1885-02 Southampton County Chancery - Bogart, John H. & Mary et als vs Barrett, Mary R. et als

to set aside "purported" Will

Bryant, James F.
" , Richard B.
" , Lizzie S.
" , Nellie H.
" , James F. Jr.
" , Gabie L.
(infants)

Bogart, John H.
" , Mary E.

Bryant, I. F.

Barrett, Thomas O.
" , Annie B
" , Eddie L. (an infant)
" , Richard C.

Bill & Exhibits.

Bogart et als.
vs. 3 Dr Chauncy.
Barrett et als.

1884 April Rules.

Sebrell p.q.

To Hon. Geo. Blow,
Judge of Circuit Court for Sonchampton:

Humbly complaining sheweth unto your honor your Complainants Jno. H. Bogart and Mary E. Bogart, his wife, James F., Bryant, and Richard B. Bryant, Lizzie L. Bryant, Nellie H. Bryant, James F. Bryant Jr., and Gabie L. Bryant, the last five infants under 21 years of age who sue by L. F. Bryant their next friend, that they are heirs at law and distributees of E. B. Barrett who recently departed this life, possessed of real and personal property. The other heirs at law and distributees of the said E. B. Barrett, deceased, are Richard C. Barrett, Thos. O. Barrett, Annie B. Barrett and Eddie L. Barrett, the last named an infant under 21 years of age. Your Complainants believe that the said E. B. Barrett died intestate. Since his death a paper writing purporting to be his last will and testament has been admitted to probat in the County Court of Sonchampton, whereby he gives his entire estate, real and personal, to one Mary R. Barrett, the order ad-

mitting the said paper to probat having been made on the day of 188 . An attested copy of the said paper is herewith filed, marked "exhibit A." Mary R. Barrett, named as Executrix by the said paper writing has qualified as such executrix. Your complainants allege and charge that the paper writing aforesaid of which probat has been received is not the will of the decedent, E. B. Barrett.

In tender consideration whereof, your Complainants pray that the said Mary R. Barrett, executrix as aforesaid of the said E. B. Barrett deceased, and in her own right, and the said Richard C. Barrett, Thomas O. Barrett, Annie B. Barrett and Eddie L. Barrett be made parties defendant to this bill and required to answer the same, that some fit and proper person be assigned guardian ad litem to protect the interest of the infant defendants; and this merely as a step or part of this proceeding to obtain a trial before a jury; that proper process issue; that an issue devisavit vel non be made up and tried by a jury at the bar of this Court to ascertain and try whether the said paper writing admitted to probat as aforesaid is or is not

the true last will and testament of the said E.B. Barrett deceased, that the said probat be set aside; that the said paper writing be declared and decreed not to be the last will and testament of the said E.B. Barrett, deceased; and that all such other further relief may be given as in the premises is just and right.

And your complainants will ever pray &c.

W.J. Sebrell, p.q.

The ~~answer~~ separate answer of Eddie L. Barrett, infant defendant by J.B. Prince his g'd'n ad litem to a bill in Chancery exhibited against him & others by John A. Bogart & wife & others - in the Circuit Court for Southampton County -

This respondent saving and reserving for answer to said bill says that he is an infant and being such knows nothing of the facts alleged in bill. ~~He~~ Therefore submits his rights to the protection of this Court & having answered prays hence to be dismissed &c.

J.B. Prince g'd'n ad litem

A writing purporting to be the last will and testament of Erastus B Barrett deceased was produced in Court by Mary L Barrett, Executrix therein named and there being no subscribing witness thereto, A. L Gardner and J W. Duke, were sworn and severally deposed that they are well acquainted with the testators handwriting and verily believe the said writing and the name thereto subscribed to be wholly written by the testators own hand Whereupon the said writing is ordered to be recorded as the true last will and testament of the said Erastus B. Barrett deceased and on the motion of Mary L. Barrett the Executrix therein named, she was sworn to qualify: Whereupon she executed a bond in the penalty of one thousand dollars without security conditioned as the law directs, which bond is Ordered to be recorded, the testator having requested in his will that no security be required of his said Executrix;-

Teste

E. Prince Clk

over

My Last Will June 21st 1877

I give all of my real and personal property to my Step Mother Mary E. Barrett and I want her to administer on my Estate without bond or security

Erastus Barrynah Barrett

At a County Court held for the County of Southampton at the Court House thereof on Monday January 21. 1884,

This Last Will and testament of Erastus B. Barrett dec'd was produced in Court by Mary E. Barrett the Executrix therein named and there being no subscribing Witnesses thereto A. L. Gardner and J. W. Duke were sworn and severally deposed that they are well acquainted with the testators hand writing and ~~verify~~ verily believe the said writing and the name thereto subscribed to be wholly written by the testators own hand. Whereupon the said writing is ordered to be recorded as the true Last Will and testament of the said Erastus B. Barrett, dec'd. And on the motion of Mary E. Barrett the Executrix therein named she was leave to Qualify. Whereupon in the penalty of one thousand dollars without security she Executed a bond conditioned as the law directs which bond is ordered to be recorded the testator having requested in his Will

that no security be required of his said Executrix,

Test J. B. Prince Clk

A Copy

Test J. B. Prince Clk

The joint and separate answers of Richard E. Barrett, Thomas O. Barrett and Annie B. Barrett to a bill of Complaint filed against them and others in the Circuit Court for Southampton County, by John H. Bogart, and wife others.

These respondents reserving to themselves the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as they are advised that it is material they should answer, answer and say, that it is true that E. B. Barrett has lately departed this life, leaving considerable real and personal property, and that, since his death a paper writing purporting to be his last will and testament has been admitted to probat in the County Court of Southampton, whereby he gives his entire estate, real and personal, to one Mary R. Barrett; that, it is also true that the said Mary R. Barrett is appointed executrix thereof, and that, moreover, her testator requests that she be not required to give security for a faithful performance of her executorial duties. But your respondents deny the charge contained in the bill that, the paper writing aforesaid is not the will of the said E. B. Barrett; and, that therefore, he died intestate; they verily believe, and do here charge

State of Virginia,
Corporation of the city of Norfolk: } to wit:
This day personally appeared before me, Geo. D. Dey, a Notary Public in & for said corporation and state, Richard C. Barrett, whose name is signed to the above answer, and made oath that the facts therein stated he believes to be true.
Given under my hand this 7th day of June, 1884.
Geo. D. Dey, Notary Public.

Virginia: Southampton County, to wit:
This day personally appeared before me, A. A. Holland, a justice in and for said County & state, Thomas O. Barrett whose name is signed to the above answer, and made oath that the facts therein stated, he believes to be true.
Given under my hand this 6th day of May 1884.
A. A. Holland, J.P.

Virginia: Southampton County to wit:
This day personally appeared before me, A. A. Holland, a Justice in and for said County & State, Thomas O. Barrett and Annie B. Barrett whose names are signed to the above answer, and made oath that the facts therein stated they believe to be true.
Given under my hand this 188-
J.P.

that the said paper writing is the last will and testament of the said E. B. Barrett; and they further say that, they have no disposition to contest the same, but are perfectly willing that it should be established, as they believe it ought to be.

And having fully answered, pray hence to be dismissed with their reasonable costs by them in this behalf expended, and they will ever pray, &c.,

Parker f.d

" "

Richard C. Barrett

T. J. Barrett

Ans Bill &c

Bogart &c

Answer of Richd C. & T. J. Barrett and others.

Virginia: Southampton County to wit:

This day personally appeared before me, A. A. Bland, a Justice in and for said County & State, Thomas C. Barrett and Annie B. Barrett whose names are signed to the above answer, and made oath that the facts therein stated they believe to be true.

Given under my hand this 188

J.P.

The separate answer of Eddie L. Barrett to a bill of complaint filed against him and others in the Circuit Court for Southampton County, by John H. Bogart, wife and others.

The respondent reserving to himself the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as he is advised that it is material he should answer, answers and says, that it is true that E. B. Barrett has lately departed this life, leaving considerable real and personal property, and that, since his death a paper writing purporting to be his last will and testament has been admitted to probat in the County Court of Southampton, whereby he gives his entire estate, real and personal, to one Mary R. Barrett; that it is also true that the said Mary R. Barrett is appointed executrix thereof; and that, moreover, her testator requests that she not be required to give security for the faithful performance of her executorial duties. But your complainants deny the charge contained in the bill that, the paper writing aforesaid is not the will of the said E. B. Barrett; and that, therefore, he died intestate. They verily believe and do here charge that the said paper writing is the last will and testament of the said E. B. Barrett; and he further

says that he has no disposition to contest the validity of the said will, but that he desires the same to be established.

And having fully answered, prays hence to be dismissed with his reasonable costs by him in this behalf expended, and he will ever pray, &c.,

Parker, p.d.

E. L. Barrett

Virginia: Southampton County to wit:

This day personally appeared before me A. A. Holland, a Justice in and for said County & State, E. L. Barrett whose name is signed to the above answer, and made oath that the facts therein stated ~~they~~ he believe to be true.

Given under my hand this 6 day of May 1884.

A. A. Holland, J.P.

Barrett &c.,
ads
Bogart &c.,

Answer of Eddie L. Barrett.

The separate answer of Mary R. Barrett, in her own right, and also as executrix of E. B. Barrett, deceased, to a bill of complaint filed against her and others in the Circuit Court for Southampton County, by John H. Bogart, wife and others.

The respondent reserving to herself the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as she is advised that it is material she should answer, answers and says that, it is true that E. B. Barrett has lately departed this life, seized and possessed of considerable real and personal property, and that, since his death a paper writing purporting to be his last will and testament has been admitted to probat in the County Court of Southampton, whereby he gives his entire estate, real and personal, to your respondent; that it is also true that your respondent is appointed executrix thereof; and that, moreover, her testator requests that she be not required to give security. Your respondent denies the charge in the bill that, the said E. B. Barrett died intestate, and that, the said paper writing purporting to be his last will is not his will, but she contends and charges that the same is his valid will, duly executed, and proved according to

law, and ought to stand.

And having fully answered, prays hence to be dismissed with her reasonable costs by her in this behalf expended, and she will ever pray. &c.,

Parker f.d. Mary R. Barrett

Virginia:

Southampton County, to wit:

I, A. A. Holland, a Justice of the Peace, in and for the County and State aforesaid do hereby certify that Mary R. Barrett whose name is signed to the above answer, made oath before me in the said County, that the facts therein stated are true. Given under my hand this 6 day of May 1884.

A. A. Holland. J.P.

Barrett &c.
ads
Bozgard &c.

Answer of Mary R. Barrett.

To John A. Bogart and Mary E. Bogart, his wife, Jas. Bryant, Richard B. Bryant, Lizzie L. Bryant, Nellie A. Bryant, James J. Bryant, Jr., and Gabie L. Bryant, the last five infants by Jas. Bryant, their next friend.

Take notice, that on the 22nd day of April, 1885, at Seaboard, Northampton County, N.C., between the hours of 9 o'clock A.M., and 6 o'clock P.M., of that day, we shall proceed to take the deposition of J.W. Duke to be read in evidence in our behalf in the suit in Equity depending in the Circuit Court for Southampton County, between John A. Bogart wife & others against M.R. Barrett & others; and if from any cause the taking of the said deposition be not commenced on that day, or if commenced, if it be not completed on that day, the taking of the said deposition will be adjourned and continued from time to time at the same place and between the same hours until they are completed.

Respectfully,

M.R. Barrett, & others

By Counsel.

To the Sheriff of Southampton County to execute.

"

Virginia:

Southampton County, to wit:

I, B. F. McLemore, a Comm'r in Chancery of the Circuit Court for Southampton County, in the State of Virginia, do hereby certify that, Thos. H. Oliver this day personally appeared before me in the County aforesaid and made oath that he delivered to John H. Bogart, Mary E. Bogart and J. T. Bryant, each, a copy of the within notice, and to each of them, explained its purport.

Given under my hand as Commissioner in Chancery aforesaid this 11th day of April 1885.

B. F. McLemore
Comm'r in Chancery.

Barrie Brothers
vs
Notice
Bogart trustee &c.

Notice to Take
Depositions

To Clerk So: and Sus: Courts
To Endorse

The Commonwealth of Virginia.

To any Justice or Notary Public in the County of Northampton County and State of North Carolina.

Know Ye, that we, trusting to your fidelity and provident circumspection in diligently Examining J.W. Duke on behalf of Mary R. Barrett, in her own right and as Ex.t of Erastus B. Barrett dec.d and others, in a suit in Equity now depending in our Circuit Court for Northampton County between Jno H. Bogart and wife and others against M.R. Barrett &c.rs, Command You, that at such certain day and place as You shall appoint, You assemble Yourself and the witness aforesaid before You. You call and cause to come and diligently Examine on the Holy Evangelists of Almighty God, and his Examination into our said Court distinctly and plainly written delay, You send and certify Enclosed. Witness My Hand and the Seal of the said Court hereto annexed this 10th day of April 1885. in the 109th Year of the Commonwealth.

J.B. Lanier C.C.

The deposition of J. H. Duke taken before me, W. J. Maddrey a Justice of the Peace, for the County of Northampton, and State of North Carolina, pursuant to the Commission and notice hereto annexed, at Seaboard, in the County and State aforesaid on the 22nd day of April 1885, between the hours of 9 A.M. and 6 O'clock P.M. to be read in evidence in behalf of Mary R. Barnett in her own right and as executrix of Erastus B. Barnett deceased, and others, in a certain suit in equity now depending in the Circuit Court of Southampton County, Virginia, between John H. Bogart and wife and others against Mary R. Barnett and others.

Present: W. M. H. Parker of Counsel ~~Attorney~~ for Mary R. Barnett & others and.
Attorney for John H Bogart & wife & others

J. H. Duke being duly sworn on the Holy Evangelists of Almighty God deposeth and saith as follows:

Question. by Counsel of Mary R Barnett & others.
State your name, age residence and occupation

Answer. J. H. Duke age 55 years
Occupation Farmer
residence Seaboard N.C.

Question by Same- Do you know the parties to this suit?

Answer Yes I know the principal parties J. H. Bogart & Wife P. Bryant & Mrs. M. R. Barrot

Question by Same State whether or not You knew the testator, Erastus B. Barrett, mentioned in the above named suit in his life time, and also, whether or not you were well acquainted with his hand writing?

Answer Yes Was well acquainted with him and know his hand writing

Question by Same — State if you can, whether or not, the paper writing, purporting to be the last Will and Testament of the said Erastus B. Barrett, deceased, and which said paper writing You have shon, and the name thereto subscribed, was, as you verily believe, wholly written by the Testator's own hand?

Answer Yes I think it was

Question by same— Please state, if you can, how long you lived in the town of Franklin, Virginia, and whether not the said Erastus B. Barnett resided there during that time, And if so, whether or not you were often in his company, or he in yours?

Answer I moved to Franklin in 1876— and lived there until 1879— I saw him frequently. [redacted] he lived in Franklin

Question by same— Did you or not, while living in said town, have any money transactions with said testator, either as merchant or otherwise, and if so, please state whether or not he was capable, during such ostations, of understanding either his obligations to yourself, or your obligation to him?

Answer I had money transactions with him as a merchant in a small way. He seemed to understand his obligations to me and mine to him

Question by same— Was he or not capable of appreciating the extent and value of his property, also his ostations to the person, or persons, that he might wish to enjoy it after his death?

Answer I think he did

Question by Same— Did he or not enjoy a soundness of mind sufficient to direct by will how his property should go at his death?

Answer I think he did if the estate was not a large one

Question by Same— Was he or not regarded as Sane by the people of the Community in which he lived?

Answer Yes think he was sane but easily influenced by his friends

Question by Same— Was he capable, or not, of distinguishing between Right and Wrong, of appreciating the kindness of a friend, and of understanding when a wrong had ben done him?

Answer He was capable of all that I think

Question by Same— State, if you can, whether or not the feelings of the testator, Erastus B Barnett, toward his Step Mother, Mary R Barnett, were kind, amiable and affectionate?

Answer I think they were

Question by same- Please state any fact within your knowledge, not set forth in the foregoing responses, tending to show the competency of said testator Erastus B Barrett, to dispose of his property by Will

Answer I do not know of any other fact that I can now recall

Cross- Examined

Question- You have been asked in the Examination in Chief whether or not Erastus B. Barrett, dec'd. was capable of appreciating the extent and value of his property? Do you yourself know the extent and value of his property; and, if so, state what you suppose the extent and value of the same to be.

Excepted to by counsel for M. R. Barrett & others

Answer. I do not know the extent of value of his property

(over)

Question. You have also been asked in the Examination in Chief whether or not the said Erastus B. Barrett enjoyed soundness of mind sufficient to direct by will how his property should go at his death — do you or not know what soundness of mind is sufficient for that purpose? If you do, state what your idea of the same is.

Excepted to by Mr. Parker of Counsel for M. R. Barrett and others.

Answer. I think a man of an ordinary mind capable of making a will and I think he possessed an ordinary mind and was capable of making a Will such as he made.

Question: How long has it been since you resided in Franklin — the place where E. B. Barrett lived and died?

Ans. It has been nearly six years I left Franklin in 1879 — in August, of that year.

And further this deponent saith not.

J W Duke (signed)

I, W. J. Maddrey a Justice of the Peace for the County of Northampton, N. C., do hereby certify that the foregoing deposition of J. W. Duke was duly taken, sworn to and subscribed before me at the place and time mentioned therein and in the caption thereto, pursuant to the annexed Commission and notice.

In witness whereof I have hereto set my hand and ~~official notarial~~ seal, ~~(if any)~~, on this 22nd day of April, 1885, at Seaboard, Northampton County, N. C., aforesaid.

W. J. Maddrey J.P. (seal) ~~(signed)~~

Time employed hours.

Bogart wife & others

vs

Darrell & others

Commission to take depositions.

~~108~~ 105 ~~#9~~

Bogart &c.

vs } Stat: Rule

Barrett &c.

Dismissed

In Southampton Circuit Court.

Jno H. Bogart & Mary E Bogart his wife
J. F. Bryant Richd B. Bryant, Lizzie S.
Bryant Nellie H. Bryant, James H
Bryant Jr and Gabie L. Bryant last
five minrs by J. F. Bryant their next
friend. Pltffs.

against.

Mary R. Barrett in her own right and
as Extrx of E. B. Barrett dec'd. Richd C.
Barrett: Thos: O. Barrett, Annie B.
Barrett and Eddie L. Barrett last
named a minor Deffts

In Chancery.

1884
March 25 Summons to Apl Rules.

Apl Rules. Summons rets Exec'd. Bill filed. I. B. Lewis
assigned Gdn ad litem to infant deft. Answer of
Gdn ad litem filed. Genl Replication.
Decree nisi vs defts. adults.

May " Bill taken for confessed as to adults
and Cause set for hearing.

Bogart et als.
vs. Decree
Barrett et als.

May term 1885—

To be entered—

Geo. T. Blow,

Entered 1.15

We consent to this decree—
W. J. Schnell, of counsel for plaintiffs.
Wm. F. Parker, of Counsel for defendants.

Bogart et als
vs. Decree
Barrett et als

This cause came on this day to be heard upon the complainants' bill, exhibits therewith filed, the answers of the adult defendants and the answer of the infant defendant by himself and by his guardian ad litem and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that an issue be made up and tried at the bar of this Court, to ascertain and try whether or not any of the paper writing in the proceedings mentioned admitted to probate as the last will and testament of Erastus B. Barrett, deceased, be the true last will and testament of the said Erastus B. Barrett and if any part, how much of such paper writing is the true will of the said Erastus B. Barrett; and on the trial of the said issue, the said defendants, Mary R. Barrett, Richard C. Barrett, Thos. O. Barrett Annie B. Barrett and Eddie L. Barrett, the

Bogart et als.
vs. Decree.
Barrett et als.

This day this cause came on again to be heard upon the papers formerly read, and the depositions of D.W. Duke filed Apl. 24th 1885, and was argued by counsel. On consideration whereof, and it appearing to the Court that the matters involved in these proceedings have been adjusted and compromised between the parties thereto, the Court doth adjudge, order and decree that this cause be dismissed from the docket; and, by consent of parties, the Court doth further adjudge, order and decree that the parties-plaintiffs and defendant-pay their respective costs incurred by this suit and that this dismissal operate as a bar to any further proceedings touching the matters involved in these proceedings.

Affidavit of
Non residence
By
J. M. Lucas

Virginia - Southampton Co. Court.

Personally appeared before me, L. R. Pruden Clerk of the Circuit Court of Southampton Co. ~~the~~ W. H. Parker and made affidavit that J. H. Duke is a non resident of the State of Virginia. Given under my hand Apl 10. 1885.

L. R. Pruden C.C.

If not delivered wit... ...; ret...

GOODMAN & BARRETT,

DRUGGISTS,

And Dealers in Fine Cigars, Tobaccos,
Confectioneries, Garden Seeds,
Guns, Pistols, &c.

FRANKLIN, - VIRGINIA.

MAY 2 1865 VA.



Wm H. Parker Esq.
Jerusalem,
Southampton Co.,
Virginia.
Atty at Law,

Letter from Mrs
M. R. Barrett
accepting offer
of Compromise from
J. H. Bogart & wife
et als.

W. H. L. Goodman, M. D.

T. C. Barrett



GOODMAN & BARRETT,

DRUGGISTS,

Keep Constantly on Hand a Full Line of

Drugs, Paints, Oils, Violin Strings, Toilet Articles,

FINE CIGARS, TOBACCOS,

Confectioneries, Garden Seeds, Guns, Pistols, Patent Medicines, &c.

Franklin, Va. May 2nd 1885

W H Parker Esq
Atty. at Law
Jerusalem Va

Dear Sir.

My mother requests me to say to you that she is willing to accept the proposition mentioned in your letter of April 29th. Please say if the witnesses should not be notified so that they need not attend. Write by Monday mail so that she can notify those in Suffolk & Portsmouth

Yours truly T. C. Barrett.

Bogart & others
vs. Sp. a...
Barrett & others

1884. 1st day Nov Term
Civ: Ct

Execution by
Delany Wolfe
& written return
dated 3 Nov 1884
D. W. Clendenin
Sheriff

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON John Pretlow Jr

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the first day of November Term, 1884, to testify and the truth to speak on behalf of J. W. Bogart & others

in a certain matter of controversy in our said Court depending and undetermined between J. W. Bogart & others plaintiff and Mary R. Barrett & others defendant, and this shall in no wise omit, under penalty of law. And have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, at the Courthouse, this 3rd day of Nov 188 4 in the 109 year of the Commonwealth.

TESTE: J. B. Prince cc

Bogart et: als:

vs

Sp: a

Barretts Exr.

1884. 1st day May 10m

Cir: Ct:

Executed

by delivering Dr. N. L.

Woodman, a copy of this

Summons on 2nd day

of May. 1884.

W W Briggs

Shff

The Commonwealth of Virginia

TO THE SHERIFF OF SOUTHAMPTON COUNTY—*GREETING:*

We command you to summon W. H. L. Goodman

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the 1st day of May Term 1884 to testify, and the truth to speak on behalf of John H. Bogart & others in a certain matter of controversy in our said Court depending and undetermined between Bogart etc. als: plaintiff and Barnetts' Ex'r defendant, and this he shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, at the Courthouse, this 3d day of May, 188 4, in the 108th year of the Commonwealth.

Teste:

J. B. Prince C.C.

Bogart & others

vs } Dpos

Barrett's Exr & c

1st day May Cir. Ct.
1884

Rejected by
being a copy
& portion of matter
stolen
filed in Clerk's
office for record
May 2 1884

The Commonwealth of Virginia

TO THE SHERIFF OF SOUTHAMPTON COUNTY—*GREETING:*

We command you to summon Wm. E. Rawls, C. C. Vaughan, J. W. Cleves, Chas. Smith, J. P. Gay, Ann Brownley, D. J. Watkins, M. M. Urquhart, S. B. Phillips, L. R. Edwards, L. A. Gay & J. D. Phillips to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the 1st day of May Term 1884 to testify, and the truth to speak on behalf of J. H. Bogart and others in a certain matter of controversy in our said Court depending and undetermined between J. H. Bogart and others plaintiff, and Mary R. Barrett & others defendant, and this they shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, at the Courthouse, this 29th day of April, 1884, in the 108th year of the Commonwealth.

Teste:

J. B. Prince C. C.

Barrett Exr

vs Ejt &c

Bogart & others

1885. 1st day May
Term Circ. Ct

Executed April 22nd 1885
by delivering to A L Gardner,
T. O. Barrett, Jno Griffin,
R Crawford Barrett, Wm E
Lunsford, W J Sorsbett &
A W Sorsbett a copy of
of the within Summons
J W Langhorn not a resident
of this County

G. W. Vick Sheriff

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON A. L. Gardner, T. O. Barrett, Jno. Griffin, R. Crawford, Barrett, W. E. Lankford, J. W. Langhorne, W. J. Boykett & Co, Wm Boykett

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the 1st day of May Term, 1885, to testify and the truth to speak on behalf of Mary R. Barrett Ext &c.

in a certain matter of controversy in our said Court depending and undetermined between Mary R. Barrett Ext &c. plaintiff and Jno. H. Bogart & others defendants, and this Jury shall in no wise omit, under penalty of law. And have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, at the Courthouse, this 17 day of April 1885, in the 109 year of the Commonwealth.

TESTE: J. B. Prince C.C.

Barrett Exr. &c.

vs 1/3 shs

Bogaert &c.

1885. 1st day May
Term. Lei. Let

Exemplification
to the within Summons
Council a true Copy
of the within Summons.
April 30th 1885.

R. A. Eaves
Sheriff

Isle of Wight

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ~~SOUTHAMPTON~~ Sole of Wright COUNTY—Greeting:

WE COMMAND YOU TO SUMMON Joseph Council

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the 1st day of May Term, 1885, to testify and the truth to speak on behalf of Mary R. Barrett Exx &c

in a certain matter of controversy in our said Court depending and undetermined between

Mary R. Barrett Exx plaintiff and

Jno H Bogart & others defendants,

and this You shall in no wise omit, under penalty of law. And have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, at the Courthouse, this 17 day of April 1885, in the 109 year of the Commonwealth.

TESTE: J B Prince C C

Executed April 27th 1885 and a
copy hereof delivered to each of
the within named Witness

J. T. Cox Dept Sh
J L Hutchens Sheff

Barrett Ex Parte

Bozart Porter

1885. 1st day May Term
Circuit Court

Recognized

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ~~SOUTHAMPTON~~ Nansemond COUNTY—Greeting:

WE COMMAND YOU TO SUMMON W. N. Camp, Thos Herron and R. H. Rawls

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the 1st day of May Term, 1885, to testify and the truth to speak on behalf of Mary R. Barrett Exx

in a certain matter of controversy in our said Court depending and undetermined between

Mary R. Barrett Exx plaintiff and

Wm H. Bogart & others defendants,

and this You shall in no wise omit, under penalty of law. And have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, at the Courthouse, this 17 day of April 1885, in the 109 year of the Commonwealth.

TESTE: J. B. Prince C.C.

Barrett & others

vs

Sp'a

Bogart & others.

1884. 1st day Nov. Term

Cir: Ct

Executed &
delivered a copy
to Wm R Barrett
& then signed
Oct 29th 84

L W Clark
Dpty Sheriff

THE COMMONWEALTH OF VIRGINIA,

TO THE ~~SHERIFF OF SOUTHAMPTON COUNTY~~ Sergeant City of Portsmouth Greeting:

WE COMMAND YOU TO SUMMON James X Laughorne

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the first day of November Term, 1884, to testify and the truth to speak on behalf of Mary R Barrett

in a certain matter of controversy in our said Court depending and undetermined between

John N Bogart & others plaintiffs and

Mary R Barrett defendant,

and this ye shall in no wise omit, under penalty of law. And have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, at the Courthouse, this 24 day of Oct 1884 in the 109" year of the Commonwealth.

TESTE: J B Prince c c

Bogart & others
vs
Sp's

Barrett & others

1884. 1st day Nov: Term
Cir: Ct

Execution 18th day
of Oct by delivery
& copy to within
named Summons
Th Elmer Sh Ff
for $1.00 Bill

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON Wm E. Rawles C. C. Vaughan J. W. Oliver Chas. Smith J. P. Gay N. M. Brantley D. J. Watkins M. M. Urquhart S. B. Pretlow L. K. Edwards L. A. Gay J. D. Pretlow & W. H. L. Goodman

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the first day of November Term, 1884, to testify and the truth to speak on behalf of the Commonwealth J. H. Bogart & others in a certain matter of controversy in our said Court depending and undetermined between

J. H. Bogart and others plaintiffs and

Mary R. Barrett & others defendants,

and this ~~writ~~ you shall in no wise omit, under penalty of law. And have then there this writ.

WITNESS, J. B. PRINCE, ~~Clerk~~ of our said Court, at the Courthouse, this 13th day of Oct 188[illegible] in the 109th year of the Commonwealth.

TESTE: J. B. Prince C. C.

Bryant + others

v

Spia

Barrett + others

1884. 1st day Nov. Term

bi: bt

Executed by delivering a copy to within named

Oct 30th/84

L. W. Olmsted

Dept Sheriff

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON Joshua Pretlow

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the first day of November Term, 1884, to testify and the truth to speak on behalf of Jno N Bogart & others

in a certain matter of controversy in our said Court depending and undetermined between Jno N Bogart & others plaintiffs and Mary R Barrett & others defendants, and this he shall in no wise omit, under penalty of law. And have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, at the Courthouse, this 24 day of Oct 1884 in the 109 year of the Commonwealth.

TESTE: J B Prince ac

Bogart & others

ads

Z Sp^r

Barnett Ex^r & c.

1885. 1^st day May

Term Lec. Let

Executed April 22. 1885.

by delivering to each of the

within named parties

a copy of the within summons

G. W. Vick Sh^ff

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON W. E. Rawles, C. C. Vaughan, J. W. Oliver, Charles Smith, J. P. Gay, Asa Brownley, D. J. Worthington, M. McMahon, S. B. Preston, J. D. Pruden & W. H. L. Goodman

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the 1st day of May Term, 1885, to testify and the truth to speak on behalf of Jno. H. Bogart & others

in a certain matter of controversy in our said Court depending and undetermined between

Mary R. Barrett Exx't & a. plaintiff and

Jno. H. Bogart & others defendant s,

and this you shall in no wise omit, under penalty of law. And have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, at the Courthouse, this 17 day of April 1885, in the 109 year of the Commonwealth.

TESTE: J. B. Prince C. C.

Barrett's Exr. &c.

ads

Shor.

Bogart &c.

2nd day May Term
1884

Not Executed
W. W. Briggs Sh'ff

The Commonwealth of Virginia

TO THE SHERIFF OF SOUTHAMPTON COUNTY—*GREETING:*

We command you to summon James Wynne and Jos: H. Cudlay to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the 2nd day of May Term 1884 to testify, and the truth to speak on behalf of Mary A. Barrett Exrx &c. in a certain matter of controversy in our said Court depending and undetermined between J. H. Bogart & others plaintiffs and Mary A. Barrett Exrx &c. defendant, and this they shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, at the Courthouse, this 6th day of May, 1884, in the 108th year of the Commonwealth.

Teste:

J. B. Prince CC

Barrett's Exr &c
ads { Dpos
Bogart &c

1st day May Cir: Ct.
1884

Executed by delivery
of copy of process
of within notice
H. W. Clinch
dep for Coms'r &c
May 2nd 1884

The Commonwealth of Virginia

TO THE SHERIFF OF SOUTHAMPTON COUNTY—*GREETING:*

We command you to summon Chas Parker Joshua Preston Geo. Wichy K. R. Griffin A. L. Gardner, Jas Duke, R. C. Barrett Irwin Mills Lewis Gillette, Ann Norfleet, W. J. Norfleet & L. T. Beaman, J. O. Barrett & E. L. Barrett to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the 1st day of May Term 1887 to testify, and the truth to speak on behalf of Mary R. Barrett Ext. Vs. Sothers in a certain matter of controversy in our said Court depending and undetermined between J. H. Bogart and others plaintiffs and Mary R. Barrett Ext & others defendants, and this they shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, at the Courthouse, this 29th day of April, 1887, in the 108th year of the Commonwealth.

Teste:

J. B. Prince C. C.

Barrett & others

" vs Sp'a

L. H. Doy art et al:

1884. Friday Nov: Term

Cir: Ct:

Executed by
delivering a copy
to Mrs M R Barrett
& her arrest
Nov 6th 84

Thos H Olin
Dept Sheriff

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ~~SOUTHAMPTON~~ Isle of Wight COUNTY—Greeting:

WE COMMAND YOU TO SUMMON Jos G Councill

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the third day of November Term, 1884, to testify and the truth to speak on behalf of Mary R Barrett & others in a certain matter of controversy in our said Court depending and undetermined between J H Bogart & others plaintiffs and Mary R Barrett & others defendants, and this he shall in no wise omit, under penalty of law. And have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, at the Courthouse, this 6th day of Nov 1884, in the 109 year of the Commonwealth.

TESTE: J B Prince c c

Barrett Et: als:

ads

Bpa

Bogart et: als:

1884. 2nd day May Term
Cir: Ct:

Execution by delivery
of within notice of
persons named in
Depositions

Thos H. Olivier
Dep for Wm Briggs

May 2nd/84

The Commonwealth of Virginia

TO THE SHERIFF OF SOUTHAMPTON COUNTY—*GREETING:*

We command you to summon John H Griffin

to appear before the Judge of our County Court of Southampton County, at the Courthouse thereof, on the 2" day of May Term 1884 to testify, and the truth to speak on behalf of Mary R Barrett et: als:
in a certain matter of controversy in our said Court depending and undetermined between John H. Bogart et: als: plaintiff and Mary R. Barrett et: als: defendants, and this he shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, at the Courthouse, this 1" day of May, 188X, in the 108' year of the Commonwealth.

Teste:

J. B. Prince C.C.

Barrett & others

vs

Spa

Dougart & others

1884. 1st day Nov: Term
Cir: Ct

Executed by
delivering a copy
to Mrs Wm. R Barrett
the wife of
Oct 27 D 84

J. W. Olmin
Dept Sheriff

THE COMMONWEALTH OF VIRGINIA,

TO THE ~~SHERIFF OF SOUTHAMPTON COUNTY~~ Sergeant City of Norfolk Greeting:

WE COMMAND YOU TO SUMMON R. Crawford Barrett

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the first day of November Term, 1884, to testify and the truth to speak on behalf of

in a certain matter of controversy in our said Court depending and undetermined between

plaintiff and

defendant, and this shall in no wise omit, under penalty of law. And have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, at the Courthouse, this day of

188.., in the year of the Commonwealth.

TESTE:

J. B. Prince

Executed Oct 29th 1884 and a copy hereof
Delivered To Each of the Within named
Witness

J. J. Cox Left for
J L Hutchison Sheff.

Rainsett Court
at 3 P.M.
Report adopted
1884. Friday Nov. 7th
A.D. 1884

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ~~SOUTHAMPTON~~ Nansemond COUNTY—Greeting:

WE COMMAND YOU TO SUMMON Wm N. Camp - Thos. H. Cross

R. H. Rawles

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the first day of November Term, 1884, to testify and the truth to speak on behalf of Mary R. Barrett

in a certain matter of controversy in our said Court depending and undetermined between

John H. Bogart & others plaintiffs and

Mary R. Barrett defendant,

and this they shall in no wise omit, under penalty of law. And have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, at the Courthouse, this 24 day of Oct 188 4 in the 109 year of the Commonwealth.

TESTE: J. B. Prince C.C.

Bogart wife &c.

vs Summons.

Barrett & others

1884 Apl Rules

Executed this 29th day of March
AD. 1884 by serving a Copy
hereof on Richard C. Barrett

N. Dickson Deputy

F. L. Slade Sergeant

Fee received
Fifty cents

THE COMMONWEALTH OF VIRGINIA,

To the ~~Sheriff of Southampton County~~ Sergeant of the City of Norfolk—Greeting:

WE COMMAND YOU TO SUMMON Richard B Barrett

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 him & others in our said Court by Jno H. Bogart & Mary E Bogart, his wife J. F. Bryant and Richard B, Lizzie S, Nellie H, Gabie L. and J. F. Bryant Jr. - last five minors by J. F. Bryant, their next friend -

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

WITNESS, J. B. PRINCE, Clerk of our said Court, this 25 day of March, 1884, in the 108th year of the Commonwealth.

Teste. J B Prince C. C

Bogart Wife Dr.

vs Summons

Barrett Sothers

1884 Apl Rules

Executed on
Mary R. Barrett
L. O. Barrett
Eddie L. Barrett
Annie B. Barrett
in person, by delivering
each a copy of the Summons
on March 27 84

Thos. H. Olin
Dpty for Thos Briggs
Sheriff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON Mary R. Barrett in her own right and also as Exx of E. B. Barrett dec'd, Richard B. Barrett, Thos: O. Barrett, Annie B. Barrett and Eddie L. Barrett, last named a minor

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 Jno. H. Bogart & Mary E. Bogart his wife, J. F. Bryant and Richard B. Bryant, Lizzie L. Bryant, Nellie H. Bryant, James F. Bryant Jr. and Gobie L. Bryant, last five minors by J. F. Bryant their next friend.

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

WITNESS, J. B. PRINCE, Clerk of our said Court, this 26th day of March, 1884, in the 108th year of the Commonwealth.

Teste. J. B. Prince c. c.

Barrett & others

vs Sp'a

Bogart & others

1884. 1st day Nov. Term

Cir: Ct

Execution &

Order a copy

to within ninety

Oct. 28th 84

L. W. Olin

Sheriff

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON J. W. Duke - A. L. Gardner - John Griffin - W. E. Lankford - W. J. Norfleet - A. W. Norfleet - Jos. Gregory - Julia Griffin & Anthony Butler & D. Barrett

to appear before the Judge of our ....Court of Southampton County, at the Courthouse thereof, on the .....day of..... ....Term,....., to testify and the truth to speak on behalf of..... .... in a certain matter of controversy in our said Court depending and undetermined between..... ....plaintiff and ....defendant , and this.....shall in no wise omit, under penalty of law. And have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, at the Courthouse, this.....day of..... ..... 188.., in the....., ...year of the Commonwealth.

TESTE:

....