

1882-21

Southampton County - Chancery

Simmons, Willie F. & ^{et al} Barham, Q. F. ^{et al}

"To Ascertain Olaintiff's"
rights in real and
personal property

Applicant, Jno. E. +
Applicant, Margaret ^{his}
^{wife}

Barham, H. J.

Juror, Jno. A. +
Juror, Qasa. ^{his} ^{wife}

190
Bettie F. Simmons socks

or 3 Bill 4.

J. H. Barkman's Committee

1882. April Rules

J. W. R. & Co.

To the Honorable Geo: Blow. Judge of the Circuit
Court of Southampton. In Chancery--
Complaining Shoveeth unto your Honor,
your complainants, Bettie F. Summons
Jno E. Applewhite & Margaret L. his wife,
Jno. J. Turner & Rosa E. his wife as follows:
That at the Term 1881 of the County
Court of Southampton. Joseph H. Barham
was adjudged a person of unsound
mind, and R. F. Barham & H. J. Bar-
ham were appointed his committee-
as will more fully appear from a
copy of the order of adjudication
filed herein as Exhibit (1). and signed
to be taken as a part of this bill. That
at the time of said adjudication and at
the present time, the said Jno H. Barham
has the following children, to wit,
Bettie F. Summons, a widowed daughter
Margaret L. Applewhite, wife of Jno E.
Applewhite; Rosa E. Turner, wife of Jno. J.
Turner, and R. F. Barham & H. J. Bar-
ham, and his wife Jennie Barham
is also living. That the said Barham
is seized & possessed of large and valuable
landed Estates in this County, he him-
self living upon one of the farms, and
each of his children occupying one
of said farms. That H. J. Barham, his son

has been in the possession of one of
said farms containing 868 acres,
assessed at \$3692. for a number of
years. the said J. H. Barham having
charged him no rent therefor for several
years. That R. F. Barham another son,
has been in the possession of
another farm of acres, assessed
at \$ - for several years, paying
no rent therefor. for a number of years.
That Mrs J. Turner & Rosa E. his wife
have also been in possession of
another farm for several years -
paying no rent therefor, said farm
assessed at \$3123. That sometime before
he was adjudged a person of unsound
mind, the said Barham executed to
Mrs E. Applewhite & Margaret L. his wife
& daughter, a deed of gift during the
lifetime of said Barham for another
of said farms. That Bettie F. Quinn
a widowed daughter has been in posses-
sion of another of said farms for several
years, said farm contains 634 acres,
and is assessed at \$3127. v. That to the
time the said Barham became a
person of unsound mind, he took
the crops grown upon the farm of Mrs
Quinn, disposed of the same as he

saw Jasper and supplied her with all the comforts & necessities of life, as she called upon him for them, freely without charge, sent her children to school, clothed them & paid all their bills. That since the qualification of N. F. Barham & H. J. Barham as Committee of said J. H. Barham, all the children have been enjoying their property as before, except William F. Simmons, who really stands more in need of help than any of the others. That her farm has been divided, and one part rented out, for which she does not receive the rents, and she has been allotted a one horse farm on the other part of said farm, out of which to support herself & three minor children. That she does complain of this treatment as unfair, and suggests to the Court that she should either be treated by the Committee in the same manner as she was by her father, or else she should be entitled to have her whole farm - rent free - That she makes no complaint that the other children enjoy their farms as before her father was adjudged a person of unsound mind, but urges the

*. Notice is also given hereby that the Court will be asked to allow a reasonable attorney's fee to counsel for this suit, and that the same shall be paid by the Committee of said J. H. Barham.

view that she should be placed upon a plane of Equality with them - That her wants have been but poorly supplied since her father was adjudged a person of unsound mind, ~~But~~ One of the Committee has furnished her with some few articles, actual necessities, for which she is informed, it is sought to charge her, which she contends is not fair, equitable or just. This suit is therefore brought by complainants to ascertain from this Court what are their rights - and in what manner the Committee shall manage the Estate of said J. H. Barham*. In consideration whereof, and inasmuch as your complainants are without remedy in the premises, except in a Court of Equity, where matters of this kind are properly cognizable, to the end therefore that justice may be done, your complainants pray that N. F. Barham & H. J. Barham may be made parties defendant to this bill & compelled to answer its allegations. That your Honor would instruct your complainants and especially Better F. Sumner, what are their rights, and in what manner the Committee of said J. H. Barham

shall manage his real & personal estate.
 That the said Committee shall be required
 to furnish such a support to Bettie F.
 Lemmons & her children as was fur-
 nished by her father, no charge being
 made therefor, and the said Committee
 receive the crops grown on the farm
 she now occupies, or else that she
 shall have the use and occupation
 of the whole of said farm - free of rent
 and that in that event, she may be
 paid back what the rent of that farm
 was for 1881 - And that Your Honor will
 grant such other, further, general and
 special relief as to Equity may seem
 meet or the justice of this case may
 require - And as in duty bound Your
 Complainant will ever pray &c. -
 May it please the Court &c. -

J. H. Prince &c

Simon and
Barbours
Committee

Reports of

Commissioners of
1882. Oct. 23. R. W.

Executed

W. L. Briggs

To the Circuit Court of Southampton County.
Your Commissioner respectfully reports
to the Court, that on the 10th day of
August 1882, he issued Order to the
Within named parties requiring them to attend the settle-
ment of the Within named accounts, at his Office on the
15th day of September - and, which were returned to your
Commissioner duly executed. The Commissioner was requested
by the Plaintiffs Attorney not to take the Within
named accounts at present.
Com's fee for issuing Order + \$2.00

Commissioner's Office
Jamaica, Va.
Oct. 23rd 1882.

Respectfully,
James R. Taylor,
Commissioner.

Jerusalem, Va., August 10th 1889

You are hereby notified that I have fixed upon the 15th day of September next, if fair, if not, the next fair day thereafter (Sunday excepted) to take and settle, at my office, the following accounts, to wit:

- 1st An account of The annual value of each of the farms belonging to Joseph H. Barham now in the possession of his children and by what terms they are held.
- 2nd An account of The Transactions of R. F. Barham and H. T. Barham as committees of J. H. Barham
- 3rd An account of the debts against J. H. Barham if any
- 4th An account of The value of any allowances that were made annually to William F. Simmons or his children by Joseph H. Barham before he was adjudged a person of unsound mind

required to be taken by a decree of Southampton Circuit Court, rendered at the May term, 1882, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the
day and year first aforesaid.

JAMES R. TYLER, Commissioner.

To the Sheriff of Southampton County to execute.

of the Court

House this

day of

1882, in the

Room

HONORABLE WILLIAM H. EDWARDS, Clerk of our said Court of the Court
and here upon these facts and

Simmons & Co
Lumsky

7th.

Bartham's Case

1882 April 1st

Executed by delivering
to H. Bartham & H.
Bartham each a copy
of this summons on
the 29th day of March
1882.

Deleg. Baron
by for W. C. Drayton

IN COMMISSION FOR THE COURT

The Court of Appeals of Virginia

To the Clerk of the Court of Appeals of Virginia

The Commonwealth of Virginia,

To the Sheriff of Southampton County - GREETING:

WE COMMAND YOU TO SUMMON

*R. D. Barham, ~~xxxxxx~~ and H. Thomas Barham, Committee
of ~~Margaret L. his wife~~ Joseph H. Barham*

to appear at the Clerks Office of our Circuit Court of Southampton County
at the Rules to be holden for the said Court on the first Monday in *April*

next to answer a bill in chancery exhibited against *them* in our
said Court by *Bettie T. Seimmons, John E. Applewhite, & Margaret*

L. his wife, & John J. Turner, & Rosa E. his wife,

and have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court at the Court
House, this *27th* day of *March* 1882, in the *106th* year
of the Commonwealth.

L. R. Edwards Clk

At a Court held for the County of Southampton on the
23rd day of May 1881

Betty A. Simmonds, Margaret L. Applewhite & Mrs
John S. Turner three of the children of Joseph H. Barham
by their Attorney this day moved the Court to appoint a
Committee to manage the Estate of the said Joseph H.
Barham, who they represent to be of unsound mind,
and incapable of attending to his business, & suggesting
the name of Joseph B. Prince and James E. Sebell,
who they desire to be appointed said Committee,
Whereupon Virginia Barham the wife of the said
Joseph H. Barham, appeared by her Attorney and
opposed the said motion, & requested the Court to appoint
R. Frank Barham, & H. Thomas Barham, two sons of
the said Joseph H. Barham, his Committee. Whereupon
the parties being fully heard, and all the evidence
introduced being fully considered, it is the opinion of
the Court, that the said Joseph H. Barham is a person
of unsound mind, and that it is proper to appoint
a Committee for the care and protection of his property.
The Court doth appoint R. Frank Barham and H.
Thomas Barham, as Committee for the care and
protection of the said Joseph H. Barham's person and
property. Whereupon the said R. Frank Barham and
H. Thomas Barham, who made oath according to
law and together with Benja. E. Howell, W. F.
Brackshaw and C. C. Williams, their securities (who
justified an oath as their sufficiency) entered into,
and acknowledged a bond in the penalty of Forty
Thousand Dollars, conditioned as the law directs,
which bond is ordered to be recorded.

Simmons &
Exhibits
Barham's Com^o

Exhibits
(1)

(Am 35)

John L. H. Edwards & Co
A copy
John L. H. Edwards & Co

~~116~~ ~~117~~ ~~118~~

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Simmons &c

v { Stat Rules

Barham

In Southampton Circuit Court

Bettie F. Simmons, Inc. E. Applewhite & Margaret L. his wife, Inc. J.
Turner & Rosa E. his wife Plaintiffs

against

R. F. Barham & H. T. Barham Defendants

1882 March 27th Summons issued

" April 8th Summons returned Executed. Bill filed, Decree
Nisi & Defts.

" May 1st Bill taken for confessed & Cause set for hearing &c.

" " 1st Decree for accounts

Simmons & others.

vs  Decree,
Barham's Committee

This day this
Cause came on to be heard on
the Bill of the Complainants which
has been taken for confessed as to
the defendants R. F. Barham and
H. F. Barham, the exhibits filed
and was argued by counsel. On
consideration whereof, the Court
doth adjudge, order and decree
that a Com^{rs} of this Court take
the following accounts, to wit:
1st An Account of the annual
value of each of the farms belong-
ing to Jos. H. Barham now in the
possession of his children and by
what tenure they are so held;
2 An Account of the transactions
of R. F. Barham and H. F. Barham
as Committee of Jos. H. Barham,
3 An Account of the debts against
Jos. H. Barham, if any;
An Account of ~~any~~ the value
of any allowances that were made
annually to Bettie F. Simmons and
her children by Jos. H. Barham before
he was adjudged a person of unsound

mind. The Court will also enquire and report to Court what is the present mental condition of the said Jos. H. Barham and whether there is any probability of his final, ultimate restoration. All which accounts the said Court audit and report to Court together with any other matter specially stated deemed pertinent by himself, or which may be required to be so stated by any interested party.

Summons docters
vs B Deere
Barham's Comee

May Term 1882.

To be entered.

Geo. B. Brown.