

1870-029

SOUTHAMPTON COUNTY
CHANCERY PAPERS

WHITE and Wife VS. BARRETT & d

2/1870

Plat

(582)

White snipe

rs. } Bill. and
Banks } accu

Sept. Ct. 1868,

1868 Sep. Accu. as filed

1870 Jan. Report

" Feb. Rept. Confm?

To the worshipful the County Court of Southampton
in chancery sitting.

Humly complaining show unto your
worships, your complainants Henry D. White
and Rosa his wife. That: Byr. I Bonett
of this County has sold and in possession of
about 300 acres of Land to which he
was entitled under the will of John Bonett which
in the event of his death without Children
was to be divided equally between the Children
of John Bonett and that Byr. Bonett has
died leaving no Children and your
complainant Rosa, and Fanny and
John D. Bonett the last two of whom are
infants are the Children of John Bonett
and entitled by virtue of John Bonett's will
to the 300 acres of Land above referred to.

That your complainants have
applied for a division of the Land
between themselves and Fanny & John Bonett
but they have declined to comply with
their request.

In Equity it is made of all which
and in as much as your complainants
are without remedy in the premises ex-
cept in a Court of Equity.

To the End therefore, they pray your
worships to make Fanny & John D.
Bonett infants under your power of your
fit person to assign them shares in this
will. That Comrs. may be appointed
to divide the said estate in the bill mentioned
between the parties according to law

and the rights of the parties. I grant such
other spiritual relief in the premises, as Equity
may dictate. & the case may require.
May it please the Court.

Chancery pp.

Assn of Fanny & Mrs D Barnett
infants of tender years, by R. L. Bryant
their Guardian ad litem to the foregoing bill
... These infants, have no doubt
of the facts stated in the bill, but being
minors are incapable of protecting their
interests and therefore submit the same
to the protection of the Court, and having
assured meys who have been injured.

Fanny & John D.
Barnett by
R. L. Bryant their
Guardian ad litem.

Henry D White & Rowland mfd, Deffs
as.

Fanny and Mrs D Barnett, Minors, by
R. L. Bryant their Guardian ad litem.

This day this cause was settled
by consent of parties. and by like consent
came on the head on the bill, Assn
of the infants. replicating thereto, and was
argued by counsel. On consideration
thereof the Court with agreement of all
and agrees that come myrick Barnett,

Barnett. and Miles Morrell who are hereby
appointed Counsel for the purpose, aside
the said assn of John Barnett. to
Bry. S Barnett. and after his death to
the children of Wm Barnett. to wit the
Deffs. and split equally into three lots
and assign one third to the Deffs. and
one third to Fanny Barnett and one
third to John D Barnett.

The Court will report said assn
to this Court. and order of final assn.

Benj. I. Barnett. - on the site of Gro Bonob.
300 acres.

Henry D White Snipe Ross - Henry Bonob.
and John D Barnett. Children of J. I. Barnett.

Leans.

Wm E Myrick.

Barnett Bonob.

Miles Monett.

White & wife

v { Copy decreed

Barrett

Southampton County September Court 1868

Henry D White & Rosa his wife

Plff } In Chancery

against
Fanny & John D Barrett. infants of tender years by R. L. Bryant
their Guardian ad litem.

Defts. }

This day this cause was docketed by consent of parties, and by like consent came on to be heard on the bill, answer of the Defts. replication thereto, and was argued by counsel. On consideration whereof the Court doth adjudge, order and decree that Wm E Myrick, Bennett Barrett and Miles Worrell who are hereby appointed Commissioners for the purpose divide the land devised by John Barrett to Benj. J. Barrett and after his death to the children of Wm Barrett to wit, the Plffs and Defts. equally, into three parts and assign one third to the Plffs, and one third to Fanny Barrett and one third to John Barrett.

The Commissioners will report said division to this Court in order to a final decree.

Attest

Teste

L. R. Edwards Cky

White Yellife
to { Rep^r

Barrett & Co

1870 January 6th

Agreeably to a Decree of the County Court of Southampton County, dated September Court 1868. We the undersigned Commissioners therein named for the purpose of dividing the land devised to Benjamin J. Barrett dec'd. by his father, John Barrett, Among William Barretts Children; - By request of the parties interested, being assisted by Tho.^d Morrell as Surveyor, we have divided the whole of the tract of land of which said John Barrett died possessed, (except that part of it sold by said Benjamin J. Barrett,) into three lots, or shares, which we consider to be equal in value, taking into consideration that nearly one-half of the tract of land is subject to the Dower right of M^{rs}. Margaret Barrett.

The said lots were drawn by the parties interested as follows. -
Lot No. 1. drawn by Fanny Barrett, containing 102 acres, on which the mansion houses are situated. - all of which lot except $3\frac{1}{4}$ acres is in the bounds of the Dower land; and bounded as follows. - Beginning in the road, (near a corner in the Dower line,) a corner in the line of lot No. 3. Thence along a new line of marked trees, N. 60° W. 46 poles to a ditch; thence along the ditch, nearly the same course to a post in the line of Henry White's heirs, a new corner for lots No. 1. & 3. Thence along White's line, N. $48\frac{1}{2}^{\circ}$ E. $17\frac{1}{2}$ poles to a dead white oak, a corner for John R. Rochelle; thence along his line N. 68° E. $37\frac{1}{2}$ poles to a white oak, his corner; thence N. $26\frac{3}{4}^{\circ}$ W. 80 poles to a corner, 1 pole past a pine stump; thence N. $64\frac{1}{2}^{\circ}$ E. 101 poles to the run of a branch in old pond; thence up the run of the branch 53 poles to a corner; thence S. 45° E. 27 poles to the road, a corner for said Rochelle and William E. Myrick, also a corner for lot No. 2; thence along the road to the beginning. - - - Lot No. 2. drawn by John D. Barrett containing 270 acres. - (195 acres of which is in the bounds of the Dower land.) and bounded as follows; Beginning in the road at a corner for John R. Rochelle and William E. Myrick, also a corner for lot No. 1. Thence along said Myrick's line, along the path in the lane, S. 45° E. $58\frac{1}{2}$ poles to an oak stump; thence S. 61° E. 63 poles to a pine, Barretts corner; thence along Barretts line S. $65\frac{1}{2}^{\circ}$ E. 92 poles to a corner for W. E. Myrick at end of the lane; thence along his line, S. $28\frac{1}{2}^{\circ}$ W. 101 poles to a pine; thence S. 46° W. $18\frac{1}{2}$ poles to a pine; thence S. $2\frac{1}{4}^{\circ}$ W. $61\frac{1}{4}$ poles to a dead pine, a corner for the heirs of Dr. Thomas A. Myrick; thence along their line, S. $1\frac{1}{2}^{\circ}$ W. $65\frac{3}{4}$ poles to a corner for William E. Myrick; thence along his line N. $75\frac{1}{2}^{\circ}$ W. 12 poles to a black gum; thence N. $69\frac{1}{2}^{\circ}$ W. 30 poles to a black gum, a new corner for lot No. 3. thence along a new line N. 30° W. 105 poles to a pine; thence N. $5\frac{1}{4}^{\circ}$ W. 140 poles,

to the road, a new corner for lots N^o 2. and 3. in the line of lot N^o 1. - (16 poles from the corner of lot N^o 1. in the road.) Thence along the road to the beginning. - - - - Lot N^o 3. drawn by Henry S. White and Rosa his wife, containing 250 acres, (about 6 acres of which is in the bounds of the Lower land,) and bounded as follows, Beginning in the road at a corner for lot N^o 2. in the line of lot N^o 1. thence along the line of lot N^o 2. - S. 54° E. 140 poles to a pine; thence S. 30° E. 105 poles to a black gum in William E. Myrick's line; thence along his line N. 73½° W. 76¼ poles to a post oak; thence N. 80° W. 8½ poles to 2 pines; thence N. 55° W. 12 poles to a sweet gum; thence N. 79° W. 16 poles to a Cypress in Bull-hill Swamp; thence down the swamp along a line of marked trees 114½ poles to a black gum, a corner in Hills line; thence along Hills line; N. 65° W. 9 poles to a black gum; thence N. 46° W. 13 poles to a black gum; thence N. 50° W. 64¾ poles to a forked sweet gum; thence along the path N. 86° W. 37 poles; thence N. 65½° W. 61½ poles to the old road, a corner for William E. Myrick; thence his line along the road N. 57° E. 8 poles; thence N. 23° E. 48 poles to his corner; thence along his line of marked trees N. 64° W. 83 poles to a corner for the heirs of Henry White dec^d; thence along their line N. 6° E. 26 poles to a white oak; thence N. 15° E. 57 poles to a pine; thence N. 48½° E. 50½ poles to a post at ditch, a new corner for lots N^o 1 & 3. Thence along the line of lot N^o 1. to the beginning. - we herewith return a plot of the land representing the division made by us.

Respectfully submitted to the Court; - - Given under our hands the 2nd day of October 1869. - - - -

Test
Richard ^{his} Barden
mark

Wm E Myrick
his
Miles + Morrell
mark
Benard Barlett

Plot and division
of the land of
Capt. John Barrett dec.

Scale 40 poles to an inch.

John D. Barrett, lot No. 2. 270 acres.

Fanny Barrett, house lot. No. 1. - 102 acres.

Henry D. White and Rosa his wife, lot No. 3. - 250 acres.

This plot represents that part of the tract of land formerly owned by Capt John Barrett dec. surveyed by me, and divided by direction of the Commissioners as represented on the plot; - The pencil line represents the dower line;

Thos B Morrell
October 2. 1869.

Thos. J. Norrell
October 2, 1869.