

1870-040

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BARNES

VS. STORY et al

2/1870

other surnames: Worrell,
Mahood

To the Honorable County Court of Southampton
County - In chancery -

Humbly complementing & bowing unto your
wishes your Petitioner Lucy J. Barnes that her
father Robert S. Barnes, departed this life
during the present year - at the time of his
death he was in possession, as tenant by the
Curtesy, of certain real estate which was
the maiden land of the Mother of your
Petitioner Matilda Barnes, ^{wife of the said Robert} who died several
years since - the said land being the same
tract on which the said Robert resided and
another tract lying near Barnes' Church containing about 180 acres
having been devised to the Mother of your
Complainant by her father Lewis Howell
deceased -

The said Robert S. Barnes and Matilda
Barnes left as the only heirs at law, your
Complainant Benjamin L. Barnes who has
died since the death of his said parents, having
attained his majority, intestate and without any de-
scendant but somewhat indebted as your Com-
plainant is informed & possessed of no other
estate but his interest in the said real estate -
3 Sophronia A. Story (who was Barnes) and inter-
married with Parker S. Story, lately departed this
life leaving her said husband surviving and the
following children, all minors, 'Delia Story' 'An-
nie B. Story', 'Nannie Story', and 'Norman B. Story' -
4 Mary L. Mahood who was Barnes and has inter-
married with Wm. H. B. Mahood - F. R. McKendry
Barnes who is a minor -

Your Complainant is desirous to

have a division of the said real estate according to the legal rights of the parties - that the parties last named may be made defendants to this Bill and Compelled to answer specially &c -

that Your worship would appoint discreet and proper persons as Commissioners to divide the said real estate - and grant such other and several relief as equity may dictate and the nature of the case may require -

and as in and by your oath sworn under prayer &c -

Witness my

The joint & several Answer of Parker D. Story - Delia Story - Junius B Story - Annie Story - & Norman B. Story (the four last - minors - by L.R. Edwards who is appointed by the Court their guardian ad litem) - Mary L Mahood & Wm H B Mahood - and R. McKendry Barnes (a minor by L.R. Edwards his guardian ad litem) to a Bill filed against them in the County Court of Southampton by Lucy J. Barnes.

These defendants for answer to so much of the Complainant's Bill as they are advised it is material for them to answer say - that they have no objection to the decree appointing Commissioners to effect a division of the real estate in the Bill prayed for - and having answered they do not desire to be

Witness my

Lucy J. Barnes

vs
Parker D Story & others -

} Decree

This Cause this day came on to be heard on the Complainant's Bill, the Answer of the defendants, the Court having appointed L.R. Edwards guardian ad litem to the infant defendants Delia Story - Junius B Story - Annie Story - & Norman B Story & R. McKendry Barnes - with replication to the said answer - And was argued by counsel: On consideration whereof the Court doth by a Judge order and decree that A K Stephenson, Edwin R Fiers, Davis Barrett & Samuel Vick (any three of whom may act) be appointed special Commissioners for the purpose - that they allot or assign the real estate of which Robert S. Barnes died seized and possessed as tenant by the Curtesy among the heirs of the said Robert and Matilda Barnes his deceased wife, to-wit: one just equal share to Lucy J. Barnes - one to Parker D Story to be held by him during his life as tenant by the Curtesy and at his death to be the property in equal shares of the children of Sophronia A Story his deceased wife, to-wit: Delia, Junius B, Annie, & Norman B Story) one share to Wm H. B Mahood & his wife Mary L Mahood in right of his said wife - one share to R. McKendry Barnes - and one share, the remaining one, to Benjamin L. Barnes or to be retained, the last named share, subject to the further order of the Court - And the said Commissioners are authorized

to assign one or more shares to the other - and to re-
 quire either party to pay such sums of money
 to any other party in effecting a fair divi-
 sion as, ~~among~~ in their judgment, may be just
 and equitable -

And it being suggested to the Court that
 one the said Henry Bay L Barnes has departed
 this life, since the death of his said parents,
~~intestate and without having made any~~ leaving
 certain debts due and his estate having been
 this day committed to the Sheriff James Wells
 the said Wells is henceforth to be ^{made} a party
 to this suit.

And the said Commissioners are directed
 to report to this Court in order to a final
 decree -

Lucy J. Barnes
 as $\frac{1}{3}$
 Parker D. Story Attorney
 for her

1870 Feb. Rep. Compt.

1869 Jan. Rep. Compt.

1869 Jan. Rep. Compt.

1869 Jan. Rep. Compt.

1869 Jan. Rep. Compt.

Story J.

James
 13th Nov. 1870

1870

Barnes

~ } Copy Done

Story of

Southampton County Court October Term 1868.

Lucy T Barnes.

Def.

In Chancery

against.
Parker D Story. Delia Story. Junius B. Story. Nannie Story. & Norman B Story -
the four last minors by L.R. Edwards who is appointed by the Court their guardian ad litem.
Mary L Mahood & W. H. B. Mahood & R. McKendry Barnes a minor by L.R. Edwards
his guardian ad litem

Sifts

This cause this day came on to be heard on the complainant's bill, the answer of the
defendants, the Court having appointed L.R. Edwards guardian ad litem to the infant
defendants Delia Story. Junius B. Story. Nannie Story. Norman B. Story & R. McKendry
Barnes with replication to the said answer. and was argued by Counsel: On consideration
whereof the Court doth adjudge order and decree that A. K. Stephenson. Elvin R
Fires Davis Barrett & Samuel Vick, any three of whom may act, be appointed Special
Commissioners for the purpose - that they allot or assign the real estate of which Robert
L Barnes died seized and possessed as tenant by the curtesy and at his death to be
among the heirs of the said Robert and Matilda Barnes his deceased wife, to wit.
One just equal share to Lucy T Barnes - One to Parker D Story to be held by him
during his life as tenant by the curtesy and at his death to be the property in
equal shares of the children of Sophonia A Story his deceased wife, to wit. Delia
Junius B. Nannie & Norman B. Story, one share to W. H. B. Mahood &
his wife Mary L Mahood in right of his said wife. One share to R. McKendry
Barnes. and one share the remaining one, to Benj. L Barnes or to be retained, the
last named share subject to the further order of the Court.

And the said Commissioners are authorized to assign one or more shares together. and
to require either party to pay such such sums of money to any other party in effecting
a fair division as in their judgment may be just and equitable.

And it being suggested to the Court that one the said heirs Benj. L Barnes
has departed this life, since the death of his said parents, intestate (leaving)
certain debts due and his estate having been this day committed to the Sheriff. Samuel
Kello the said Kello is henceforth to be made a party to this suit. And the said
Commissioners are directed to report to this Court in order to a final decree.

A Copy

Teste

L.R. Edwards Clk

Lucy T. Barnes

21

Dan R. D. Story Foster

Deer

January County Court 1869

To be entered -

Mary Ann Laine
(13)

Lucy T. Barnes

vs

Parker & Story Executors

} Deceit

}

This Cause this day, again
came on to be heard on the papers for-
merly read together with the Report of the Com-
missioners filed at the last term of this
Court to which there being no exception
filed the same is hereby affirmed -

Upon Consideration where of the Court
with advice, order and decree that
the rights acquired under the said Report
be declared perpetual and binding
and that the parties contribute equally
to the Cost of this suit -

And ~~the Court~~ it appearing to the
Court that the estate of the said Benjamin
L. Barnes is indebted beyond the value of
his personal estate it is further ^{advised} ordered and de-
creed that Samuel Kellogg as Sheriff and
Administrator of the said Benjamin L. Barnes, after
having duly advertised the same, sell on a
reasonable credit except sufficient in cash
to pay the expenses of executing this decree
all that portion of lands assigned by the
said Commissioners to the said Benjamin L.
Barnes ~~and~~ ^{and} taking ^a bond with suf-
ficient security therefor and retain the same
till the whole ^{of the} ~~the~~ ^{here} ~~the~~ ^{said} money is paid - and
when so paid to distribute the same accord-
ing to law to the payment of the debts of the said
Benjamin L. Barnes.

Barnes

v { Copy Done

Story George J

Southampton January Court 1869

Lucy T Barnes

against
Parker & Story & Wife & others

Self

Defts. } In Chancery

This cause this day again came on to be heard on the papers formerly read together with the report of the Commissioners filed at the last term of this Court, to which there being no exception filed the same is hereby confirmed. Upon consideration whereof the Court doth adjudge order and decree that the rights acquired under the said report be declared perpetual and binding and that the parties contribute equally to the costs of this suit.

And it appearing to the Court that the estate of the said Benjamin L Barnes is indebted beyond the value of his personal estate, it is further adjudged, ordered and decreed that Samuel Kello as Sheriff and administrator of the said Benjamin L Barnes after having duly advertised the same, sell on a credit reasonable credit except sufficient in cash to pay the expenses of executing this decree, all that portion of land assigned by the said Commissioners to the said Benj L Barnes, taking a bond with sufficient security personal security therefor and retain the title till the whole of the purchase money is paid - and when so paid to distribute the same according to law to the payment of the debts of the said Benj L Barnes.

Clerks costs \$3.00

Attest

Teste,

J R Edwards

Barnes
v { Reps.

Story of

1868 Dec. 21"

Agreeably to a Decree of the County Court of Southampton County, dated October Court 1868, We the undersigned Commissioners mentioned in said Decree, have viewed the lands of which the late Robert S. Barnes held a life Estate after the decease of his wife, Matilda Barnes, and by the assistance of Tho^s. Morrell as Surveyor, have divided and allotted the said lands to the parties mentioned in the Decree as follows; The tract of land adjoining the lands of Capt. James Barnes, Goodwin D. Cutler and others, Containing one hundred eighty one & $\frac{3}{4}$ acres, more or less, we consider to be equal in value to one fifth part of all the lands held by the said Robert S. Barnes and Matilda his wife, and have assigned the same to Parker D. Story and his Children as their full share).

We have laid off two hundred acres land on the East side of the home plantation, as the real Estate of Benjamin L. Barnes dec. which we consider to be equal in value to one fifth part of all the lands of said Rob^t. S. Barnes & wife; which is bounded as follows. Beginning in the road in Josiah Ferguson's line; thence a new line South 19 4 poles to a sweet gum at the edge of the pond branch; thence East to the run of the branch, and down the run to the swamp in John B. Jenkins line; thence down the swamp and up a small branch to the lower line of Mr^s. Amanda M. Morrell, laid off about the year 1837. thence along the lower line to Rob^t. S. Barnes dec. line thence along his line to the road; thence along the road to the beginning.

The balance of the land containing 272 acres including the mansion houses, we have assigned to Lucy J. Barnes, R. McKendree Barnes, and William H. B. Abahord and Mary L. his wife, to be held in common by them.

all of which, is respectfully submitted to the Court.

Samuel B. Gil
Elwin K. Fierz
Davis Barrett

1869 Nov. 6th.

In conformity with a decree of the County Court of
Southampton County made at the January Term thereof
1869 in case of

Lucy J. Barnes

against

Plffs

} January

Parker D. Story & others

Defts

After having advertised as directed in said decree I
proceeded to sell at public auction at Jerusalem on
the 18th day of February 1869 being Court day the tract
of land mentioned in said decree being the portion of
land upon which the late Robt. S. Barnes resided which
was lately assigned to Benja S. Barnes at which sale
Robt. Mc Kendree Barnes became the purchaser for the
sum of Four hundred & Eighty five Dollars and after
deducting the sum of Forty eight ⁶¹/₁₀₀ Dollars for costs
of suit sale &c. I took the bond of Benja E. Worrell
and Robt. Mc Kendree Barnes for Four hundred and
thirty six ³²/₁₀₀ Dollars on demand nine months after
date that being the amount due after paying expenses
of suit-sale &c. which was paid in cash. The said
bond having been paid I have executed to Robt.
Mc Kendree Barnes a deed for the same, though
not expressly directed so to do in said decree, but
being authorized under said decree to collect the
money &c. submit this as my report and beg that
the Court ratify my action in executing said deed.
All of which is Respectfully submitted,

Suit. of sale 485.00

Law fee 15.00

Clerk 3.00

Crier 5.00

Coms 19.63

Taxes due 5.48

Stamps for deed 50

Sam^l & Helen Stff & com^{rs}

48.61

436.39