

1891-01

Southampton County - Chancery

Barham, A. J. vs
Edw.

Barham, E. Dancy
et al

"Carriage sale of
Linda for change of
infants"

Barham, Paul F
Barham, Mahel C
Barham, Irene M
Barham, Bettie F

Barham, Paul F
Barham, Mahel C
Barham, Irene
Barham, Bettie F

Barham, Guardian,

vs.)

Barham, & others.

Final Decree.

Special Term, May 22nd. 1891.

To be entered.

cmf

Recorded Page 470

Barham, Guardian,

vs.)

Barham, & others.

There was a report made, and upon the report of Special Commissioner
this day this cause came on again to be heard upon the de-

Barham, Guardian,

vs.)

Barham, & others.

This day this cause came on again to be heard upon the papers formerly read, and upon the report of Special Commissioner J. C. Parker, to which report no exceptions have been filed, and was argued by counsel.

Upon consideration thereof, the court doth confirm said report, and it appearing that there is nothing further to be done in this cause, it is ordered that the same be removed from the docket.

Boshamer Eden }
as } 1st Decree
Boshamer & others }

This day this cause came on to be heard upon the bill taken for confessed as to the adult defendants, the exhibits filed. The answers of Paul G. & Mabel C. Boshamer infants over fourteen years old, the answers of Guardian ad litem for the infant defendants, & was argued by counsel.

Upon consideration whereof, the court doth adjudge, order, & decree, that L. A. Gay, J. L. Gittelle, A. A. Halland, John Pantow Esq & W. W. Moore who are hereby appointed Special Commissioners for that purpose, proceed to enter upon said land & examine said timber in the bill & proceedings mentioned, & report to this court, 1st whether it will be to the interest of said infant defendants to sell said timber at this time or not.

2nd If it be to their interest,
what will be a fair price for
the whole of said tract of
timber

3rd What will be a fair & equitable
division of the proceeds of said
timber among those entitled
there to as set forth in said
bill.

and they shall report to this
court at the next term thereof.

Borham Co. 15-5
vs } 1st Decree
Borham Co. vs

November Term 1890
To be entered

Wm C. 1890

Cent

Borham City }
as } 2nd. Decemr
Borham. it also }

This day this cause came on to be heard upon the papers formerly read & upon the report of Messrs. Cairns, A. A. Hannan, J. L. Giltelle, & John Pittman Esq. & was argued by counsel.

Afore consideration whereof. the court doth confirm said report. & doth further adjudge, order, & decree, that J. B. Parker, who is hereby appointed for that purpose, make sale of the said timber in said bill & proceedings mentioned, at the sum of \$800. indicated in said bill, & collect the money therefor. & pay out of it the costs of this suit. including all attorney's fee of \$25.⁰⁰, & then pay R. G. Borham \$37.⁵⁰, & the balance divide into five equal shares, one of which he shall pay to E. Percy Borham, & the

others 4 shows say G. R. G.
 Burham, Edin of Paul G. Burham
 Irene M. Burham, Mabel C. Burham
 Bettie G. Burham
 and he shall further report
 to this court what he has
 done.

Burham, Edin.

as { 2 and Recue

Burham, Edin

May June 1891

to be returned.

C. M. H.

Exhibit Page 457

Borham Edie }
as } Cairn Report
Borham et al }

The undersigned, special Cairn appointed by this court at the Nov. Term 1890, thereof in the said suit of Borham Edie vs Borham et al, a copy of which decree is herewith filed, respectfully beg leave to report that pursuant to said decree they have examined the rods of timber in bill & proceedings mentioned & report to this court:

1st That they believe it will be to the best interest of the infant defendants to sell said timber at this time

2nd That they believe the sum of Six hundred & seventy-five dollars (\$675.00) is a fair price for the whole of said timber upon both rods.

3rd That they think that R. F. Borham should have Thirty-seven & 50/100 dollars of the proceeds, that being in our estimation one half of the mill cost of which he

Respectfully submitted
J. L. Gillette
A. A. Hollings
John Britton Jr.
per J.

8

Boston Et als

Report of Special
Commissioners

Sauthampton Circuit Court Nov Term 1890
Barham Edw

as { 1st Decree
Barham & others

This day this cause came on to be heard upon the bill taken from confessed as to the adult defendants the exhibits filed the answer of Paul & Mahiel b Barham infants over fourteen years old the answer of Guardian ad litem for the infant defendants & was argued by Counsel. Upon consideration whereof the Court doth adjudge order & decree that L. A. Gay J. L. Killette, A. A. Hallam John Britton Sr & W. H. Moore who are hereby appointed Special Commissioners for that purpose proceed to enter upon said land & examine said timber in the bill & proceedings mentioned & report to this Court.

1st Whether it will be to the interest of said infant defendants to sell said timber at this time or not.

2nd If it be to their interest what will be a fair price for the whole of said tract of timber.

3rd What will be a fair & equitable division of the proceeds of said timber.

among those entitled thereto as
set forth in said bill.

And they shall report to this Court
at the next Term thereof.

A leafy

Este B. F. M. Lemera b. b.

ed.

the amounts placed opposite our names, in the column mention-

Received of J.C. Parker, Special Commissioner in the above suit.

COMPT. IN CHANCERY,

Respectfully submitted,

All of which is supported by vouchers herewith filed.

\$800.00

200.00

Irene, & Bessie Barham, \$100 each,

R.E. Barham, Guardian for Nabel, Paul, &

E. Percy Barham,

142.50

J.C. Parker,

27.50

J.C. Parker, Guardian for Nabel, Paul, &

10.00

Comptroller,

1.00

Book of Joe Court,

42.50

John, to wife,

Barham, Guardian,

vs)

Barham, & others,

Commissioners Report.

Eight hundred dollars as directed, and has been paid and same are

as mentioned, and has collected from him the said sum

and J.C. Parker's need for the funds in the suit and

in accordance with the order of the Court in the said suit.

Witness my hand and seal of the City of New York, this 10th day of

June, in the seventh year of Barham, Guardian, vs. Barham, et

The undersigned, a special commissioner appointed by this

the County.

To the Hon. C.W. Hill, Judge of the Circuit Court of Guilford Co.

To the Hon. C. W. Hill, Judge of the Circuit Court of Southampton County.

The undersigned, a special commissioner appointed by this court in the chancery suit of Barham, Guardian, vs. Barham, et al. by decree entered at the May term 1891. thereof, respectfully reports to the court that pursuant to said decree he has given said J. M. Story a deed for the timber in the bill and proceedings mentioned, and has collected from him the said sum of eight hundred dollars as directed, and has paid the same out as follows, to wit;

To clerk of the court,	\$5.90
" Sheriff,	1.00
" J. C. Parker, writ tax & atty fee,	16.50
" " on attorneys fee directed to be pd.	1.60
" R. F. Barham,	37.50
" E. Percy Barham,	147.50
" R. F. Barham, Guardian for Mabel, Paul, & Irene, & Bettie Barham, \$147.50 each,	590.00
	\$800.00

All of which is supported by vouchers herewith filed.

Respectfully submitted,

J. C. Parker
Com'r. in Chancery,

Received of J. C. Parker, Special Commissioner in the above suit, the amounts placed opposite our names, in the capacity mentioned.

J. C. Parker. atty
J. W. Williams Shff
B. F. McLeone cc.

\$37.⁵⁰

Received of J. C. Porter, Special Commissioner
in suit of Borham Edm. vs Borham
it also. Thirty-seven & 50/100 dollars
(\$37.⁵⁰) in full of my share of
timber sold in said suit to J. M.
Story.

R. H. Borham

\$147.⁰⁰

Received of J. C. Porter, Special Commissioner
in suit of Borham Edm. vs Borham
it also. One Hundred Forty-seven
& 50/100 (\$147.⁰⁰) in full of my share
of timber sold in said suit to
J. M. Story.

R. H. Borham

\$590.⁰⁰

Received, May 11th 1891, of J. C. Porter,
Special Commissioner, in suit of Borham
Edm. vs Borham it also, the sum of
(\$590.⁰⁰) Five Hundred & ninety dollars,
in full of the said, due my chil-
dren Paul F., Mabel C., Irene M.,
& Bettie F. Borham, in equal shares,
for the timber sold in said suit to
J. M. Story, said children being infants,
& I being their guardian.

R. H. Borham
Guardian

Barham's Edin (H) Barham + abt;

Sum 20. 5 cop 50. D. 16 18. atty 10. receipt 18

Ent: return. 35 - filing bill 15 Rule 1.00. asp 15

2 deorces + copies 1.44. Lark Costs 40. filing

papers 25

CLK \$4.90

Shff. 1.00

Lawy. 16.50

1.00

Future Costs

\$ 23.40

Barham, G'din. 167

N^o 3 Stat: Rules 167

Barham et. als:

1 Oct.

R. F. Barham, Edm -

Plff.

Against

E. Percy Barham. adult. +

Paul F. Barham - Mabel C. Barham,

Irene M. Barham. and Bettie F.

Barham. all infants. by J. L.

M. Lemond, Edm ad litem. - Defs

1890. Sept. 24. Process ip? to 1st Oct. Rules.

" 1st Oct. Rules: ~~Bill filed~~ Process ret? Executed.

Bill filed. J. L. M. Lemond

appt. Edm ad litem. deore

nisi & adult.

" 2nd " "

Bill taken for confessed as

to adult. answer of

Edm ad litem filed.

gentl rep: and cause

set for hearing.

In Chancery -

The joint answer of
Paul. F. Barham & Mabel
C. Barham. infants under the
age of twenty-one, but over four-
teen, to a bill exhibited against
them & others in the Circuit
Court of Southampton County, by
R. F. Barham, their Guardian.

These respondents, answering to-
themselves, the benefit of all just
exceptions to said bill, for answer
thereunto, or to so much thereof
as they are advised that it is
material they should answer,
answer & say: that they are infants
of under years, & by reason of
their infancy, are incapable of
understanding or of taking care
of their rights & interests. They
therefore commend themselves,
& their rights & interests to the
protection of the court, & pray
that no decree may be pro-
nounced which will tend to
their prejudice.

And having fully answered,
these respondents pray to be
hence dismissed, with their

reasonable costs in this behalf
expended. And they will ever
pray. etc. etc.

Paul F. Barham,
Mabel C. Barham.

Virginia. ^{Massachusetts} ~~Massachusetts~~ County. Co. and:
This day personally appeared before
me, a notary public for said
County, Mabel C. Barham

~~and~~ made oath
that the statements made in the
foregoing answer, are to the best
of ~~her~~ ^{her} knowledge belief, true.
Given under my hand this 8th
day of October 1890.

Lee Pratt
Notary Public

State of Virginia

County of James City } town:

This day personally appeared before me, C.
P. Amistad, a Notary Public in & for the
County of James City, Paul F. Barham, whose
signature is attached to the foregoing writing
and affirmed that the statements there
in contained are true according to the best
of his knowledge & belief.

Given under my hand this the 13th day
of Oct. 1890. C. P. Amistad
Notary Public

Barham Edin
Answers of
or infants over
14 years
Barham: it also

Borham, Edin
as answers of
Edin ad Citum
Borham & others

The answer of J. L. McLenore
Guardian ad litem to the infant
defendants Paul G., Isabel C., Irene
M., & Bettie G., Bohann, to the
bill in equity exhibited against
the said infant defendants &
allies in the Circuit Court
of Southampton County Va. by
R. F. Bohann, their guardian.

The said guardian ad litem
answers says that he knows
nothing as to the truth or
falsity of the statements in the
bill contained, but prays full
protection for the said infant
defendants. And now, having
fully answered, their defendants
pray to be hence dismissed with
their reasonable costs in this
behalf expended.

Jas. L. McLenore
Gdn ad litem

Barham's Edin

Sum

Barham + also:

1890. 1 Oct. Rules

Cir: Ct:

Executed Octo,
1st/1890 by delivering
a copy of this Quin, to
E.P. Barham + J.L.
McLennan Esq, at
Lith.

J.W. Williams
Chff

X

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *E. Percy Barham, adult,*
+ *Paul F. Barham. Mabel F. Barham, Irina M.*
Barham and Bettie F. Barham, all infants, by
J. L. McLemore Esq in litem

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 *1st* Monday in *October* next, to answer a Bill in Chancery
exhibited against *them* in our said Court by *R. F. Barham, Esq.*

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

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this *24* day of
Sept, 189*0*, in the 11*0*th year of the Commonwealth.

B. F. McLemore

C. C.

To the Hon. C. W. Hill, Judge
of the Circuit Court of the
County of Southampton, Va.
Your obedient servant, R. F.
Borham, Guardian for Paul
F. Borham, Mabel C. Borham,
Lucie M. Borham, & Bettie F.
Borham, all infants under
the age of twenty-one, com-
plaining sheweth unto your
Honor that the said infants,
together with E. Percy Borham,
are possessed of the fee simple
title to a certain tract of land
lying in the said County, known
as the old Jenkins Mill farm,
& bounded by the lands of
B. E. Worrell, Joshua Pittman John
Pittman Esq. Jordan Cordus & others
& others; but that said fee simple
title is subject to a life estate
in your orator, their father,
which he holds as tenant by
courtesy. Your orator further
shews to the court that the said
infants & E. Percy Borham, are
also entitled to the fee simple in
an undivided half of another

tract adjoining the one above de-
scribed, called the Mill tract, &
bounded by the lands of Misses
Robt. B. & J. H. Bryant and Richard Holcombes
& others: that your orator is in-
cited to a feasible estate ^{Est}
in the other half of said tract.
Your orator further shows to the
Court, that there is a consider-
able amount of standing tim-
ber on the said tracts of land,
which your orator now has
an opportunity to sell at a
fair price: that your orator
thinks that said timber had
better be sold at this time, as the
timber all around it is being
cut, & soon this would be a field
by itself that no mill would
move here to cut. That he
has had an offer from a respec-
table party, of \$800.⁰⁰ for all the
timber on both tracts, which
your orator considers a fair
price. That the heirs at law
of the said infants should they
die under age, would be
the brothers & sisters, all of

whom one asked hereinafter to be made parties to this bill.

In under consideration where of, & forasmuch as your order is remediless in the premises, save in a court of equity, he prays that the said E. Percy Borham, Paul F. Borham, Mabel C. Borham, Irene M. Borham & Bettie F. Borham may be made parties to this bill & required to answer the same. That a proper Order ad litem be appointed to the said Paul F., Mabel C., Irene M., & Bettie F. Borham, to defend their interests in this suit, who shall also answer this bill: that the proper process issue: that the said offer of \$800.⁰⁰ for the said timber be accepted: or if the Court is not satisfied as to the advisability of selling said timber, that it will appoint Commissioners to go upon said lands & report as to the advisability of selling said infants interests, & as to what is a fair price for said timber, that the Court will further direct

the said Census to report what will be
 a fair & equitable division of the
 gross amount for which said
 timber sells, among those in-
 terested therein. That all proper orders
 & decrees may be made, & inqui-
 ries be directed, & that all such
 orders further & general relief
 may be afforded your orator as
 the nature of his case may require,
 or to equity shall seem meet, and
 your orator will ever pray, &c.

R. F. Barham, Guardian

J. C. Barker, Esq.

Virginia:

Southampton County, to wit:

This day personally appeared before
 me, a John S. Turner a Justice of the Peace for the
 County aforesaid, the above named
 R. F. Barham, Guardian of Paul F.,
 Robert C., Lucie M., & Bettie F. Barham,
 plaintiff in the foregoing bill, & made
 oath that he believes the statements
 therein are true.

Given under my hand this 7th
 day of October 1890.

J. S. Turner, J. P.

Barham, Esq.

Bill in Chancery
 Barham, et al vs