duly admitted
to record in the Clerk's Office of the County Court of
said County, on the day of AD 18, a copy
of which is herewith filed (marked A) as a part
of the Bill. By virtue of the said Will the land
and negro-slaves held by his said widow as
her dower (who subsequently intermarried with
Jonathan Darden and who the said Emmerance
Darden has also died during the present year)
wants descend to Matilda Barnes, (who was Worrell)
Benjamin E. Worrell and E. Emaline Gillette (who
was Worrell) in whole shares and a fourth share to
Mary J. Powell and Septimus T. Powell in
equal portions - the said Mary being now

resident in the State of Texas, and the said Septah
having died sometime ^{in the State of Mississippi} leaving her his
only heirs at law certain children and possibly
a widow, all of whose names are unknown
to your complainants —

The foregoing are the facts as your Com-
plainants are informed — and as they
are without remedy save in a Court of Equity
they pray that your worship will make the
said B. E. Worrell, E. Emaline Gillette, Mary
J. Powell and her husband Joseph Powell and the
heirs of the said Septah T. Powell whose
names are unknown — parties defendant to
the bill — Compell them to answer —
and grant such other and general relief
as equity may dictate on the nature of
this case may require — Complainants
may be appointed to divide the said land and repay
they true over pray &c.

Two Hundred
p. 2.

The joint and several answer of
E. Emaline Gillette — Prof. C. Worrell
Joseph Powell and Mary J. Powell (his wife)
and the ~~infant~~ heirs (whose names are
unknown) of Septah T. Powell deceased
the infants by J. H. Edwards, who is hereby
appointed their guardian ad litem —
to a Bill filed against them in the County
Court of Smith County by Robert S.
Barnes and Matilda his wife —

These defendants for answer
say that they have no objection to
the decree prayed for —
and having answered pray to be
dismissed ~~from~~ then cut &c.
I J. H. Edwards
J. J.

Robert S. Barnes & Wife

vs

Deceit

Benja E. Worrell & others

This cause was heard this day on the Bill
the answer thereto and Exhibits filed, together with the
replication and was argued by Counsel - On Consideration
whereof the Court doth advise, order and decree that
Wm W. Briggs, Elliott L. Story, James Jenkins
and Thomas Vaughn be and they are hereby appointed
Commissioners (any three of whom may act) - That
they divide the real estate and negro-slaves held by Mrs
Sophiance Darden (late wife of Jonathan Darden) as
dower of the estate of Lewis Worrell deceased, her former
husband, as nearly as practicable into four equal shares;
and allot or assign one share to Matilda Barnes, wife of
Robert S Barnes - one share to Benjamin E. Worrell
one share to E. Emaline ~~Worrell~~ ^{Gillette} and the other share
in equal portions to Mary J Powell (wife of Joseph
Powell) of the State of Texas, one portion and the other
portion to the heirs of Leptia J. Powell deceased of
the State of Mississippi, whose names are unknown
And requiring the payment of small sums by one
to another to equalize the division - And that said Commis-
sioners are directed to report to Court in order to
a final decree.

Barnes Sully

to { Co. Decur

Worrell J^d

Southampton County December Court 1864.
Robert S. Barnes & Matilda his wife.
against

Plffs

In Chancery

E. Emeline Gillette, Benjamin E. Worrell, Joseph Powell and Mary
J. Powell his wife, and the heirs - whose names and numbers are unknown
of Septa F. Powell dec'd the infants by E. R. Edwards their guardian
ad litem

Defts

This cause was heard this day on the bill, the answer thereto and exhibits filed there-
with, together with the replication, and was argued by Counsel. On consideration
whereof the Court doth adjudge order and decree that Wm. W. Briggs, Elliott S. Story,
James Jenkins and Thomas Vaughan be and they are hereby appointed Commissioners
(any three of whom may act) that they divide the real estate and negro slaves held by
Mrs. Temperance Barden (late wife of Jonathan Barden) as dower of the estate of
Lewis Worrell deceased her former husband, as nearly as practicable into four equal
shares, and allot or assign one share to Matilda Barnes wife of Robert S. Barnes -
one share to Benjamin E. Worrell, one share to E. Emeline Gillette and the other
share in equal portions to Mary J. Powell (wife of Joseph Powell) of the State of
Texas one portion, and the other portion to the heirs of Septa F. Powell deceased
of the State of Mississippi, whose names are unknown, requiring the payment of small
sums by one to another to equalize the division - And the said Commissioners are
directed to report to Court in order to a final decree.

Attest

Teste

E. R. Edwards lb

R. S. Barnard wife

vs

Worrell & others

Deceit

Febry term 1865

Southampton County Court - February term 1865.

Robert S. Barnes Sheriff

vs
Against

E. Erneline Gillette - Benja. E. Norrell & others

This Cause was again heard on the papers formerly read together with the Report of the Commissioners appointed by the Decree rendered at the December Term last (1864) of this Court, which Report is this day filed and accepted - And the Court do it further order and decree that the former Decree rendered in this Cause be ~~annulled~~ ^{and revoked} so far as it directs any portion of the negro-slaves mentioned in the said former Decree to be assigned or allotted to Mary S. Powell, wife of Joseph Powell of the State of Texas and to the heirs of Septimus T. Powell of the State of Mississippi, ~~be given to~~ and that the same portion so directed to be allotted to them in the said Decree be placed in the hands and care of Jonathan Darden as Special Com

Missiner - that he hold the same for the benefit of
Mary S. Powell, wife of Joseph Powell (that is to say
one half of the said share for her benefit) and the other
half of the said share for the benefit of the estate of
Leitch S. Powell deceased who resides in the state
of Mississippi - He is directed to have the said negroes out from
year to year and make an annual report before a Commissioner of the Court
And the said Jonathan Darden Commissioner is required
to execute a bond with sufficient security, in the Clerk's office
of the Court, in the penalty of five thousand dollars, accord-

530.

Barnes & Wife

to. } Rept.

Worrell &

1865 Feb 20.

In obedience to a decree of the county court of Southampton made at the December term 1864, we the undersigned Commissioners (appointed by said decree (Wm. H. Briggs being absent) for the purpose of dividing the real estate and negro slaves held by Mrs. Temperance Darden (late wife of Jonathan Darden) as dower of the estate of Lewis Norrell died. Her former husband, met on the 26th. of the same month and made, after being duly sworn according to law, the following appraisement and division of said negro slaves: -

Dick	appraised at	\$ 5000.00
Dempsey	" "	500 00
Margaret	" "	2000 00
Alfred	" "	3000 00
Lydia	" "	3500 00
Ann	" "	1500 00
Dacey	" "	3500 00
Delila	" "	1250 00
Ina	" "	2000 00
Isabel	" "	3000 00
Albert	" "	4000 00
Louy & child	" "	4000 00
Amanda & Jacob	" "	3000 00
Mary	" "	2750 00
Lucy	" "	1500 00
Joe	" "	2000 00
Luke	" "	3000 00
Christian & child	" "	4000 00
Roxanna	" "	1500 00
Ellen	" "	1000 00
Wesley	" "	2000 00
Mason & child	" "	3800 00
Agnes	" "	2000 00
Harriet	" "	1800 00
Sam & child	" "	4000 00
Martha & child	" "	4000 00

carried over

\$ 69600.00

Amt. Prot-over			\$ 69600.00
Less Kitchen old & expensive			1000 00
" Willice " "			\$ 68600.00
			2000 00
We assigned to Matilda Barnes wife of Robt. S. Barnes	{	\$ 66000.00	
Leah & valued at		\$ 3000.00	
Alfred " "		3000.00	
Sydia " "		3500.00	
Ann " "		1500.00	
Dicey " "		3500.00	
Delila " "		1250.00	
Ira " "		2000.00	
Receive of Benja. E. Morrell		650.00	
Receive of E. Emaline Lillitt		250.00	18650 00
Allowed for keeping Willice			2000 00
			\$ 16650.00

Assigned to Mrs. E. Emaline Lillitt			
Albert & valued at			4000 00
Louy & child " "			4000 00
Amanda & Jacob " "			3000 00
Mary " "			2750 00
Lucy " "			1500 00
Joe " "			2000 00
			\$ 17250.00

Matilda Barnes wife of			
Pay to Robt. S. Barnes		\$ 250.00	
Pay to heirs of Jephtha T. Powell		350.00	600 00
			\$ 16650.00

Assigned to Benja. E. Morrell			
Luke & valued at			3000.00
Christian & child " "			4000 00
Roxanna " "			1500 00
Ellen " "			1000 00
Nessey " "			2000 00
Mason & child " "			3800 00
Agnes " "			2000 00
Pay to Matilda Barnes wife of Robt. S. Barnes			\$ 17300.00
			650.00
			\$ 16650.00

Assigned to Mary J. Powell (wife of Joseph Powell) of the
state of Texas one half share

Harriet - valued at	\$ 1800 00
Jane & child " "	4000 00
Martha & child " "	4000 00
	<u>\$ 9800 00</u>

Allowed for keeping Kinchen	\$ 1000 00
Pay to Heirs of J. J. Powell	475 00
	<u>\$ 1475 00</u>
	<u>\$ 8325 00</u>

Assigned to the Heirs of Jephtha J. Powell died. of the
state of Mississippi, whose names are unknown.

Dick valued at	8000 00
Dempsey " "	800 00
Margaret " "	2000 00
	<u>7500 00</u>

Receive of Mary J. Powell	475 00
Receive of E. Emanuel Gillett	350 00
	<u>\$ 8325 00</u>

All of which is Respectfully submitted,

E. S. Story
J. H. Irsking } Commissioners
Thomas Vaughan

County of Southampton to wit: -

I Benj: E. Worrell a Justice of the peace for and in
the county aforesaid, do certify that the above commissioners
appeared before me in the county aforesaid and made the
necessary oaths before entering upon their duties as
said commissioners. Given under my hand this 26th
day of Decr. 1844.

Benj: E. Worrell J. P.

Worrell. &c
in { Comrs Rept.
Barney. &c

1866. Mar. 6th.

2
We the Undersigned Commissioners appointed
by a decree of the County Court of Southampton,
to divide the Dower Lands of Mrs Temperance
Darden, Among the Heirs of her first husband,
Lewis Worrell, submit the following Report.
We valued the Holly Pond Tract containing
one Hundred & fifty seven acres at \$2.50 per
acre making \$392.50. We valued the Apamook
Tract containing 173 acres at \$4.00 per acre
making \$692.00. We valued William's Tract
containing 231 acres at \$2.50 per acre
making Five hundred & seventy seven & 50/100
dollars \$577.50. We valued Mansion House
Tract containing $181\frac{3}{4}$ acres at \$3.00 per
acre making \$545.25. The aggregate
value of all said Tracts make \$2207.25.
According to directions of said decree We then
divided said said Land according to value
into Four equal parts, and assigned the
Holly Pond Tract Lot No 4 containing
157 acres valued at \$392.50 to the Heirs.
Mary J. — ^{who was wife of} ~~Worrell~~ ^{Dowell} The Mansion House Tract
containing $181\frac{3}{4}$ acres valued at \$545.25
Lot No. 3. was drawn by R S Barnes. The William's
Tract containing 231 acres valued at \$577.50
^{Lot No. 2} was drawn by Benjamin O Worrell. The Apamook
Tract containing 173 acres valued at \$692.
Lot No. 1. was drawn by Emaline Gillett.
Emaline Gillett the owner of Lot No. 1. must to
pay to the owner of Lot No. 4. \$140.19 to
make Lot No. 4 ^{an} equal share. (an equal share
being \$551.81) The Owners of Lot No. 2. must pay

To the Owners of Lot No 4. of 19. 13. to make Lot No 4.
an equal share. The Owner Lot No 2. must also
pay to the owner of Lot No 3. of 6. 56. to make
Lot No 3. an equal share.

Respectfully Submitted

W. W. Briggs

E. L. Story

Thomas Vanecko

February 10th 1866.

Comma