

1891-25

Santhampton County Chancery

Barnes, Jacob + Wm B. vs

Barnes, Sidney et al

"Sale of Real Estate"
to settle estate

Jacob Barnes
Sarah Barnes
Agent Children

102 94 479 82.70 62

Jacob Barnard.

ms

Bill & Co.

Barnard.

1860 Dec. Dece as filed

1862 Jan. Report.

Feb. .. Confm.

1867 Feb. Dece to with draw
bond to

" Nov. Report & Dece as filed

" Dec. .. Removed to Circuit Ct

1868

" May - Dece for resale.

6th June 7th #5.

To the Honorable the County Court of Southampton -
-pton in chancery sitting.

Humly explaining shew unto of and
Masters of our orators Jacob & Comp. Barnes
~~That~~ Jacob Barnes in the year by and
conveyed to our orators and Samuel Barnes
a tract of land containing 150 acres, with a
water grist mill thereon, lying in Southampton
near Bonykins depot, adjoining the land of
Euseb Bryant, & Euseb Hill,

That Samuel Barnes has died intestate, leav-
ing a widow, Sidney Barnes & two infant
children, Jacob & Sarah Barnes -

That your orators advise a division of
the said real estate according to their respective
rights. That the same cannot from its nature
be divided in kind - and a sale thereof must
be made, and the interest of all parties will be
promoted by such sale, and the share of
no one claimant more than with \$300 - after
taking out the same interest of Samuel
Barnes means in her husband's share -

The true consideration of all
which, and in as much as your orators
are without remedy in the law, except
in a Court of Equity. To the End, therefore
That Justice may be done, they pray
That Sidney Barnes widow of Samuel Barnes
and his two infant children, Sarah & Jacob
be made parties to this bill - That a decree
may be made after to this bill - That a decree
may be made, directing a sale of the real
estate herein mentioned - and a division
of the proceeds according to law & the
rights of the parties - and grant such and

general relief, the premises considered as
Equity. May actate.

May I please the court. &c.

Chancery p.p.

Susmon of Henry Barnes. To the foregoing
will.

This defendant, Henry &c. admits the allegations
of the bill - she admits that no alienation of
the real estate mentioned therein can be made
in kind and a sale is absolutely necessary -
& she is willing to receive such sum in
cash as shall compensate for her share
in the deceased husband's interest therein
having assumed to be her own -

Susmon of Sarah & Jacob Barnes, by L.R.
Eames their joint addit. to the foregoing
bill.

These ~~admit~~ being infants are incapa-
ble of disposing their interests - & submit
the same to the protection of the court -
and having assumed to be her own
assumed &c.

Barnes &c

vs

Barnes &c -

On motion of the Plaintiffs, L.R. Eames
is ordered, that addit. to the inf. & dependents.
Sarah and Jacob Barnes, who filed their answer - and
this cause was this day docketed by consent of
parties, and came on to be heard on the bill, answers
of the defendants, replications, ^{which were filed} and was argued
by counsel. On consideration whereof the court doth adjudge
order and decree that - James Barnes, who is appointed a
com. for the purpose, after having ascertained the time place
and terms of sale for thirty days, proceed to sell, to the highest
bidder, the tract of land in the bill mentioned, containing 150
acres lying in Southampton County, near Baykin's depot, and
half-mile thereon - which was sold by Jacob Barnes, the
debt. to Jacob, Wm. B. and Samuel Barnes - on the following
terms, cash sufficient to pay the costs of this suit & expenses
of the sale, the balance on a credit of one ~~or~~ year,
bearing interest from the day of sale, taking bond & security of
the purchaser, for the deferred payment, and retaining
the title until the purchase money is paid - and report -
~~with~~ ^{with} findings to court.

But this decree shall be suspended, until the said James
Barnes, shall enter into bond with sufficient security in the
clerk's office of this court, payable to the court of Virginia
in the penalty of \$2000 - conditions to ~~execute~~ ^{perform} this, and any
other decree, which may be made in this cause.

Barnes

to } Filed with bill

~~Barnes~~

This Deed made this 7th day of September year 1855. between Jacob Barnes of Southampton County in the State of Virginia of the first part and William B. Barnes, Jacob Barnes and Samuel E. Barnes of the State of North Carolina of the second part Witnesseth, that in consideration of the sum of four hundred dollars paid by the above named William B. Barnes further the sum of four hundred dollars paid by the above named Jacob Barnes & a like sum of four hundred dollars paid by the above named Samuel E. Barnes the said Jacob Barnes of Southampton County ^{do} grant equally unto the said William B. Barnes, Jacob Barnes and Samuel E. Barnes with general warranty all that certain tract of land also a certain Water-grist-mill together with all the appurtenances attached or belonging as necessary to the management of said ~~land~~ and mill lying in the County of Southampton bounded as follows: to wit. beginning at the intersection of Everett Bryants land in the old and natural run of said mill swamp at or near said mill dam. thence below said dam. Then down said mill Swamp, say the run thereof, so far as said Bryants land is bounded by the run of said Swamp supposed to be the run of Tarrak Creek. then down the run of said Creek to the intersection of Everett T. Hills line then near an East course said Hills line of marked trees, the several variations to where said Hills line intersects with said Barnes line supposed to be in said mill pond at or in the former run of said Swamp from thence forming a new made line along said Swamp run to the beginning. I Jacob Barnes further sanction the covering with the water any lands of mine lying adjoining said mill pond so far as to come to the top of the lowest gate attached to said mill. Nevertheless I the said Jacob Barnes reserve to myself and to my own use and benefit all the profits arising from ^{this} said mill and lands in full during my own natural life and at and after my death that they the above and before named persons equally enjoy the said lands and mill & hereby conveyed or intended to be conveyed to them the said William B. Barnes Jacob Barnes and Samuel E. Barnes and equally amongst their several heirs & assigns forever. And the said Jacob Barnes covenants with the said William B. Barnes, Jacob Barnes and Samuel E. Barnes that he hath the right to convey the said land and Water grist mill to the said William B. Barnes, Jacob Barnes, and Samuel E. Barnes, that he hath done no act to incumber the said land or mill that they the said William B. Barnes, Jacob Barnes and Samuel E. Barnes have equal and quiet possession of said land and Water grist mill free from all hindrance and incumbrances and that the said Jacob Barnes will execute such further assurances of the said land and mill as may be required

Witness my hand and seal the day and year herein first above written.
Signed Sealed acknowledged
and delivered in presence of 3 Jacob Barnes (Seal)

James ^{his} Griffin

J. D. Griffin

A. Williams

Southampton County In the Clerks Office the 18th day of February 1856.
This deed of bargain and Sale from Jacob Barnes to W. B. Barnes. Jacob Barnes
and Saml. E. Barnes was proved as to the said Jacob Barnes by the oaths of
James Griffin & J. D. Griffin two of the subscribing witnesses chosen and chosen for
admitted to record.

Teste

JR Edwards Ch

Attesty

Teste JR Edwards Ch

Barnes
w. { Report
Barnes

1872 May 2⁷

In Obedience to a Decree of the Circuit
Court of Southampton County in the Chancery
Suit of Jacob & Lem D Barnes against Sidney
& Darnes & others rendered at November Term
1871, I paid according to directions of
said decree to Sarah Darnes one Hundred
& forty Nine & 95/100 dollars, and also to Jacob
& Darnes a like sum of ONE Hundred & forty
Nine & 95/100 Dollars and took their receipts
for the same, which receipts are herewith
returned with this Report

D. S. Doles Comr

~~Mr. Wm H. Longworth~~
~~22 W. Longworth Street~~

9340 -

Jacob Barner &
Sarah

Receipt

Rec^d November 8th 1871 of D. G. Dole,
Commissioner to receive proceeds of sale
of Jacob Barnes' Mill & Land, sold
by James Barnes Commissioner in the suit
of Barnes against Barnes & Three Hundred
& Ninety + $\frac{89}{100}$ dollars in full of our
portion of said amount, directed
to be paid us by said Dole.

Witness

E. C. Worrell

William H. Bristow

For my wife Sarah Barnes
Jacob Barnes

was found again

~~\$41.69. with~~

with on \$17.50. from 7th Nov. 67.

To Daniel Dodson & Co. 67 Mason

~~87.13~~

~~\$128.82~~

Barnes & Co

to

Barnes

1867 Nov 18

To The Worshipful The Justices of the County
Court of Southampton County Va.

The undersigned appointed a Special Commissioner
by a decree of said Court the year 1860 to sell a
tract of Land & mill as specified in said decree.

Begs leave to report that he sold the lands & mill
at public sale and Everett J Hill became the
purchaser gave bond & security as required in said decree
all of which proceedings was reported to the Clerk's office
of said County as required. and he the said Everett
J. Hill & Wm M Beaton his security on application
failed to pay said purchase money. Consequently
he the undersigned caused suit to be institute
for the Collection of said purchase money &c -
all of which is respectfully Submitted

James Barnes

Commissioner

N. G. Dole
Comd.
Report

1871 Nov.

Barnes. vs. Barnes.

In obedience to a decree in this Cause I proceeded to collect - from Wm Barnes, his bond for the purchase of the Land & Mill in the proceedings mentioned. - and have executed to him a deed with special warranty for the same.

Gross Court. Collected.	\$1046.44
Expain Costs, Taxes, & Coms	56.77
	<u>\$989.67</u>

This sum is to be divided as follows.
One third to Wm Barnes - One third to Jacob Barnes adw. - which must have been paid and the receipts of the parties are herewith filed - and gross Court. now has in his hands. The sum of \$319.89 which belongs in equal portions to Sarah and Jacob children of Samuel Barnes -

Respectfully Submitted
W. E. Dolly Clerk
& Comr

Rec^d. September 18th 1851 of J. L. Dole
late Sheriff & Commissioner through the
hands of W. L. Briggs Five Hundred &
thirty Nine & 38/100 dollars in full for the
portion of Wm. D. Barnes & Jacob Barnes
dec. arising from the sale of Land &
mill sold as the property of Jacob
Barnes dec. by James Barnes, Const.

James E. Everett
for Wm Barnes.

James E. Everett Adm^r
of Jacob Barnes Jr.

In obedience to an order of the County Court of Southampton
appointing me a Special Commissioner to make sale of Captain
real Estate therein set forth in accordance to said order
I proceeded to sell said real Estate on the 16th day of
Nov. 1861 at public auction and Everett J. Hill
became the purchaser at the sum of one thousand dollars
Note for the amount of Nine Hundred & thirty three
Dollars after deducting Costs & Commissions for which
same he entered into bond & approved security bearing
Indorse from state which bond is filed herewith all of
which is respectfully submitted to the Court & given
under my hand this 14th day of November 1861
James Barnes

Am't of Bond	\$ 933.00
Attorneys fee -	10.00
Clerks fee	5.00
Auction fee -	2.00
5 per cent Commission	50.00
	<u>\$ 1000.00</u>

Apr 15th 1867. R. D. of L. R. Edwards. Clerk of
Southampton County Ct. The within mentioned
bond.

James Barrie

1867 February 6th

Barnes & Co.
m.
Barnes & Co.

Jacob. Burns. Jr

vs.

Burns.

This day this cause came on to be further on the papers finally read the report of Leamt. Burns made under a decree of this court made at Sess. Leamt. 1860 - and the Leamt. confirming said report, to which no exception has been filed. As the adjudge read and decree, that James Burns who is appointed a commissioner for the purpose, receive from the clerk of this court, the bond filed with the report of Leamt. for the purchase of the real estate in the bill mentioned, collect the same, and report to Leamt. and when the said bond is paid the said court will execute to the purchaser a deed with special warranty.

Know all Men by these Presents, That We James Barnes Rich^d L
Bryant.

are held firmly bound unto the Commonwealth of Virginia, in the just and full sum of

Two thousand

Dollars, current money of Virginia, to the payment

whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and

severally, firmly by these presents. Sealed with our seals, and dated this

18

day of

November

A. D., 1861

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound

James Barnes as Commissioner appointed by a decree of the County
Court of Southampton County at December Term 1860 in the suit of
Barnes & Barnes

under the said decree and any other decree which may be rendered in said suit
shall faithfully discharge the duties of his said office or trust, according to law, then the above obligation
to be void or else to remain in full force and virtue.

Signed, Sealed and delivered
in the presence of the Court.

J. R. Edwards

James Barnes { SEAL }

Richard L. Bryant { SEAL }

{ SEAL }

{ SEAL }

Southampton County Court November 18 1867

Jacob Wm B Barnes

against

Sidney Barnes & Sarah & Jacob Barnes infants &c

Defts

Defts

} In Chancery

It appearing to the Court by the report of James Barnes Commissioner that E. J. Hill and Wm M Beaton have not paid the sum of \$933. with interest thereon from 16th day of Nov. 1862, for the purchase of the real estate purchased under proceedings had in this cause, it is ordered that the said parties be summoned to the next term of this Court to shew cause why the said real estate thus purchased, should not be resold to pay the amount of the said purchase money.

Attest

Teste

L R Edwards Clk

Barnes

~ } Copy desired.

Barnes J^r

Executed Nov. 22nd
1847 on both the
witness by delivering
a copy to each.

P. Harmon Deput
for G. Wells s^{ff}

Barnes & Co.

ms. { acco.
Barnes & Co.

Nov. 21. 1867.

Barnes &c.

vs.

Barnes &c.

It appearing to the Court by the Report of James Barnes Esq. That E. Y. Hill and Wm. W. Beaton have not paid the sum of \$933 - with interest - thereon from 16.th day of Nov. 1862. for the purchase of the real estate, purchased under proceedings had in this cause. It is ordered that the said parties be summoned to the next Term of this Court to show cause why the said real estate thus purchased, should not be sold to pay the amt. of the said purchase money.

Barnes

& {copy done

Barnes

258
501
—
242

10th Feb.

Southampton County Court. December Term 1860.
Jacob & Wm B. Barnes

against.

Sidney Barnes & Sarah & Jacob Barnes infants &c

Beff

{In Chancery}

Afts

On motion of the plaintiff L R Edwards is assigned guardian ad litem to the infant defendants Sarah and Jacob Barnes, who filed their answer. And this cause was this day docketed by consent of parties and came on to be heard on the bill, answers of the defendants, replications thereto, exhibit filed and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that James Barnes, who is appointed a Com. for the purpose, after having advertised the time, place and terms of sale for twenty days, proceed to sell to the highest bidder, the tract of land in the bill mentioned containing 150 acres lying in Southampton County near Boykins Depot and grist mill thereon - which was deed by Jacob Barnes, the elder to Jacob, Wm B. and Samuel Barnes on the following terms - Cash sufficient to pay the costs of this suit and expenses of the sale, the balance on a credit of one year bearing interest from the day of sale, taking bond and security of the purchaser for the deferred payment, and retaining the title till the purchase money is paid and report his proceedings to Court.

But this decree shall be suspended until the said James Barnes shall enter into bond with sufficient security in the clerk's Office of this Court payable to the Commonwealth of Virginia in the penalty of \$2,000. conditioned to execute this, and any other decree which may be made in this cause.

Clk's Fee \$5.00. paid.

A Copy

Feste L R Edwards bb

The Land money to be received
is follows

One Third to Wm B Barnes.

" " Jacob Barnes & Son.

1/6 To Sarah Barnes Child of Saml. Barnes.

1/6 To Jacob Barnes. " " "

Barnes

rs.

Barnes

} access

May 1st 1868

to be sent?

R. 14. Baker.

Barnes & c.

Deft.

vs.

Barnes & c.

Deft.

{ Mr. Chancy.

This day this cause, which has been removed by consent of parties from the County Court of Southampton, was, by the consent of both sides in this Court, called on to be heard on the papers, being read, and was argued by Counsel. And it appearing that the order made at the previous Term of the County Court of Southampton has been served on the parties - who still fail to appear & show cause, why the real estate in the bill and proceedings mentioned, should not be sold - both of which law and decree, that James Barnes who is appointed a Com. for the purpose, do sell either publicly or privately the real estate in the proceedings mentioned, to wit a tract of 150 acres of land with a wind mill thereon, situated near Bynkins Depot, for and to belong to J. A. & B. Barnes and on a credit until 1st Jan 1869. except Cash sufficient to pay costs of this suit & otherwise of & all. - Taking bond and security of the purchaser for the deferred payment & releasing the title until the purchase money is paid - and report his proceedings to this Court.

Barus.

as. } added per
Barus. added.

Nov. 21. 1869.

To the undersigned

E. P. Pitts

Barnes

no.

Barnes.

It being represented, that I since
Barnes, has departed this life: before having
fully executed the same, of May Term 1868.

On motion the Court, with a judge or
- an and assess, that the Sheriff of Southamp-
ton, execute the assize of May Term 1868-
and report to Court,

Barnes
as } Lec. con.
Barnes }

Nov. 1871

To be entered
Geo. Wilson.

Barnes vs Barnes.

This day this cause came on
to be finally heard on the papers. ^{Shiff +} ~~Shiff +~~ ^{Comr.} ~~Comr.~~
was argued by Counsel. On consideration
thereof. the Court confirming said report.
to which no exception has been filed, and
agrees with and orders that ^{D. L. Does} ~~that~~ ^{pay}
Shiff + Comr. pay to Sarah Barnes. the sum of \$159.73.
with interest - from this day till paid, and
to Jacob Barnes, like sum with like
interest, - and this cause is granted
and removed from the docket.