

1909-10

Southampton County Chancery Barnes, Jno C ^{et al} vs Barnes, Bing. et al

To divide property,
or sell and divide
proceeds

Rejard, Lamine J.

Barnes, Jos. H.
Barnes, Walter M.

⁻¹⁹⁰⁹⁻
In Chancery

Barnes vs

Bill vs

Barnes et al

1894 1st Oct Rules

filed

J.M. H.C.C.

Dis 2 Oct

Rules

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

Humbly complaining shew unto
Your Honor complainants Jos. C. Barnes
and Louisa J. Raiford nee Barnes, that
the said complainants and their
brothers Benjamin M. Barnes, Jos. St
Barnes and Walter M. Barnes are
jointly seized in fee simple of a
certain tract or parcel of land
known as the lands of the late Johnson
Barnes decd. and bounded and
described as follows, to wit: that
certain tract or parcel of land owned
and occupied by the late Johnson
Barnes decd. lying in the county
of Southampton State of Virginia and
containing 276 acres more or less
and adjoining the lands of Edwin
Bradshaw, E. W. Davis and others.

Your complainants further state
that the said real estate is not, as
they believe, susceptible of partition
among the parties entitled thereto,
and they would here state that
the parties have endeavored to
effect a division among themselves

but are unable to come to any agreement, and your complainants therefore, find it necessary to seek the interposition of a Court of Equity. If the said real estate, however, should be divisible in kind, then your complainants desire the same to be so divided; but, if it cannot be so divided then your complainants desire the same to be sold and the proceeds to be divided among the parties according to their respective rights. Should the property not be divisible in kind, complainants believe, and here state, that the interests of those who are entitled to said real estate, or its proceeds, will be promoted by a sale of the whole of the same, or by an allotment of part and sale of the residue. Forasmuch therefore as your complainants are without remedy in the premises save by the aid of a court of Equity, they pray that the said Benj. M. Barnes, Jos. H. Barnes and Walter M. Barnes may be made parties

defendant to this bill and required
to answer the same, ~~though~~
answer under oath is hereby
expressly waived; that proper
process issue, that the said
real estate be divided among
the parties entitled thereto, or else
that it be sold subject to the
dower of the widow of the said
Johnson Barnes, and the proceeds
divided in case it be indivisible
in kind, that all proper orders
and decrees may be made,
accounts taken and inquiries
directed, and that all such other
further relief may be granted
as in the premises is just and
right.

And your complainants will ever
pray &c.

May it please the Court &c
Jno. R. Dolis / s. J.

Barnes &c

th } Sum

Barnes &c

1894, 1st Creek River

to in let

Sept 26th

Executed Sept. 26th
1894 by delivering a
copy of this Sum^{to}
Let of the within
named parties.

R. J. Williams deft

J. J. Williams
Shpp.

Dales &c

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

*Benjⁿ M. Barnes, Jos
H. Barnes and Walter M. Barnes*

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 *Sept* next, to answer a Bill in Chancery
exhibited against *them* in our said Court by *John L. Barnes*
and Lavinia J. Reinford, mrs Barnes

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

WITNESS, T. M. HOWARD, Clerk of our said Court, at the Courthouse, this *18th* day of

Sept, 189*4*, in the 11*th* year of the Commonwealth.

TESTE:

T. M. Howard, C. C.

Barnes & Co

Dr. } Stock Rules

Barnes & Co

1st Act Rules

John L. Barnes and
Luisa J. Raiford : Off.
vs Barnes.

Or

3 In Chancery.

Benj. M. Barnes, Jas

H. Barnes and Walter M. Barnes. Deft

1894, Sept 18, Process filed to 1st Act Rules

" 1st Act Rules. Process not executed Bill

+ Ex filed, Decease nisi.

" 2" " Bill taken for confession
+ Cause set for hearing