

1884-31

Southampton County - Chancery

Simmons, Bettie I state vs Barham, Q. I state

"
To Compel a
settlement for
Compliments

Maybe Constructed Will of
J. H. Barham

Simmons, Maggie, wife

Simmons, John.

Simmons, Leonard A, wife

Briggs, W. W. - before me
found

Applegate, John E.

Applegate, Margaret, his wife

Turner, John L. +

Turner, Rachel his wife

Barham, Q. I.

Barham, H. I.

Barham, J. H.'s
Caretaker
+

Prince, J. B. +

Schultz, J. E. Esq. Est

Barham, J. H.

(Barham, Quincy
Barham, Joel A.
Barham, John L.
Barham, J. Q. B. exors
Barham, Turner
Barham, Rachel
Applegate, Jos. W.)

To the Hon Geo: Blount Judge of the Circuit Court
of Southampton. In Chancery.

Complaining sheweth unto your Honor, your
Complainants, Bettie F. Simmons, Maggie, Wm,
and Leonard A. Simmons, the said Maggie,
Wm, & Leonard A. being infants, by Wm. Higgs
their next friend, Jno E. Applewhite and Maryant
L. his wife, Jno: J. Turner and Rosa E. his
wife, as follows - That at the — Term of
1881 of the County Court of Southampton,
Joseph H. Barkham was adjudged a person
of unsound mind, and R. F. Barkham and
H. J. Barkham were appointed his Committee.
as will more fully appear from copy of
adjudication filed herewith as part of this
bill. That at the time of said adjudication
and now, the said Barkham has the following
children - to wit, Bettie F. Simmons, a widowed
daughter Maryant L. Applewhite, wife of
Jno E. Applewhite, Rosa E. Turner, wife of
Jno J. Turner, R. F. Barkham, and H. J.
Barkham. and his wife Jennie Barkham is
also living. That the said Barkham was
seized and possessed of large and valuable
landed Estates in this County, at the time of
his adjudication as a person of unsound mind,
he himself living upon one of the farms, and
each of his children occupying another of

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, paying no rent therefor for several years. That R. F. Barham, another son, has also occupied another farm of about same value for several years & paid no rent. That Mrs J. Turner & her wife, who is a daughter of said Barham have done same thing. That sometime before the said Barham was adjudged a person of unsound mind, he executed to Mrs E. Applewhite & Margaret his wife, who is his daughter a deed for another of said farms. That Bettie F. Sumner, a widowed daughter, has been in possession of another of said farms for several years, and said farm is assessed at \$3127. That to the time the said Barham became a person of unsound mind, he took the crops grown upon the farm of Bettie F. Sumner, disposed of the same as he saw proper, and supplied and supplied her with all the comforts and necessaries of life, without charge. Sent her children to school, clothed & fed them and paid their bills. That since the qualification of the said R. F. & H. J. Barham as Committee of said Barham, all the children have been enjoying their property as heretofore, except Mrs Sumner, who really stands more in need of aid than any of the others.

That her farm has been divided, and one part rented out by the Committee, for which she does not receive the rents, and she was allotted a one horse farm on the other part of said farm, out of which to support herself and three minor children. 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 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. Your complainant Bettie F. Linnum contends that she should be compensated for loss of rent. But since this, the said Joseph H. Barham has departed this life, after having made and published his last will and testament, and J. B. Prince and J. E. Schell who were appointed Executors therein, have qualified as such. as will more fully appear from copy of said will & qualification, filed herewith as exhibits

~~At~~
Simmons & others
vs $\frac{1}{3}$ Bill & Exhibit
Bachman Committee & others

1883. April Rules

J. B. Paine & Co.

Count &c.

J. R. Preece &c.

The Joint and Several answer of
Percy Barham, Joel A. In S. Rosa J.
R. B. and - Turner, and Jos. H. Applewhite,
all minors, by J. R. Tyler, their Guardian
ad litem to a bill of complaint, exhibited
in the Circuit Court of Southampton,
against themselves and others by Betty F.
Lummins and others.

These respondents, saving reserving &c.
for answer to said Bill say. They are
infants and know nothing of the facts
as set forth in said bill. They therefore
submit their rights to the protection of
this Court and having answered,
pray hence to be dismissed &c.

J. R. Tyler.
Guardian ad litem

in this cause.. That under said will,
the following parties are devisees-to-wit,
Bettie F. Simmons, Maggie ^{Wm} and Leonard A.
Simmons her children, ^{all minors} Rosa E. Turner, and
her husband Geo J. Turner, and their children
Joel A, Geo J, Rosa J, R. B & - Turner, all
minors - Geo E. Applewhite & Margaret, his wife,
and their child Jos: N. Applewhite, a minor,
R. F. Barkham, and Percy Barkham, the
latter a minor, Jennie Barkham, the
widow of Jos: H. Barkham is also living, but
she was provided for by marriage settlement,
before they were married-, and has no
interest in this controversy.. Your Complain-
ants also state that R. F. Barkham & H. J.
Barkham have never settled any acct of
their transactions as Committee of said
Barkham. This suit is therefore brought
to determine what are the rights of
Bettie F. Simmons. and to compel a
settlement of the accounts of R. F.
Barkham & H. J. Barkham as Committee
of said H. Barkham. and if necessary to
construct the will of said Barkham..
In consideration of all which and inas-
much as your complainants are without
remedy in the premises except in a Court
of Equity, where such matters are properly

Cognizable, to the end therefore that justice may
be done, your complainants pray that
R. F. Barham, and H. J. Barham, both in
their own right and as late Committee of
J. H. Barham, J. B. Paine and J. E. Schree
Executors of J. H. Barham decd, Percy
Barham, John A. Inw J. Rose J. R. B.
and - Turner, Jos: N. Applewhite, late
seven minors and Jenny Barham,
be made parties defendants to this bill
and compelled to answer its allegations.
That some fit and proper person be
assigned Bonas litem to defend the
interests of the infants; that an order
may be entered directing said R. F. &
H. J. Barham to settle an account
of their transactions as Committee of
J. H. Barham, and to pay over any balance
to his Exors. that proper compensation
may be allowed to Bettie F. Simmons
for the time she was deprived of the
rents of the farm, upon which she
lived, and that your Honor will grant
such other, further, general & special
Relief as to Equity may seem meet,
or the nature of this case may require.
And as in duty bound, your complain-
ant will ever pray to May it please the

Mich 24. 1883. I acknowledge service for myself
& H. Sebrice - of this unit.

J. B. Paine

Secy. T.

Executed by delivering R. H. Barham, H. H. Barham,
& Jimmy Barham each a copy of this summons on
the 28th day of March 1883

W. W. Briggs Shff

Dimanche J. J. J.

Sebrice
Ca.

Barham's Committee

1883 April Rules

The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting:

WE COMMAND YOU TO SUMMON *R. T. Barkham & H. T. Barkham* both in
their own right & as Committee of the Estate of *J. H. Barkham*
decd. *J. B. Doiney & J. E. Selner* heirs of *J. H. Barkham*, decd.
Percy Barkham & *J. H. Doiney* *J. R. Doiney* *J. R. B. & Turner, & Jas. A.*
Applegate and *Infants & Jimmy Barkham*
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 *April* next, to answer a bill in Chancery exhibited against *them* in our
said Court by *Bettie T. Simmons, Maggie, Wm & Leonard A. the*
Said Maggie, Wm & Leonard A. being infants by W. W. Briggs
their next friend, J. E. Applegate & Mary Ann L. his
Wife, J. I. Turner & R. E. his wife.

And this *they* shall in no wise omit; and have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court this *23* day of

188 *8*, in the *10th* year of the Commonwealth.

March
L. R. Edwards Clk

Exhibit (B)

Southampton County Court May Term 1881.
 Bettie F Simmons, Margaret L Applwhite, & Mrs
 John I Turner, three of the children of Joseph H Bar-
 ham, 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 Tibrell, who they desire to be appointed said Comm-
 ittee, 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 Thor 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
 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, where-
 upon the said R Frank Barham and H Thomas Barham,
 who made oath according to law and together with
 Benja E Worrell W F Brackhaus and G L Williams,
 their security, who justified an oath as to their sufficiency
 intend into and acknowledge a bond in the penalty
 of Forty Thousand Dollars, Conditioned as the law
 directs, which bond is ordered to be recorded.

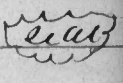
Exhibit (C)

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 dower 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 other as follows to wit: the said Virginia Rose that she will and doth hereby release relinquish and abandon all claim or right to dower 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

and 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 Rowe 

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 Rowe 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.

In the State of North Carolina

I Starky S. Harrell 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

S S Harrell & Co
Hutford Co

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 certificate 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.

Teste James R Tyler D. C.

Copies.

Teste, James R Tyler Clerk

CO a. b. c. d. e.
"B" "C" "D" "E"

Southampton Circuit Court, May Term 1883.

Bettie F. Simmons, Maggie, William and
Leonard A. the said Maggie, William &
Leonard A. being Infants, by W.W. Briggs
their next friend, Jno E. Applewhite and
Margaret, his wife, & Jno. J. Turner
& Rosa his wife. Plaintiffs }
against } Subj

Wm. Barkham & J. J. Barkham, both in
their own right & as Committee of the
Estate of Joseph H. Barkham decd.
J.B. Prince & James E. Selma Executors of
Joseph H. Barkham decd. Percy Barkham,
Exec. of John J. Wm J. R.B. and
Turner, and J.A. Applewhite
next, the said Jno, Infants, and
Jenny Barkham, the widow. }
Defendants

This day this Cause came on to be heard, on the
Complainant's Bill, taken for Confession of the same,
admitted, Defendant, the answer of the Infants by J.R.
Tyler their Guardian ad litem, with general repli-
cation thereto, Exhibits filed and was argued by
Counsel; On Consideration Whereof, the Court
doth adjudge. Order and decree, that a Comma-
nd of this Court take the following account,
to wit, the account of the transactions of

R. F. Barkham & J. F. Barkham as Committee of
J. St. Barkham. 2^d An account of the annual
value of each of the Farms & belonging to
J. St. Barkham, which were in the possession of his
children, at the time said Barkham was adjudged
a person of unsound mind, & by what ~~means~~ ^{means} they
were to be held; 3rd An account of the debts against
the Estate of J. St. Barkham, distinguishing their
priorities. 4th An account of the transactions
of J. B. Driscoll & J. C. Seavey, as Executors of
said Barkham. and 5th; An account of the
value of any allowances that were made annu-
ally by J. St. Barkham to Betsey D. Simmons
& her children, before he was adjudged a
person of unsound mind. All of which accounts
the said Commissioners will audit & report to Court
together with any other matters deemed perti-
nent by himself, or which may be required
to be stated, by any interested party.

J. F. Tyler
J. F. Tyler

Executed by delivering a true copy of the within
 Notice, to Betty D. Simmons, John E. Applewhite
 & Margaret L. his wife, ~~John D. Danner~~
 & R. T. Bookham & H. T. Bookham, & Jerry
 Bookham the Widew, on the 28th day of
 August 1883. J. W. Williams Deput
 for W. W. Briggs Chff

Simmons & Co
 70. Notice

Parkman's Executors

1883. Sept. 3rd

Executed by delivering a copy
 to each of the within parties
 to wit: J. W. Williams Deput
 for W. W. Briggs Chff

I acknowledge the service of this notice
 for J. B. Salce Surpess. J. W. Prine
 Sept 5. '83

COMMISSIONER'S OFFICE,

Jerusalem, Va.,

July 23rd 1883

TO Bettie St. Simons, Maggie, William, & Leonard A. the said
Maggie, William & Leonard A. being Infants, by W. W. Briggs
their next friend, J. E. Applewhite & Margaret L. his wife, &
J. J. Turner & Rose his wife - against
R. T. Parkman, & J. T. Parkman, both in his own right & as Committee of
the Estate of J. H. Parkman dec'd. J. B. Dornier & J. E. Sebrun Executors of
J. H. Parkman dec'd. Percy Parkman, Joel M. J. R. R. J.
R. B. & Turner, & J. A. Applewhite, the said said
Infants & Jenny Parkman, the Widow.

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

- 1st An ap of the transactions of R. T. Parkman, & J. T. Parkman, as Committee of J. H. Parkman.
 - 2nd An ap of the amount value of each of the things belonging to J. H. Parkman, which were in the possession of his children, at the time said Parkman was adjudged a person of unsound mind, & of what tenure they were so held.
 - 3rd An ap of the debts against the Estate of J. H. Parkman, distin-
guishing their priorities.
 - 4th An ap of the transactions of J. B. Dornier & J. E. Sebrun,
as Executors of said Parkman.
 - 5th An ap of the value of any allowances that were made annually
by J. H. Parkman to Bettie St. Simons, or her children, 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, 1883, 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.

R. D. Parham, Committee

In account with Joseph H. Parham,

1880			\$	cts	\$	cts
Sept.	20	To paid for pulling fodder,	12	65		
"	"	" " Misses Spring tailors of M. T. S.	30	00		
"	27	" " for fee for J. H. B. (at various times)	4	00		
Oct.	11	" " M. T. Simmons, (in Cash)	5	00		
"	"	" " for Beef	96			
"	18	By amt recd. of Francis & Bros,			326	18
"	"	To Cont in Same @ 5%	16	30		
Nov.	1	" Cash paid Maggie T. Simmons	5	00		
"	"	" paid for goods in Norfolk for M. T. S.	19	00		
"	"	" " Work for M. T. Simmons	1	00		
"	"	" " Oysters	2	50		
"	4	By amt recd. of T. B. Applewhite, on year's				
"	"	Interest on Bond			65	00
"	"	To Cont in Same @ 5%	3	26		
"	15	By amt received of W. E. New, for				
"	"	Mrs. Hayward.			758	33
"	"	To Cont in Same @ 5%	37	91		
"	22	" paid J. E. Sebree, Taxes for 1880,	352	70		
"	"	" for Sugar for M. T. Simmons,	4	75		
"	"	" Dr. C. W. Nicholas etc	6	44		
Dec.	15	By amt recd. of A. J. Ryland,			116	46
"	"	To Cont in Same @ 5%	5	82		
"	"	" Balance	758	19		
1881			1265	97	1265	97
Jan.	1	By Balance			758	19
"	"	To paid Stephen Kitch for work	12	40		
"	"	By amt recd. from Littleton Turner, Kent,			75	00
"	"	To Cont in Same @ 5%	3	75		
"	8	" paid W. A. Williams for work,	8	16		
"	"	" " " " " " " " " " " "	2	50		
"	"	" " " " " " " " " " " "	12	00		
"	"	" " " " " " " " " " " "	10	00		
"	"	" " " " " " " " " " " "	1	58		
"	25	" " " " " " " " " " " "	58			
Feb.	10	" " Sam Parham for going to Petersburg	4	00		
"	16	" " " " " " " " " " " "	50			
"	21	" " " " " " " " " " " "	1	00		
Accounts Carried Forward			1322	34	833	19

1887		Amounts Brought Forward	\$1322 34	\$833 19
Feb		By paid Office Sups	40	
"	21	By amt rec. of Chas. & Triggart, (Interch.)		80 00
"		To Cash on Hand	4 00	
"		paid for Carriage to B.C. Warren	2 37	
"		freight bill of Kearsney Sept	1 40	
March	16	By amt rec. of Lucilia Barrett (Sat.)		84 00
"		To Cash on Hand a 50	4 20	
"	21	paid Thomas & Brosten	60 00	
"		for repairs to clock	1 50	
"		freight bill of Kearsney Sept	1 23	
"	28	B.C. Warren & Co. for potatoes	1 12	
"	30	Ro Williams for pictures	11 50	
May	16	S. E. A. Drury, for W.D. bill	105 00	
"		B.C. Warren & Co.	2 06	
June	6	Calinda Wrenn, for Cooking	4 00	
"		By amt from J. B. Davis, for Bread		70 34
"		To Cash on Hand	3 52	
"	16	By Cash found in Safe in House		3 55 22
"		To Cash on Hand a 50	17 75	
"		Miss C. F. Turner, for Services	37 98	
"		Geo. J. Kindred for Legal Services	100 00	
"		Expenses to Petersburg (for Estate)	4 00	
"		paid for Suit of Chas. for Drury	10 00	
"		R.B. Davis for Legal Services	10 00	
"		Expenses to Petersburg (for Est.)	3 75	
"		By amt from Locketh, for by H.W. Liggins		1854 70
"		To Cash on Hand a 50	92 75	
"		By amt from A.G. Ryland		11 10
"		To Cash on Hand	56	
"		paid for Medicine	1 50	
July	1	Stephen H. Ellis, for work	5 00	
Aug	21	By amt from Bain & Brosten		1383 36
"		To Cash on Hand a 50	69 15	
"		By amt from Mrs. Spier (Interch.)		
"		draw by March 5. 1887.		280 00
"		To Cash on Hand a 50	14 00	
"	10	Expenses to Norfolk (for Estate)	5 50	
"		paid for Whittlebury & Co.	1 00	
"		freight bill of Kearsney Sept	1 92	
Sept	1	W.D. Barkham, for goods	1 25	
"	30	S. E. A. Drury (W.D. bill)	50 00	
Oct	21	for Beef	1 00	
		Amounts Carried Forward	\$1953 25	\$4752 30

1881

Dec	4	Amounts Brought Forward	\$1955 25	\$1952 30
"	"	paid for Custer	46	
"	22	" " C. W. Vaughan	3 25	
"	"	for 1 quarter of Matten	76	
"	28	" " J. E. Selma, Texas for 1881,	346 44	
"	"	" " B. E. Werra,	5 46	
Dec	13	" " for Beef	4 35	
"	19	" " John Powell for services on Farm,	106 55	
"	"	" " Wm. Butler	91 47	
"	"	" " Isaac Butler	100 00	
"	20	By amt from Miss A. K. Applewhite (on Bond)		209 03
"	"	To Cash on same a 5%	346	
"	"	paid for Custer	46	
"	24	" " Malinda Werra, for Cooking	84 50	
1882	Jan	17 By Cash from Lillian Turner (for Rent)		75 00
"	"	To Cash on same a 5%	3 76	
"	30	" paid freight Bill	83	
"	"	By Cash from J. B. Applewhite (Int. on Bond)		45 00
"	"	To Cash on same a 5%	3 25	
Feb	7	By Cash from John St. Peters,		43 00
"	"	To Cash on same a 5%	3 15	
"	25	" paid freight Bill	46	
March	16	By amt from Lillian Spawell,		84 00
"	"	To Cash on same a 5%	11 20	
Apr	4	" paid for Rent	50	
"	8	" " John Brown, for work,	8 45	
"	25	" " freight bill,	1 48	
May	31	" " St. E. T. Young, (Med. bill)	150 00	
"	27	" " Anthony Jones, for work,	5 00	
"	29	By amt rec. from John St. Peters, for 3 cattle sold from Land in Texas,		166 00
"	"	To Cash on same a 5%	8 30	
June	20	" paid freight bill,	76	
"	"	" " for Dec,	50	
July	16	" " Thomas & Bros,	8 29	
"	"	" " freight bill,	71	
Aug	12	" " Pass Butler,	9 00	
"	"	By amt rec. from Frank Weller, Int.		46 24
"	"	To Cash on same a 5%	2 27	
"	"	" paid with Briggs,	2 50	
"	"	" " also amt allowed for Superintending the farm for my horses for the year 1882,	100 00	
		Amounts Carried Forward,	\$2981 05	\$757 47

1882	Aug	Transf. Brimley Street	\$2981 05	\$6759 67
"	"	To this amount Lind Frank Foster,	1545 00	
"	"	" " Deposited with Baint Bro,	2128 00	
"	"	paid R. H. Barham, for his services in the management of a tree house Farm for his father from May until Christmas 1879,	50 00	
"	"	paid Mr. Coleman for same services,	10 00	
"	"	" " R. H. Barham,	23 21	
"	"	" " Clerk's Tickets	4 48	
"	"	By Cash paid in Thos. A. Griffin's Bond		126 00
"	"	W. C. in same @ 5%	6 30	
1883	Nov. 1	By Balance		144 40
1883			\$4050 07	\$4050 07
Nov. 1		To balance due R. H. Barham, this day, with interest thereon till paid.	\$144 40	

Received
 James H. Tyler
 Treasurer

The Estate of Joseph H. Parkman decd.

An Account with Joseph B. Prince, one of his Executors.

1882			\$	Ct
Aug	28	By Cash from Bain & Bro. upon check,	10	44 00
Sept	4	" " " Perry & Jenigan, "	1	34 91
Oct	11	" " " Turner & Sprague (Int. in Bond)	2	24 00
1883	March	13. " " " Turner & Sprague, " " "	2	24 00
	19	" " " A. W. Griggard,	8	9 20
		" " " L. Barnett in full of Bond,	10	91 50
		" " " To Commission in \$2902.11 @ 5% 118 11	11	
1882	Nov	12 " paid L. E. Barnett, M. B. 200 00	200	00
		" " " J. B. Prince, for defending		
		" " " Chancery suit &c.	50	00
		" " " To find for writing List to		
		" " " off. Secs.	5	00
		" " " To find attorney for for Motion		
		" " " for Executors to qualify &c.	10	00
Decr.	11	" paid John Bradley, " &c	7	00
1883	Apr	" " " Wm B. Sharkey, atty,		
		" " " in full of Commission of atty		
		" " " Suit of Parkman vs Parkman &c.	350	00
May	1	" paid atty. Joseph H. Parkman,	540	00
		" " " James K. Tyler, Coun.	2	00
		" " " Commission Tyler, for		
		" " " Making up Report in this		
		" " " Suit, issuing Motion &c.	30	00
		" " " To Balance	1404	89
1883			\$2902.11	\$2902.11
Apr	1	" By balance due the Estate by the		
		" " " Adm. with interest thereon from		
		" " " this day till paid.		
				\$1404 89

Respectfully Submitted,
James K. Tyler,
Coun. in Chancery.

The Estate of Joseph H. Barham dec.
 An account with James E. Selico, one of his
 Executors.

Dr. Cr.

1882				\$	cts	\$	cts
Aug	24	By Cash as per check on Spain & Bro;				10	44 00
1883							
Jan	16	By Cash of Frank Weston in payment of bond,				85	50
"	"	" " " " B. E. Worrell for interest in					
"	"	affs. chas. dunn,				80	00
Apr	1	" " " J. H. Peters in payment of					
"	"	of bond.				175	47
June	1	" " " J. E. Reese, in part of					
"	"	payment of bond.				300	00
1882		To Commission on \$2472.97 @ 5%		123	44		
Sept.	9	" Cash paid F. E. A. Denny's ac		150	00		
Nov.	20	" " " Chas. Smith for Coffin,		85	00		
"	30	" " " Taxes for 1882,		325	44		
"	"	" " " Mrs. C. Turner,		2	90		
Decr.	18	" " " W. L. Gray		9	83		
"	"	" " " William Grant		3	18		
"	"	" " " P. W. Ridley		14	75		
1883							
Jan	15	" " " B. E. Worrell		1	04		
Apr	21	" " " Anthony Jones		1	00		
June	1	" " " Mrs. V. Barham		500	00		
"	"	" " " J. H. Harris		14	20		
Nov.	1	" Balance		1241	99		
1883							
Nov.	1	By balance due estate brought,				2472	97
		Added with interest thereon					
		till paid.				1241	99

Respectfully Submitted,
 James E. Selico,
 Comr. in Chancery,

H. S. Parkman, Committee,
 In Account with Joseph H. Parkman,

Dr. Cr.

1882			\$	cts	\$	cts
Jan	17	Expaid Perry & Jernigan,	28	74		
March	1	" " for hauling 3000 Rals for M ^r . Simms	125	00		
May		By Cash from Sale of Dec 2 nd To Commission on same,	13 50		13	50
"		" paid for 1 st of Thos for M ^r . Simms	77			
			1	50		
June		By Cash recd. for 1/2 Bbl Corn To Commission on same,			1	50
"		" paid for fixing well for M ^r . Simms,	1	50		
"		" paid for 1/2 Bbl Corn for M ^r . Simms,	7	50		
Aug.	9.	" paid Benj E. Warren,	3	50		
Dec	24	By Balance			40	51
1883						
Jan.	1	By balance due Committee brought down with interest till paid.	55	51	55	51
			40	51		

Respectfully Submitted,
 James A. Tyler,
 Comm^r Chanany

"An account of the value of my allowances that were made annually by Joseph H. Burkham, to Bettie D. Simmons and her children, before he was adjudged a person of unsound mind."

For provisions, Clothing &c.
for Mrs. Bettie D. Simmons
and her children

\$500 00

Respectfully Submitted,
James R. Tyler

Commissioner.

The Commissioner would state specially that
while Joseph H. Burkham furnished the
sum of \$500, annually, he took for himself
all the crops raised on the land upon
which she lived.

Respectfully
James R. Tyler
Commissioner.

An account of the annual value of each of the Farms belonging to J. H. Berkham, which were in the possession of his children at the time said Berkham was adjudged a person of unsound mind & by which tenans they were held.

of Farm loaned to Mrs. John D. Turner,	\$400 00
--	----------

of Farm loaned to H. T. Berkham,	400 00
----------------------------------	--------

A Farm loaned to R. T. Berkham,	400 00
---------------------------------	--------

of Farm loaned to Bethe T. Simmons	300 00
------------------------------------	--------

Total Value	\$1500 00
-------------	-----------

Respectfully Submitted,
James R. Tyler,
Clerk in Chancery

An account of the debts proved against the Estate of Joseph H. Berkham dec. before J. R. Tyler, one of the Commissioners in Chancery of the Circuit Court of South Hampton County

An Office account due John J. Kendrick, for legal services for the Estate, for	\$75 00
---	---------

Respectfully Submitted,
James R. Tyler,
Clerk in Chancery

Commissioner's Office,
Jerusalem, Va.
November 14th 1883

To the Circuit Court of Southampton County,

Pursuant to a decree of the Circuit Court of Southampton, entered at the May Term last, in a Suit in Chancery depending in the said Court between Bettie T. Simmons & others against R. T. Barham & others, the Undersigned one of the Commissioners of the said County, to whom was referred for settlement the foregoing accounts, reports to the Court that on the 23rd day of July last he issued Writings against the several parties, requiring them to attend the Settlement of the said accounts, before him at his said Office, on the 3rd day of September 1883, which were returned by your Commissioners duly executed. That the parties aforesaid appeared before the Commissioner in obedience to the said writings, & he thereupon examined the Vouchers, stated & settled the foregoing accounts;

The Commissioner deeming it pertinent reports specially to the Court that Jas. C. Selma one of the Executors of Joseph H. Barham dec. has in his possession the following bonds, to wit;

"The B. Applwhite for \$450. in demand, dated Feb. 4. 1879, with interest paid up to May 4. 1882, J. C. Reed for \$2200, due January 3. 1874, with interest paid to July 3. 1878, & also a Credit of \$300, paid June 1. 1883,

Jas. J. Mendon for \$155. due 19. July 1881, Thos. St. Griffin, for \$726. with interest paid to Dec. 9. 1880, also subject to Credits as follows, \$66. paid to R. T. Barham Feb. 19. 1881, \$22. paid Apr. 10. 1882, to R. T. B. and \$40. paid about the end of April 1882, to R. T. B.

Barham & Turner for \$500, due Jan. 26. 1880, R. T. Barham for \$327. 25 due Sept. 3. 1883, H. T. Barham for \$725. 00 due 22. May 1862, with the following Credits, \$150. for March 20. 1869, & \$250. in gold for March 21. 1870, to the Total of \$1.50. R. T. Barham's due bill for \$152. 10 due Feb. 4. 1867, H. T. Barham's bill for \$755. 18 due 1st. Jan. 1861."

That Jas. B. Prince, the other Executor has in his possession the following bonds to wit; "A. W. Griggard's Bond for \$892. 01 dat. for to 24. Feb. 1883, Ignace Spina's Bond for \$2801. dat. paid to March 5. 1883, Barham & Turner's Bond for \$327. 25 dat. with dat. from A. Dec. 1879, Stock against J. C. Applwhite, for \$78. 59 due Jan. 1. 1868, Insolvent's & int. & date, Note against P. T. Williams for \$22. 16 dat. from 20. July 1862, Insolvent's Bond against Thomas Simmons for \$61. 94 dat. to

31. July 1862, Bond against Glynnest Mason for \$554.89 Sagin
to Union Credit; Bond against B. C. Everett for \$30.79 Sat.
from 17. January 1859, (Involuntary) Bond against Able
Bliss for \$20.00 Sat from 1. May 1873, (Involuntary) and
a due bill against W. T. Bailey, for \$6.10 Involuntary."
etc of which is most respectfully Submitted to the Court by

James R. Tyler,
Clerk in Charge

Court fee \$30.00 paid by J. B. Priner,

Priner & Co
Refused

Barham's Court.

Clerk. Tyler

1883 Nov 7 Filed.

In the name of God Amen.

I Joseph B Bachman of the County of Southampton and State of Virginia, being in my perfect mind, hereby make my last will & testament in manner & form following

Item 1st I give to my son Henry Thomas Bachman, to him and his heirs forever, all the lands I bought of Dr Thos B Inguhart, except the piece I have cut off on the new road which starts from a post oak, that is a corner tree between me and Benj E Worrell: the line runs Strate to a post oak that is a fore and aft tree in the line between ^{the} Reese & Williams tracts, thence a strate line to a large red oak on the line between me and Jesse Porter across the Reese tract. I also give him in fee, the land that was formerly owned by William Everett that I purchased. I give him the still barrels and fixtures on the place on which he now lives all the stock of every description, and their increase that I have on the place where he now lives, when he first settled, and all the house hold and kitchen furniture I bought of Dr Thos B Inguhart I also give him all the bonds I may hold against him at my death.

Item 2nd I give to my son R. F. Bachman in fee all the land South of the road running by my house to Leays bridge, belonging to the tract upon which I now reside, except the portion disposed of in Item 1st which is cut off on the new road and described particularly in

item 1st I also give him all the house hold ^{3d}
Kitchen furniture that may be at the place
I now live upon at my death, and all the stills,
barrels, and fixtures that may be found on the
place I now live upon at my death. I desire
for my son R. F. Barham to have the use of the land
north of the road running to Lays bridge belong-
ing to the tract I now live upon until his
son Eugene Percy (my grand son) arrives to 21
years of age, at which time I give that portion
of the land belonging to the place I live upon
to the ^{said} Eugene Percy Barham in fee. Should the
said Eugene Percy Barham die before attaining
the age of 21 I give said land to my son R. F.
Barham in fee. I further give to my son R. F.
Barham all the farming implements of every
description that may be upon the place I now
live upon at my death, and all the stock of
every description upon the place I now live
upon Except what I have given to my daughter
Eliz - F Simmons and in case there should be
fat hogs on the place I now live upon at my
death, I desire they should be fattened and killed
and sold either in pork or bacon, as my executor
shall think best, and the money arising from
such sale I desire to be a part of my moved
estate.

Item 3rd

I gave to my daughter Liz Francis Simmons during
her widowhood all the land belonging to what is
known as the James place north of the road
running from Lays bridge to the Rain River,
to a poplar tree, a corner for a line on

said road that cuts off a portion of the James tract to the Little place. I further loan her during her widowhood the land I bought of Miss Agnes Applewhite, but that land is to furnish timber for her place and the place given to William Butts Timmons. I also loan her during her widowhood all the stock and their increase that I have put on the place where she now lives and which may be found there at my death, all the house hold and kitchen furniture at said place and what other personal property I have furnished her. I also desire that she shall have choice of a horse or mule, and in case the horse or mule should die, I desire it shall be replaced from the money I have given to her children.

Item 4th At the death or marriage of my daughter Eliz. F. Timmons I desire all the property loaned her both real and personal go to her present children except William Butts Timmons, Equally in fee simple.

Item 5th I loan to my daughter Margaret Louisa Applewhite during her natural life the tract of land known as the "Gully" place. I also loan her during her life the bed I have furnished her and two semi circular tables, and one folding table that I bought of Dr. E. A. Drewry and what other personal property I have furnished her. In the event Mrs. Applewhite should become a widow and should lose her horse, I desire she should be furnished one from the money I have given her children. Should John E. Applewhite her husband survive,

her it is my will that he should have the use of the land loaned her during his natural life and at the death of both, I desire all the property both real ^{and} personal loaned her go to her children by the said John & Apple white in fee simple equally and should she leave no child then all the property loaned her is to revert back to my other children equally.

Item 6th I loan to my daughter Rosa Ellen Turner during her natural life, the tract of land known as the "Little place" and a portion of the James tract that I have cut off by a line as follows: Commencing at a pine tree at a gate between N. G. Little's and my land straight across the swamp to a white oak at the edge of the swamp, and thence across the field to a hophorn tree at the road running from Camp bridge to Barn Tavern, which said hophorn tree was referred to in item 3^d. I also loan her during her life, all the barrels the two stills and fixtures there to that are now upon the said place - and in the event she should become a widow and lose her horse I desire as long as she should remain a widow she should be furnished a horse from the money I have given to her children. In case her husband John D. Turner should survive her it is my will that he should have the use of the land loaned her during his natural life - and at the death of both, I desire all the property both real and personal loaned her go to her children by the said John D. Turner in fee simple equally.

Item 7th I hereby appoint Joseph B. Prince guardian for

the present Children of Eliz^F Simmons, and desire that as they become 21 years of age their guardian will pay over to them their share of the property given them. I give to my grand son William Butts Simmons all the land belonging to the James place on the south of the road running from Cay's bridge to Burr Tavern except the portion leased to Rosa E. Turner and in the event he should die under 21 years of age I then give said place to my grand son Augustus William Simmons.

Item 8th My married Estate I dispose of as follows I give to my grand son Eugene Percy Barham one Thousand Dollars in fee simple. I give to my grand son William Butts Simmons one Thousand Dollars in fee simple. The balance of my married Estate I desire to be divided into five equal parts viz: To my son R. F. Barham I give in fee one fifth part To my son D. T. Barham I give in fee one fifth part but he is to receive in payment of his share any bonds I may hold against him as far as they go towards making up his share. I give to the present children of Eliz^F Simmons excluding William B Simmons one fifth part in fee I give to the children of my daughter Margaret Louisa Applewhite by her present husband in fee one fifth part I give to the children of Rosa E. Turner by her present husband John E. Turner in fee one fifth part I appoint James C Sebrall guardian for the children of Rosa E. Turner and Margaret L Applewhite by their present husband. I desire that Joseph B

Prince should be guardian for Eugene Percy
Barham and receive the One Thousand
Dollars given him. At my death, should I
have any lands not disposed of by my will,
I desire my executors to sell the same
as they may think best, and the money
arising therefrom to be considered as
part of my monied estate. Lastly I
appoint Joseph B Prince & James E
Sebrell Executors of this my last will
and Testament, hereby revoking all others
or former Wills. In Witness where of I have
hereunto set my hand and affixed my seal
this 29th day of September A.D. 1877

Witness

Benja E. Worrell
H. B. Kindred

Joseph B Prince
mark
Barham Seal

A Court held for the County of Southampton on the 21st
day of August 1882 This last Will and Testament of
Joseph B. Barham dec^d was proved by the oath of
Benjamin E. Worrell & H. B. Kindred the subscribing
witnesses thereto and ordered to be recorded. And
on the motion of Joseph B. Prince & James E. Sebrell,
the Executors named in said Will entered into
and acknowledged separate bonds in the penalty of
Twenty Thousand Dollars each the said Joseph
B. Prince with Robert J. Pope Joseph B. Pope and John
C. Prince his securities, and the said James E. Sebrell
with Wm. V. Sebrell C. F. Reese L. C. Vaughan and W. W. Briggs
his securities (who justified on oath as to their
sufficiency) severally entered into and acknowl-

edged a bond in the penalty of Twenty Thousand
Dollars each, Conditioned as the Law directs, which
bonds are ordered to be recorded. Certificate is
granted the said Joseph B Prime and James D Schell
for obtaining a probate of the said Will in due
form

Teste L. Edwards, Clerk
A Copy Teste L. Edwards, Clerk
A Copy Teste, James M. Taylor, Clerk

Joseph H. Barkham's Committee
In account with Jas. Kindred

1881

Dr. Cr.

May 23 ^d	To motion before county court for appointment of committee	100 00
	To filing bill & professional services in relation to income from farms to the several children	50 00
	To filing answer and general counsel in relation to the suit of William Barkham and Goodson Barkham's heirs vs Joseph H. Barkham's estate	50 00
		<u>75 00</u>
	By cash received of R. F. Barkham, one of the committee (which he has my order)	55 00
	Balance	25 00
	To balance due Jas. Kindred	25 00

1883 Aug 9 m. d. for account &c.

~~784~~ ~~135~~ ~~130~~

III
Simmons & others.
vs. J. Stetson

Park and Committee
& others.

In Southampton Circuit Court.

Bettie F. Simmons, Maggie, William
+ Leonard A. the said Maggie,
William & Leonard of being infants
by W.W. Briggs their next friend,
John C. Applewhite & Margaret L.
his wife + John S. Turner + Rosa
his wife. Plaintiffs

against

R. F. Barkham & H. T. Barkham, both
in their own right and as Committee
of the Estate of Joseph H. Barkham
decd. J. B. Finner + James E. Sebrico
Executors of Joseph H. Barkham decd.
Perry Barkham, Joel A. John S.
Rosa J. R. B. + Turner, and
John C. Applewhite, the last seven
Infants and Perry Barkham
Defendants

Subscribers

1883. March 23 Summons issued -

" April Rule Summons Executed, Bill filed,
J. R. Tyler assigned Guardian ad litem to the
Infant Defendants, Decree nisi vs. adult Defs.
May Rule Bill taken for Confessd as to adult
Defendants, + Cause set for hearing 4th.

Summers v. others

as 3 decrees.

Barham's Committee v. others

This day this cause came on to be heard on the Complainants bill, taken for confessed as to the adult defendants, the answer of the infants by J.R. Tyler, their guardian ad litem, with general replication thereto, the exhibits filed and was argued by Counsel. On consideration whereof, the Court doth adjudge order and decree that a corner of this Court take the following accounts - To-wit - 1st An account of the transactions of R. F. Barham and H. J. Barham as Committee of J. H. Barham - 2nd An account of the annual value of each of the farms belonging to J. H. Barham, which were in the possession of his children at the time said Barham was adjudged a person of unsound mind, and by what tenure they were so held - 3rd An account of the debts against the Estate of J. H. Barham distinguishing their priorities - 4th An account of the transactions of J. B. Preece and J. B. Sebrall as Executors of said Barham, and 5th An account of the value of any allowances that were made annually by J. H. Barham to Betty F. Simmons her children, before he was adjudged a person of unsound mind

all of which accounts the said Com-
missioners will audit and report to
Court, together with any other matters
deemed pertinent by himself, or
which may be required to be so stated
by any interested party.

Simmons v. O'Brien

vs. O'Brien

Barham Committee

~~~~~

May Term

1883

to be entered.

Wm. O'Brien

~~~~~


Summons &c.

vs $\frac{3}{3}$ Deere.

Barham Committee &c.

This day this cause came on to be again heard on the papers formerly read and the report of Commr. Tyler filed Nov: 7. 1883. to which there is no exception. and was argued by Counsel. On consideration whereof the Court doth confirm said report. And it appearing to the Court that Eliz. Summums was not allowed to enjoy the rents & profits of the farm upon which she lived from the time her father J^{ts} Barham was adjudged a lunatic, to wit from May 23. 1882 to the time of the qualification of his Exors to wit: until Aug 21. 1882. and it appearing further that all the other children of said Barham did during said period, take their farm rent free, and it appearing further that the farm of said Eliz. Summums was valued by said Commr. Tyler to be worth the sum of \$300 per annum. and that she only had the use of one half of said farm rent free, during the aforesaid period, the Court doth adjudge order

and decree that I. B. Prince, one of the
 Exors of J. H. Barham decd, out of any
 funds in his hands belonging to
 the estate of said Barham not yet adminis-
 tered, pay to Ely Summons - the sum
 of one hundred & eighty seven & 50/100
 dollars with interest thereon from
 July 1. 1882, same being amount
 now due her as balance in rent
 of her farm from May 23. 1881. to
 Aug 21. 1882. And nothing further
 appearing necessary to be done in
 this cause, it is ordered to be removed
 from the docket, at the costs of the
 Estate of said J. H. Barham decd.

Summons &
 vs I Decree
 Barham's Exors

Nov Term 1884.
 To be entered.
 Geo. B. Wood.

Entered
 104
 Removed from
 docket