

1893-75

Southampton County - Chancery

Vick, William P. vs
et al

Barnes, James's Adm

"Creditors Suit"

Subts paid in full or
pro rata

Bracehart, W. F. Adm
Etc &

Barnes James

Barnes, Sarah }
Barnes, Mattie } Etc

Wick

as 3 Bill
collected

Barnes adu 15 al

1879 October Rules

To The Honorable George Blow judge of
the circuit Court of Southampton in
chancery sitting

Humbly complaining your Orator
William P. Vick who acts for himself and
all other creditors of James Barnes died
solicits will come in and bear their share
of the costs of this suit sheweth unto
your Honor that sometime in the
year 1879 James Barnes of Southampton
County departed this life intestate leaving
considerable estate both real and personal
and leaving Sarah Barnes his widow
and one child Mattie Barnes an infant
his only heirs and distributees and that
W. F. Bradshaw qualified as his
administrator in the county court of
Southampton giving bond according to
law as will appear by a certified copy of
his bond and his qualification sheweth
files marked A and prayed to be taken as
a part of this bill

Your Orator states further that James
Barnes was indebted in his lifetime
to your Orator by a bond for \$50 sheweth
files marked exhibit B and prayed to be
taken as a part of this bill and which
is still due and payable and which
the said administrator cannot pay
without a creditors bill and the
convening the creditors and ascertaining
the condition of the estate

In tender consideration whereof and
inasmuch as your Orator is without
relief at law and only entitled to relief
in a court of equity where such
matters are peculiarly cognizable he
therefore prays that W. F. Bradshaw
administrator of James Barnes dec'd
Sarah Barnes and Mattie Barnes the
last named an infant by some fit
and proper person her guardian ad
litem appointed for that purpose may be
made parties defendant to this bill
and that the court would compel them
as full and perfect answer makers to
the allegations therein contained as if
they had been summoned more fully and
specially interrogated and that the court
would direct W. F. Bradshaw to settle
an account of his transactions as
administrator of James Barnes dec'd
before one of the commissioners of this
court directing him also to ascertain
the actual and annual value of all
the real estate wherof James Barnes
dec'd seized and possessed subject to
the widows dower and upon the
coming in of the said accounts that
the court would direct your Orator
not to be paid in full or pro rata
out the said estate as the accounts
may show to be right. And that
the court would grant such other
and general relief the premises.

considerance as equity may dictate and
the nature of this case may require
and as he duty bound your Orator
will ever pray etc.

Charles F. G.

No 120

Pick

as } Amended bill
3 "entire"

Baron Adams

1881 Jan 23 Filed &
Procees awarded

To The Honorable George Blow judge of the
circuit court of Southampton County in chancery
sitting

Humbly complaining your honor
Wm W Briggs by this his amended and supplemental
bill shunts unto you that at the October
term 1874 of this court he filed his original
bill against W. F. Bradshaw administrator of
James Barnes dec'd his wife Sarah Barnes
and infant child Mattie Barnes for a settlement
James Barnes' estate and the recovery of his
debt with out of the personal estate of
sufficient if not then out of the real estate
your Honor states that since the filing
of his bill and before any order could be
made in the case and before the administrator
W. F. Bradshaw has received any of James
Barnes' estate, his security Wm W Briggs made
a motion at the October term 1874 of the
county court of Southampton that the said
W. F. Bradshaw should give a new bond
with good security and at the same term
of the court the said Bradshaw appeared
in court and refused so to do. Thereupon
the court revoked his power as such
administrator and committed the estate of
the said James Barnes to Wm W Briggs
sheriff of Southampton for further
administration, all of which will more
fully appear by a copy of the said order
herewith filed and prayed to be taken as a
part marked A which makes an amendment

of your Orator's bill necessary

In Tender consideration whyn^d and inasmuch
as your orator is without relief at law and only
entitled to relief in a court of equity where
such matters are peculiarly cognizable he
therefore prays that W^m W Briggs sheriff of
Southampton and as such administrator de
bonis non of James Barnes dec^d Sarah Barnes
and Mathis Barnes an infant of tender years
by some fit and proper person her guardian
ad litem appointed for that purpose may be
and W. W. Briggs ^{also to the original bill} ~~made~~ ^{assigned} ~~plaintiff~~ ^{made} ~~defendant~~ ^{made} to this bill and that
the court would compel him as full and
perfect answer made to the allegations therein
contained as if they had been true therein more
fully and especially interrogate and that the
court would direct W. W. Briggs to settle an
account of his transactions as administrator of
James Barnes dec^d before one of the commissioners
of this court who may ^{be} ordered also to take an
account of all the debts outstanding against
the estate and of the actual and annual
value of James Barnes real estate and
that if there should be sufficient funds
that your orator may be paid his debt in
full and that the court would grant
such other and general relief the premises
considered as equity may dictate and the
nature of his case may require and as in
duly bound your orator will ever pray he
Shields p. 9

Clerk will please copy the order of the county
court entered at October court 1879 removing
W. F. Bradshaw as adm^r of James Barnes
and appointing W. W. Briggs as administrator
de bonis non

\$ 50.⁰⁰/₁₀₀ one day after date I promise to pay unto
whom it may come on order. The sum of Fifty Dollars
even - for value received. I do hereby waive the
Benefit of all homestead Exemptions as to
this debt - witness my hand & seal this 1st
day of April - one thousand Eight hundred & twenty
nine -

Witness my hand & seal this 1st day of April -
L. H. Stephens - ^{his} ~~ex~~ Barnes - Seal
mkt

Check

17 3

Barnes' admⁿ

Amount of the infant
Martin P. Barnes by J^r
as witness

The answer of Mallie Barnes an infant by
L R Edwards her guardian ad litem to a
complaint in chancery by Wm P
Vick against her and others

This defendant for answer to the said
bill or as much thereof as he is advised it is
material for him to answer answering
says that he submits the interests of
his ward to the care of this court, whose
peculiar duty it is to protect the rights
of infants and having fully answered
says hence to be dismissed with his
costs in

Signed L R Edwards
ad litem

Shaw for aff

Wick

no 3

Barnes adms u al

Assn of infant
Matter Barnes by
J. A. Titus.

The answer of Mathie Barnes an
infant by L. R. Edwards his guardian
ad litem to a bill in chancery in
the Circuit Court of Southampton County
by Mrs P Vick as her and others

This defendant for answer to
the said bill or as much thereof as it
is material for him to answer answering
says that he submits the interests of
his ward to the care of this court
whose peculiar duty it is to protect
the rights of infants and having
fully answered prays leave to be
dismissed with his costs.

Signed

L R Edwards Gov
ad litem

Shanes Jr. cl.

Executed by delivering to W. Prichard
a copy of the ⁴Summons on the 20 day
of September 1879

A. F. Cobb by
W. W. Prichard

Vick
vs. } Sum. chy
Barnes admor. &c

1879 October Rules

The Commonwealth of Virginia.

To the Sheriff of Southampton County: Greeting.

We command you to summon *W F Bradshaw admor James Barnes dec^d*
Sarah Barnes & Mattie Barnes

to appear at the Clerks Office of our *Circuit* Court for South-
ampton County, at the Rules to be holden for the said Court on the first
Monday, on *October next* to answer, a bill in chancery
exhibited against them in our said Court by *Mrs P. Vick* who sues for
himself and all other creditors of *James Barnes* who will come in and bear
their share of the costs of this suit

and have then there this Writ: Witness, *Littleton R. Edwards*, Clerk of
our said Court, at the Court House this *16th* day of *September* 187*9*
in the *104th* year of the Commonwealth.

L. R. Edwards *clg*

W W Briggs
Executed by delivering Sarah Barnes
& Mathe Barnes each a copy of
this Summons on the 31st day of
January 1880

W W Briggs Shff

Not }
r }
Adm^r }
Barnes }
Briggs, Hale.

1880 Feb¹¹ Dallas
Laird

The Commonwealth of Virginia:

To the Sheriff of Southampton County Greeting:

We command you to summon Wm. W. Briggs administrator de bonis non of James Barnes deceased.
Sarah Barnes and Mattie Barnes deceased
if ~~they~~ be found within your bailiwick to appear at the Clerks office of our
Circuit Court of Southampton County at the Rules to be holden for said Court
on the first monday in February next to answer
The amended Bill in Chancery
exhibited against them by
Wm. P. Vick

and have then there this writ. Witness Littleton R. Edwards Clerk of our
said Court at the Courthouse this 23rd day of January 1880
in the 104th year of the Commonwealth. J. R. Edwards C.C.

Vick

to } Exhibit with amended
9/26/21

Barnes ad R^e

Dorchester County Court, October Term 1879.

On the motion of W. W. Briggs Sheriff of W. D. Bradshaw, as administrator of James Barnes dec'd. It is Ordered that the said Bradshaw be summoned here to show Cause, why he should not be required to give a bond with good Security, for his good & faithful administration of the Estate of the said James Barnes. Whereupon the said Bradshaw appeared in Court, & waiving the Motion, as to this Motion, and the parties being fully heard, it is considered by the Court, that the said Bradshaw, execute a bond with good Security, in a penalty of \$1000. Whereupon the said Bradshaw refusing to give said bond, it is Ordered that his powers of authority as said administrator be revoked, & annulled, and that the said Bradshaw, pay the Costs of this Motion.

A Copy

Test,

James R. Dyer, J. C.

Dorchester County Court, October Term 1879.

For reasons appearing to the Court, it is Ordered that the Estate of James Barnes dec'd. be administered by the former administrator be committed to the hands of W. W. Briggs Sheriff of this County for further administration.

A Copy

Test,

James R. Dyer, J. C.

Dorchester Circuit Court, May Term 1880.

Wm P. Vick, who sues for himself and all other
Creditors of James Barnes decd. who will come
in and bear their share of the costs of this suit
against

W. P. Bradshaw administrator of James Barnes decd.
Sarah Barnes, of Mattie Barnes + Wm W. Briggs
Sheriff of Dorchester, and as Administrators ^{de bonis non} of
James Barnes decd.

This day this Cause came on to be heard in the
Plaintiffs Bill, and amended bill, taken for Confess
as to W. P. Bradshaw, administrator of James Barnes
decd. + Wm W. Briggs) administrators ^{de bonis non} of
Sas Barnes decd. and taken for Confess as to Sarah
Barnes, as to the amended bill, the answer of the Infant
Mattie Barnes by L. R. Edwards her Guardian ad litem
took to the Original and amended bill of the Plaintiff
general replication thereto, Exhibits filed and was
argued by Counsel. On Consideration Whereof the Court
did adjudge, Order, and decree, that Wm W. Briggs
Settle an account of his transactions before him of
the ^{Original} ^{Bill} of this Court, as administrator
of James Barnes decd. who will also take an account
of the actual and annual value of all the real Estate
Whereof the said James Barnes decd. Seized and posses-
sed Subject to the Widow's dower, and also an account
of all the debts outstanding against the said

Vick
 vs } Copy of
Deane
 Barnes Admin^{to}

Barnes' Estate. Accounting. There is at and bars?
 from collection by the Executor's hands, and there
 is at and out, and report the said account to the
 Court, together with any Matter affecting their
 demand for payment of money, or which may be
 required to do so. Status of any of the parties
 interested.

of Copy
 Date, James N. Lytle, J. C.

Sept 14th

Victory

20

Notice

Baron Admire to

1880 Sept. 14th

Excelsior

W. W. Hagg

Self

RECEIVED
SEP 15 1880
U. S. DEPT. OF AGRICULTURE

Commissioner's Office,

Jerusalem, Va., ~~September 15th~~ 1880.

To W. D. Bradshaw Adminr of James Barnes decd. Sarah Barnes
Mattie Barnes & W. W. Briggs, Sheriff of Southampton & as
such administrators of ^{de bonis own} James Barnes decd.

You are hereby notified that I have fixed upon the 14th day of September
1880, if fair, if not, the next fair day thereafter (Sunday excepted) to take and
settle, at my office, the following accounts, to wit:

That W. W. Briggs settle an account of his transactions,
before one of the Commissioners of this Court, as administrator
de bonis own of James Barnes decd. who will also take an
account of the ^{actual} annual value of all the real estate
whereof the said James Barnes died seized and possessed,
Subject to the creditors claims, & also an account of all
the debts outstanding against the said Barnes Estate
distinguishing those that are barred from collection by the
Limitation law, & those that are not, & report the said accounts
to the Court, together with any matters specially stated &c.

required to be taken by a decree of Southampton Circuit Court, rendered at the
May term, 1880, in a suit in Chancery, depending in said Court, in
which you are parties, plaintiffs and defendants; at which time and place you
are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the
day and year first aforesaid.

James R. Tyler,
WM. H. PARKER, Commissioner.

To the Sheriff of Southampton County to execute.

Vick & Co's Report
vs
James A. duir &c.

1880. September 27th

The Estate of James. Barnes, dec'd
In ac with W. W. Briggs, Shff & Admr

1879		Dr.	Cn.
Nov 14	By amo: of ac of sales chattel Est:		218 29
	To Com's on \$218. ²⁹ 5%	10 91	
	" paid Taxes. 1879.	13 43	
	" " Jere Spirey, for Coffin	5 00	
	" " Wm. P. Vick, for Shroud &c	6 50	
	" " M. D. Butler, 4 days as clerk	5 00	
	" " A. F. Cobb, E. F. Dreury		
	" " and R. M. Stephenson ^{Commission}	3 00	
	" " Auctioneer at sale	3 00	
1880 Jan 1.	" " J. M. Sebell, Court fees	5 00	
	" " Amt retained to pay	3	
	Clerks fees.	3	2 00
	By amo received of W. H. Ste-		
	phenson Trustee, from sale of Land		9 10
	To Com's on \$9. ¹⁰ 5%	46	
Sept 1.	By interest on \$173. ⁰⁰ from		
	Jan. 1. 1880. 8 months		6.92
	To Com's on \$6. ⁹² 5%	35	
	" amo: retained to pay		
	Sarah E. Barnes, for saving Crop	24 96	
	" amo retained to pay M. J. Barnes		
	for saving Crop	12 93	
	" amo retained to pay M. E. Worrell		
	for saving Crop	12 93	
	" amo: retained to pay		
	Comr Jas. R. Tyler	15 00	
	amts carried over	\$120 47	\$234 31

Amounts brought over	120 47	234 31
Balance due Estate.	113 84	
	<u>\$234 31</u>	<u>234 31</u>

1880

Sept. 1.	By amo: due Est. brot down	\$113.84
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Respectfully submitted

James R Tyler
 Counr in Chancery

An asc of all outstanding debts against the Estate of James Barnes, dec'd, distinguishing those that are barred by the Homestead Law from collection from those that are not so barred, taken before Jas. R Tyler, a Counr in Chancery for the Circuit Court of Southampton on the 14th day of Sept 1880.

1st

Debts not barred from Collection by Homestead Exemption

Note due Wm H Morris & Son	45 00	
Int from Nov. 1. st 1879 to Sept. 1. 1880.	2 25	47 25
Note due F. Vicker	35 00	
Int from Dec. 5. 1871 to Sept. 1. 1880. @ 10%	30 58	65 58
Note due F. Vicker	11 68	
Int from Jan. 1. 1873 to Jan. 21. 1876. 10%	3 58	
amts carried forward	15 26	\$112 83

Amts brought forward	15.26	112 83
By amt paid Jan 21. 1876	<u>10.21</u>	
amt due Jan 21. 1876	505	
Int on 5. ⁰⁰ from Jan. 21. 1876. to Sept 1 st 1880	<u>2.34</u>	7 39
Note due Mrs. H. Hines	100 00	
Int. from Dec. 17. 1878 to Mch. 10. 1879	<u>1.34</u>	
	101 34	
Paid Mar. 10 th 1879.	<u>27.00</u>	
	74.34	
Int on 74. ³⁴ from Mar. 10. to Apr. 21. 1879.	<u>50</u>	
	74 84	
Paid April 21. 1879.	<u>5.00</u>	
Due April 21. 1879.	69 84	
Int on \$69.84 from April 21. to May 21. 1879.	<u>35</u>	
	70 19	
Paid May 21. 1879.	<u>23.00</u>	
Due May 21. 1879	47 19	
Int from May 21. 1879. to Sept 1. 1880	<u>3.61</u>	50 70
Note due R. H. M. Stephenson	35.16	
Int from Mar. 1. 1878. to Sept. 1. 1880.	<u>3.16</u>	38 32
Note due W. F. Bradshaw	25.00	
Int from June 21. 1877. to Sept. 1. 1880	<u>4.80</u>	29 80
Amts carried over		239 04

Amounts bro't over			239 04
Note due W. F. Bradshaw	31 00		
Int from June 21 st 1877 to Dec. 3 rd 1877	84		
	31 84		
Paid Dec. 3 rd 1877.	3 00		
Due Dec 3 rd 1877	28, 84		
Int. on 28 th from Dec. 3 rd 1877 to Sept. 1. 1880	4 74	33, 58	
Note due Wm P. Vick	50 00		
Int from April 1 st 1879 to Sept. 1. 1880.	4 25	54 25	
Total amt of debts waiving Homestead Exemption			\$326 87

2nd

Debts barred from Collection by Homestead Exemption

A/c due W. F. Bradshaw	13 59		
Int from Jan. 1. 1880 to Sept. 1. 1880	54	14 13	
A/c due Samuel Worrell	3 00		
Int from Jan. 1. 1880. to Sept. 1. 1880	12	3 12	
A/c due W. P. Vick	14 10		
Int from Jan. 1. 1880. to Sept. 1. 1880	65	15 05	
A/c due R. M. Stephenson	10 14		
Int: from Jan. 1. 1880. to Sept 1880.	41	10 55	
Amts Carried over			\$428 5

amt brought over	42	85
A/c due R. M. Stephenson	17	95
Int from Jan 1. 1879 to Sept 1. 1880	1	80
		1975

Total amo. of debts barred
from Collection by Homestead Exemption \$ 62 60

Recapitulation Debts waiving Homestead

1	W. H. Morris & Sons. Note & Int.	47	25
(2)	F. Vicks, Note & Int.	65	58
(3)	F. Vicks Note & Int.	7	39
4	Jno. H. Hines Note & Int.	50	70
5	R. M. Stephenson, note & Int.	38	32
(6)	W. F. Bradshaw Note & Int.	29	80
(7)	W. F. Bradshaw Note & Int.	33	58
8	Wm P. Vicks Note & Int.	54	25
	<u>Total</u>	\$326	87

Debts not waiving Homestead

1	A/c due W. F. Bradshaw & Int.	14	13
2	A/c due Samuel Worrell & Int.	3	12
3	A/c due Wm P. Vicks & Int.	15	05
(4)	A/c due R. M. Stephenson & Int.	10	55
(5)	A/c due R. M. Stephenson & Int.	19	75
	<u>Total</u>	62	60

Commissioner's Office
Jerusalem Southampton Va
Sept. 20, 1880.

To the Circuit Court of }
Southampton County }

Pursuant to a decree of the Circuit Court of Southampton County rendered on at the May Term 1880, in a suit in Chancery, depending in the said Court between Wm. P. Vickrothers, plaintiffs and W. W. Biggs ^{et al} & others Defendants, the undersigned one of the Commissioners of said Court, to whom was referred for settlement, by said Decree, the account of said W. W. Biggs administration of James Barnes Est., and an asc of the actual and annual value of the Real Estate belonging to said James Barnes, and asc of all outstanding debts against the Estate of said James Barnes, distinguishing those that are barred from collection by Homestead Exemption, from those not so barred, Reports to Court, that On the 1st day of September he issued notices against the several parties interested requiring them to attend the settlement of said accounts before him at his Office in the town of Jerusalem, on the 14th day of September 1880, which were returned to your Commissioner duly executed, That the parties so interested appeared before your Court in obedience to said notices, & he thereupon examined vouchers, stated & settled foregoing ascs, and finds the amount

due by said W. W. Biggs & son of James Barnes deed
to be 113.⁸⁴ with int: from Sept 1. 1880. That the Real
Estate formerly belonging to said James Barnes, was
subject to a Deed of Trust, in favor of V. L. Doles
That on the 24th Nov. 1879 Wm. H. Stephenson, the Trustee
in said Deed, acting under orders from the beneficiary
sold at public outcry the said Real Estate. That
only 9.¹⁰ was left after paying off debt due
said Doles, which was paid over by said Trustee to
W. W. Biggs & has been accounted for by him in above
af. That the amount of debt due by Jas. Barnes
not barred from collection by Homestead Exemption
is 326.⁸⁷ and the amount so barred is 62.⁶⁰
All of which with notices re etc herewith

Respectfully submitted

James R. Tyler,
Clerk in Chancery

~~174~~ ~~174~~ 96 92
Vick ~~180~~ ~~84~~ ~~83~~
28 82

to } State Rules ~~53~~
26

Barnes adm Ky

Southampton Circuit Court

William P Vick who sues for himself and all other creditors of James Barnes dec^d who will come in and bear their share of the costs of this suit

^{or against}
W. T. Bradshaw administrator of James Barnes dec^d; Sarah Barnes & Mattie Barnes & Wm W Briggs Sheriff of Southampton and as administrator de bonis non of James Barnes dec^d. Defendants

1879 September 16 - Summons issued.

" October R - Summons not Executed on Bradshaw & Bill filed - S. R. Edwards assigned Guardian ad litem to Mattie Barnes - answer of Infant - Genl. Rep. thereto. Bill taken for confessed as to Deft. Decree nisi & Dft. Bradshaw adm^r

" November R - Bill taken for confessed as to Dft. Bradshaw adm^r; & Cause set for hearing as Dft. Bradshaw adm^r & Infant Dft.

1880 January 23. Amended bill filed & Summons issued

" Feby. R. Summons returned Ex[?] on Dft. Briggs Sarah Briggs & Mattie Barnes. Answer of Mattie Barnes infant. Genl Rep. thereto. Decree nisi to Dft's ^{Briggs} adm^r & Sarah Barnes

" March R. Bill taken for confessed as to Dft's Briggs adm^r & Sarah Barnes & Cause set for hearing &c

" May T. Decree for accounts &c

" Nov Reft Com Tyler Conf^d & 16 pay out.

Rich

On 3 Decr

Barnes admin & as

This day this cause came on to be heard on the plaintiff's bill and amended bill taken for confys as to W. F. Bradshaw administrator of James Barnes decd and Mrs W Briggs administrator de bonis non of the said James Barnes decd and taken for confys ^{as to the amended bill} as to Sarah Barnes, the auction of the infant Martin Barnes by L. R. Edwards his guardian ad litem both to the original and amended bill of the plaintiff general replication Thimble exhibited files and was argued by counsel On consideration whereof the court doth adjudge, order, and decree, That Mrs W Briggs submit an account of his transactions before one of the commissioners of this court who will also take an account of the actual and annual value of all the real estate whereof the said James Barnes died seized and possessed ^{subject to the widow's dower} and also an account of all the debts outstanding against the said Barnes' estate distinguishing those that are barred from collection by the homestead law and those that are not, and report the said account to the court

together with any matters specially stated
deemed pertinent by himself or which
may be required to be stated by any
of the parties interested

Dr. etc

Co. 3 Decine

Thomas' adum vae

To be sealed

May June 1880

W. J. K. 1880.

Rich

as 3 Decm

Barnes adms wals

1880 Novr

To be entered

Geo. B. Wood,

Wick

as 3 Decr
Barnes aduersals

This day This cause
came on again to be
heard on the papers
formerly made and the

report of commissioner Tyler of September 27th 1880
made pursuant to a decree of This court entered
at the May term 1880 and to which report no
exceptions have been filed and was argued by
counsel on consideration whereof the court doth
adjudge, order and decree, that the said report
be confirmed and that first Wm W Briggs pay
to Sarah E Barnes \$24.96cts to M. J. Barnes \$12.93cts
to M. E. Howell \$12.93cts and to James R Tyler
Commissioner \$1.50 and secondly after paying the
other costs of this suit out of the sum of
\$113.84cts to wit clerk's tickets and attorney's fee
distribute the balance of the sum of \$113.84cts
pro rata among all the creditors who have
proved their debts in the said report and return
his receipts along with ^{his} report in order to a
further decree