

1890 - 09

Southampton County - Chancery

Gardner, W. H. L.
et al

vs

Barrett, Erasmus -
Est

"Creditors Suit
To settle debts"

Barrett, Mary R.

Goodman. W. H. L. it also

vs { Bill in Equity
Romello. Executrix

To the Hon C. W. Hill, Judge of the
Circuit Court of the County of faith-
ampton, Va.

March Rules 1887.

W. H. L. Goodman, who sued for him-
self & such other creditors of Erasmus
Barnett, deceased, as shall come in,
like suit in, & show the costs of
this suit, complaining sheweth
unto the court that on the 17th
day of April 1886, before a justice
of the peace in the county of faith-
ampton, he recovered a judgment
against Mary, R. Barnett, as ~~Executrix~~
~~trustee~~ of the estate of said Erasmus
Barnett, for the sum of \$73.09
with interest from the 17th day of
April 1886, & \$1.00 costs, a copy of which
is herewith filed, marked "Exhibit A"
& prayed to be read as a part of this
bill: that no part of said judgment
hath ever been paid: that said
judgment was duly docketed on
the 20th day of April 1886 in the
clerk's office of the county of faith-
ampton.

The said Erasmus Barnett, died seized
& possessed of a certain tract of land

lying in said county near Franklin &
adjoining the lands of John. Pettus, Jr.
the personal property left by said
Barnett is not sufficient to pay
this or any other of the debts of
said Barnett. In consideration
whereof he prays that Mary, R.
Barnett, executrix of the last will
of Erasmus Barnett, & Mary, R. Barnett
as devisee of said Erasmus Barnett,
be made defendant to this bill, &
required to answer the same; that
proper process issue; that all proper
orders & accounts be taken; that the
the creditors of the said Erasmus Barnett
deceased, be convened before a commis-
sioner of this court; that the debts
of the said Barnett be ascertained;
& their order of priority if any be
established; that an account of the
personally in the hands of the
Executrix be taken; that the personally
if any be applied to the debts ascer-
tained; that if it will not pay said
debts, & it appears that the rents &
profits of the land mentioned will
not in five years pay the debts.

that it or so much thereof as will
suffice to satisfy the debts exar-
-cised - the costs of suit & sale, be
sold, & the proceeds thereof be applied
to the payment of said costs & debts;
that if such suits will so suffice,
the said land be rented out, & the
rents & profits thereof be applied
to the said debts until they are
fully satisfied; and that all
such other further & general
relief may be given as in the
premises is just & right. And
your orator will ever pray, etc.
J. C. Parker, f.g.

In the circuit court of South-
ampton County May Term 1887
H. H. & Goodman, et als

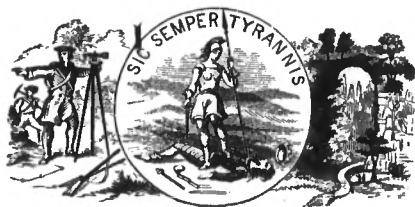
^{vs}
Mary R. Barrett, Executrix of
the Will of Erasmus Barrett decd
& Mary R. Barrett.

This day this cause came on
to be heard upon the bill taken
for confessed & was argued
by counsel, whereupon the
Court doth adjudge, order,
and decree that the defend-
ant - Mary R. Barrett - as ex-
ecutrix of the last will of Erasmus
Barrett, deceased, do render a
full true & perfect account
of her administration of the
estate of Erasmus Barrett, deceased,
before one of the commis-
sioners of this Court, which ac-
count the said commissioners
is directed to audit, state &
settle & make report thereof
to the Court & he is also directed
to take an account & render to
the Court a statement of all
debts due by Erasmus Barrett -

deceased, & their order of pri-
ority if any, & also an estimate
of the amt. & value of all real
estate belonging to the estate
of said Crastus Barrett-
deceased.

Copy-

To: B. F. W. Leman C. G.



Commissioner's Office,

Jerusalem, Aug 15 1887

TO THE CREDITORS OF THE ESTATE OF
Erastus B. Barrett dec'd

AND ALL OTHERS CONCERNED.

You are hereby notified, that, by a decree of the *Circuit* Court
of Southampton County, I have appointed the *21st* day of *September*
next, at my Office, for receiving proof of all the debts, or demands, against the said
decedent, or his estate ; at which time and place you are required to attend.

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

B. F. M. Leure Commissioner.

Goodman For Cobb

or  Notice.

Barrett's Extra Jr.

1887. Sept. 21.

Executed by delivering
a copy of this summons
to H. H. S. Goodman and
a copy to Mary R. Barnett
^{Aug 31st 1887}
A. F. Cobb Sept 20

J. W. McCreary Sheriff

Commissioner's Office,

Jerusalem, Va., Aug: 15 1887

To H. H. L. Gordonan, and Mary R. Barrett
Extr of Erastus B. Barrett dec^d &c

You are hereby notified that I have fixed upon the 21 day of September next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:

- 1st An Account of Mary R. Barrett's transaction as Executrix of Erastus B. Barrett dec^d &c.
- 2^d An account of the debts outstanding against the said Erastus B. Barrett or his Extrs.
- 3^d An account of the real Estate of Erastus B. Barrett dec^d with the actual and annual value of the same.

required to be taken by a decree of Southampton Circuit Court, rendered at the May term, 1887, 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 said Court, the day and year first aforesaid.

B. F. M. Lennard

Commissioner.

To the Sheriff of Southampton County to execute.

The Estate of Erastus B. Barrett dec'd.
In ac with Mary R. Barrett, his Executrix.

1884					
June 13	To paid	Henry Cobb & Co.			
		for Shroufl		\$ 12.85	
" "	"	paid Jesse P. Harcum			
		for Brickling Grave		7.00	
Nov 14	"	Chas. Smith for Coffin		45.00	
1885	Jan 1	" Int: on \$64. ³⁵	2 years.	7.72	
		Balance -			72.07
				<u>\$ 72.07</u>	<u>\$ 72.07</u>
1885					
Jan 1	To bal: due	Executrix		72.07	
May 30	"	paid Tax acct: for 1884		6.79	
1886	June 5	" " " " " 1885		5.57	
1887	Aug 13	" " " " " 1886.		5.04	
Nov 1	"	Int: on \$64. ³⁵	2 yrs. 10 mos:	10.93	
"	"	" " " " \$6.79	2 yrs.	.81	
"	"	" " " " \$5.57	1 "	33	
"	"	"	Amo: retained to pay Clerk's fee bill. (J.B. Peined)	5.41	
		Balance			106.95
				<u>\$ 106.95</u>	<u>\$ 106.95</u>
1887					
Nov 1	To Bal: due	Executrix		\$ 106.95	
		with interest on \$87. ¹⁶	the principal		
		thereof from this day till paid.			

Respectfully Submitted.

B. J. McLenner
Clerk in Chancery

An Account of the debts outstanding against
 the Estate of Erastus B. Barrett dec'd, taken
 by B. F. M. Lemore, Com'r in Chancery of the
 Circuit Court of Southampton County on the
 21st day of September 1887. in obedience to a
 decree of said Circuit Court rendered at the May
 term 1887. in the Chancery Cause of Goodman
 vs Barrett's Exrs. & al:.

1 st	A Judgment due H. A. L. Goodman	73.09	
1 st	Int: from Apr 17/86 to Nov 1/87.	6.70	
	Costs.	1.00	\$80.79

A/c due Mary R. Barrett.		
for Bond of decedent for 5 years	600.00	600.00

Balance due Mary R. Barrett		
Executry of decedent as shown		
by her Executorial Acct:	106.95	106.95
Total -		\$787.74

Respectfully Submitted
 B. F. M. Lemore ~~Com'r~~
 Com'r in Chy

An account of the fee simple and Annual
value of the real Estate of which Erastus B.
Barrett died seized and possessed. reported in
obedience to a Decree of the Circuit Court of
Southampton County - entered at the May Term 1887 -
in the Chancery Cause of Goodman & Barrett's
Etc et al: . Sept 21. 1887 -

A certain tract of land, Contain. Fee simple - Annual -
ing 129. Acres. valued at. \$516.00 \$40.00

Respectfully Submitted

T. F. W. Lemore

Clerk in Chancery

Gordon an ¹¹⁷

n { Report

Barrett's Extra

1887. Oct. 18. filed

B. F. M. C. C.

Commissioner's Office

Jerusalem. Sept 21. 1887.

To the Hon^{ble} C. H. Hill. Judge of the
Circuit Court of Southampton Co.
In obedience to a decree of the Cir-
cuit Court of the County of Southampton.
rendered at the May term 1887. in the Chan-
cery Cause of Goodman v^s Barrett's Exor-
sal: the undersigned - one of the Com-
missioners of said Court, to whom was
referred for settlement, by said decree,
the account of Mary R. Barrett's Ad-
ministration of the Estate of Erastus
B. Barrett dec^d - an account of the
debts outstanding against the Estate of
said decedent and an account of the
fee simple and annual value of the
real Estate of which said Erastus B.
Barrett died seized and possessed -
Reports to Court. that on the 15th day of
August 1887. he issued Notices against
the parties - Plaintiff & Defendant. re-
quiring them to attend the settlement of
the aforesaid accounts, at his Office.
in Jerusalem. on the 21st day of Sept.
1887. and also posted Notices at the
Court-house door. notifying all Cred-
itors of said decedent. to present their

claims to your Commissioner, properly authenticated. on or before the said 21.st day of Sept. 1887. That the notices aforesaid have been returned to the Commissioner, Executed: Whereupon he proceeded to state an account of the transactions of Mary R. Barrett, Ex^{tr} of Erastus B. Barrett dec^d. and finds a balance due the said Executrix, by the Estate of said decedent. of \$106.⁹⁵. as of the 1.st day of Nov: 1887. with interest on \$87.¹⁶, the principal thereof. from Nov. 1/87. till paid.

He also states an account of the debts outstanding against the Estate of said decedent. and finds that said debts amount to \$707.⁷⁴. inclusive of interest to Nov 1./87.. The Commissioner has also taken an account of the fee simple and annual value of Erastus B. Barrett's real Estate; and submits the following: That Erastus B. Barrett died seized and possessed of 129 acres of real Estate. situated in Southampton County. the fee simple value of which is \$4- per acre, or \$516.⁰⁰. and the annual value is

assessed at \$40.⁰⁰.

Respectfully Submitted,

B. F. M. Lemar

Court in Chancery

Commissioner's fee

\$10 - charges Plaintiff

In Southampton Justice Court, *h*
April 17th Term, 1886

W. H. L. Gordon and Plff.

Against

Mary R. Barrett, Ex^{tr}
of Erasmus B. Barrett. Deft.

In

Judgment for the Plaintiff against the Defendant for \$ *73. 29* with
legal interest thereon from *17th* day of *April*, 1886, till paid,
and costs, \$ *1. 00*

Extract.

Teste:

J. B. Prince C. C.

Gordon

N^o 3 Comrs Bond

Barrett's Extra

Recorded page 4.

Know all men by these Presents, That we

John C. Parker,
L. C. Vaughan & J. D. Pretlow

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of

One thousand

Dollars, to the payment whereof, well and truly to be

made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation, and also waive any claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter-claims or offsets other than legal tender currency of the United States.

Sealed with our seals and dated this *21* day of *November* A. D. 18*87*.

THE CONDITION of the above obligation is such that if the above bound

John C. Parker,
who was appointed Special Commissioner by a
decree of the Circuit Court of Southampton County
entered at the November Term 1887, in the
Chancery Cause therein depending, under style
of Goodman against Barrett's Exrs - to sell the
Real Estate whereof Erasmus B. Barrett died seized
and possessed. Shall faithfully perform the
duties required of him under the aforesaid
decree, and of any other decree which may
be entered in said Cause

~~shall faithfully discharge the duties of~~
or else to remain in full force and virtue.

~~office or trust~~ according to law, then the above obligation to be void,

Signed, sealed and delivered }
in presence of the Court.

J. C. Parker
J. D. Pretlow
L. C. Vaughan



Franklin Co.,

188

Mr. J. C. Parker special commr. for Woodman vs Bennett
To Southampton Democrat, Dr.

W. H. STROUD, Proprietor.

Job Printing Done with Neatness and Dispatch at Low Prices.

87					
Nov.	24	20 3 1/2 in w 4 t of lead rule	6	00	
	"	100 1/4 bills of same	1	25	
					7 25

Goodman

7th 3rd Sum

Barrett's Admⁿ + ab:

1887. Mich Rules

Civ. Ct.

Executed March 8th
1887. on each of the
within named parties

Rd Barrett Deputy
For J L Barham off

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *Mary R. Barrett Adm^r*
of Erastus Barrett and Mary R. 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 *March* next, to answer a bill in
chancery exhibited against *them* in our said Court by *W. H. L. Goodman*

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

Witness, J. B. PRINCE, Clerk of our said Court, this

22 day of *February*
1887, in the 111th year of the Commonwealth.

J. B. Prince

C. C.

Gordon

Prince's
vs } Certificate

Bonell's Ex

Goodman

or

Bonells. Ex. }

I. J. B. Prince, Attorney for Mary, R.
Bonell. & Mary, R. Bonell. Executors,
in the above and hereby caused
to an ~~allowance~~ ^{allowance} of \$35.00 to J. C. Parker, as
attorney for the Plaintiffs in this suit,
to be paid out of the proceeds of
sale.

I. B. Prince

Jerusalem, Pa.

Nov 10th 87.

Gordman

to [unclear] books.

Banett

Sp^{as} Cop 40 - Not return 35.⁰⁰ Receipt 18. Atty 10. Drury 18
 rules 1.00. filing fees 15.⁺ do Exhibits 5. Cop Ex: 25.
 filing Certificate 25. filing Comm's Report 25.
 replication 15. 3 decesses + Copies 2.16. ~~Anti~~ Larning Ctr + Cop.
 40. Filing away paper 25. Larning + recording bond 1.74.
 Certificate as to Ex of Comm's bond 25. 4 Continuances 1.00

Clerk J.P.P. \$ 3.12

Do. B.F.M. 5.99

Shiff 2.00

Law Off. 16.50

Comm B.F.M. 10.00

37.61

~~1145~~ 104
Goodman for 8 $\frac{1}{2}$

in 3 stat: Ruler

Barrett's 8x14 8 $\frac{1}{2}$

W. H. P. Goodman

Rtff

against

Mary R. Barrett Adcox of

Erastus Barrett & Mary R.

Barnett

Sept.

In Equity,

Act Ruler. Summons etc. Exd. Bill & Exhibits filed.
and Resolved nisi.

and these mis-

Apr .. Bill taken for Confessed and Accused sch
for hearing--

W. H. L. Goodman.

or

Borrells. Executors }

deceit.

This day this cause came on to be heard upon the papers formerly read, & upon the report of B. F. McLenore Comr. to which report no exceptions have been filed & was argued by counsel.

The consideration whereof. the court doth confirm said report & it appearing to the court that there is no fraudulently in the hands of the said Hony. R. Borrell. Executors, & that the real estate left by said Erastus Borrell will not sell out for enough in five years to pay the debts due by Erastus Borrell. demand. as ascertained by said report: now therefore the court doth adjudge, order, & decree, that J. C. Parker, who is hereby appointed a special Comr. for that purpose, proceed at once to sell said tract of land, reported in said report, at public auction, to the highest bidder, in the town of Franklin Va. on the following terms, to wit, one half cash & the balance in one year, till assessed until purchase money paid, with privilege to purchaser to pay

all ^{money} purchase cash as soon as roll
be confirmed by court. & take due.
And he shall advertise the time, place
& conditions of roll. for at least 30
days before roll. in the County
newspaper & in three or more pub-
lic places. And he shall collect
the cash payment & hold it subject
to the further order of this court.

And he shall not enter upon the
discharge of his duties under this
decree until he shall have given
a ^{in formality} bond ^{of \$1,000.00} with approved security,
conditioned to faithfully discharge
his duties under this decree.

And he shall report to this court
at the next term thereof.

Goodman

oo } Decree
Bonelli Executive

To be entered
Mar 10. 1887
C. M. Oakes

entered. 279

Goodman. W. N. L. H. 7
~~10~~ 7
as } In Chancery
Decree
Barrett. May. R. Ex

To be entered 7.94
May Term 1847.
C. M. Hill

✓

Sept 21

to the estate of said Esther Barrett
deceased.

In the Circuit Court of Southampton
-town County,

W. H. L. Goodman, it also
as

Mary, R. Barnett, Executrix of
the will of Erasmus Barnett, dec'd
& Mary, R. Barnett.

This day this cause came on to
be heard upon the bill taken
for confessed & was argued by
cammell, whereupon the court
doth adjudge order & decree that
the defendant, Mary, R. Barnett as
executrix of the last will of Erasmus
Barnett, deceased, do render a full
true & perfect account of her
administration of the estate of Erasmus
Barnett, deceased, before one of the
commissioners of this court, which
account the said commissioner
is directed to audit, state & settle,
& make report thereof to the court,
& he is also directed to take an account
& render to the court a statement of
all debts due by Erasmus Barnett
deceased, & their order of priority if
any, & also an estimate of the value
& value of all real estate belong-

Goodman

as } Final Exam

Bonelli's Ex

May Term 1890

To be entered

C. M. Hill

Entered

Goodman
vs
Bonnett & } Final Decree.

On motion of the Plaintiff
by his attorney, it is ordered
that this suit be dismissed
& taken from the docket, &
that the Plaintiff pay all
costs in this suit.