

1878-03

Sanhampton County Chancery

Barham, Joseph & vs Nevers, G. B. Estate

"Full Real Estate in
said Estate"

Ann E. Nevers

Anna L. Nevers

James Nevers

John Nevers

James Nevers

Louisa Nevers

Albert Nevers

Barham

or $\frac{1}{3}$ Bill & others

never & others

1877 October Rides

J. B. Miner, Jr.

To the Hon Geo: Blou. Judge of the Circuit
Court of Southampton County, In Chancery.
Humbly Complaining sheweth unto
Your Honor your Complainant Joseph
H. Barham as follows. That by Trust
deed from Ann E. Neve, Refers & James
Neve, dated 25th Feb'y 1873, & of record
in the Clerk's office of Southampton
the said Ann E. Refers & James Neve,
conveyed to I. B. Prince Trustee all their
interest in a certain tract of land
whereof A. G. Neve, died seized. Containing
47¹/₂ acrs. more or less in trust to
secure a debt due Jos H. Barham
for \$200. as will appear from a copy
of said deed filed herein marked
(A) & prayed to be taken as part of this
bill. That by virtue of the said Trust
deed, & in accordance with its
provisions, the said I. B. Prince Trustee
as aforesaid did expose to sale at
public auction the interests conveyed
by the said deed, on the 19th Feb'y 1877
at Jerusalem, for cash, after having
only advertised the same. and at
the said sale your Complainant
became the purchaser & has received
a deed therefor from the said Trustee -
as will more fully from a certified
copy of the said deed filed herein
marked (B) & prayed to be taken as part
of this bill. That the said interests are
part of a tract of land owned by

the late A. G. Nevers, to his heirs & widow.
(6) ^{as will be seen by copy of his will filed herewith, made}
The following are his devisees - viz -

Ann E. Nevers, his widow & the following
children - Anna L, James, Luther,
Darius, Louisa & Albert G. all adults
but the last two. That your Compt
having become the purchaser of two
sixths of this land desires that the
same may be divided or if the same
be not susceptible of partition, that
it may be sold & the proceeds divided
~~according to the parties~~ entitled accor-
ding to their respective interests.

That your Compt is advised it is
necessary to invoke the aid of a
Court of Equity, inasmuch as there
are infants involved, and he does
not believe the said land can be
divided in kind. In consideration
whereof & forasmuch as your Compt
is without remedy except in a Court
of Equity where such matters are
properly cognizable, to the end therefore
that justice may be done, he prays
that Ann E. Anna L, James, Luther,
Darius, Louisa & Albert G. Nevers,
may be made parties defendant
to this bill & compelled to answer
its allegations. That some fit & proper
person may be assigned *habeat ad litem*
to defend the interests of the infants
Louisa & A. G. Nevers. That your Honor

will grant an order appointing
Clerks to ascertain report to Court
whether the real estate of which the
said A.G. never died seized can be
divided in kind or not & if partition
is practicable that the same may be
done; and if not practicable that
the said land may be sold & the
proceeds properly divided. And
that your Honor will grant such
other further & general relief as
to grant may seem meet & the nature
of this case may require. And as
in duty bound I am May it please
the Court &c.

J. W. Whipple

The joint & several answer of Louis
A.G. Dever, infants, by L.R. Edwards, their
Guardian ad litem to a bill of complaint
filed against them & others, in the Circuit
Court of Southamptown by Jos. H. Barham.
These respondents saving &c. for answer
to said bill say. That they are infants
showing such known nothing of the facts
in the said bill. They therefore submit
their rights to the protection of their Honorable
Court. & Having answered pray
hence to be dismissed &c.

L.R. Edwards

Princed p.s.

Guardian ad litem

(Exhibit A.)

This Deed of Trust made this 25th day of February 1873, between
Sam E. Stens, Daniel T. Stens, Daniel T. Stens & James Stens,
parties of the first part, Joseph B. Stens, (Trustee) of the second part &
Joseph H. Barham of the third part, Witnessed, that in Consider-
ation of the sum of Two hundred & no more in hand paid, at & before
the sealing of this instrument, the said parties of the first part,
do hereby convey to the said Joseph B. Stens, (Trustee) all their right,
title & interest by way of lease or otherwise in & to a certain
Tract of Land situated the State of N. C. Stens died single, Situate in
Durham County, bounded by the Lands of Wm. B. Whitlock, the land
upon which Wm. Stens 2nd lives, & the lands of Mrs. Margaret Critchfield,
Containing 475 acres be the same more or less, to him & his heirs
forever, with general warranty. For Trust, to secure a loan due by the
said parties of the first part to Joseph H. Barham for Two hundred
dollars, & ever date with this Deed, & carrying interest at the
rate of 12 per Cent from February 14th 1873, And it is agreed by the
parties to this deed that no sale is to take place by virtue of
this deed within the time of twelve months from this date, provided
the interest is paid or is before that time, longer indulgence is
at the discretion of the said Joseph H. Barham, And it is further
agreed by the parties hereto, that should a sale take place under
this Deed, then it shall be upon such terms as the said
Joseph H. Barham, may propose, & the Trustee, in such case
shall be entitled to a Commission of five per Cent upon the
gross sale. Whereof the following Signatures of Seal.

Sam E. Stens

(Seal)

Daniel T. Stens

(Seal)

James Stens

(Seal)

Durham County, N. C. do hereby certify, I, Joseph B. Stens, a Justice of the Peace
for the County aforesaid, in the State of Virginia, do Certify, that
Sam E. Stens, Daniel T. Stens & James Stens, appeared before me and signed
to the Writing above bearing date on the 25th day of February 1873.

have acknowledged the same before me in my County aforesaid.
Given under my hand this 24 day of February 1873.

Wm. B. Ridley Jt.

Puncheon County, In the Clerk's Office, March 17th 1873.

This Deed of Trust from Ann E. King & others to Joseph B. Travis,
Trustee for the benefit of Jos. H. Barham, was this day received &
registered with the Certificate thereto annexed, and admitted to record.

Teste,

J. K. Edwards Ck

A Copy

Teste, J. H. Tyler J. C.

(Exhibit B.)

Whereas by Trust Deed from Ann E. King, Trustee of Anna King,
the said parties did convey to J. B. Travis, (Trustee) all their
interest in a certain tract of land situated in Puncheon
County containing 475 acres, more or less, which said deed
was duly recorded in the Clerk's Office of Puncheon,
& whereas at a Sale made February 17, 1871, by virtue of
said deed, the said Joseph H. Barham became the purchaser
of his interests in the said land, to wit, the interest of
James & Joseph King, by bidding therefor the sum of \$80. and
whereas the said Joseph H. Barham has paid the said
sum of \$80. by crediting the full amount on his bond against
the said Ann E. King for \$200. which said sum was secured
by the aforesaid trust deed, & whereas the said Barham
is 2nd entitled to a deed therefor, And this deed made
this 17 day of Feb. 1873, between J. B. Travis, (Trustee), of One
part & Jos. H. Barham of Second part, Witnesseth that in
consideration of the above, the said J. B. Travis (Trustee)

does convey & grant to said Jos H. Barham, and the interests
of the said James & Susan Mary in the aforesaid tract of
Land, the same being two Sixths, and the said tract of land
is bounded by the lands of W. B. Westbrook, & Mrs. C. C. Harris & others.
The said J. B. Prince appears to the said interests specially.
Witness the following Signatures of Seals.

Southampton County, In the Clerk's Office, October 16th 1877.
This Deed from Joseph B. Prince (Trustee) to Joseph H. Barham,
was acknowledged by the said Prince to his act & deed
& admitted to record.

Teste;

J. K. Edwards Clk

(Exhibit "C")

In the Name of God, Amen, I, Albert G. News, now residing in
Southampton County, State of Virginia, do make & constitute this
my last will & Testament in manner & form as follows:

First, I wish my just debts paid.

Second, I give to my children by my present wife, the whole of my
Estate, both real & personal, subject to the portion which the laws of
Virginia allow my wife, Anne G. News, and only during her life.

Third, Should any of my children die, I wish my Estate
divided among the balance of the before named children; neither
do I wish any division of their property till they marry or
arrive to the age of twenty one years.

Lastly, I nominate & appoint Jas. Henry Lucena of this
my last will & Testament, hereby revoking all former wills
heretofore made by me; In Witness whereof, I have hereunto
set my hand & seal, this first day of September Eighteen
hundred and fifty One.

A. G. News (Seal)

This day personally appeared before me John
Wright, and made oath that he delivered each
of the named parties, a copy of this Summons on
the 29th day of September 1877. Given under my
hand and seal this 29th day of September 1877
F. T. Ridley *[Signature]*

Barbours

to { Sum. Chy

Shew

1877 October Rules

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Ann E. Stues, Ann S. Tamo. Tucker.*
Trefes. Louisa & Albert E. Stues

if *they* be found within your bailiwick, to appear at the Clerk's Office of our Circuit Court of Southampton County at the rules to be holden for the said Court, on the first Monday in *October next* — to answer a *bill*
in Chancery exhibited against them in our said Court by Joseph H. Barham

And have then there this writ.

WITNESS, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this *20*
day of *September* — , 187*7*, in the *102^d* year of the Commonwealth.

L. R. Edwards cc

Southampton County Court, January Term 1878

On the motion of J. H. Parkman, who is a purchaser
of the interest of two of the heirs of A. G. Stues, it is
Ordered that W. B. Saunders, A. S. Allman, & W.
W. Coe, who are hereby appointed Commissioners for
the purpose, assign to Ann E. Stues, widow of said
A. G. Stues, One third in value of his real Estate,
for her dower in the same.

A Copy

Teste, Jas R. Tyler, J. C.

after which, the Court doth adjudge, Order & decree, that
partition be made of the land in the bill mentioned as
following, $\frac{1}{4}$ to Anna L. Stues, $\frac{1}{4}$ to Jackson Stues, $\frac{1}{4}$ to Louisa
Stues, $\frac{1}{4}$ to A. G. Stues, & $\frac{1}{13}$ to Joseph H. Parkman, who is the
purchaser of the interest of James & Trauger Stues, & for the
purpose of effecting such partition, the Court doth Order
that W. B. Saunders, A. S. Allman, W. W. Coe, & B. G.
Essex, (who are hereby appointed Commissioners for that
purpose,) any three or more of whom may act, do
assign & allot to the several parties before mentioned,
the several shares & proportions before mentioned by
petition & bonds, & if partition cannot be conveniently
made, then the said Commissioners will report that
fact to Court, & also whether the entire subject
can be allotted to any interested party, who will
accept it & is willing to pay therefor, to the other
parties such sums of money as their interest therein
may entitle them to. The said Commissioners will
also report the real value of the Estate, with any
other matters deemed pertinent by themselves or required
by the parties.

A Copy

Teste, J. R. Tyler, J. C.

March 19th 1878

To the Honorable Judge of the Circuit Court of Southampton County Va

In obedience to the above decree, we
William B. Saunders William M. Gisti, Nathaniel S. Allman,
Saml. Benjamin, & Esquire Commissioners under said decree pro-
ceeded to divide the land belonging to Albert G. Stues, dec'd.
As follows, we allotted to Ann E. Stues widow of A. G. Stues
dec'd. $70\frac{3}{4}$ acres of land. Valued at \$200.

Poughkeepsie Circuit Court, November Term 1877.

Joseph H. Barkham

Kitt

against

Sam. E. Kern & als.

Defts.

In Chancery

This day this Cause came on to be heard on the bill of the Complainant taken for Compulsory as to the actual Defendants, the answer of the Infant defendants by J. K. Edwards their Guardian ad litem, with general replication thereto, the Exhibits filed & was argued by Counsel. The Court then adjourned, Order of Decree, that partition be made of the land in the bill mentioned as follows, $\frac{1}{4}$ to Samuel L. Kern, $\frac{1}{4}$ to Tuckers Kern, $\frac{1}{4}$ to Louisa Kern, $\frac{1}{4}$ to A. G. Kern, & $\frac{1}{3}$ to Joseph H. Barkham, who is the guardian of the Infant, of James & Joseph Kern, & for the purpose of effecting such partition, the Court doth order that Wm. Saunders, or J. S. Allman, Wm. Cole, & B. B. Everett, (who are hereby appointed Commissioners for that purpose,) any three or more of whom may act, do signify & advise to the several parties before mentioned, the respective shares & proportions before mentioned by Notice of Court, & if partition cannot be conveniently made, then the said Commissioners will report that fact to Court, & also whether the entire subject can be awarded to any interested party who will accept it & is willing to pay therefor to the other parties such sum of money as their interest therein may entitle them to. The said Commissioners will also report the real value of the Estate upon any other matter deemed pertinent by themselves or required by the parties.

A Copy

Wm. J. R. Taylor, J. C.

March 27 1878

To the Honorable Judge of the Circuit Court of Southampton County Va.

In obedience to the above decree, we

William B. Saunders William W. Cole Nathaniel T. Allman.
And Benjamin C. Everett Commissioners under said decree pro-
ceeded to divide the land belonging to Albert G. News. Dec'd
As follows, viz. allotted to Ann E. News widow of A. G. News.
Dec'd $70\frac{3}{4}$ acres of land. Valued at \$200.

Ann E. News. drew Lot No 1) Containing $74\frac{2}{3}$ acres.
Valued at \$66.66 $\frac{2}{3}$.

L. G. News. drew Lot No. 2) Containing $74\frac{2}{3}$ acres.
Valued at \$66.66 $\frac{2}{3}$.

George T. News. drew Lot No 3.) Containing $3\frac{7}{8}$ acres.
Valued at \$66.66 $\frac{2}{3}$.

Albert G. News. drew Lot No. 4.) Containing $3\frac{7}{8}$ acres.
Valued at \$66.66 $\frac{2}{3}$.

Joseph H. Basham drew Lots No 5 and 6. Containing
112 acres Valued at \$133.33 $\frac{1}{3}$.

Surveyors Fee
Commissioners Fee \$24.

All of which is respectfully submitted.

William B. Saunders
William W. Cole
N. T. Allman.
Benjamin C. Everett

Surveyors Fee. 24.00

Commissioners

William B. Saunders. March 19th 1878

~~7th~~ To 3 days: services dividing the land. belonging to
A. G. News. de ed. at \$2.00 per. day \$6.00

2

1878 A. G. News' Est
To H. B. Kindred Dr.

Feb. To Services as Surveyor \$12.00

" Cr By Amt Paid by Joe. H. Barham \$4.00

Balance due H. B. Kindred \$8.00

N. T. Allman

To 3 days. Services rendered dividing
the 1878 March 19 - land, belonging to A. N. Mares died
at \$2.00 per day. \$6.00

B. C. Everett

March 19th - 1878

To 3¹/₂ days. Services rendered divid
ing land. belonging to A. J. Stevens. deed
at \$2.00 per. day. — \$6.00 —

W. W. Cole.

To. 3 days. Services rendered dividing
the land. belonging to A. J. Neves. de ed.
March 9 at \$2.00. per. day \$6.00

1713 100

Barham

v. } Stat. Rules

Stevens

In Southampton Circuit Court.

Joseph N. Barheim

Plaintiff

against

Ann E. Neves, Anna L. Tanno, Tucker, Trufers, Louisa & Albert G. Neves the two last being infants by L.R. Edwards their ^{Buchanan ad litem} Defendants

1877 Sept. 20. Summons issued

Oct R. - Summons not Executed - Bill filed. L.R. Edwards assigned
Bon ad litem to infant Defts. Louisa & Albert G. Neves. Ans.
of infants G. Rep. thereto. D. Nisi & adult Defts.

Nov. R. - Bill taken for Confessed as adult Defts. & Cause set
for hearing &

" " T. Dece for partition

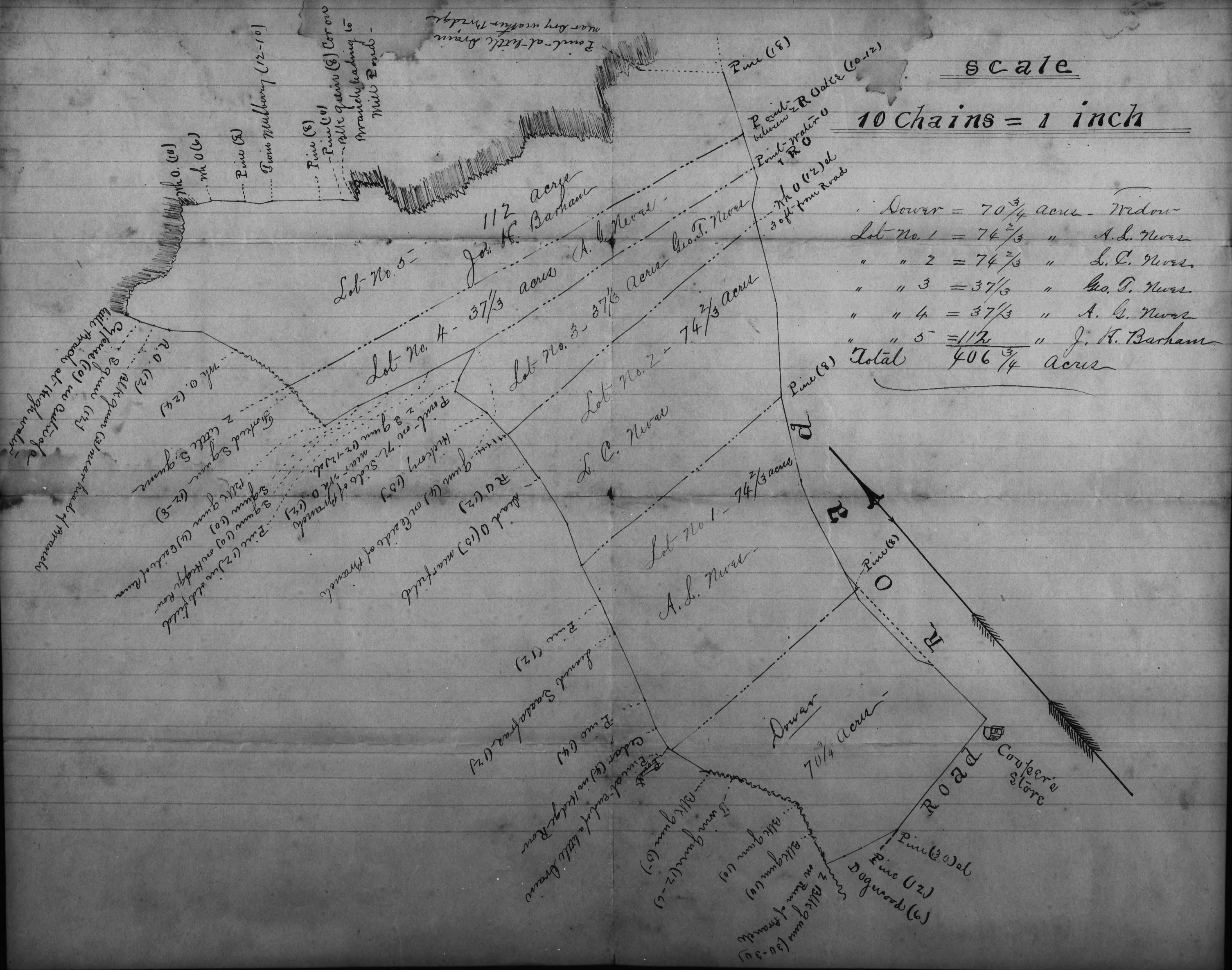
1878 Nov. Rept. - Cause removed from docket

This Plat represents the land of which A. G. Nevers died possessed, lying in the County of Southampton - State of Virginia. Purveyed by Decree of the Circuit Court of said County at its November Term 1877 - adjoining the lands of Mr's Creighton - R. G. Basham & others - and Bounded as follows:

Beginning at a Point - near Cooper's Store - in the Centre of Road leading to Blow's Mill Pond: thence along the Centre of Jones' Bridge Road S $79\frac{1}{2}$ W 18.12 Chains to a Point - near ^{Pine} (30) side line: thence leaving Road N $76\frac{1}{2}$ W 0.00 to Pine (12); N $72\frac{1}{2}$ W 2.32 to Dogwood (6); N $70\frac{1}{2}$ W 2.42 to 2 Blk gums (30-20) on the Run of School House Branch: thence up the Course of said Branch N $16\frac{1}{2}$ E 4.26 to Blk gum (10); Same Course 4.25 to Blk gum (10); N $26\frac{1}{2}$ W 8.86 to Twino gum (12-6); N $35\frac{1}{2}$ W 3.46 to Blk gum (6) (inches in diameter); thence leaving Branch N $15\frac{1}{2}$ W 0.20 to Pine at end of a little Drain: thence N $8\frac{1}{2}$ E 2.70 to Cedar (4) on Hedge Row; N $17\frac{3}{4}$ E 3.75 to Pine (4); N $19\frac{1}{2}$ E 9.25 to Leaned Sassafras (12); N $14\frac{1}{2}$ E 4.45 to Pine (12) near Hedge Row - N $9\frac{1}{2}$ E 4.00; N $16\frac{3}{4}$ E 5.00; N $23\frac{1}{2}$ E 1.70 - N $11\frac{1}{2}$ E 6.95 to Dead Oak (15) near field; N $\frac{3}{4}$ E 2.60 to R.O. (12); N $3\frac{1}{2}$ E 7.75 to Hickory (10); N $14\frac{1}{2}$ W to Wh O (12) on N side of a little Branch: thence N $63\frac{1}{2}$ E 1.20 to 2 S gums (12-10) st: thence N $69\frac{1}{2}$ E 4.70 to gum (4) Cor on Branch; thence leaving Branch N $77\frac{1}{2}$ W 6.90 to Pine (12) in old field; N $75\frac{1}{2}$ W 5.35 to S gum (10) on Hedge Row; N $73\frac{1}{2}$ W 4.00 to S gum (8) st; N $79\frac{1}{2}$ W 4.81 to Blk gum (4) on E side of a little Branch; thence down said Branch N $4\frac{1}{2}$ W 3.62; N $9\frac{1}{2}$ E 2.00 to Forked S gum (15-8); thence N $9\frac{1}{2}$ W 4.80 N $19\frac{1}{2}$ W 4.20 to Wh O (24); thence leaving Branch N $20\frac{1}{2}$ W 4.78; N $45\frac{1}{2}$ W 4.04 to R.O. (12); N $34\frac{1}{2}$ W 2.10 to Blk gum (3) near head of Branch; N $31\frac{1}{2}$ W 1.85 to Sg (12); N $22\frac{1}{2}$ W 1.30 to Cypress (10) in Centre of Branch near Mill Pond; thence

scale

10 Chains = 1 inch



Dover	=	70 3/4	acres	-	Widow
Lot No. 1	=	74 2/3	"	"	A. L. Nevar
" " 2	=	74 2/3	"	"	L. C. Nevar
" " 3	=	37 1/3	"	"	Geo. T. Nevar
" " 4	=	37 1/3	"	"	A. L. Nevar
" " 5	=	1 1/2	"	"	J. H. Barham
Total		406 3/4	acres		

along High water mark of Blow's Mill Pond about
 16.00 chains; thence leaving Mill Pond S 69 E 485-15 wh 0 (10);
 S 60 E 175-15 wh 0 (6); S 47 E 415-15 Pine (8); S 43 E 185-; S 60 E 100
 to Iron Mulberry (12-10); S 50 E 578-15 Pine (8); S 57 1/2 E 280
 to Pine (10); S 47 E 200 to Blk gum (8) Cor on Branch leading
 to Mill Pond; thence along high water to a Point in
 a little Drain near Dry weather Bridge; thence S 47 1/2 E 10.20
 to the Centre of Mill Pond Road at Pine (8); thence along
 said Road S 23 1/2 W 14.10; S 52 W 3.46; S 26 W 13.00; S 36 1/2
 W 7.29; S 39 1/2 W 3.85; S 26 1/4 W 12.00; S 20 1/2 W 3.08;
 S 13 1/4 W 13.00; S 4 E 7.00; S 18 35-; S 24 1/2 E 200; S 3 E
 970 to the Beginning; Containing 406 3/4 acres
 Division lines: 1st line separating Downer from Lot No 1.
 Beginning at a Pine (8) between old & new Roads (see map)
 thence S 90 W (marked trees only for the first 100 yards) to the
 line on opposite side of land.

2nd line separating Lot No 1 from Lot No 2: Beginning
 at a Point in Centre of Road at Pine (8); thence S 90 W
 (marked trees only for 1st 100 yards) to the opposite side (see map)

3rd line separating No 2 from No 3 Beginning at Point in Road
 near wh 002) 30 feet from Road (true mark 1st 100 yds) S 90 W to
 the opposite side; 4th line: Beginning in Road between
 water & Red O; thence N 82 W (marked trees 1st 100 yds)
 to little gum (4) on opposite side; 5th line: Beginning at a Point
 on Road between 2 Rivers; thence N 80 W a line of marked
 trees to 2 little S gums in Branch on opposite side.

Surveyed Mch 19th 1878 -

Kindred & Son

Mch 16th 1878

406 3/4 acres

A. L. Moore died

P 1st of the land of

Barham
vs $\frac{3}{4}$ Decree.
Never sothers

This day this cause came on to be heard on the bill of the Complainant taken for Compersed as to all the adult depots, the answer of the infant depots by J.R. Edwards their Exors & Admors, with general replication thereto, the Exhibits filed and was agreed by Counsel. On consideration whereof the Court doth adjudge order & decree that partition be made of the ~~land~~ in the bill mentioned as follows - $\frac{1}{6}$ to Anna L. Never, $\frac{1}{6}$ to Lucretia Never, $\frac{1}{6}$ to Louisa Never, $\frac{1}{6}$ to A.G. Never, & $\frac{2}{3}$ to Jos. H. Barham, who is the purchaser of the interests of James & Reuben Never - and for the purpose of effecting such partition the Court doth order that W.B. Saunders, N.T. Allmon, W.W. Cole & B.C. Everett, who are hereby appointed Comrs for that purpose, any three or more of whom may each do assign and allot to the several persons before named the respective shares & proportions beforementioned by meter & bounds. And if partition cannot be conveniently made then the said Comrs report that fact to Court and also whether the entire subject can be allotted to any interested

party who will accept it & is willing
to pay therefor to the other parties such
sums of money as their interest therein
may entitle them to. The said Comrs
will also report the real value of the
estate with any other matters deemed
pertinent by themselves or required
by the parties.

Barham
vs 3 Deere
Heirs & others

~~~~~  
To be entered.

Nov Term 1877

Geo. B. Snow-

Bachman  
at Boone,  
New York

Nov Term  
~~May Term~~  
1878

To be entered.

Geo. Beow.

Barham

vs  $\frac{4}{3}$  Decree.

Reversorther

This day This Cause came on to be again heard on the paper formerly read, the report of Comr B.B. Wentworth, reporting partition of the lands whereof A.G. Newer did seized, among the parties thereto entitled and was argued by Counsel. On consideration whereof, the Court doth adjudge order & decree that the said report be & the same is hereby confirmed, and no exceptions being filed thereto - and that the partition therein reported be held firm standing between the parties. And nothing further appearing necessary to be done in this Cause it is ordered to be removed from the docket, the costs to be paid by all the parties in proportion to their respective interests in the subject matter