1909-07 Southampton County Chancery Barham, J. H. & Extrs &c. Barham, H. I. et al

"Detatir to Construe Will"

Barham, R. F.
Barham, E. Percy
Simmons, Elizabeth F.
Applewhite, Jno. E.
Applewhite, Maggie L.
Turner, Jno. S.
Turner, Rosa E.
Simmons, Wm. B.
Simmons, Maggie J.
Simmons, Leonard A
Applewhite, Jas. M.
Turner, Ashby
Turner, Julia
Turner, Grace wife
Turner, Jas
Turner, Reginald
Turner, Shelby
Turner, Bessie

~~137~~ 126

Bachanni Sxon

vs 3/3 Bill Exhibits

Bachanni Devisees

Principal Secretary

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

Complaining sheweth unto your Honr, your Complainants James E. Schree and J. B. Price Exrs of J. H. Barham dec'd. that during the year 1882 J. H. Barham departed this life after having made and published his last will and testament, and that at the August Term 1882 of the County Court of Southampton County, J. E. Schree & J. B. Price who were appointed Exrs duly qualified, as of which will more fully appear from a copy of said will & copies of the qualifications aforesaid herewith filed marked 1. 2 & 3, and made Exhibits in this cause. That by virtue of their offices, the said J. E. Schree & J. B. Price took possession of all the personal estate belonging to said testator and have administered the same as far as they can. That the said testator left the following devisees, viz: H. T. Barham, R. F. Barham, Mary Barham Elizabeth F. Simmons, and her three children viz Wm B. Simmons, Mossie T. Simmons, Leonard A. Simmons - the last an infant, Jno E. Applewhite and Mossie L. his wife and their son Jas N. Applewhite

who is not yet 21 years old, Jno. I. Turner and Rosa E. his wife, and their children viz- Abby, John, Rosa Joe, Reginald, Shelby and Bessie Turner, all infants.. That by item 5th the testator makes the following provision "I loan to my daughter Margaret Louisa Applewhite during her natural life the tract of land known as the Grady place x x x. I loan Jno E. Applewhite her husband survive her. It is my will that he shall have the use of the land loaned her during his natural life and at the death of both I desire all the property both real & personal loaned her to go to her children by the said Jno E. Applewhite in fee simple Equally".. And by item 6 the a similar provision is made in regard to land loaned to Rosa Ellen Turner and her husband Jno. I. Turner.. and by item 8th the following provision is made. "My Mixed Estate I dispose of as follows- I give to my grandson Eugene Percy Barbour $1000- in fee simple. I give to my grandson William Butts Simmons $1000- in fee simple- The balance of

my mixed Estate I desire to be divided into five Equal parts viz to my son R. F. Barbam I give one fifth part in fee to my son N. Y. Barbam I give in fee one fifth part, but he is to receive in payment of his share any bonds I may hold against him as far as they go towards making up his share. I give to the present Children of Eliz F. Simmons Helen Ding Wm B. Simmons, one fifth part in fee. I give to the Children of my daughter Margaret Louisa Applewhite by her present husband in fee one fifth part. I give to the Children of Rosa E. Turner by her husband Jno. Turner in fee one fifth part." Now it is a fact that Margaret L. Applewhite had only one child living when J. K. Barbam died viz: Jos N. Applewhite. She has since his death given birth to another child, named Lizzie that has died. and Rosa E. Turner had the following children living at the time of said Barbams death viz- Ashby, John, Rosa Joe. and the following have been born since viz- Reginald, Shelby & Bessie Turner. According to the true intent of the

said Barham's wife, as gathered from the whole instrument, your complainants believe that all the Children of Mrs Applewhite and Mrs Turner by their present husbands both those born before and living at the time of the death of said Barham and those born since the death of said Barham are entitled to share in the benefits of his will; but a contention has arisen in which it is claimed that only the Children living at the time of the death of the said Barham are entitled to come in and share in the distribution of his estate. and your complainants are advised that it is their province to seek the aid of a Court of Chancery to protect them in the discharge of their duties under the said will. Therefore and inasmuch as your complainants are without remedy except in a Court of Equity where such matters are properly cognizable, to the end that justice may be done, your complainants pray that H. T. Barham, R. F. Barham E. Percy Barham, Elizabeth F. Simmons, Mrs E. Applewhite & Maggie L. his wife, Mrs J. Turner & Rosa E. his wife, Mrs B.

Summons, Maggie T. Leonard a. Summons,
Jos N. Applewhite, Ashby, John, Rosa
Joe, Reginald, Shelly and Bessie Turner
the last Eight infants may be made
parties defendant to this bill and
compelled to answer the same.
That some fit and proper person may
be appointed for ad litem to defend
the interests of the infant defendants.
That your Honor will interpret and
construe the will of the said W. Bar-
ham, and especially those items
that relate to the Children of Mrs
Applewhite and Mrs Turner, and
more especially define their
rights as well as the duties of
your complainants. And that your
Honor will grant such other, further
general & specific relief as to Equity
may seem meet & the nature of
this case may require, and as
in duty bound, your complain-
ants will ever pray &c. May it
please the Court &c.

Pruden & Street p.q.

The Joint and Several answers
of Leonard A. Simmons, Jos. N. Apple-
white, Ashby, John, Nora Lee, Reginald
Shelby & Bessie Turner, all infants,
by B. F. McLemore, their Gdn ad litem,
to a bill of complaint & hibited
against themselves & others in the
Circuit Court of Southampton Co.
by D. E. Sebrell & D. B. Bruce Exors of
J. H. Barham dec'd.
These respondents, saving and
reserving all & all manner of Exc-
tion to said bill of complaint, for answer
to said bill say. That they are infants
and being such submit their rights
to the protection of this Court - and
having answered pray hence to
be dismissed &c. -

B. F. McLemore
Gdn ad litem -

125 ~~134~~

Bacham's Exrs

vs

Stat: Rules

Bacham's Devisees

Jas. E. Sebrell & J. B. Prince
Exrs of J. H. Basham dec'd — Pltffs
vs
N. T. Basham. R. F. Basham. E. Percy
Basham. Elizabeth F. Simmons
Jno. E. Applewhite & Maggie L. his wife
Jno. I. Turner & Rosa E. his wife. Wm B.
Simmons. Maggie F. Simmons.
Leonard Simmons. Jos. R. Applewhite.
Ashby Turner. Johnnie Turner. Reginald
Turner. Shelley Turner. Bessie Turner &
Rosa J. Turner. the last eight infants,
by B. F. McLemore. Gdn ad litem. Defts
1887. Sept 17. Summons to Oct. Rules
" Oct. Rules. Summons ret'd Executed. Bill & Ex.
filed. B. F. McLemore assigned
Gdn ad litem to infant Defts.
Decree nisi vs adult Defts
" Nov " Bill taken for confessed as to
adult Defts. answer of infants
by Gdn ad litem filed. and
Cause set for hearing.

Southampton Circuit Court May
Term. 1888.
Barham's Ex'tor
vs. } Decree.
Barham's et als.

This day this cause came on to be heard on the plaintiffs bill taken for confessed as to the defendants H. T. Barham, R. F. Barham, E. Percy Barham, Elizabeth F. Simmons, and Maggie T. Simmons, and the joint answer of the infant defendants, Leonard Simmons, Joseph N. Applewhite, Ashby Turner, Johnnie Turner, Reginald Turner Shelly Turner, Bessie Turner and Rosa J. Turner by B. F. McLemore their guardian ad litem and general replication thereto, exhibits filed and was argued by counsel, On consideration whereof the court being of opinion that Joseph N. Applewhite the only child of Margaritt L. Applewhite is now entitled to receive the monies legacy left him by his grand father Joseph H Barham under the 5th clause of the said Joseph H Barham's will, it being one fifth part of his monied estate left after giving certain specific legacies to his grandsons Eugene T. Barham and William Butts Simmons, doth adjudge order and

decree that James E. Debrell one of the Executors of Joseph H. Barham. and also under the will & testamentary guardians of Joseph C. Applewhite pay to the said Joseph C. Applewhite the legacy of one fifth of the monied estate left him under the 8th Clause of the said will of Joseph H. Barham. after paying the specific legacies named therein, and in order more fully to ascertain the same the said Jas. E. Debrell shall settle his account of acting guardian of the said Applewhite. before one of the Commissioners of this court, who will report the same to court and as to all other matters this cause is continued.

A Copy Teste. B. F. McLemore C.C.

Barham Ex'rs
vs
Deeree
Barham et als

Copy

Barham's Exrs

vs

Comrs Notice

Barham &c.

1888. Oct. 22.

Commissioner's Office,

Jerusalem, Va., Oct 15 1888

To Jas. E. Sebrell and Jos. N. Applewhite.

You are hereby notified that I have fixed upon the 22 *day of* Oct *next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:*

An Account of the transactions of Jas. E. Sebrell as testamentary Guardian of Jos. N. Applewhite

required to be taken by a decree of Southampton Circuit Court, rendered at the May *term, 188 8, 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. McLemore

Commissioner.

To the Sheriff of Southampton County to execute.

Jos. N. Applewhite

In acct with

Jas. E. Debree

Actg Guardn

1888. May 23. filed-

Comrs fee $5 - paid-

Jos. N. Applewhite

1883 In a/c with Jas. E. Sebrell, Testamentary Guardin

Feb	6	To Cash to buy clothes	$ 30 00		
"	19	" " sent Ward at Suffolk	5 13		
Mch	2	" " " " by J.E. Borker	5 00		
Apl	26	" paid Darden & Eley a/c	8 70		
"	"	" " Jos King, Board & Tuition	106 77		
June	1	" Cash sent Ward	10 00		
"	18	" " paid J.T. Webb a/c	3 3.9		
July	20	" " " Jos. King "	5 50		
Sept	20	" " handed Ward	11 00		
Oct	15	" " paid W.B. Shands, Atty:	5 00		
"	"	" " sent Ward by J.E. Borker	5.00		
"	23	" " paid Jos. King. Board & Tuition	75 50		
Dec	4	" " sent Ward by registered letter	15.03		
1884 Jany	21	" " paid B.E. Worrell, a/c	12 63		
Feb	6	" " sent Ward	15 00		
"	"	" " Int: on $313.65 - 7 mos:	10.98		
		Balance			324 63
			$ 324 63	$ 324 63	
1884					
Feb	6	To balance due Guardin	324 63		
Aug	19	" Cash given Ward	3 50		
Dec	20	" " " "	20.00		
"	31	" paid T.E. Sebrell a/c	9 00		
"	"	" " Clerk's fee bill	76		
1885 Feb:	6	" Int: on $357.89 12 mos:	21 47		
		Balance			379 36
			$ 379 36	$ 379 36	
1885					
Feb	6	To balance due Guardin	379.36		
Aug	17	" Cash advanced Ward	50		
Dec	24	" paid Mrs F.L. Little - for Hose	10 00		
"	"	" Cash advanced Ward	5.00		
"	"	" " paid B.F. McLemore, Com's fee	10 00		
1886 Feb	6	" Int: on $494.86 12 mos:	29.69		
		Balance			524 55
			$ 524 55	$ 524 55	

— Over —

1886							
Feb	6	To bal: due Guardin, brot over			$524.56		
"	15	" Cash paid Ward			5.00		
Mch	15	" " " Darden & Ely - a/c			82.14		
"	"	" paid Clerk Cir: Ct: fee bill			3.40		
"	"	" " G.W. Vick, Shff's " "			1.00		
"	"	" " Jos. T. Webb a/c			5.50		
Sept	6	" Cash paid Ward			10.00		
"	"	" J.E. Sebrell & Son, Store a/c			2.75		
"	20	" Cash advanced Ward			5.00		
Oct	1	" " paid J.T. Lankford			6.59		
"	21	" " " Ward			5.00		
"	"	" " " " for Preacher			7.50		
"	"	" " " " Dr T.J. Pretlow, Med: bill			24.00		
1887 Jany	17	" " Given Ward			20.00		
"	"	" " W.E. Worrell. Store a/c			28.94		
Feb	6	" Int: on $731.37 12 mos:			43.88		
		Balance				775.25	
					$775.25	$775.25	
1887							
Feb	6	To balance due Guardin			775.25		
Mch	14	" paid J.T. Lankford a/c			8.58		
"	21	" " W.C. Moore for Coffin for Sister			13.00		
"	"	" " J.E. Sebrell & Son, a/c			3.12		
June	20	" Cash paid Ward			6.00		
"	"	" " " J.R. Baker a/c			7.40		
July	7	" " " J.T. Lankford "			5.00		
Aug	15	" " " Ward			1.50		
"	25	" " " "			15.00		
Sept	19	" " " "			3.50		
"	"	" " " Taxes for 1886			.98		
"	"	" " " " for Mrs M.L. Applewhite			23.45		
"	"	" " Taxes for J.E. Applewhite			3.02		
Nov	19	" Cash paid Ward			1.00		
"	"	" " " Rev: Geo. E. Booker by Ward's request			4.00		
"	22	" " paid Ward			5.00		
"	23	" " " "			7.00		
Dec	29	" " " J.T. Lankford, for Order			9.57		
					$892.42		
		carried forward.					

1888							
Jany	1	To amo: brot over.			$892.42		
Feb	6	" Int: on $892.42 12 mos:			53.54		
		Balance				945.96	
					$945.96	$945.96	
1888							
Feb	6	To balance due Guardin			945.96		
"	"	" " paid Dr. T.J. Pretlow, Med: a/c per Yr Order			86.51		
Apl	16	" " J.E. Sebrell & Son, a/c			20.45		
"	"	" " Cash paid Ward			16.00		
"	"	" " Acceptance to H.T. Altman & Son, for Buggy & Harness			110.00		
"	"	" " Cash given Ward			5.00		
"	"	" By amo Rec'd from Exor's of Jos. N. Barham dec'd, as shown by Distributee a/c				2668.57	
		To Com's on $2668.57 @ 5 o/o			133.42		
		" Com's fee for this a/c			5.00		
		" Clerk's for recording same			2.25		
		" Int: on $1032.47 2 mos.			10.32		
		Balance			1333.66		
					$2668.57	$2668.57	
1888							
Apl	16	By bal: due Ward this day with interest thereon from this day till paid.				$1333.66	

Respectfully Submitted.

B. F. W. Lemon
Com'r in Chancery

Barham's Estate &c.

Report

Barham et als.

1888. Oct. 22. filed

Commissioner's Office
Jerusalem Va.
Oct: 22nd 1888.

To the Circuit Court of Southampton County:
In obedience to a decree of the Circuit Court of the County aforesaid - entered at the May Term 1888, in the Chancery Cause of Barham's Exor's &c Barham & als: - the undersigned Commissioner, begs leave report - that on the 15 day of Oct: 1888, he issued Notice against Jas. E. Sebrell and Jos. N. Applewhite, requiring them to appear before him, at his Office in Jerusalem, on the 22d day of Oct: 1888 to attend the settlement of the Account asked for in the aforesaid decree, that said parties acknowledged legal service of said Notice, and appeared before the Commissioner in obedience thereto - And that on the aforesaid time and place, he proceeded to Examine the vouchers, state and settle an Account of the transactions of James E. Sebrell, as Testamentary Guardian of Joseph N. Applewhite - and finds a balance due said Ward from said Guardian, of $1333.66 as of the 16th day of April 1888, with legal in-

terest thereon from that day till paid.
The aforesaid account, together with the
Notice of the time and place of taking
the same, are filed herewith.

Respectfully Submitted.
B. F. McLemore
Comr in Chancery

Commissioner's fee $2.50
Chg- Plaintiff.

the said Jos: B. Prince. and Jas: E. Sibell for obtaining a probat of the said Will in due form.

Teste.

L. R. Edwards C.C.

A copy.

Teste: B. F. M. Lemare C.C.

Will of J. H. Barham

Exhibits
1-2-3-

In the name of God amen!
I Joseph H. Barham of the Cou-
nty of Southampton and State of
Virginia, being in my perfect
sens, but of make my last
will and testament in man-
ner and form following—

Item 1st I give to my son Henry Thomas
Barham, to him and his heirs
forever, all the lands I bought
of Dr Thos H. Urquhart, except
the piece I have cut off on the
new road, which starts from
a post oak, that is a corner
tree between me and Benj E.
Worrell: the line runs Straight
to a post-oak, that is a fore
and aft tree in the line be-
tween the Reese and Williams
tracts, thence a straight line to a
large red oak on the line be-
tween me and Jesse Porter across
the Reese tract. I also give him in
fee, the land that was formerly
owned by William Everett, that I
purchased. I give him the Still,
barrels, and fixtures on the
place on which he now lives.

all the stock of every description, and their increase that I put on the place where he now lives, when he first settled, and all the household and kitchen furniture I bought of Dr Thos H. Engehart, I also give him all the bonds I may hold against him at my death.

Item 2nd I give to my son R. F. Barham in fee, all the land South of the road running by my house to Cary's bridge belonging to the tract upon which I now reside, except the portion disposed of in Item 1st which is cut off on the new road and described particularly in item 1st. I also give him all the household and kitchen furniture, that may be at the place I now live upon at my death, and all the Stills, barrels and fixtures that may be found on the place I now live upon at my death. I desire for my son R. F. Barham to have the use of the land north of the road running to Cary's bridge, belonging to the tract I now live upon until his Son Eugene Percy (my grandson) arrives to 21 years of age, at which time I give that portion of the land belonging to the place I live upon to the said

Eugene Percy Barham in fee. Should the said Eugen Percy Barham die before attaining the age of 21. I give said land to my son R. F. Barham in fee. I further give to my son R. F. Barham all the farming implements of every description, that may be upon the place I now live upon at my death. and all the stock of every description upon the place I now live upon, except what I have given to my Daughter Eliz. F. Simmons, fat hogs on the place I now live upon at my death. I desire they should be fattened and killed and sold either in pork or bacon, as my executors shall think best, and the money arising from such sale, I desire to be a part of my monied estate.

Item 3rd I loan to my daughter Eliz. Francis Simmons during her widowhood all the land belonging to what is known as the James place, north of the road running from Carr's bridge to the Barn Tavern, to a poplar tree, a corner

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

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

Item 5th I loan to my daughter Margaret Louisa Applewhite during her natural life, the tract of land known as the "Gurley" place, I also loan her during her life the bed I have furnished her, and two semi circular tables, and one folding table that I bought of Mr. E. A. Dewey, and what other personal property I have furnished her. In the event Mrs Applewhite should become a widow and should lose her home, I desire she should be furnished one from the money I have given her children Should John E. Applewhite her husband survive her, it is my will that he should have the use of the land loaned her during his natural life, and at the death of both, I desire all the property both real and personal loaned her go to her children by the said John E. Applewhite in fee simple, equally and should she leave no child then all the property loaned her, is to revert back to my other children, equally.

Item 6th I loan to my daughter Rosa -

Ellen Turner during her natural life, the tract of land known as the "Little" place and a portion of the James tract that I have cut off by a line as follows- commencing at a pine tree at a gate between F. G. Littles and my land, strait across the swamp to a white oak at the edge of the swamp and thence across the field to a poplar tree at the road running from Cays bridge to Barn Tavern, which said poplar tree was refered to in item 3rd. I also loan her during her life all the lands, the two Stills and fixtures thereto, that are now upon the said place and in the event she should become a widow, and lose her horse I desire as long as she shall remain a widow, she should be furnished a horse from the money I have given to her children. In case her husband John I. Turner should survive her it is my desire that he should have the use of the land loaned her, during his natural life, and at the death of both I desire all the property both real and personal loaned her, go to her children by the said John I. Turner in fee simple, equally.

Item 7th I hereby appoint Joseph B. Prince guardian for the present children-

of Eliz. F. Simmons and desire that as they become 21 years of age, their guardian will pay over to them, their share of the property given them. I give to my grandson William Butts Simmons all the land belonging to the James place on the South of the road running from Carys bridge to Barn Tavern, except the portion loaned to Rosa E. Turner, and in the event he should die under 21 years of age, I then give said place to my grandson Augustus Gilliam Simmons.

Item 8th My unmixed Estate I dispose of as follows. I give to my grandson Eugene Percy Barham One Thousand Dollars in fee simple. I give to my grandson William Butts Simmons, One Thousand Dollars in fee simple. The balance of my unmixed estate, I desire to be divided into five equal parts, Viz: To my son R. F. Barham I give in fee one fifth part. To my son H. T. Barham I give in fee one fifth part, but he

sis to receive in payment of his share, any bonds I may hold against him as far as they go towards making up his share. I give to the present children of Eliz. F. Simmons & including William B. Simmons, one fifth part in fee. I give to the children of my daughter Margaret Louisa Applewhite, by her present husband, in fee one fifth part. I give to the children of Rosa E. Turner, by her present husband John T. Turner, in fee, one fifth part. I appoint James E. Sebrell guardian the children of Rosa E. Turner and Margaret L. Applewhite by their present husbands. I desire that Joseph B. Prince should be guardian for Eugene Percy Barham and receive the one Thousand Dollars given him. At my death, should I have any lands not disposed of by my will, I desire my Executors to sell the same as they may think best, and the money arising therefrom to be considered as part of my personal Est.

Lastly I appoint Joseph B. Prince and

James E. Sebrell Executors of this my last Will and Testament, hereby revoking all other or former wills. In Witness whereof I have hereunto set my hand and affixed my seal this 29th day of September A. D. 1877.

Witness

Joseph H. his mark Barham (Seal)

Benj E. Worrell.

H. B. Kinsey.

At a Court held for the County of Southampton on 27th day of August 1882. This last Will and Testament of Jos: H. Barham decd was proved by the oaths of Benj E. Worrell & H. B. Kinsey, the subscribing witnesses thereto, and ordered to be recorded. And on the motion of Jos: B. Pince & Jas: E. Sebrell, the Executors named in said Will, entered into and acknowledged separate bonds in the penalty of Twenty Thousand Dollars each. The said Jos: B. Pince with Robt S. Pope, Jos: B. Pope and John E Pince his securities, and the said Jas: E. Sebrell with Wm R. Sebrell, E. F. Reese, C. C. Vaughan, and W. W. Briggs his securities who justified on oath as to their sufficiency, severally entered into and acknowledged a bond in the penalty of Twenty Thousand Dollars each, Conditioned as the law directs, which bonds are ordered to be recorded. Certificate is granted the-

the said Jos: B. Prince and Jas: E. Sibell for obtaining a probat of the said Will in due form.

Teste.

L. R. Edwards C. C.

A copy.

Teste: B. F. M. Lemare D.C.

Will of J. P. Barham

Exhibit 1-2-3-

Barham's Exors
vs. } Statement of costs
Barham et als.

Barham's Exors v C.

vs. } Statement of Costs

1887		Barham & als.		
Sept.	17	Summons 2s. 10 copies 1.10, receipt 1s. attdg. 10. Docket 1s	=	2 0
		Rules 1.00, Entering return 3s. Fil bill 1s	=	1 5 0
		Do. Exhibits 1s. Do. Comrs report 2s	=	3 0
		Copy Exhibits 2,2s. 2 drawings & copies 1.44	=	3 6 9
1893. Mch.		9 Continuances 2,2s	=	2 2s
			B.F.M	£9.8s
1894. May		Term & enter upon Docket 1 Drawing 2s. 2 Continuances 1s	J.M.N	1 5
1900 Apr. 6		Tax costs 40, 10 Continuances 2.5		2 90
		File away papers 2s. Taxing Costs 2.5	=	2 7s
			Clerk	£16.6s
			Sheff.	5 0 0
			Comrs.	16 5 0
				£38 1 s
		Fee of Comrs B.F. McLemore		2 5 0
				£40 6s

Taxed: L.A. Gay Clk.

B.F. McLemore 9.8s

J.M.N. 1.11

L.A. Gay 5.6s 11/16/1900 Pd by J.S. Prince L.A. Gay

£16.6 1

Barham's Ex'rs

v.

Sum

Barham et. als:

1887. Oct: Rules

Cir: Ct:

Executed by delivering a copy of this Summons to each of the within named parties

J.W. Hillsman Shiff.

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON H. P. Barham, R. F. Barham, E. Percy Barham. Elizabeth F. Simmons. John E. Applewhite + Maggie L. his wife. Jno. I. Turner + Rosa E. his wife. Wm. B. Simmons. Maggie T. Simmons. Leonard Simmons. Jos. N. Applewhite. Ashby Turner. Johnnie Turner. Reginald Turner. Shelley Turner. and Bessie Rosa Turner, the last Eight infants, by B. F. McLemore Gdn 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 October next, to answer a bill in chancery exhibited against them in our said Court by Jas. E. Sebrell + J. B. Prince Exors of Jos. H. Barham dec'd.

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

Witness, ~~J. B. PRINCE~~ B. F. McLemore, Clerk of our said Court, this 17" day of Sept 1887, in the 112" year of the Commonwealth.

Teste: B. F. McLemore C. C.

~~113~~ ~~109~~ ~~100~~

Barham Extx 96
vs
Barham Devisees

To be entered
C Shell
Jan 9. 1888

We consent to the
decree -
Price & Schell
for pltffs
Thomas B Lowe
for Applicants

314

Barhams ex^rs

vs

Barhams Devisees

Decree

This day this cause came on again to be heard on the papers formerly read and the report of Commissioner B. F. McLemore on James E Scovell one of the executors of Joseph H Barham dec^d transactions as acting guardian of Joseph N Applewhite made pursuant to a decree of this court entered at the May Term 1888 and to which report no exceptions have been filed and was argued by counsel On consideration whereof the court doth adjudge, order, and decree that this same report be confirmed and that James E Scovell one of the executors of Joseph H Barham dec^d and as such acting substituted guardian of Joseph N Applewhite pay to the said Joseph N Applewhite the sum of Thirteen hundred and thirty three dollars and sixty six cents with interest thereon from the 14th of April 1888 till paid and as to all other matters this cause is continued

Barhams exr

vs Z Decree

Barham & als

This day this cause came on to be heard on the complts bill taken for confessed as to the defendants W. T. Barham R. F. Barham E. Percy Barham, Elizabeth F Simmons and Maggie F Simmons and the joint answer of the infant defendants, Leonard Simmons, Joseph N Applewhite Ashby Turner, Johnnie Turner, Reginald Turner, Shelly Turner, Bessie Turner and Rosa J Turner by B. F. McLemore their guardian ad litem and guard application thereto exhibit files and was argued by counsel On consideration whereof the court being of opinion that Joseph N Applewhite the only child of Margaret L Applewhite is now entitled to receive the monied legacy left him by his grandfather Joseph H Barham under the 8th clause of the said Joseph H Barham will it being one fifth part of his monied estate left after giving certain specific legacies to his grandsons

Eugene P Barham and William Ball
Simmons doth adjudge, order, and
decree that James E Sebrell one of
the executors of Joseph H Barham
and also under the will Testamentary
guardian of Joseph N Applewhite pay
to the said Joseph N Applewhite the
legacy or one fifth of the personal
estate left him under the 8th clause
of Joseph H. Barham
of the said will, after paying the
specific legacies named therein and
in order more fully to ascertain the
same the said James E Sebrell
shall settle his account of acting
guardian of the said Applewhite
before one of the commissioners of
this court who will report the same
to court as to all other matters this
cause is continued

116

Barbara's Ex-
vs
Deeds
Barbara Deeds

To be entered
May 8th 1888
C Mott

Barham 1909 Exon.
vs. 33 Decree.
Barham's Decree

May term 1894.

To be entered
CWS

Exhibit 662

Barham [redacted]

vs. Decree.

Barham's Devisees &c.

For good reason shown to the Court, this cause is re-instated upon the docket. And this day this cause came on to be heard upon the papers formerly read and was argued by counsel. On consideration whereof, and it appearing to the Court from the account of W.H. Bullock, Comr. of account, of the date of Apl. 16th 1894, that there is in the hands of James E. Sibley, one of the Executors of Jno. Barham decd., and acting testamentary guardian of the children of Jno. D. and Rosa Turner, the sum of $335.86, and it further appearing to the Court that Ashby Turner, one of the six children of the said Jno. D. and Rosa Turner has arrived at the age of twenty one years, and is desirous of receiving his part of the said fund, the Court doth adjudge, order and decree that the said James E. Sibley, acting testamentary guardian of the children of Jno. D. and Rosa Turner, pay to the said Ashby Turner the sum of $55.97; it being one-sixth of the said amount in his hands, as per account of Comr. W.H. Bullock, with interest thereon from the 16th day of April 1894 till paid, and as to all other matters this cause is continued.