

1883-01

Sussex County - Chancery

Barham, H. Thos. ^{et al} vs

Seminars, Bettie F. ^{et al}

"Management of real"
Estate of J. H. Barham

Barham, H. Thos.
+
Barham, R. Frank
Committee for
Barham, Jas. H.

Applegate, Jno E. +
Applegate Margaret L.
his wife

Jennar, Jno. S. +
Jennar, R. E. Jr.
his wife

To the Honorable Geo. Blow, Judge of the
Circuit Court of Southampton. In Chancery.
Complaining sheweth unto your
Honor, your Complainants H. Thos
Barham & R. Frank Barham, Committee
of Jos. H. Barham, a person of unsound
mind as follows. That at the
Term of the County Court of Southamp-
ton 1881- Joseph H. Barham was adjudged
a person of unsound mind and
your complainants, who are the
sons of said Jos. H. Barham were
appointed his Committee, as will
more fully appear from a copy of
the orders, herewith filed marked (A)
as exhibits in this cause. That at the
time of the said adjudication, ^{and now} the
said Jos. H. Barham has the follow-
ing children, to wit; your Complain-
ants, Bettie F. Simmons, Margaret L.
Applewhite, wife of Geo. Applewhite.
& Rosa E. Turner, wife of Geo. J. Turner.
and his wife Jimmie Barham is
also living. That all of the said parties
are adults. That the said J. H. Barham
is seized and possessed of large landed
estates in this County; he himself
living upon one of the farms, and
each of his children occupying

one of said farms. That your Complain-
ant H. Thor Barham has been in the
possession of one of said farms, containing
868 $\frac{3}{4}$ acres - assessed at \$3.692. ¹⁹ for
a number of years - the said H. Barham
having charged him no rent for
several years - That Complainant R.
Frank Barham has also been in
the possession of another of said farms
for several years - said farm containing
acres - assessed at \$ -; for
which he has paid no rent for several
years - That Betty F. Linnmons has been
in possession of another of said farms
for several years - said farm contains
634 acres - & is assessed at \$3127.
that the said Jos H. Barham up to the time
of he lost his mind, took the crops
'made upon the land occupied by'
Mrs Linnmons; disposed of the same
as he desired, and supplied her with
such comforts & necessaries as she
needed and requested. Sent her
children to school & paid their bills.
That Mrs J. Turner & Rosa E., his wife
have been in the possession of another
of said farms for several years,
said farm contains 347 acres & is
assessed at \$3123 - for which they

The wife of Jos W. Barham is not made a party -
to this bill, because she has been provided for by a
marriage settlement - made & recorded in the clerk's office & which
a copy of which is ~~now~~ ^{has} been filed marked C or D.

have paid no rent for a number of
years - That some time before he lost
his mind, the said Jos W. Barham
executed to Jos E. Applewhite who inter-
married with Margaret L. Barham
a deed of ~~benefit~~ gift during the lifetime
of said J. W. Barham for a portion of said
farms. That your complainants are
now legally entitled to take charge of the
whole estate of said Barham, by virtue
of their appointment as such, but that
they do not see how it would more
to the advantage of ~~those estate~~ ^{as} who
in all probability will be the heirs of
said Barham when he shall die,
and hence they are somewhat
embarrassed as to their duties in
the premises. That it would seem
fair and equitable that each
child should continue to hold and
enjoy the particular farm now held
by them, rent free, so long as the
present condition of affairs exist.
The statute, Code 1873 page 723 Section 48
provides that "the Committee shall take
care of & preserve the Estate and manage
it to the best advantage" - and in the
opinion of your complainants, the
plan then proposed above would be

managing said Estate "to best advantage".
In consideration of which and inasmuch
as your Complainants are without remedy
except in a Court of Equity where such
Matters are properly cognizable, to the
end therefore that Justice may be done,
they pray that Bettie F. Linnums, Jno. E.
Applewhite & Margaret L. his wife, Jno. L.
Linnums & Rosa E. his wife may be made
parties defendant to this bill and
compelled to answer its allegations.
That your Honor will instruct your
Complainants as to their rights and
duties in the premises and particularly
advise them if they have authority
to carry out the plan heretofore
suggested by them in regard to the man-
agement of the real estate of said
J. H. Barkham. And that your Honor
will grant all such other, further,
general & special relief in the
premises as the nature of this case
may require or the Equity may
seem meet. And as in duty
bound, your Complainants
will ever pray &c. May it please
the Court &c.

Kindred H

104
~~105~~

Barham's Com^{ee}

7 2 Stat. Rules

Simmons et al.

In Southampton Circuit Court

H. Tho. Barham & R. F. Barham Committee of J. S. Barham
a person of unsound mind

Plaintiffs

against

In Chq.

Bettie F. Simmons, Ino. E. Applewhite & Margaret his wife, Ino. J.
Turner & Rosa E. his wife

Defendants

1881 Sept 28th Summons issued

Oct. R. Sum. ret. Executed. Bill filed. D. Nisi v. Deft.

Nov. Bill taken for confession & cause set for hearing &c.

1883 May J. dismissed &c.

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J. H. Barkan, Comm^{ce}

as }

Simmons & others

Bill & Exhibits

1884 October Rules

Exhibit (A)

Southampton County Court May Term 1881.

Bettie P. Simmons, Margaret L. Applewhite, & Mrs John P. Turner, thurs 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. Sebrull, 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 the said Joseph H. Barham as committed for the care and protection of his person and property, whereupon the said R. Frank Barham and H. Thomas Barham, who made oath according to law and together with Benja. E. Worrell W. F. Bradshaw and C. E. Williams, their security (who justified an oath as to their sufficiency) entered into and acknowledge a bond in the penalty of Forty Thousand Dollars, conditioned as the law directs, which bond is ordered to be recorded.

Whereas a marriage is shortly intended to be had
 and solemnized by the permission of God between
 Joseph H Barham of the County of Southampton
 in the State of Virginia of the one part and Virginia
 Rose of the County of Hertford and State of North-
 Carolina of the other part and whereas it has been
 agreed that the said Virginia Rose should release
 all right to do over or distribution in the estate of
 the said Joseph H Barham. Now This Deed made
 this day of November 1868, between the said
 Joseph H Barham and Virginia Rose. Witnesseth
 that in consideration of the premises the said parties
 (both over the age of twenty and) covenant and agree
 together and with the others as follows to wit. The
 said Virginia Rose that she will and doth hereby
 release relinquish and abandon all claim or
 right to do over or distribution and all interest
 either at Law or in equity in any property now
 owned or hereafter to be acquired by the said
 Barham real personal or mixed to which she
 would have been entitled had she survived him
 but for this covenant; and the said Joseph H
 Barham, that if the said Virginia Rose should
 survive him then that his Executor shall pay to
 her out of his estate so soon as practicable the
 sum of One Thousand Dollars to be held by her
 in fee simple and further that she shall hold
 use & enjoy during life the house known as
 the yellow House together with the field in which
 it is situated lying in the County of Southampton
 with the privilege of cutting as much firewood

and fence timber as she may require from any of the lands now owned by the said Joseph H Barham subject to this restriction only that she shall not be entitled to apples borne in the orchard situated on the said yellow House tract of land except so many as she may think proper to use in her family for eating drying and feeding her hogs. but this restriction is not intended to interfere or abridge her right to cultivate the said orchard. Given under our hands and seals the day & year above written.

Witness P S Williams

Joseph H Barham
Virginia Rose

State of North Carolina

County of Hertford to wit

I Jas M Prader a Justice of the Peace for the County aforesaid in the State of North Carolina do certify that Joseph H Barham and Virginia Rose whose names are signed to the writing above bearing date on the day of November 1868 have acknowledged the same before me in my County aforesaid. Given under my hand this 2. day of November 1868.

J M Prader J P

The State of North Carolina

I Starky S Hairrell Clerk of the Superior Court of Hertford County State aforesaid do hereby certify that the foregoing signature of J M Prader is genuine and that said J M Prader at the time of executing the same was a duly qualified and

commissioned Justice of the Peace of said County
of Hertford State aforesaid and that all his
official acts as such are entitled to full faith
and credit. In testimony whereof I hereunto set my
hand and affix the seal of my office at Winton
this 7. day of August A D 1869.

J S Hamblin Clerk
Hertford N C

Southampton County. In the Clerk's Office
September the 6th 1870. This marriage agreement
between Joseph H Barham and Virginia Rose
was this day received and together with the
certificates thereto annexed admitted to record.
A Stamp of the Int Rev of the U S to the amount
of five cents being affixed thereto and duly
Cancelled.

Attest James R Tyler D C

Copies

Teste J R Tyler D C

Barham Com^{re}

Simmons

Exhibits

of the Court

These are the

1881

and the Court

Barham's Court

Sum. Chy.

Simmons & Co

1881 October Rules

Executed by delivering
Betty Simmons, Mrs E
Applicant ^{his} wife Margaret
S. J. Simmons & Rosa
his wife each a copy
of this Summons on
the 30th day of September
1881

Wm H. Pittman Jr
for W. W. Driggs S. J.

The Commonwealth of Virginia,

To the Sheriff of Southampton County - GREETING:

WE COMMAND YOU TO SUMMON *Bettie F. Simmons, John Applewhite & Margaret L. his wife, and John S. Turner and Rosa Ellen, his wife*

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 *October* ~~next~~ to answer a bill in chancery exhibited against ~~them~~ in our said Court by *H. Thomas Barkham & R. Frank Barkham, Complainants* *& Joseph H. Barkham. a person of unsound mind.*

and have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court at the Court House, this *28th* day of *September* 1881, in the *10th* year of the Commonwealth.

L. R. Edwards

Joseph L. H. Korman's Committee
vs

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Bettie F. Simmons & others

Secree

To be entered

May 1883

Geo. B. Snow

Joseph H. Barkham's Committee

vs

Bettie F. Simmons & others

On motion of complainants
ordered that this suit be dismissed
from the docket.