

1872-038

SOUTHAMPTON COUNTY
CHANCERY PAPERS

EVERITT and Wife

VS. BARNES' COMMITTEE.
+ al

10/18 72

other surnames: Hill,
Barham, Cook, Everett

Everett & wife
v. } Stat. Rules

Barnes adm of

In Southampton County Court.

John L. Everett of ~~Cornelia~~ ^{Cornelia} M his wife
against

W. W. Briggs Sheriff & Committee of James Barnes dec'd, C. D. Warham & Samuel
Brattle adms. Henry Cook

1871 April 20 Summons issued

" May R. Sum. ret. Ex. on Briggs Warham Bill filed. D. Nisi to them.

" June " Bill taken for confessed as to Dft. Briggs Warham & cause set for hearing
as to them

" June 6th Amended bill filed making W. W. Briggs Sh. & Comr. Henry Cook a
Dft. pro. ip.

" July R. Decree nisi to Dft. Briggs Sh. & Comr. of Henry Cook -

Aug. R. Bill taken for confessed as to Dft. Briggs Comr. of Cook & cause set
for hearing of as to him -

" T. Decree for account &c.

1872 March 1st Report

" " 6th Decree

" Oct. 6th Final decree

1872 March 6^t

Elko Cash	\$11.33
Shff "	2.50
Comm Tyler	5.00
Law 1 st	16.00
	\$34.83

51

Kilby p. 9

Mr. L. Everett wife

n. 3 Bice

James Barnes, adm
str.

1871 May Rules

Spec. proc. of
E. C.

Co. ex. Smith

Dr. if

to the Hon. Jos. W. Meubart, Judge of the
County Court of Southampton County, in
chancery sitting.

Complaining shew unto the Court your
Complainants John L. Everett and Cornelia
M. his wife —

Your Complainants respectfully
represent to the Court and say, That James
Barnes, of North Carolina, qualified as the
guardian of your female Complainant (who
before her marriage with the said John L. Everett,
was Cornelia M. Steele, orphan of Henry H.
Steele died) in the County Court of Southampton
County in the State of Virginia, on the 16th
day of March 1857, and executed his Bond
as such guardian according to Law, with
C. D. Barham and Henry Cook, as his securities
in the penalty of \$3000 — copies of the order
of Court shewing such qualification & a copy of
said Bond are filed herewith as part of this
Bills marked "A"

That the said James Barnes, guardian
of your said female Complainant, returned
to Southampton County Court, an account of
his transactions as said guardian, which
was ordered to be rendered on the 19th day of Oct.
1868, by which the said James Barnes, was
indebted to her the sum of \$377.18, with interest

thereon from the 31st day of December 1867
there paid — a duly certified copy of
said guardian account is filed herewith
marked 'B'.

That on the 11th day of January 1869
while the said James Barnes, was very
sick, he had prepared a Receipt for the
said sum of \$394.15, being the above
Balance & Interest, but dated the 31st day of
September 1868, and sent it to your
female complainant, before her marriage, &
while she was residing away from her said
guardian, for her to sign & return to him, the
said James Barnes, — Your complainant
having the most implicit confidence in her
said guardian, signed the said Receipt &
sent it him, expecting that he would
send her the amount in cash — But which
he did not — But on the contrary, without
any authority whatever from your said female
complainant, and without her knowledge or
consent paid the same to one Rich^d. L. Bryant
for your said female complainant, by dis-
counting a debt due by said Bryant to him
so that your complainants have not nor has
either one of them ever received any part of
the said sum due as aforesaid —

Your complainants say that the payment

by said James Barne, & said Richard L. Bryant, who was no agent of your Complainants, or either of them, & without the knowledge or consent of your Complainants or either of them, of the said sum of money, is no payment or satisfaction or discharge of said debt, and that they are now entitled to recover and receive the same, and which your Complainants now pray this Hon. Court to decree, shall be done.

Your Complainants say that the said James Barne is dead and that his estate has been committed to the hands of Wm. W. Briggs Sheriff of Southampton County for administration, see copy of order of Court marked "B" that Henry Cork aforesaid is deceased & Samue Brittle is his administrator, & has in his hands ample means and assets to pay any liability that may be on him, as will be seen by a copy of the account of the said Samue Brittle as admor. of said Henry Cork decd., filed herewith marked "D".

Your Complainants pray that all proper accounts may be taken that to ascertain the estate of James Barne, & Henry Cork aforesaid & amounts due your female Complainant, and that the same may be decreed to be paid to your Com-

plainants, and that if the same cannot be made out of the estate of said James Barney, that the said C. D. Barkham & Henry Cook's estate may be required to pay the same.

In Consideration whereof and as this Court has ample power and jurisdiction to grant all adequate relief - In the end your Complainants pray that Wm. W. Briggs Sh. & Committee of James Barney decd, C. D. Barkham and Saml. Brittle admors of Henry Cook decd, may be made defendants hereunto and answer the several allegations herein, and that too as particularly as though again repeated, that the prayer of your Complainants may be granted (and that all other and further relief may be granted consistent with Equity.

And your Complainants will &c
John R. Kelly J. C.

Thos. L. Everett &
Co.

Jas. Barnes, admr
Jal.

Amended Bill
Filed June 4. 1871

To the Hon. J. W. Magrath, Judge of the
County Court of Southampton County

Complaining, shew unto the Court your
Complainants John L. Ewell and Cornelia
M. his wife Your Complainants say
that they filed their Bill in this Court at
May rules 1871 against W. W. Briggs, Sheriff
& Committee of James Barne, Dec'd, & C. L.
Barham, & ~~same~~ same Brittle and
of Henry Cook Dec'd, having first objected the
settlement of the guardian accounts
of James Barne, a guardian of said Cornelia
M. late Hise — That your Complainants
have since learned that said Brittle is
Dec'd, & that Henry Cook's estate has
been committed to the hands of W. W. Briggs
Sheriff of Southampton County for admin-
istration ~~and~~ In consideration
whereof your Complainants pray that
W. W. Briggs Sheriff & Committee of
Henry Cook Dec'd, may be made
Defendant herein & answer the
original & this amended Bill,
& that all proper relief in the
premises may be granted your
Complainant. &

John R. Kilby p. v.

Entle wife

n.

Barnes &c

1891

Aug. 11. Decree

To be entered.

J. W. Nozwhart Judge

Gentle wife

h.

Barney, Come Sal.

This cause came on to be heard on the original and amended Bills of the Complainants, taken for confessed as the rule, as to the Defendants, on whom process had been issued and they still failing to appear and make defense, and on Exhibits filed with said ^{original} bill and was argued by counsel. On consideration whereof the Court doth adjudge, order and decree that a Comr. of this Court proceed to state and settle the accounts of said James Barney as guardian of the said Caroline W. and make report to Court with any matters specially stated deemed pertinent by himself, or that either of the parties may require to be so stated.

Garrett
res.
Barnes' A. H. S. *Z. J. W.*

Dartmouth County Court, August Term 1871.

John S. Everett and wife.

Defts.

Against
W. W. Briggs, Sheriff and Committee of James
Barnes dec'd. C. S. Barkham and Samuel Brittle
Administrators of Henry Cook dec'd.

Subscribers

Defts.

This Cause came on to be heard on the original and amended Bills of the Complainants taken for confessed at the Rules as to the Defendants on whom process had been issued, and they still failing to appear and make defence and to exhibit files with said original Bills, and was argued by counsel. On consideration whereof the Court doth adjudge, Order and decree, That the Complainants of this suit proceed to State and settle the Accounts of said James Barnes as Guardian of the said Caroline M. and make report to Court with any matters specially stated, deemed pertinent by himself or that either of the parties may require to be so stated.

Attest

James R. Tyler, J. C.

Errell &

27

Barnes adw &

1872

Mar. ch. Decree

To be entered.

J. W. Wymark Judge

3 Clerk of the Court
K

Everett Jr.

17

Barne, Jr.

This cause came on this day to be again heard & on the report of Comr. Dyke, made pursuant to the decree of the August term 1871 of the County Court of Southampton County - to which report there is no exception taken, argued by counsel. On consideration whereof the Court doth confirm the said Report and doth adjudge order & decree that the plaintiffs recover of Wm. Briggs Shff. & Comrs of James Barne, dec'd. the sum of \$377.18 with Interest thereon from the 31st day of December 1867 he paid, to be levied of the goods & chattels of said James Barne, dec'd. in the hands of said Wm. Briggs his said Representative and their costs by them expended in prosecuting their suit -

And liberty is reserved to the said plaintiffs to ask for such further relief as may be proper against any other parties hereto, should the decree prove unavailing.

Everitt Jr.

n.

Barnes admt

1872

Oct. C. O. Ct.

Final decree

To be entered.

J. W. Wyzanski Judge

Exhibit 1

7

Barnes' adm^r.

This cause came on this
day & he again heard on the paper, formerly read from
the Certificate of the plaintiff's counsel, filed
herein marked 'S', by which it appears that
the plaintiff's demand has been satisfied,
and was argued by counsel. On consideration
whereof the Court doth confirm the proceedings
had herein, nothing more remaining to be done
in this cause, it is ordered that the same be
removed from the docket.

Errett Jr

W.

Barne, now

Certificate
of
Satisfaction

(S.)

filed Oct. 1. 1872

Evette Mife

17

Barnes' admo

The Undersigned certifies
that an Execution issued in favor of the
Plaintiff vs. the Debt. for \$377.18
with Int. from 31st Dec 1867 till paid & costs
and unpaid, which satisfies the decree
of March Term 1872 of this Court, as
by reference to the execution may be seen

Shunk. Kelly

Oct. 21st 1872

per. atty.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you to summon

C. L. Barham & Sam Brille

Wm M Briggs Sh. & Committee of James Barnes dec^d.

if ~~they~~ be found within your bailiwick, to appear at the Clerk's Office of our *County*
Court of Southampton County, at the Rules to be holden for the said Court, on the first
Monday in *May next* to answer ~~the~~ *the* bills in Chancery exhibited against ~~them~~ *them* in our said
Court by *John L Everett & Cornelia M his wife*

And have then there this writ.
Courthouse, this *20* day of
the Commonwealth.

Witness, OSWIN WHITE, Clerk of our said Court, at the

April

A. D., 1871, in the *95* year of

O. White Clk

Executed by delivering Wm Briggs
J. C. D. Barham each a copy of
this Summary

Jos D Barham
by J. W. Briggs

Carroll 4444
J. D. Chas

Barnes. adm

1871 May Rules

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you to summon *Wm W. Briggs Sheriff & admor of Samuel Brittle d?*
as Sheriff & admor. of Henry Cook d?

if *he* be found within your bailiwick, to appear at the Clerk's Office of our *County*
Court of Southampton County, at the Rules to be holden for the said Court, on the first
Monday in *July* next to answer the original & amended bills in Chancery exhibited
against him & others in our said Court by *John L. Everett & Cornelia his wife* -

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the
Courthouse, this *20th* day of *June* A. D., 1871, in the *95th* year of
the Commonwealth.

Oswin White

I acknowledge Service of this

Summons

Wm. D. 1998

Everett Fuller
to } Sum. Chy

Barnes adm
1871 July Rules

Everitt
2^d
Barrie's Admⁿ 3

Comm. Tyler's Report.

1872. March 1st -

Cornelia M. Hill a minor

In account with James Barnes her Guardian

1866			\$	Dr	Jan	Cr
Oct	31	By balance due the ward by last report				392 28
		" Two months interest				3 92
		" Rent of land this year				4.0 14
		To Commissions on \$44.06 @ 5%	2 20			
		" Balance	434 14			
			436 34		436 34	
Decr	31	By balance due the ward				434 14
1867		" Rent of land this year				19 83
		" Interest on last years balance				26 04
		To Commissions on \$45.87 @ 5%	2 29			
		" paid Taxes	1 82			
		" paid A Whitley account	83			
		" paid Boston & Harrison	16 86			
		" paid Hill & Spies two ap	45 95			
		" paid Cocks tickets	25 8			
		" Wash furnished ward several times	30 00			
		" Commissions for this & copy retained	2 50			
		" Balance	377 18			
			480 01		480 01	
Decr	31	By Balance due the ward with interest from this day				377 18

Commissions for
\$5.00 charged
to Plaintiff's

Respectfully submitted
James R. Tyler
Cm.

Commissioners Office
Jerusalem March 1st 1872

To the County Court of Southampton County.

Pursuant to a decree of the County Court of Southampton County rendered at the August Term 1871. in a suit in Chancery pending in the said Court between John L. Everett and wife and W.W. Bigg Sheriff & Committee of James Barnes dec'd. L.B. Barham and Samuel Biddle adm. of Henry Brooks dec'd. the undersigned one of the Commissioners of the said Court. to whom was referred for settlement by said decree the following account. That a Commissioner of this Court procured to state and settle the accounts of said James Barnes as Guardian of the said Caroline M. and made report to Court & reports to the Court that on the day of last he issued notices against the several parties aforesaid. requiring them to attend the settlement of the said account before him at his said office on the day of which was returned to your Commissioners duly executed. That the parties aforesaid (did not) appear before your Commissioners in obedience to said notices. therefore the Commissioner was unable to make up any account. but he has copied from the records in the Clerks office the foregoing account. which amounts to \$377.18 cents due the ward. with interest from the 31st day of December 1867. The Commissioner reports to the Court specially that W.W. Bigg Sheriff &c. have not received any funds, therefore the Commissioner has not made up any account. The Commissioner further reports to the Court that after the completion of the said account, he retained the same in his said office ten days, & forth with the decree and notices aforesaid an answer returned. Given under my hand as Commissioner the day & year first aforesaid
Jos. N. Tyler

Everett Mabe

N.

Barnes adm Fee
4 Exhibits filed
with the Price

"a"



Know all men by these presents that we James Barnes, C. D. Barham & Henry Cook 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 16th day of March A.D. 1857

The Condition of the above obligation is such that if the above bound James Barnes as Guardian of Martha L., Cornelia W., Samuel W. & Henry L. Hill orphans of Henry L. Hill dec^d 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)
C. D. Barham (Seal)
Henry Cook (Seal)

At a Court held for the County of Southampton on the 16th day of March 1857.

The Court doth assign James Barnes guardian of Martha L., Cornelia W., Samuel W. & Henry L. Hill orphans of Henry L. Hill dec^d. Whereupon, he together with C. D. Barham & Henry Cook his securities (who justified on oath as to their sufficiency) entered into and acknowledged a bond in the penalty of three thousand dollars conditioned as the law directs.

A Copy -

Teste, Osmin White Ck

'B'

Cornelia M Hill a minor

In account with James Barnes her Guardian

1866			Dr	Cts	Dr	Cts
Oct 31	By balance due the Ward by the last report				392	28
	" two months interest				3	92
	" rent of land this year				40	14
	To Commissions on \$44.06 cts at 5 pr Cent		2	20		
	" Balance		434	14		
			436	34	436	34
Dec 31	By balance due the Ward				434	14
1867	" Rent of land this year				19	83
	" Interest on last years balance				26	02
	To Commissions on \$45.87 cts at 5 pr Cent		2	29		
	" paid taxes		1	82		
	" paid A Whitley account			83		
	" paid Benton & Harrison "		16	86		
	" paid Hill & Spies two accounts		45	95		
	" paid Clerks tickets		2	58		
	" Cash furnished Ward several times		30	00		
	" Commissions for for this & Copy returned		2	50		
	" Balance		377	18		
			480	01		
Dec 31	By Balance due the Ward with interest from this day				377	18

Respectfully Submitted by

Wm B. Shands Commissioner

Southampton County In the Clerks Office September 9th 1868

This account of James Barnes Guardianship of Cornelia M Hill was returned and filed for exceptions And at a Court held for the said County on the 19th day of October 1868, the said account having lain one month and upwards in the Clerks Office and no exceptions being filed thereto, it was examined, confirmed and ordered to be recorded

Teste

J. R. Edwards Clk.

A Copy - Teste, O. White Clk



"6"



Southampton County April Court 1871

On the motion of John Everett It is ordered that W^m H. Briggs Sheriff of this County take into his hands the estate of James Barnes dec^d and administer the same according to law.

Attest

Teste,

White Ob

(copy)

Account Current

Henry Books Est.

'D''

The Estate of Henry Cook dec.
In account with Samuel Brille his administrator.

1860			Dr	Cr	Int
Sep 17	By Amount of Cash found in the house			399 33	
" "	To paid A.W. Norfleet account		10 00		
Nov 19	" " Taxes for 1860		72 79		
" "	" " Clerks tickets		3 78		
Dec 21	" " Dr John R Rochelle acct.		20 00		
" 25	" " Sarah A Stephenson bond		151 00		
" 31	By cash of Ben Joyner	acct.		12 82	
" "	" " " John W Bryant	"		3 75	
" "	" " " Saml Brille	"		21 64	
" "	" " " John Pope	"		20 00	
" "	" " " Dr Cyrus Norrell	"		12 50	
" "	" " " Martha Smith	"		2 00	
" "	" " " Dolly Keale	"		2 50	
" "	" " " Dr John R Rochelle	"		7 50	
" "	" " " Beaton & Harrison	"		36 78	
" "	" " " Wm M Beaton	"		78 73	
" "	" " " Sepe F Murrell	"		16 12	
1861					
Jan 4	" " " James Ricks Sales of Cotton & Brandy			339 45	
" 21	To paid James D Ferguson	acct.	25 00		
Feb 14	By Cash of James Ricks Sales of Cotton & Brandy			169 72	
" 18	To paid James Drewry	acct.	16 25		
" "	" " " Nathan A Thomas	"	21 00		
" "	" " " James Drewry	"	16 80		
" 23	" " " T. J. Deans	"	24 00		
" 25	" " " Ben. Joyner	"	182 59		
" "	" " " D Mo	"	33		
June 18	" " " James I Darden	"	1 13		
" "	" " " Ditto	"	17 76		
	Amounts Carried forward		562 63	1122 84	

1861	June 18	Amounts brought forward		562 63	1122 84		
"	"	To paid John W Harrison	Acct.	15 00			
"	"	By amount of account of sales due this day			4193 03		
"	25	To paid J Darden	bond & Int.	288 40			
July 5	"	Mrs W. Beaton	Acct.	12 32			
"	"	Beaton & Harrison	"	273 39			
"	"	Same	"	117 89			
"	"	By Cash of Beaton & Harrison	bond & Int.		137 87		
"	"	Same	"		225 42		
"	"	Same	"		150 00		
Aug 1	"	Saml Brittle	"		116 00		
"	"	To paid Saml Brittle	Account	78 01			
"	"	Same	"	49 53			
Feb'y 25	"	By cash of Benj Joyner	bond & Int.		37 07		
Aug 16	"	To paid Mrs E Myrick	Acct & Int.	21 40			
Sep 3	"	Thomas H Jordan bond & Int.		27 50			
"	17	Commissions on \$5982 25		299 11			
"	"	Balance due Estate		4237 07			
				5982 25	5982 25		
"	"	By balance due estate brought down			4237 07		
"	24	To paid Sarah A Stephenson	bond & Int.	151 52			
Oct 1	"	Dr E Flythe	Acct.	52 62			
Nov 6	"	Dr D L Barham	"	58 00			
Dec 16	"	Amos & Pope	bond & Int.	113 04			
"	"	Pope & Woodard	Acct. & Int.	13 27			
"	17	Tax account		14 89			
"	"	Do		28 78			
"	"	Clerks tickets		6 75			
"	18	Edwin Harris	Acct.	7 00			
"	"	Dr L & J Martha Smith	"	1 86			
"	25	Mrs A Joyner	"	4 00			
"	"	Benj J Bryant	"	4 00			

"	"	James R Joyner		4 00			
		Amounts Carried forward		459 23	4237 07		
1861	Dec 25	Amounts brought forward		459 23	4237 07		
1862	Jan'y 1	By cash of George E Beaton hire of boy Jacob			115 00		
"	"	George E Beaton hire of boy Charles			100 00		
"	"	George E Beaton hire of Woman Maria			33 00		
"	"	Widow hire of Willis			90 00		
"	"	Do " Helen			10 00		
"	"	Do " Laura			00 00		
"	"	Do " Fince			00 00		
"	"	To paid Widow for keeping Andy & 5 children		40 00	1		
"	20	Thomas M Newson	bond & Int.	152 69			
"	24	J R Willis	Acct & Int.	5 50			
Feb'y 11	"	Dr W Corbett & Co	"	16 72			
"	13	Beaton & Harrison	"	1 75			
"	25	Henry Gray	"	2 50			
Mar 15	"	J. W. Barnes	bond & Int.	794 23			
"	"	John T Powell Guardian	"	98 45			
"	22	E. W. Nicholson	Acct.	5 20			
Sep 17	"	Commissions on \$330.00		17 50			
"	"	By interest on \$4237 07 one year, last years balance				254 22	
"	"	To balance due estate		2993 50			
				4587 07	4587 07	254 22	
"	"	By balance due estate brought down			2993 50	254 22	
Nov 1	"	To paid J. H. Wood Med. Acct & Int.		7 77			
"	8	Clerks ticket		4 25			
"	17	Benj B Kindred	Account	16 57			
"	17	Chambliss & Maysbury	Attys.	15 00			
"	"	By interest on \$2993 50 two months				29 93	
"	"	To Commissioners fees for this account & Copies of same		15 00			
		Amounts Carried forward		5859	2993 50	284 15	

1862

Nov

17

Amounts brought forward

58 59 2993 50 284 15

To balance due Estate

2934 91

2993 50 2993 50 284 15

By balance due Estate

2934 91 284 15

Interest brought in

284 15

Balance due Estate

3219 06

with interest on \$2934.91 from this day

Respectfully

Henry S. Howard Comr

Commissioners Office
Jenualum

1862

Your Commissioner reports to Court that Samuel Brittle the administrator of Henry Cook has exhibited before him a Statement of all moneys received by the said administrator or with which he had become chargeable or had disbursed during the periods embraced in the foregoing account, together with the vouchers in support of the disbursements. That he finds a balance of \$3219.06 to be due by the said Administrator to the said estate on the 17th day of November 1862 with interest on \$2934.91 from that day. That the said account is supported by satisfactory vouchers and that the said Administrator has given such bond as the law requires the penalty whereof and the securities thereto are sufficient in the opinion of the Commissioner.

That the said administrator was embraced in the list of Fiduciaries posted up at the front door of the Court house of Southampton County, on the first day of November last, and now on this day (ten days having elapsed since the same was thus posted up) the foregoing account is made up and completed.

Given under my hand as Commissioner aforesaid, the day and year first aforesaid
Henry S. Howard Commissioner

Southampton County In the Clerks Office the 6 day of January 1863
This account of Samuel Brittles administration on the estate of Henry Cook do^{es} was returned and filed for exceptions And at a Court held for the said County on the

16 day of February 1863 the said account having lain one month and upwards in the Clerks Office and there being no exception thereto it was examined, confirmed and ordered to be recorded.

Teste

L.R. Edwards Clk

A. B. O'Byrne

Teste Oswin White Clk

