

1868-017

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BARNES

VS. BARNES et al

3/1868

Other surnames: Griffin,
Newton, Everett, Hill,
Gillam, Carter, Lane,
Gilliam

410.

Barnes

is } Bill answered

Barnes

1857 Aug - Decree as filed

1858 May. Rept.

" June 10. " Confm?

1859. June Decree 1st

1867 Nov. 8. Rept.

1868. Mar. Rept. Confm?

Colks Supp J.S.

To the worshipful County Court of South Carolina

Dr. Churruar

Humbly complaining shew unto your worshipps your com-
 plaint James Barnes that in the year 1857 Jacob Barnes
 died after having made and published his last will which was
~~in the year 1857~~ 1857, ~~that~~
 was his last will, that of his said will the testator specially
 disposed of all his real estate except a tract of about one
 hundred acres lying on the North River adjoining the
 lands of Everett Bagon & Co which is undisposed of
 now under the last and residuary clause of said
 will which is in the following words to wit, "And lastly
 I give and bequeath the residue of my estate to be equally divided
 between the following named persons to wit, James Barnes
 my nephew, ~~John Barnes~~ and their sister Elizabeth Lane,
~~the children of James Barnes by his first marriage, Elizabeth~~
 Griffith, the children of James Griffith by his first marriage, Elizabeth
 alias Eliza Newtons, All the children of Mrs Larkin Everett whose
 maiden name was Barnes, All the children of Barwell &
 Elizabeth M Everett whose maiden name was Barnes,
 the children of John & Barnes of Iowa the sons of my Brother
 Benjⁿ Barnes". That the children of Mrs Larkin Everett are
 Elizabeth who has in her married with James Hill, Lucy who has
 in her married with Asa L. Lillman Sally Barnes who is in married
 with Abram Carter Richard Everett Martha Everett, the last
 being an infant, that the children of Barwell & Elizabeth
 Everett are James John & Charlotte Everett the two last
 infants, and the children of John & Barnes are Robert,
 Rebecca, William Richard Davis Susan Edward &
 Joseph Barnes all believed to be infants. That the said land
 is of little value worth much less than \$300 to the share
 and cannot be divided to the advantage of the parties
 entitled and that it would be much to their advantage

That the said land should be sold and the proceeds divided
 In under considerations of all which and in as much as
 your complaint is without answer in the premises
 except in a coming of equity to the end therefore that justice
 may be done, be prayed that to 2 Samuel Barnes, Elizabeth
^{the first said being in person}
 James Hill & Elizabeth his wife, Agiles Lillio and Lucy his wife, Abner Carter & Sally Ann his
 wife, Richard & Martha Duncanson, James, John & Charlotte Barrow
 Robert, Rebecca, William, Richard, Davis, Susan, Edward,
 and Joseph Barrows may be made defendants to this bill
 and answer the allegations therein, that some fit &
 proper person may be appointed guardian ad litem
 for the infant defendants, and that the said land may be directed
 to be sold and the proceeds divided among the
 parties and as in and to the said bill and answer
 may in please the court be

Chambliss & Messersburg for

The answer of 2 Samuel Barnes Elizabeth Lane, Mary
~~Elizabeth, Agiles, & James Hill~~, Elizabeth Newcomer
 James Hill & Elizabeth his wife, Agiles Lillio and Lucy his wife
 Abner Carter & Sally Ann his wife, Richard & James Duncanson
 to the above bill of complaint -

That defendants saying & answering as for answer to the
 said bill in so much therein as they are advised it is material
 or necessary to make answer unto, answering say
 that so far as they are informed the facts therein stated
 are true and that they have no objection that the
 said land should be sold & having answered that pray
 leave to be dismissed &c

Chambliss & Messersburg for

The answer of Joseph Emory
 Martha and Charlotte
 Richard Davis Susan
 Defendants by L M Brown &
 the above bill of complaint

The said bill of complaint is so much therein as they
 are advised it is material to make answer unto
 answering say that they know nothing of the
 facts stated in the bill and being informed they sub-
 mit their rights to the protection of the court, and
 having answered that, pray leave to be dismissed &c

Chambliss & Messersburg for

Barnes as Barnes &c - leave

by answer and was signed by court at the consideration
 whereby the court doth assign order and decree that James
 Barnes who is hereby appointed a special commissioner for
 that purpose after giving due notice & advertising for
 at least three days at the Court House and two or more
 public places in the vicinity - proceed to sell the said
 land mentioned in the bill at public auction to the
 highest bidder, and that after receiving so much in
 cash as may be required to pay the expenses of this
 suit and the costs of sale for the balance of the pro-
 ceeds of said sale he shall take three & five special bonds
 payable twelve months after date, and return the
 same together with his report to this court; But this
 decree shall be of no effect until the said James Barnes
 shall execute bond in the clerk's office of this court with
 good security in the penal sum of \$1000 conditioned faith-
 fully to perform the duties herein assigned him

Barnes

G. } Co. D. 1st

Barnes Co

Southampton County Court, August Term, 1857.

James Barnes

against
Barnes & others

Deft

Deft

In Chancery

This day this cause came on to be heard in the bill and answers by consent and was argued by counsel; And considering the order of the Court doth require, order and decree that James Barnes who is hereby appointed a special Commissioner for that purpose after giving due notice by advertising for at least thirty days at the Court House and two or more public places in the vicinity, proceed to sell the said land mentioned in the bill at Public Auction to the highest bidder and after reserving so much in cash as may be required to pay the expenses of this suit and the costs of sale for the balance of the proceeds of said Sale, he shall take twenty five equal bonds payable twelve months after date and return the same together with his report to this Court. But this decree shall be of no effect until the said James Barnes shall execute bond in the Clerk's office of this Court with good security in the penalty of \$1000.00 conditioned faithfully to perform the duties herein assigned him.

Attest.

Clerk for \$3.50

Test.

Wm S. Howard, D.C.

The Commissioner reports that he sold the said land as directed by the decree to Wm H. Morgan for \$450) Four Hundred & fifty dollars

The Commissioner reports that pursuant to
within order, he paid the said ^{land} to Enoch Bryant
for the sum of \$ 272.06
expended off 308.1
Balance \$ 241.25

And that for the said balance ~~\$ 241.25~~ he proceeded
to take two of the bonds which are ~~to be~~ returned
as directed -

Respectfully submitted
James Barnes Commissioner

Received the bonds returned with this report this Sep. 19 1859

James Barnes

Barnes

2

Barnes

} Barnes

1859 June 6th.

Barnes

r

Barnes 2

} Deems

This day this cause came on again
to be heard on the proper form, read and on the
report of commissioners Barnes, on consideration
whereof the Court doth as judge order and decree
that James Barnes proceed to collect the
bonds returned with his report and pay out the
amount so collected equally among the parties
entitled thereto under the will of Jacob Barnes
decd and assign his power, ~~and~~ to collect,

But this decree is to be suspended until the said
James Barnes shall execute bond in the clerk's office
of this Court in the penalty of \$1000 with good security,
conditioned faithfully to discharge the duties herein assigned
him.

Barnes

& { Co. Dura

Barnes P

Southampton County Court June 21: 1859.

James Barnes

against
Barnes & others

Plff { In Chancery
Dft.

This day this cause came on again to be heard on the papers formerly read and on the report of Commissioner Barnes. On consideration whereof the Court doth adjudge, order and decree that James Barnes proceed to collect the bonds returned with his report and pay out the amount so collected equally among the parties entitled thereto under the will of Jacob Barnes and report his proceedings to Court.

Attest

Teste L.R. Edwards Ck

1867 Nov 8

To the Worshipful the Justices of the County Court of
Southampton County, S.C.

The undersigned as a Special Commissioner by a
decree of the County Court of said County at June term
1859 to Collect the purchase money for the Sale of
tract of Land named in the proceedings & pay said sum
to the heirs entitled by the last will & testament of
Jacob Barnes decd. beg leave to report that he has
Collected said purchase money & has paid all the legates
in full except five of the minor Children of John
E. Barnes who is a resident of one of the North Western
States all of which is respectfully Submitted

James Barnes Commissioner

Barnes

v. } Barnes Road

Barnes P

Know all men by these presents that we James Barnes &
C. D. Warkham and held and firmly bound unto the
Commonwealth of Virginia in the just and full sum of One thousand
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 Sealed with our seals and dated this 19 day of October
1857

The Condition of the above obligation is such that in a Suit in
Chancery depending in our County Court of Southampton between Barnes
against Barnes & al. the above bound James Barnes was a decree of the
said Court entered therein at its August Term 1857 appointed Commissioner
for certain purposes in the said decree expressed. Now if the said James
Barnes shall faithfully the duties of his office or trust according to law
then the above obligation to be void or else to remain in full force and
virtue

Signed Sealed & delivered
in presence of }

James Barnes (Seal)
C. D. Warkham (Seal)

Know all Men by these Presents, That We *James Barnes*
Ben J. Bryant

are held firmly bound unto the Commonwealth of Virginia, in the just and full sum of

one 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 *19* day of

Sept.

A. D., 18*59*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound

*James Barnes Commissioner appointed by a decree of the County Court
of Southampton County at its Term 1859 in the suit of Barnes et
Barnes vs for certain purposes therein expressed*

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~~. }

James Barnes { SEAL }
Benjamin J. Bryant { SEAL }

{ SEAL }

{ SEAL }