

1858-039

Chancery Papers: Warren & UX vs Barrett's children

1/1858

Southampton County

Wm G. Warren & wife

by 

Barrett's

Bill & Turner & Co

1856 Dec. as filed

1857 Dec. Report.

1858 Jan. " Conf. R."

To the Honorable County Court of Southampton County
In Chancery - Decem term '36

Humble complaining shew unto your worship your
orator M^r G. Warren & Lewis a Warren (his wife, your
oratrix, that Benjamin T. Barrett departed this
life some few years since intestate seized and possessed
of certain real estate and negro-slaves, and leav-
ing as his only heirs at law, his widow Sally Barrett
and eleven children, to wit Elizabeth A Barrett - Lou-
isa Barrett (your oratrix who has since intermarried with your
orator) - William D. Barrett - John A Barrett -
Leonidas Barrett - Lewis W. Barrett - James Bar-
rett - Lucilleus Barrett - Richard D. Barrett - Charles
M. Barrett and Newton A. Barrett.

Your orator and oratrix are advised
that they are entitled to one eleventh of the negro
slaves of which the said Benjamin died possessed after
paying his just debts if any of them should be necessary to be
sold for that purpose and after allotting or assigning one
third for life to his said widow or her dower in & to the
said slaves - they would therefore humbly pray
that your worship would appoint some discreet &
proper persons as commissioners to divide the said
slaves in kind, if practicable, among the parties en-
titled to them, that is to say one third for life to the
widow and the remainder to be divided in eleven equal
shares and allotted or assigned to the children of the said
Benjamin whose names are above mentioned - or that
the whole of the said slaves, or as many as may be
necessary to effect the said division justly & accord-
ing to law, may be sold, if a division in kind can
not be effected -

That your worship would make the
parties before mentioned (all of them) parties defendant
to this bill & compel them full answer to make to the alle-

gations herein contained, and grant such other general relief as equity may dictate & demand of their case may require; and as in duty bound they will ever pray &c.

Jno I Kinard per

The answer of the defendants mentioned by name in the foregoing bill - The infants of L. R. Edmond who is appointed by the Court their guardian ad litem.

These defendants saving &c, for answer say that they have no objection to the decree prayed for, and have answered may to be dismissed.

Jno I Kinard
per

County Court for Southampton County - December Term '56
In chancery.

J^m G. Warren & Wife

vs
Barnetts

This cause this day was docketed by leave of Court and consent of parties and was heard on the bill, the answer and replication thereto and was argued by counsel: On consideration whereof the Court with order, adjudge and decree that Alexander Myrick, James S. Darden, Samuel A. Darden, John R. Rochelle and William E. Myrick (any three of whom may act) are appointed hereby commissioners to allot or apportion to the widow of Benjamin T. Barnett one third (for life) of the negro slaves of which the said Benjamin T. Barnett died possessed and which may remain after the payment of his just debts, and also to allot or apportion the remainder in eleven equal shares to his children whose names are hereinafter mentioned - But should it not be convenient and practicable to make the foregoing apportionments or allotments, in kind then David Barnett is hereby appointed a special Commissioner with full authority to sell so many of the said negro slaves as may be necessary, even to the whole of them, to effect a fair, just and equal division among the heirs of the said Benjamin T. Barnett.

And if the said David Barnett should sell the whole of said slaves he is directed, after paying the expenses of this decree and the just debts which may be still outstanding against the estate of the said Benjamin T. Barnett, to pay one sixth of the net proceeds ^{in lieu of dower} resulting from such sale to Sally Barnett widow of the said deceased and to pay over the residue in equal shares to the eleven children of the said Benjamin - And he is directed to pay over any moneys resulting from such sale of a portion of the said slaves in like manner - ~~He is also directed to sell so~~, that is to say one

Sixth of the net proceeds as before stated to the widow in fee simple in lieu of her right of dower to the said slaves, and divide the residue in eleven equal shares (and the said Commissioner first mentioned is ordered to do in like manner, by allotment or apportionment in kind if practicable) and pay one share or a bond therefor should the said slaves be sold on a credit to Elizabeth A. Barrett - one to William G. Warren & his wife Louisa - one to William D. Barrett - one to John M. Barrett - one to Leonidas Barrett - one to Lewis W. Barrett - one to James Barrett - one to Lucillius Barrett - one to Richard D. Barrett - one to Charles M. Barrett - and one to Newton A. Barrett.

But the said Davis Barrett, Commissioner, before proceeding to such sale is ordered to execute in the clerk's office of this county bond with sufficient personal security in the penalty of three thousand dollars conditioned for the faithful performance of the duties enjoined by this decree. And he is further ordered to report to this Court in order to a final decree.

Wm G. Warren & wife

by

Barrett's
E. Breese

December 5th

Wm G. Warren & wife

vs

Barrett's.

Copy Decree

Southampton County Court December 15. 1856

Wm. G. Warren & wife

against

Barretts

Pffs

} In Chancery
Dfts

This cause this day was docketed by leave of Court and consent of parties and was heard on the bill the answer and the replication and was argued by counsel. On consideration whereof the Court doth adjudge, order and decree that Alexander Myrick James J. Darders, Samuel A. Darders, John R. Rochelle and William C. Elyrich (any three of whom may act) are appointed Commissioners to allot or assign to the widow of Benjamin T. Barreth, for life, one third of the negro slaves of which the said Benjamin T. Barreth died possessed and which may remain after the payment of his just debts, and also to allot or assign the remainder in eleven equal shares to his children whose names are hereafter mentioned. But should it not be convenient and practicable to make the foregoing assignments or allotments in kind then David Barreth is hereby appointed a Special Commissioner with full authority to sell so many of the said negro slaves as may be necessary, even to the whole of them, to effect a fair, just and equal division among the heirs of the said Benjamin Barreth. And if the said David Barreth sell the whole of said slaves he is directed, after paying the expenses of this decree and the just debts which may be still outstanding against the estate of the said Benjamin T. Barreth, to pay one sixth of the net proceeds resulting from such sale to Sally Barreth widow of the said deceased in lieu of dower and to pay over the residue in equal shares to the eleven children of the said Benjamin. And he is directed to pay any monies resulting from such sale of a portion of the said slaves in like manner, that is to say, one sixth of the net proceeds as before stated to the widow, in fee simple, in lieu of her right of dower to the said slaves, and divide the residue in eleven equal shares (and the said Commissioners first mentioned in order to do in like manner, by allotment or assignment in kind if practicable) and pay one share or a bond therefor should the said slaves be sold on credit to Elizabeth A. Barreth one to William G. Warren this wife Louisa, one to William T. Barreth, one to John A. Barreth, one to Leonard Barreth, one to Lewis W. Barreth, one to James Barreth, one to Lucillus Barreth, one to Richard T. Barreth, one to Charles M. Barreth, and one to Stanton A. Barreth. But the said David Barreth Commissioner before proceeding to such sale is ordered to execute in the Clerk's Office of this County bond with sufficient security in the sum of three thousand dollars conditioned for the faithful performance of the duties imposed by this decree. And he is further ordered to report to this Court in order to a final decree.

Letts fee \$3.50

Attest. Teste.

JR Edwards Clk.

In compliance to the within decree we the under signed
commissioners met ^{at} the house of Sally Barrett and after
having valued the negroe slaves of Benj^d J Barrett
decd being set in stumber as follows

Marth negro woman 35 years old infirm	700.00
Lam a boy 10 years old	600.00
Nedrick a boy 2 years old	300.00
Henry a boy one year old	100.00
Jane a girl 6 years old	500.00
Willis a boy 10 years infir & idiot	000.00
	<u>\$2200.00</u>

we allotted to Sally Barrett Widow of B.J. Barrett the negroe
woman Martha as her waver of the above said negroes
~~and~~ Davis Barrett retained in his hands the other slave
as do with them as by the within decree directed all which
proceedings we respectfully submit to the Court 14 Jan^y 1857

A. Myrick
Wm E. Myrick
W. R. Schell

Warren & wife
vs
Barrett's
Com^t. Report

To the County Court of Southampton County.

The undersigned appointed a special Commissioner by a decree of the County Court of Southampton County at the December Term thereof AD 1856, to sell the slaves belonging to the heirs of Benjamin S. Barrett deceased (except the widow's dower which has been assigned to her as will be shown by report) begs leave to submit the following as his report.

The said Commissioner having duly advertised the said slaves as directed in the said decree "William S. Warren & wife vs Barrett's," proceeded on the 24th day of January AD 1857, to sell the same, or such of them as remained after the payment of debts, on a credit of six months, bonds carrying interest from date — as follows, viz,

Jane	\$400.00	-	Sally Barrett (widow) purchaser	
Piddick (boy)	300.00	-	Ditto	"
Henry (boy)	100.00	-	Ditto	"
Willis (boy unsound)	5.00	-	Ditto	"
Lamb (boy)	705.00	-	Abner K. Stephenson	"
	<u>\$1510.00</u>	-		<u>\$1570.00</u>

Expenses - Paid clerk's fees - - - \$3.50

 " on \$300 at 6 pct \$15.00

 " on \$1210 at 2 pct 24.20 39.20

42.70

Nett Balance

\$1467.30

Each one's share $\frac{1}{3}$ & subject to order

\$ 133.39 cents

Respectfully submitted - October 1st 1857. David Barrett

KNOW ALL MEN BY THESE PRESENTS, That we *Davis Barrett &*

John J. Kindred

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of *three thousand* Dollars, current money of Virginia, 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. Sealed with our seals, and dated this *22nd* day of *December* A D. 185*6*

The Condition of the above Obligation is Such, That if the above bound

Davis Barrett who has been appointed Commissioner by the County Court of Southampton in the suit of Warren Smith against Barrett

shall faithfully discharge the duties of his said office or trust according to law, then the above obligation to be void, or else to remain in full force and virtue.

Signed, Sealed and delivered in the
presence of the Court. }

Davis Barrett
John J. Kindred

L.S.

L.S.

L.S.

L.S.