

1877-11

Southampton County - Chancery

Starden, Jonathan
et al

vs

Barnes, G. S. adm
or

"
Creditors List
"

I sell property to
settle debts:

Warrall, Benj. E.
Adm. G. S. Barnes

Lucy J. Barnes,
Galat M. Barnes

W. H. Mahan +
Mary his wife

Darke & Stary

(Selia Stary
Junius B Stary
Nannie Stary
Lee Stary

8 77
Garden for 10

by

R. S. Barnes' adm^r & others

Bill - & Answer

1870 Nov. Decree for Sale & 10

" Dec. Report of Decree

Received by Clerk. Geo. B.
Aug 13. 1873

To The Hon Joseph W. Inglish, Judge of the County
Court of Southampton County.

In Chancery

Humbley complaining shew unto your
Honor your Orator Jonathan Darden (who sues
for the benefit of himself and all other Creditors
of Ro. S. Barnes ^{deceased} who will contribute ratably
to the Costs of this suit) and respectfully represents
as follows — that the said Robt S Barnes departed this
life many years since, justly indebted to your Orator
~~by two several bonds executed to him by the said Barnes, up~~
~~your Orator obtained a judgment against the said Barnes~~
~~his lifetime — one for the sum of \$832.54 cents, dated~~
~~February 28th 1834 & due one day after date, subject to va~~
~~rious credits — & the other for sixty six dollars & sixty cents, dated~~
~~September 20th 1838 & due January 1st 1839, subject to a credit, which said bonds are~~
~~herewith filed (marked A & B) as part of this Bill~~
~~that all of the personal assets in the hands of the Ad~~
~~ministrator Benja E Worrell have been long since distributed~~
~~Under a Decree of the Superior Court of this County~~
~~by the Sheriff — no effects, and your Orator~~
therefore has no remedy against the Estate of
said Ro. S. Barnes, who departed this life ma-
ny years since intestate, except against
The real estate of which the said Ro. S. Barnes did
seize and possessed —

Your Orator therefore prays, that Benj E. Worrell
Administrator of said R. S. Barnes, Lucy T. Barnes ^{Robert M. Barnes} W. H. B.
Mahood & Mary his wife (who was Barnes a daughter
of said Robert) Parker W. Story who intermarried
with Sophronia a daughter of the said Robert
and died after her father, leaving as her only children
Delia Story, Daniel B. Story, Annie Story and Lee
Story (the last named four, minors) may be

made parties defendant to this suit, and will answer
make to the allegations made in this bill.

That the said ^{minor} defendants may have some fit
person appointed by your honor their Guardian
ad Litem to defend their interest in this suit.

That your honor may grant the decrees,
directing a Commissioner of this Court to take an
account and report the same to this Court at its
next term, ~~all~~ ~~all~~ ~~debts~~

1st An account of all debts proved against
the Estate of R. S. Barnes, whether due by judgment
or otherwise, distinguishing their priorities -

2nd An account of the fee simple and annual
value of the real estate of which the said Ro-
S. Barnes died seised and possessed to-
gether with any matter deemed pertinent
by himself or required by the parties to be
so stated.

Kindred P. q

The joint and several answer of ~~Benj E. Barnes~~
~~W. S. B. Mahood & Mary his wife (who was Barnes)~~
Lucy, T. Barnes, R. S. Barnes,
Parker D. Story, ~~William~~ Story, Dennis B. Story, Annie
Story & Lee Story (the four last named minors
by Parker D. Story their Guardian ad Litem)
to the bill filed against them in the County Court
of Southampton by Jonathan Darden,

These Defendants ~~for~~ answer to so much of
the Complainant's bill as they are advised
is material for them to answer, say, that
they know nothing of their interest in the
premises, whereof the said Complainant hath
complained but submit them to the pro-
tection of the Court, and having answered
pray to be hence dismissed with their reason-
able costs &c.

Kindred P. D.

The separate answer of Benj E. Worrell Adm^r
of R. S. Barnes to the bill filed against him ^{rather} ~~in~~
the County Court of Southampton County by
Jonathan Darden -

This Defendant ~~for~~ answer to so much of
the Complainant's bill as he is advised is ma-
terial for him to answer, says, that there
are no assets whatever in his hands, as Adm^r
of the said R. S. Barnes, the same having
been long since exhausted according to law
and having answered prays to be hence dis-
missed -

Kindred P. D.

38
Warden's
or } Report
James Wm's

1870 December 20

Reported wanted -

Commissioner's Office

Jerusalem Pa

Dec. 1st 1870

To The Hon. J^{es} W. Urquhart

Judge of the County Court of Southampton County

Your Commissioner in pursuance of a decree rendered at the Nov. Term 1870, in a certain suit pending in said Court in which Jonathan Darden is plaintiff and Benj. C. Worrell & Admr of R. S. Barnes & others are defendants, reports that on ~~this~~ day, he issued notices for the several parties to appear before him in order to state and settle the following accounts: 1st An account of the fee simple and annual value of the real estate of which R. S. Barnes died seized and possessed. 2nd An account of the outstanding debts against the estate of said R. S. Barnes decd. - to which they responded and he ~~finds~~ herewith returns a tabular statement marked "A" of the fee simple and Annual value of all the real estate of which the said R. S. Barnes died seized and possessed. And further reports that the only debts proved before him were two bonds due to the Complainant Jonathan Darden, upon one of which there is due principal and interest up to this date the amount

of \$1369.52 and upon the other the amount
of \$99.⁴⁰, making a total of \$1468.92 -

And he further states that he kept the
accounts in his Office ten days for
the examination of the parties, all
of which is respectfully submitted

J. A. Sebell Comr

Comptroller's Fee
\$5.⁰⁰

Feb. 21st 1870 Recd. of Benj. S. Worrell
admt. One Hundred and Seventy five
Dollars \$175.71 being my proportion
part in first distribution as per terms.
Shands up on this bond

J. Darden

1856 March 1st Recd. the
Interest on this Bond up to
date -

(\$99.90)

J. Darden

1858 March 1st Recd. the
Interest on this Bond up
to date - (\$99.90)

J. Darden

Bond

\$832.54

(A)

1860 March 1st Recd. the
Interest on this Bond up
to date - (\$99.90)

J. Darden

\$66. 60 On demand the first day of January
next, I promise to pay, or Cause to be paid
unto Jonathan Gorden, his order or assigns
the first and full sum of Sixty Six dollars
and Sixty cents for Value received, as witness
my hand and seal this 20th day of
September 1858.

Witness.

Robt L Barry Seal

Feb. 21st 1870 Recd. of J. E. Worrell and
Fourteen $\frac{77}{100}$ Dollars - being my
proportionable part in the first dis-
tribution as per Commr. Shands
ack on this claim.

J. E. Darden

R. J. Darden
Bond

73.1

"Garden" for &c
vs $\frac{3}{3}$

Barner's admⁿ &c

Report of Com^r

An account of the Fee simple and annual value of all the Real Estate of which R. S. Barnes died seized and possessed.

	Fee Simple.	Annual
A life Estate, to wit: Mrs Amanda Britt's life Estate, as widow of Rich ^d Morrill dec'd, in a tract of land lying in Southampton County, bounded by the lands of E. R. Finest & others supposed to contain 250 acres —	100 00	50 00
A Fee Simple Estate in a tract of land of about 37 acres in said County bounded by the lands of Saml Vick & others —	100 00	10 00
A Fee Simple Estate in a parcel of land of about 10 acres in said County bounded by the lands of W. H. Daughtry & others —	30 00	5 00
Total	\$230 00	\$65 00
No buildings on either of the tracts.		

The Commissioner states specially that there is recorded in the Clerk's Office of the County Court of Southampton County, a written agreement between James Dillard and the said R. S. Barnes, by which the said Dillard promises to pay to the said Barnes one half of the net proceeds of a small tract of land, which was formerly a portion of the tract purchased by the said Dillard from Simon Chasfee now deceased, whenever the said Dillard shall think proper to sell the same. But this fund the Commissioner supposes should be considered when received personal assets in the hands of said Barnes' adm'r, and not really belonging to his Estate —

Respectfully submitted
Dr. Shell Com'r

³⁷
Garden for the
by

R. S. Barnes, Henry
others

Decease

November 23rd 1870

To be entered

J. W. Wignhart Judge

Received by Clerk Circuit
Court Aug. 13th 1873.

Darden
vs 3 Decree
Barnes Adm'r & others

This Cause was this day docketed by leave of Court and by Consent of parties and by the like leave and Consent was heard on the Complainant's bill and Exhibits therewith filed, the answer of Defendants with replication thereto, and was argued by Counsel on consideration whereof the Court doth adjudge order and decree that one of the Commissioners of this Court, take and report to its next term the following accounts to wit:

1st An account of all debts against the estate of said Ro. S. Barnes, distinguishing their priorities and whether due by Indebtedment or otherwise

2nd An account of the fee simple and annual value of all the real Estate of which said Ro. S. Barnes died seized and possessed, all of which the Commissioner is directed to report to Court with any matters specially stated deemed pertinent by himself or required by any party, interested to be so stated -

Jonathan Darden

vs

R. S. Banner's admⁿ to the

Dece

To be entered

Decem 19th 1870

Report wanted

1877 May. Removed from
Docket.

John^{than} Darden

vs
R S. Barnes's adm^r & others

^{Y^r cause}
This was this day again heard
on the papers formerly read and the
Report of Commissioner Sebrell ^{made pursuant to the decree of November Term last} this
day filed by leave of Court, to which
there being no exception the same is
herely confirmed: And the Court doth
adjudge, order and decree that William
W. Briggs, Sheriff of this County sell at
auction, after having duly advertised the
same all of the real estate of which
Robert S. Barnes died seized and possessed;
~~on the following terms to wit: sufficient in~~
~~Cash and mentioned in said Commis-~~
~~sioner Sebrell's Report on the following~~
terms to wit; sufficient in Cash to pay the ex-
penses of sale and the costs of this suit ^{including \$25.00 attorney's fee} and the res-
idue on a credit of three years taking bond with
sufficient personal security from the purchaser for
the deferred payment and retaining the title till
the whole purchase money is paid - and report to Court
returning said bond -

And it is further ordered that one of the Commis-
sioners of this Court take and report a further account
of the debts due to the said Robert S. Barnes or his
estate -