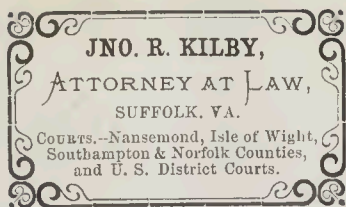


1872-002 Chancery Causes: Joseph A. Barnett & al vs Mary J. Barnett, widow of John Barnett
Isle of Wight County

+ James M. Saunders & lx



SUFFOLK, VA.,

May 24 1870.

H. P. Young & Son

in Cly. Co. et
enclosed Bill
1870.

Yours sp^a.
according to the
to June rule,
oblique
Yrs truly
John R. Kilby

Issued

Know all Men by these Presents, That we Edmund L. Crumpler
Charles B. Crumpler & Joseph W. A. Bassett
are held and firmly bound unto the Commonwealth of Virginia in the sum of Eight
Hundred 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. As witness our Hands and Seals, this 7th day of November
in the year of our Lord, one thousand eight hundred and seventy

The Condition of the above Obligation is such, That whereas, by a Decree of
the Circuit Court of Isle of Wight County, pronounced on the 7th day of Mar 1878
in a cause depending in the said Court, in which Jos. A. Bassett vs. Crumpler

Plaintiff, and

Crumpler vs. Bassett

Defendant, the

above bound Edmund L. Crumpler was appointed a special
Commissioner to sell the land decreed by said
decree to the said

Now, if the above bound Edmund L. Crumpler shall faithfully discharge
his duties as Commissioner under the said Decree, then the above Obligation to be void, otherwise
to remain in full force and virtue.

Signed, Sealed and Delivered }
in the presence of

J. P. Young

E. L. Crumpler (SEAL.)

Chas. B. Crumpler (SEAL.)

J. A. Bassett (SEAL.)

Barnett Rec.

3/5 Cont. Bond

Barnett v.

Nov. 7. 1870. Ed. D.
and filed.
W. P. Gungl R.

Barrett Jr.

v

Barrett Jr.

This cause came on this day to be again heard on the paper formerly read for the Report of Exm. L. Crumpler, lewd, made pursuant to the decree of the June Term of this Court, 1872 - to which report there is no exception and was argued by counsel; On consideration whereof the Court doth confirm the said Report and doth adjudge, order & decree that the proceedings had in this cause be confirmed, nothing more remaining to be done in this cause, it is ordered that the same be removed from the docket.

Barnett &

M

Barnett &

1872

Des. Co. A.

final Decree

to be entered.

Wm. R. Barnett

Entered,

Geo. A. Barrett & Co

copy of De-
- cree of
vs. June Term
1812,

Mary J. Barrett & Co

Barrett Sal.

W.

Barrett Sal.

This cause came on this day, to be again heard on the papers formerly read and on the reports, of E. L. Crumpler, Esq., made pursuant to the decree of the 7th Nov 1870, to which report there is no exception, and was argued by Counsel. On consideration whereof the Court doth confirm the said report, & doth adjudge, order & decree that Esq. L. Crumpler, Esq. as aforesaid, collect the Bonds referred to in his said report, to wit Mary J. Barrett's Bond of \$174.63 & Joseph A. Barrett's Bond of \$174.63 & acc interest thereon, and make to said Mary J. Barrett & Joseph A. Barrett respectively deed, for the real estate sold under proceedings hereunder and out of the proceeds of said collections ^{any costs yet unsaid & then pay} pay, and distribute ^{residue} the same as follows. to J. A. Barrett, Geo. P. Barrett, Mary V. Barrett, Geo. H. Barrett, Ann W. Barrett, Miller J. Barrett, Martha J. Barrett, & Maria J. wife of Jas. M. Saunders, the share of said parties to be paid to the adults, & to the legal guardian of the Infants, Report to Court

Barnett &
v

Barnett &

1872

June 21.

Deer to collect

To be entered.

Protestation

Entered

In Isles of Wight Quarterly Court. Nov^r. 7th 1870

Co^s. A. Barrett, Ans. P. Barrett, Mary B. Barrett, Vs. H. Barrett
W^m. W. Barrett, Mills J. Barrett & Martha S. Barrett the last
six being infants suing by Joseph A. Barrett their next f^r. plffs

vs: { In Chancery

Mary J. Barrett widow, & James M. Saunders and
Willie J. his wife ————— Defts:

This Cause came on this day to be again heard on
the papers formerly read, & on the Report of M. H. Carr &
Benjaⁿ. F. Roberts, made pursuant to the decree of the
3rd of August, 1870, to which report there is no exception
& was argued by Counsel. On consideration whereof the
Court doth adjudge, order & decree that Exum L. Cunnif-
-lev, who is hereby appointed a Commissioner proceed
to sell for division the lands referred to in said
Report & proceedings, as a tract of land in Isles of Wight
County, containing 206. acres, more or less of which
John Barrett died possessed - Subject to the dower therein
of Mary J. Barrett, widow, of said deceased - as now
laid off - which Land adjoins the land of Thomas
Morris, Rebecca Pierce, Mathew H. Carr & John M.
Gay the said sale to be made on the premises, on
a credit of six months (except for a sum to pay
costs & expenses ^{which} he will require in cash, & pay to
those entitled) with interest from date, after having
given at least ten days notice by advertisement at
the courthouse door of said County, & at least four

other public places near the premises, taking from the purchaser Bond with good security & retain the title till the order of Court. But no sale shall be made under this decree till the said Exm L. Crumpler shall execute before the Clerk of this Court in his office, a Bond in the penalty of \$800. payable to the Commonwealth of Virginia & Conditioned faithfully to execute this Decree & any other Decree he may be required to execute in this Cause.

A Copy

Exte

Att. for Stat. \$16.00

clk. " 7.23

clerk. " 1.50

\$24.73

M. H. Carr Am^r 21.00

B. F. Roberts " 2.00

costs \$28.73

C. H. Hart D.C.

paid N. P. Hony

at
St. Louis, Mo. 6th 1874
filed

Nov^r Co. Ct: 1870.

Darrell et al.

vs. { Copy of
Decree

Darrell et al.

Barrett Sal.

4

Barrett Sal.

This cause came on this day to be again heard on the papers formerly read for the Report of M. H. Lear & Benj^r. F. Roberts, made pursuant to the decree of the 2^d. of Aug^t. 1870 to which report there is no exception and was argued by Counsel on Consideration whereof the Court doth confirm the said Report, and doth adjudge order and decree that Edmund L. Crompton (who is hereby appointed a Commissioner for that purpose) proceed ^{for division} to see the Lands referred to in said Report, ^{proceedings} as a tract of land in the County of Wright, containing 206 acres more or less of which Mrs. Barrett died possessed, subject to the claims therein of Mary J. Barrett widow of said dec'd, as now laid off, which land adjoins the Land of Thomas Morris Rebecca Peirce, Matthew H. Lear & Mrs. M. Gay; The said sale to be made on the premises on a credit of six months (except for a sum to pay costs & expenses which he will require in cash & pay to those entitled), with interest from date, after having given at least ten days notice by advertisement at the Court house door of said County & at least four other public places near

the premium, taking from the purchaser Bond
with good security (and retain the title till
the over account.

But no sale shall be made
under this decree till the said Exm L. Crumpler
shall execute before the clerk of this Court, in
his office, a Bond in the penalty of \$800,
payable to the Commonwealth of Virginia
(and conditioned faithfully to execute this
decree & any other decree he may be required
to execute in this cause.

Banitt fac.

4

Banitt fac

1870

Wm. Cr. Securer

In Isle of Wight quarterly Court. August 2nd 1870

Joseph A. Barrett & John P. Barrett, Mary W. Barrett, Robt. A. Barrett, Wm W. Barrett, Miles S. Barrett & Martha S. Barrett the last six being infants, suing by Joseph A. Barrett their Brother & next friend Complainants.

against } In Chancery

Mary J. Barrett, widow, & Jas M. Saunderson & Willie J. his wife. Defts.

This cause came on this day to be heard on the bill of the Complainants taken for confessed as to the adult defendants on whom process had been duly executed & they still failing to appear & make defence, and was argued by Counsel, on consideration whereof the Court doth adjudge, order, & decree that John M. Gay, Benjⁿ F. Roberts and Mathew A. Carr, who are hereby appointed Commissioners for that purpose (any two of whom may act) proceed to make partition of the land of which John Barrett died seized & possessed (being a tract of land in the County of Isle of Wight, containing 32 Acres more or less, and adjoining the lands of Thomas Morris & Rebecca Pierce, Mathew A. Carr & John M. Gay, having first set apart to Mary J. Barrett, widow, of said deceased) Twenty eight acres which is her maiden estate, & also one third in value of the balance as her dower therein) into eight parts, and assign one part to each of the plaintiffs, and to Willie J. wife of Jas. M. Saunderson. But if a partition of said land be impracticable, or the interest of the parties will be promoted thereby, then they allot to any one or more of the parties who may be willing to accept the land aforesaid & pay to the other heirs their share of the said value in money (or if a sale of the entire subject or

sale of part & residue of balance will best
promote the interest of all parties, then
so report with their reasons for the same
and make report to court

at Copy
Teste

Wm. H. Hall, D.C.

Barrett v. W. } Copy of
Decree
Barrett v. W.

Augt. - Oct. 1840

1840

Barrett vs. Barrett

This cause came on this day to be heard on the Bids of the Complainants' taken for confessed as to the assets Defendants on whom process had been duly executed & they still failing to appear & make defence, ~~for the answer of the~~, & was argued by Counsel: On consideration whereof the Court doth advise, order & decree that Mr M. Gay, Benj^d. Roberts & Matthew H. Carr & ———

who are hereby appointed Commissioners, for that purpose (any ~~two~~^{two} of whom may act) proceed to make partition of the Land of which John Barrett died seized & possessed (being a tract of Land in the County of Isle of Wight containing 320 acres, more or less, and adjoining the Land of Mrs. Morris, Rebecca Pearce, Matthew H. Carr, & Mr. M. Gay, having first set apart to Mary J. Barrett (widow of said deceased) Twenty Eight acres, which is her maiden Estate, & also one third in value of the Balance of her dower therein) into Eight parts, and assign one part to each

of the plaintiffs & to receive I. wife of
 James M. Saunders, — But if a partition
 of the said Land be impracticable, or the
 interests of the parties will be promoted
 thereby, then they assent to any one or more
 of the parties who may be willing to ac-
 cept the Land after said survey to the other
 heirs their share of the said value in
 money, — Or if a sale of the entire
 subject, or sale of part thereof
 of Balance will best promote the
 interests of all parties, then so report
 with their reasons for the same, and
 make report to Court.

Barnett &

or

Barnett &

1870

Aug 1st Decem

to be entered

Wm. H. H. H.

3rd Young copy

Wm. H. H. H.

at time J. H. H.

In compliance with the above decree I have collected the above named bonds and distributed as follows. To J^{es}. A. Barnett one eighth, to James M. Sumner in right of his wife Willie 1/8 one eighth and to Mary J. Barnett the legal guardian of the infants named in said decree (to wit) John P. Barnett, Mary L. Barnett, Co. A. Barnett, Wm. L. Barnett, Mills T. Barnett & Martha P. Barnett one eighth each, all of which is respectfully submitted to the County Court of this county of weight.

Sam L. Sumner
Special Commissioner

Barrett h

n

Barrett h

Report of payments.

filed 15 Nov 1872

November 17th 1870, In obedience to the ~~annexed~~ decree I did after advertising at the court-house door and other places according to the annexed ~~order~~ expose to public sale 206 acres of land more or less belonging to the estate of John Barrett Dec. (subject to the widow Mary J. Barrett dower) for the sum of four hundred dollars. And the D. Widow Mary J. Barrett became the purchaser of the home tract at the sum of two hundred dollars and Joseph A. Barrett became the purchaser of the Holland tract at the sum of two hundred dollars. and they (Mary J. Barrett and Joseph A. Barrett) jointly paid cash for expenses of suit and sale. I then took bonds with good security for the balance.

Cash	
Atto fee & tax. — — — — —	\$16.00
Clk " — — — — —	7.23
Shff. — — — — —	1.50
Coms. to set apart The widow's dower	4.00
Coms on four hundred dollars	17.00
To auctioneer	5.00
~~Bonds with security~~	~~174.63 1/2~~
Mary J. Barrett one bond of	1.74.63 1/2
Joseph A. Barrett one ditto	1.74.63 1/2
Sale of land — — — — —	\$400.00 \$4.00 00

(E. L. Crumpler)

Barrett &

n

Barrett &

Report of
sale

To the County Court of Isle of Wight County
The undersigned respectfully
report to Court that they have proceeded
to execute the decree made on the 2^d day
of August 1870, in the cause pending
in said Court, wherein Joseph A. Barrell
and others are defendants and Mary J.
Barrell and others defendants;

That we assigned to Mary J.
Barrell, widow of Geo. Barrell dec'd,
Twenty eight acres (her maiden land) as
directed by said decree, as follows —
That part of said Land lying on the East
of the said Land, Bounded North of Geo.
Barrell dec'd; East by Geo. M. Gay; South by
Barnes Roberts; West by said Barrell's Estate
we then set apart and assigned to said
Mary J. Barrell, as and for her dower
in the Land of which her husband, John
Barrell died seized & possessed, as follows —
Beginning at a black gum at the Chapel
& Swamp at Ch. H. Carrs line and thence a
straight line South to a branch on the Holland
line —

and finding a partition of the Balance
of said Land, impracticable and that
the Interests of the parties would be best
promoted by a sale of the same & a division

of the proceeds (no one of the parties being
willing to accept the same & pay to the
other parties their share of the value thereof)
we find that there are 250 hundred and six acres of land
left after selling off the twenty eight acres;
we value the land after and;

subject to the widow's dower as the sum
of Five hundred dollars,

Respectfully submitted

E. H. H. Carr
Benjⁿ A. Roberts } Comrs.

Barrett &
as

Barrett &

Refat
H. D. D. D.

Barrett &
100 days notice

Mr. S. (58)

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY, Greeting:

We command you to summon *Mary J. Barrett (widow) and*
James M. Saunders and William J. his wife

to appear at the Clerk's Office of the *County* Court of Isle of Wight County,
at Rules to be holden for the said Court, on the first Monday in *June*
next to answer *the Bill in Chancery of Joseph A.*
Barrett, and John P. Barrett, Mary O. Barrett,
Robert H. Barrett, Wm. W. Barrett, Mills T. Barrett
& Martha A. Barrett, the last six being infants suing by
Jos. A. Barrett their brother next friend,
a plea of *—* for \$ *—* Damages, \$ *—* And have
then there this writ. *A. J. Gering*

Witness, *CHARLES H. HART*, Clerk of our said *County* Court, at the
Courthouse, the *28th* day of *May* 18 *90*, in the *94th*
year of the Commonwealth.

A. J. Gering Ck.

Executed by delivering a true copy of the
writing of Mary J. Bennett James W. Saunders
& Willey J. Saunders on the 4th day of June 1870

E. L. Ely Esq
for J. Smith Esq

Geo. A. Daniels
Esq.

W. M. Brown
Esq.

Wm. J. Bennett
Esq.

Wm. J. Bennett
Esq.

Wm. J. Bennett
Esq.

Wm. J. Bennett
Esq.

Wm. J. Bennett
Esq.

To the Hon. Geo. R. Atkinson, Judge of the County
Court of Lee of Wight County.

Complaining shew unto the Court
your Complainants ~~Jos.~~ A. Barnett &
John P. Barnett, Mary V. Barnett, Ro. H.
Barnett, Wm. W. Barnett, Miller J. Barnett
& Martha J. Barnett, the last six being
Infants suing by said A. Barnett,
their Brother and next friend -

Your Complainants respectfully
represent to the Court and say. That their
father died on the 31st day of December 1869
Intestate, leaving as his heirs at Law and
distributees, his widow named Mary J.,
and your Complainants & Lillie J. now wife
of Jas. M. Saunders, his children -

That the said John Barnett died
seized and possessed of a tract of Land
in said County, containing 320 acres,
more or less, and adjoining the Land of
Mr. Morris, Rebecca Pearce, Mat. H. Carr,
& Mrs. M. Gay - of which Land about 28
acres was the maiden Land of said Mary
J. and in the remainder she is entitled
to Dower - Your Complainants desire
to have partition made of said Land &
they pray that such may be done if it
can be conveniently made, but your

Complainants say That no such partition
can be conveniently made, and that ~~the~~
~~sale~~ the interests of all parties will be
promoted by a sale of the entire subject &
distribution of the proceeds of sale, and
therefore they pray for such sale.

In consideration whereof and as this
Court has power to grant all adequate relief;

To the end your Complainant prays That
May J. Barrell (above) and Jas. M. Saunders
and Willie J. his wife may be made
Defendants to the same to answer the allegations
herein, and that the prayers of your
Complainants (as above set forth, may
be granted, and that all other & further
relief may be granted consistent with
Equity &c. (and your Complainants
will ever pray &c.

John R. Kilby p. v.

Kelly pg

M. S. Banitt
Sal.

n. } Rice

Mary J. Banitt
Sal.

1870.

June Rules. Sund. 24th. &
draw nisi m. about 10th.

July Rules. bill taken for
confessed 1st set for morning

Acct. Rules Court,
draw for partition &c.

Nov. ct. 1870 - draw for sale
of

~~July 1st 1870~~

J. of Wt. Co. et.

draw

June 72 - draw to collect &

draw 72 - Rpt. filed 1872?

find draw.