

1869 - D2

Sanikamplon County

Stephenson, Sarah A. vs. Chubbins, James H.

(Sale of Real Estate)

'Amos Stephenson, decd'
Per John

117.

Stephenson

~ { Papers

Williams

To the Hon Judge of
the Circuit Court of Southampton County -

Humbly Complaining sheweth unto
the Court and respectfully represents as follows -
Your Complainant Sarah A Stephenson that
her father Amos Stephenson departed this
life nearly thirty years ago having previously
executed his last will and testament which
was duly admitted to record in the Clerk's of
fice of the County Court of Southampton
County on the day of _____ and a copy
of the said will is herewith filed, marked
as a part of this Bill.

It will be observed by the Court that
a large number of negro-slaves and a
small tract of land were bequeathed
and devised to your Complainant by the said
Will - those negroes increased in number
and value and before the late disastrous
war between the States your Complainant
was not living in easy and independent
circumstances but even in affluence.

~~It appears~~ The proceeds resulting almost
entirely from the heirs of her negro-slaves
Occasionally, whenever necessary for her com-
fortable support she even made sale of
one or two of said negroes without ob-
jection from any quarter.

The property in negroes having been destroyed
she has no income in the world to supply
her with the necessaries of life except the

Small pittance obtained from the rent of the small tract of land devised to her by the said will - This weekly rent of the said tract of land is a mere trifle and is wholly insufficient to purchase the necessaries of life and your Complainant is therefore thrown most unreluctantly upon the charity of friends.

Your Complainant Prays that your Honor may find it consistent with equity and justice to all parties ^{interested} to decree a sale of the said real estate, which being for the most part wood land, as before stated yields scarcely no rent.

The Contingent interest of E. C. Barrett and Rick's Cadmus Barrett who are the only surviving children ^{and descendants} of the sister of your Complainant, to wit Hannah Barrett and Davis Barrett was granted and conveyed by the said E. C. Barrett & N. C. Barrett to the said Davis Barrett by deed recorded in the Clerk's office of the County Court of said County, & a copy of the same is filed as part of this Bill & marked B.

The said Davis Barrett subsequently granted and conveyed his interest in the said tract of land to George H. Darden Trustee by a deed of Trust. The said Trustee sold the same according to law and James H. Williams became the purchaser for about the sum of eighty or ninety dollars as well as your Complainant now remembers and received a Deed therefor from the said

Trustee a copy of which is herewith also filed as part of this Bill, and is marked W.

Your Complainant is advised that under her father's will she has a right to expect from this Hon. Court a Decree authorizing the sale of the said real estate it being shown that it is necessary for her support and maintenance. But she would be unwilling to do without paying to the said James H. Williams the whole amount expended by him for the purchase of his Contingent interest in the said land, with legal interest on the same.

Your Complainant therefore prays to the end &c. - and inasmuch as she is without remedy save in this Hon. Court, which has jurisdiction - that your Honor would make the said James H. Williams a party defendant to this Bill - that he may be required to answer its allegations specially & fully - to state the amount paid by him for the said interest in the said land &c. - that a Decree may be granted ordering the sale of the said real estate on such terms as may seem to the Court just -

and that such further & general re-
lief may be granted as equity may
dictate and the nature of the case may
require — &c —

And I Recommend

117
Charles A. Stephenson

James H. Williams

Pr. Sec.

1869 July Rules.

Exhibit No. 11 Filed
2025 Wm. 75,

Stephenson

an } Eckb. with bill
"B"

Williams

This deed made the 20th day of November in the year 1860, between E. Calhoun Barrett and Mary Louisa, his wife, & R. Cadmus Barrett of the one part and Davis Barrett of the other part. Witnesseth; that in consideration of the sum of one thousand dollars, the said E. Calhoun Barrett and Maria Louisa, his wife, and R. Cadmus Barrett do grant unto the said Davis Barrett all their right, title and interest of every kind, either in possession, reversion or remainder in two certain tracts of land devised by Amos Stephenson in his last Will and Testament: the one to his wife Caroline during her life, whereon he lived at the time of his death exclusive of the Chitty or Billy Thomas place and the place called Copper ridge supposed to be about three hundred acres, and the other to Sarah Ann Stephenson called the Billy Chitty or Billy Thomas place, except five acres, but in case she should die without leaving a lawful heir begotten of her body to go to the heirs of Hannah G. Barrett, for a more particular description of said land and information in relation to said land reference is made to the said last Will and Testament of the said Amos Stephenson, which was recorded in the County Court of Southampton on the 20th day of July 1840, But it is understood by the parties that the grantors convey only such title as they have or may have in the said land under the Will of the said Amos Stephenson as the heirs of Hannah G. Barrett. Witness the following Signatures and Seals—

E. Calhoun Barrett (Seal)
Maria L. Barrett (Seal)
R. C. Barrett (Seal)

State of Virginia, County of Southampton, to wit

We Thomas J. Vaughan and Benj. E. Norvell justices of the Peace for the County and State aforesaid, do certify that Maria Louisa, the wife of E. Calhoun Barrett whose names are signed to the writing hereto annexed, bearing date the 20th day of November 1860 personally—before us in the County aforesaid and being examined by us privily and apart from her husband and having the writing aforesaid fully explained to her, she the said Mary Louisa acknowledged the said writing to be her act, and declared she had willingly

executed the same, and does not wish to retract it. Given under our hands this
6th day of December 1860.

Thomas J. Vaughan JP
Benj. O. Morrell J.P.

Southampton County. In the Clerks Office, January 5th 1861.

This deed of bargain and Sale was acknowledged by E. Calhoun Barrett
and R. C. Barrett parties thereto, and together with the Certificate of the
privy examination and acknowledgement of Maria Louisa Barrett ^{his} wife, &
also a party thereto, was admitted to record.

Teste

L. R. Edwards Ck

Attest

Teste

L. R. Edwards D.C.

Barrett
to 2 Grush
Garden &c

(20,

Abby

This Ind. Made this sixth day of November in the year one
Thousand Eight hundred & sixty six, between Jarvis Barnett of the County
of Southampton of the first part and George H. Gardin, Trustee of
the Second part, Witnesseth, that the said Jarvis Barnett for and
in consideration of the premises hereinafter stated, doth grant and
convey to the said Geo. H. Gardin, the following property to wit;
all the right, title & interest of every kind whatever, which in
possession remained, or reversion, in law or equity, which the said
Jarvis Barnett may now have or may hereafter come to him by
virtue of present deeds, titles or conveyances in and to the tract of
Land in which the said Jarvis now resides, and which is held by
Mrs. Caroline Stephenson, widow of Amos Stephenson as her dower, and
which said farm is commonly known as the Phoenix place, and all
the contingent interest which the said Jarvis may have in the tract
of Land owned by Miss Sarah A. Stephenson, devised to her by her
father Amos Stephenson, the first named tract supposed to contain
four hundred & fifty acres, more or less, and bounded by the Lands
of William Thomas, Parker S. Story, & others; and the last named
tract supposed to contain one hundred & seventy acres, more or
less, and bounded by the Lands of John E. Myrick, Wm Thomas
& others, the said Jarvis's interest in the first named tract being
one third of the same after the expiration of the dower - and the
said Jarvis Barnett's stock of all kinds to wit; four horses, one mule,
twelve head of Cattle, twenty five sheep, twenty five out hogs, together with all
increase of the said several kinds of stock, all his household & kitchen
furniture, of every kind, all his farming implements of every kind,
including two waggon, three carts, & wheels &c - meaning to
include all the furniture & farming implements in his possession.
We Trust to secure and protect from all loss and damage, in the first
place & before all others, all persons who may be bound in any
manner as Surety for the said Jarvis Barnett, to wit; James F. Gardin,
Richard Lewis Bryant, Amos S. Lipo, John F. Mindard, E. Calhoun
Barnett, Amos W. Stephenson, and all other persons who may be

bound in any manner as Surety, whether herein mentioned by Name or
Verb. And in the second place, to secure the payment of all debts
which may be due and owing to any person by the said Jarvis Barnett
as principal debtor to wit; Harrison P. Tapp, Bino C. Tapp, James J.
Gardner, John J. Kindred and all others whether specially mentioned
by Name or Verb - But the said Jarvis Barnett reserves to himself all such
privileges, indulgences and protection which may now or may hereafter
be afforded by any State Law, State or Federal, whether passed or enacted
by the authority of the State or of the Federal Government, or other Law
for the protection of debtors - And further the privilege of ordering
the said trustee to make sale of the said property herein conveyed,
the whole or any portion thereof, if he the said Jarvis Barnett
should think proper to do so, at his discretion, at any time earlier
Notwithstanding any delay or indulgence he might be entitled
to claim under State Laws or other Laws for the protection of
debtors - Witness the following Signatures and Seals -

Jarvis Barnett (Seal)

Sherburne County, In the Clerk's Office, November 11th 1866,
This Deed of Trust from Jarvis Barnett to Geo. H. Gardner, Trustee,
was acknowledged by the said Jarvis Barnett to be his act and
deed and admitted to record - Stamps of the Internal Revenue of
the United States to the amount of two dollars being affixed
therein & duly cancelled -

Teste, S. R. Edwards, Ck.

A Copy

Teste, James R. Tyler, S. C.

Supper on

Mr. } as usual
William

Nov. 21. 69.

To the end

E. J. Pitts

Stephens on

no.

Millions.

- This way this cause came on the
house on the Bill, and on the second
of the Sept. to pass a bill, and was negatived
by a majority on consideration thereof
the house both sustained the view submitted.

& with a majority on a second that
the bill be dropped, and that
the pay to the Sept. his coat, by him in
this suit should be.

Copy,
Amos Stephensons
Will.

Stephenson
to { Ex. with bill (A),
Williams

In the name of God. Amen. I Amos Stephenson of the County of Southampton in the State of Virginia being in sound mind & memory do make this my last Will & Testament, to wit.

Item 1st. I lend to my Wife Caroline the plantation where I now reside exclusive of the Chitty or Billy Thomas place & the place called Copper-ridge, supposed to be about three hundred acres and seven negroes, to wit, James, Henry, William, Middy, Pietta, George, Henry & Ann during her life. Also I give to my Wife Caroline one negroman Willis.

Item 2^d. I give to my daughter Hannah G. Barrett a tract of land called the Underwood place with the exception of the piece called the gatefield, the line to commence at Abner Stephensons corner and run as the path until strike Philips lands also five negroes, to wit, Jeffery, Simpise, Mary, Emeline, Rachel to her & her heirs forever.

Item 3^d. I give to my Daughter Sarah Ann one tract of land (except five acres, the privilege of wood and rail timber to support the said five acres for two old negroes that will be named hereafter to have during their lives, called the Chitty or Billy Thomas place, also eleven negroes to wit, Peter Sr, Sam, Davy, John, Solomon, Peter jr, Joe, Pinty, Nancy, Julia & Lucy, but if my daughter Sarah Ann should die leaving no lawful heir begotten by her body, I give the said Sarah Ann Stephenson legacy to the heirs of my daughter Hannah G. Barrett.

Item 4th. I lend to my daughter Martha K. Stephenson my old plantation which joins Newsons mill & called the Swamp plantation & three negroes to wit, Lewis, Charity & Shepherd for which property is to remain in the hands of Davis Barrett for my daughter Patsy K. Stephenson support during such time as she might be considered to be an insane person, if ^{she} should become perfectly right then in that case Davis Barrett or his legal representative must pay over to her what part might be left of the above named property, but during all this time if my daughter Patsy should have a lawful heir begotten of her body I give the part that may be left of this property to her begotten heirs, but in case my

daughter Patey dies leaving no begotten heirs of her body I give it to my daughter Hannah & her heirs forever.

Item 5. my Will and desire is for one old negro man Elck & old woman Amy to be settled on the five acres of land left out of the Chitty tract. my Executor must build a good comfortable log house with sawed roof & floors & pay for the same out of my estate, the old negroes must have firewood & timber for rails off the said Chitty land. the lot to be laid off near two large Walnut trees by a small spring reaching towards the old orchard - the said two negroes are under the control of my Exor. I also give them out of my estate five Bbls. of Corn & six hundred of good pork annually.

Item 6. I give to my grandson Eugene Calhoun Barrett the tract of land called the Copperidge, also the piece of wood land joining my last years new ground bounded by William Thomas land on the South the Copperidge place on the East runs up West as the new ground fence until gets to the branch thence up the branch to Jno. W. Thomas line.

Item 7. Lastly, my will is for my Executor to sell all off my property not heretofore given & lent away. & pay both real & personal pay all just debts that I owe & if anything left divide as the law directs - I hereby name and appoint my son in law Davis Barrett my Executor to this my last Will & Testament revoking all ~~these~~ former Wills by me made & acknowledged this to be my last Will and Testament. Given from under my hand this 6 day of July one thousand eight hundred & forty.

Signed & sealed
in the presence of

Lemuel P. Nicholson

Benjamin T. Barrett

Wm A. Spark

Amos Stephenson (S)

At a Court held for the County of Southampton on the 20 day of July 1840.

This last Will and Testament of Amos Stephenson deceased was proved by the oath of Lemuel P. Nicholson, Benjamin T. Barrett and William A. Spark the subscribing Witnesses thereto and ordered to be recorded. And the motion of Davis Barrett the Executor therein named who made oath and together

with Lewis Morrill, Benjamin T. Barrett, Henry Knicker, Richard J. Darden Abner K. Stephenson and Richard Darden his securities entered into and acknowledged a bond in the penalty of forty thousand dollars conditioned as the law directs, certificate is granted him for obtaining letters of administration a probate of the said Will in due form.

Teste

L. R. Edwards

Attest

Teste,

L. R. Edwards D.C.
July 26. 1849.

Stephenson

to { Chas. Sum.

Williams

1869 April Rules

Executed

March 13th / 69.

On L. H. Williams

By delivering to him
a copy.

R. Carson Apr

For S. Kedd Skiff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of the County of Southampton—Greeting:

We command you ^{as at another time we have} to summon *James H. Williams*

if *he* be found within your bailiwick, to appear at the Clerk's Office of our court of Southampton County, ^{circuit} at the Rules to be holden for the said court, on the first Mondy in *April next to answer a bill in Chancery* exhibited against him in our said Court by *Sarah A. Stephenson*

And have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-House, this *3^d* day of *March* A. D., 186*9*, in the *9th* year of the Commonwealth.

L. R. Edwards

Stephenson

to } 5000 Chy

Williams

1869 March Rules

Came to hand to late
to be executed

of W. Williams Dept
for S. Kello Staff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of the County of Southampton—Greeting:

We command you to summon

James M. Williams

if ^{*he*} be found within your bailiwick, to appear at the Clerk's Office of our court of Southampton County, ^{*Orant*}
at the Rules to be holden for the said court, on the first Mondy in *March next to answer a bill in*
Chancery exhibited against him in our said Court by Sarah A. Stephenson

And have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-House, this *22nd* day of
February A. D., 186*9*, in the *9th* year of the Commonwealth.

L. R. Edwards

Stephenson

to } Stat. Rules

Williams

12025
67
134

Deft. Cash

Chks

Law

3.23
15.00

In Southampton Circuit Court

Sarah A. Stephenson

against
James H. Williams

1869 Feby 22 Summons issued
" March R. Sum. ret. too late to Execute. New Sum. awarded
" July " being ret. Executed. Bill filed & D. Nisi to Dft.
" Aug. " Bill taken for Confessed
" Sep. " Cause set for hearing &c.
" Nov. Bill dismissed with costs

Stephenson

as { Lemmon

Williams.

1869 Nov Term

Stephenson

vs.

Williams.

The answer of James H. Williams, is the bill of complaint - filed, in this Court. by Sarah Stephenson.

This left. by motivation not - compelling or a threatening all or any of the matter in the Complaint with bills, contained to be true; in the manner of the same as set forth, was answer to the said bill, and for cause of answer shows that the complaint is not entitled to the ^{discovery sought or to} relief against - him as to the matter contained in the said bill, touching the matters contained in said bill - and accordingly. Messrs. Lewis Barnett, E. C. Barnett, and Richd. B. Barnett. George H. Darden should be put in seats in this suit.

Wherefore and for various other good causes of answer opposing in the said bill, this left. over answer thereto, begs the judgment of this Court. whether he shall be compelled to make any further or other answer to the said bill, & prays the same be refused with his costs.