

1893-15

Southampton County Chancery Baykins, J. J. ^{vs} Barham, A. G. _{et al}

"To confirm Agreement"
and pay off debt.

Carmen, J. W.
Stanley, J. S.
Micks, H. R. ^{3/4}
Baykins, Carmen & Co.

Barham, R. B. ^{Adm}
Barham, Reese, ^{inf}

To the Hon: George Blow,
Judge of the Circuit Court
for the County of Southampton:

Humbly complaining sheweth unto
your Honor your complainants, J. J.
Boykin, J. W. Carmer, J. L. Stanley and
H. R. Micks, partners in trade under
name and style of Boykin, Carmer
& Co., of the city of Baltimore, that
R. G. Barham, being seized to him and
his heirs in fee simple of certain
land lying in Southampton County,
in this state, applied to your Com-
plainants to furnish from time to
time on a credit to him the said
R. G. Barham merchandise not to
exceed the value of One thousand,
five hundred Dollars, upon the
security of the said land, and
your complainants thereupon agreed
to do so, and did accordingly from
time to time supply said R. G. Bar-
ham with merchandise, and the
said R. G. Barham in accordance
with his agreement executed together
with his wife A. G. Barham a Deed
of Mortgage conveying the said land
as therein recited, which Deed is
herewith filed as an exhibit,

marked "A", and prayed to be taken
as a part of this bill; That on or
about 20th day of March in the
year 1880 the said A. J. Barham
departed this life, intestate, leaving
as his heirs at law a widow, A. J.
Barham & one child, Reese Barham,
then & now an infant under the
age of 21 years, and indebted in
the sum of \$95¹²/₁₀₀, Exclusive of
interest, to your Complainants for
merchandise furnished said A. J.
Barham in pursuance of said
agreement, as will more fully
appear from itemized account
herewith filed as an exhibit, marked
"B" & prayed to be taken as part of
this bill; That since the death of
said A. J. Barham, his widow said
A. J. Barham has qualified as his
administratrix, a copy of qualifi-
cation being herewith filed as an
exhibit marked "C" & prayed to be
taken as part of this bill; That said
sum of \$95¹²/₁₀₀ with interest, though
long due your Complainants, has
not nor any part thereof been
paid, and your Complainants are

a decree that in consequence of the failure of payment of said sum of \$95¹², with interest due as aforesaid, the said land with its appurtenances became vested in your Complainants. In consideration whereof, and inasmuch as your Complainants have no remedy save in a Court of Equity where matters of this kind are peculiarly cognizable, to the end therefore that justice may be done your Complainants pray that said Alf. Barham, widow & adm^{rs} of R. G. Barham dec'd and Reese Barham, a minor, be made parties defendant to this bill and compelled to answer its allegations; that some fit & proper person be assigned Guardian ad litem to represent & protect the interest of said minor; that said defendant may be decreed to pay your complainants the said sum of money with interest by a short day to be appointed by this Honorable Court and that in default of such payment, the said defendant & all persons claiming under them may be forever barred & foreclosed of and from all right

of redemption of, in and to said
mortgaged premises or any part
thereof; that proper process may
be directed against the said defendants
and that your Complainants may have
all such further, other, general and
special relief as the nature of the
case may require or to Equity shall
seem meet.

And your Complainants will ever pray &c.
W. J. Sebrill, p. q.

The answer of Reese Barham, a minor,
by W. W. Briggs, his Gdn ad litem, to a
bill of complaint exhibited against him
in the Circuit Court of Southampton County
by Boykin, Garner & Co, of Baltimore.

This respondent saving & reserving &c
for answer to said bill says, That he is
of tender age, and knows nothing of
the facts alleged in said bill, and being
such he submit his interest to the
protection of this Court & having
answered he prays hence to be
dismissed—

W. W. Briggs,
Gdn ad litem.

Exhibit "A"

Barham Rly.
to $\frac{1}{3}$ Seed
Boykin, Cammer & Co

1879 April 10th Received of
AR

~~1879 April 10th~~ 6481

^{Exm'd}
Recorded
Page 80

Fee \$2.15 paid

Southampton County: In the Clerk's Office.
April 10th 1879.
This all on taggs from R. G. Barham wife to
Boykin Cammer & Co was this day received
and with the certificate annexed, admitted
to record.

Tested J. H. Edwards, Clerk



This deed made by Roscoe G Barham and
wife Alice G Barham to Boykin Carmichael
Witnesseth that in consideration of the sum of
One dollar and the premises the said
Roscoe G Barham wife Alice G Barham
have bargained and sold and by these presents
have bargained sold and conveyed to Boykin
Carmichael and his heirs that certain
piece parcel or tract of land lying and
being situate in the State of Virginia in
the County of Southampton Druryville Town-
ship adjoining the lands of Jos Joryner
Samuel Wilson, William Shavers Mrs Weaver
& others containing seven hundred thirty acres
be the same more or less.

To have and to hold the
same unto the said Boykin Carmichael
and his heirs and assigns.

In Special Trust to know
that the said Boykin Carmichael his heirs
or assigns shall hold the same as security
for the payment of a line of credit for
the said Roscoe G Barham with the firm
of Boykin Carmichael in the City of Balt-
more which said credit shall not be
allowed to extend beyond the sum of One
Thousand five hundred dollars. and that
power and authority is hereby given to the
said Boykin Carmichael his heirs and assigns

to foreclose this mortgage by sale of the premises whenever the said Barham shall allow his bills to extend past maturity for sixty days, on twenty days notice posted at three or more public places in Southampton County in said State and personal service of same on said Barham, make title to purchaser or purchasers apply proceeds to indebtedness costs and expenses incident to the making executing and foreclosing this mortgage returning balance to Alice G. Barham or her representatives.

In testimony whereof the said R. G. Barham and wife Alice G. Barham have hereunto affixed their hands and seals the 18th July 1879.

R. G. Barham
A. G. Barham.

(Seal)

(Seal)

NORTH CAROLINA,)

WILSON COUNTY.)

OFFICE

INFERIOR COURT CLERK.

Be it Remembered, That on the

day of

A. D. 1879, personally appeared before me, T. C. DAVIS, Clerk of the Inferior Court of the County aforesaid,

Dr Roscoe G. Barham and his
Wife Alice G. Barham and acknowledged
the Execution of the annexed & foregoing
Deed To Baykin, Cairns & Co

And thereupon the said

being by me ^{privily} personally examined, separate and apart from ^{her} said husband, touching

^{her} free consent in the execution of the said Deed, ^{she} on such examination

declared that ^{she} had executed the same freely of ^{her} own will and accord,

and without fear, force or undue influence of ^{her} said husband or any other person,

and that ^{she} did still voluntarily assent thereto.

Therefore let the Deed and this Certificate be registered.

WITNESS my hand and official seal, this

day of

A. D. 18



T. C. Davis

Clerk Inferior Court.

Prompt payment secures prompt attention to Orders and Low Prices.

MONTHLY STATEMENT.

Sol. 627 Baltimore, May 1851
 W. R. G. Parkhurst
 Wilson & Co.

To BOYKIN, CARMER & CO. DR.

Terms:

No. 3 N. LIBERTY STREET.

1849			
Mar	11	To Modse.	648 43
	18		117 31
	21		455
	25		1541
	10	Cash pd. Canfield	450
Apl	3	Modse	1130
	15		3953
	16		260
	8	Cash pd. Ry Mortgage	275
May	9	Modse	3280
	14		2106
	24		1464
	30		1443
June	6		4392
	25		4300
July	5		9173
	16		3743
	21		1046
Aug	14		1864
Sept	5		4504
	6		610
	16		6319
Oct	15		1938
Nov	6		1903
	10		250
	14	Cash pd. Downman	1385
	20	Modse	2245
		Charge Downman July 4/51	1357 93

1849			
Apr	4	By Cash	45000
Apl	11		4000
	8	1 Home Broker	500
	12	George L. S. Fyfe	115
May	13	Cash	5000
Oct	13		4000
Nov	4		4000
	7		4500
	14		5000
	19		5000
Dec	11		10000
1850			30000
Jan	20		6500
Feb	11		2666
	23		
		Expenses 23/51	126281

To Bal Out to \$95.12

Boyle & Co

2nd June

Barham

1882 Aug Rules

Executed by deliver-
ing A. G. Barham a
copy of this summons
on the 13th day of
July 1882

W. W. Briggs Siff

The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting:

WE COMMAND YOU TO SUMMON *A. G. Barkham widow & same*

*A. G. Barkham Adm of R. G. Barkham decd & Reesie
Barkham the last named a minor by W. W. Briggs his
Guardian ad 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 first
Monday in *August* next, to answer a bill in Chancery exhibited against *them* in our
said Court by

*J. J. Baykin J. W. Cammer J. G. Stanley & R. N. Hicks
partners in trade under the name & style of Baykin
Cammer & Co.*

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

Witness, LITTLETON R. EDWARDS, Clerk of our said Court this *10th* day of *July*

188*2*, in the *107th* year of the Commonwealth.

L. R. Edwards

Boykin, Lamer Jb²
v. } Stat. Rules

Barham's adm. Jb²

In Southampton Circuit Court

J. I. Boykin, J. W. Carmer, J. G. Stanley & H. R. Micks, partners
in trade, name and style of Boykin, Carmer & Co. Plaintiffs Plaintiffs
against

A. G. Barham widow and admr. of R. G. Barham dec. and
Reese Barham Defendants

In Chancery

1882. July 10th Summons issued

" Aug. R. Summons returned Executed. Bill of filed
W. W. Briggs assigned Gov. ad litem to infant Deft. answer of
Infant G. Rep. thereto D. nisi to adult Deft.

" Sept. R. Bill taken for confessed as to adult Deft. and cause
set for hearing &c.

At a Circuit Court held for the County
of Southampton November Term - 1882.

D. Boykin, W. Cramer, J. Stanley & C.
R. Micks partners in trade, name and
style of Boykin, Cramer & Co. Plaintiffs
Against

A. G. Barham widow and Admin^x of R. G.
Barham dec^d; Ed Reese Barham Def^{ts}

This Cause came on this day to be heard
on the bill & exhibits, taken for confessed
as to the adult defendants, the answer of
the infant defendant by W. W. Briggs his
Guardian ad litem, and was argued
by Counsel. On Consideration whereof
the Court doth adjudge order and decree
that it be referred to one of the Commis-
sioners of this Court to take an account
of what is due the filijs Boykin, Cramer
& Co^s for principal & interest on the Mortgage
in the bill mentioned and said Commis-
sioner is directed to examine, settle &
settle said account & report the same
to Court, And the Court doth further ad-
judge order & decree that A. G. Barham
one of the defendants in this Cause do
render an account of her administration
of the estate of her intestate R. G. Barham
before said Commissioner of this Court who
is directed to examine, settle & settle the
same & report to Court with any matter

Specialty noted deemed pertinent by himself
on which may be required by any of the
parties to be so noted

Moody

John L.R. Edwards Col

Weyburn, Canada

Dear

Barbara Adams

Barham's Adm't

- Ads - 3

Baylin, Learner
& Co.,

Commissioner's

- Notice -

~~For~~

Specified by returning copies —
to the with in 8 days of making
the 14th Apr 1883

W. H. Astor & L. F. T. & Co.
Commissioners

Done

Commissioner's Office,

Jerusalem, Va.,

April 6th 1883.

To A. G. Barham, widow and Adm^r of
R. G. Barham, dec'd, and Reese Barham.
— Ads —

J. J. Boykin, J. W. Learner, J. G. Stanley and
H. R. Micks, partners in trade under the name
and style of Boykin, Learner & Co.,

You are hereby notified that I have fixed upon the 20th day of April
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 what is due the plaintiffs, Boy-
kin, Learner & Co., for principal and interest on
the Mortgage in the bill mentioned.

2nd An Account of A. G. Barham's administration
of the estate of R. G. Barham, dec'd.

required to be taken by a decree of Southampton Circuit Court, rendered at the
November term, 1882, 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.

Greensville

WM. H. PARKER, Commissioner.

To the Sheriff of ~~Southampton~~ County to execute.

Commissioner Parker's

Report

(20 April 1883)

1883. April 25 - $\frac{25}{4}$

An Account of the debt outstanding against the estate of R. S. Barham, dec'd, and due to Boykin, Learner & Co., proved before me ^{on 20 April 1883} me of the Commissioners in Chancery of the Circuit Court of So.ampton

1883		\$	cts	\$	cts
April 23	Am't due T. J. Boykin, J. W. Learner & Co.	95	12		
"	with interest from 23 Feb 1880 to 23 Feb 1883	18	05		
				\$	113 17

your Commissioner states specially that although he gave due notice that an account of A. S. Barham's administration of the estate of R. S. Barham dec'd would be taken by him at his office on April 20th 1883 yet no such account has been brought before him and the above debt is all that he has to report

Respectfully submitted
W. H. Parker

Com'r in Chancery

Commissioner's fee \$10,

Received payment
March 11th 1884.
W. H. Parker,
Com'r

At a County Court held for the County
of Southampton on the 17th day of May
1880

On the Motion of A. G. Barham who
made oath according to law and
together with W. A. Reese his security
(who justified on oath as to his suf-
ficiency) entered in to and acknowl-
edged a Bond in the penalty of Three
Thousand Dollars Conditioned as the
law directs. Which bond is ordered
to be recorded. Certificate is granted
the said A. G. Barham for obtaining
letters of administration upon the
estate of said Waseo G. Barham
decd in due form.

Attest J. Edwards Clk

Baykin, Carter & Co.,
vs. $\frac{1}{3}$ Decree -
Barham's admx & others

Nov. Term 1882

To be entered

Geo. Blow.

Boykin, Carter & Co.,
vs. $\frac{1}{3}$ Decree -
Barham's adm'r & ors.

This cause came
on this day to be heard upon the bill
& exhibits, taken for confessed as to
the admet defendant, the answer of the
infant defendant by W. W. Briggs, his
guardian ad litem and was argued
by counsel. On consideration whereof
the Court doth, adjudge, order and
decree that it be referred to one
of the Commissioners of this Court
to take an account of what is due
the plffs., Boykin, Carter & Co., for
principal & interest on the mortgage
in the bill mentioned - And said
Commissioner is directed to examine
state & settle said account & report the
same to Court. And the Court doth further
adjudge, order & decree that A. J.
Barham, one of the defendants in this
cause do render an account of her
administration of the estate of her
intestate R. J. Barham before said
Commissioner of this Court who is
directed to examine, state & settle
the same & report to Court, with any
matters specially stated, deemed pertinent
by himself or which may be required

Boykin, Carmer & Co.,
vs. {
Barham's adm'r &c—

This day this cause came on to be further heard upon papers formerly read and the report of Comm. W. H.

Parker filed April 25th 1883, to which there is no exception, and was argued by Counsel. On consideration whereof the Court, ^{by consent of parties} doth adjudge, order and decree that unless Alice G. Barham or some one for her or some one for the heirs of Roscoe G. Barham dec'd. shall pay or cause to be paid to Boykin, Carmer & Co. the sum of ninety five & ¹²/₁₀₀ dollars, with interest thereon from Feb. 23rd 1880 till paid and the costs of this suit on or before 1st day of January, next, then that Wm. J. Sebrice take possession of the Real Estate in the Bill mentioned and sell the same at public auction after 30 days' public notice of time & place of sale, upon the following terms, to-wit:— One half Cash, balance payable in six months the purchaser to give bond with approved security, carrying interest from day of sale, and till to be retained till all the purchase money is paid. And the said Comm

out of the funds that shall come into
his hands from said sale, shall pay to
Boykin Carmichael the sum of ninety
five & $1\frac{1}{2}$ dollars with interest thereon
from February 23^d 1880 till paid and
the costs of this suit and the surplus,
if any, retain in his hands for the
further order of this Court; but the
said Comr. shall not proceed to
execute this order till he shall have
entered into a bond before the Clerk
of this Court in the penalty of \$1000-
with security to be approved by the
said Clerk, conditioned to faith-
fully execute this and any further
decree in this cause. And the
said Comr. shall make report to
Court -

~~57 58 59~~
Boykin, Carmu & Co., 95

vs. $\frac{3}{4}$ Bell & Exhibits 37

Bachman's adm^{rs}, et al.

37

82 August Rules