1897_05 Southampton County Chancery - Barnes. Joseph T. vs Barnes. Mary L. etals

sale of land left to the defendants be confirmed by Court and the money be re-invested in land -

Barnes, Willie
" Carrie
Blanche
} 1/3 Rents

McLemore, T. L. (G.A.L)

The joint and several answer of
Willie, Carrie & Blanche Barnes
by J. L. McLemore their Gen'l
Guardian to a bill of complaint
filed in the Circuit Court of
Southampton against them and
Mary L Barnes by Joseph T. Barnes.

These respondents for answer to
said bill say that they are
infants, being such subject
their rights to the protection of this
Court. And having answered
pray leave to be dismissed &c.

J. L. McLemore
Gen'l Guardian

Barnes
vs
Barnes Infants

Oct 17

C

To the Hon C. W Reid. Judge of the Circuit
Court of Southampton. In Chancery.
Complaining Showeth unto your
Hon^r your Complainant Joseph J.
Barnes - as follows.
That under the Will of James Barnes
your Complainant is in possession
of a tract of land in Southampton
Containing about acres. That the
Sixth clause of the Will of said James Barnes
is in these words - viz - "I give and bequeath
the residue of my Estate of all kinds
including real and personal property,
as well in Southampton County Va. as in
Hertford Co. N.C. to my nephew Wm Joshua
Barnes, Junior son of my brother Josh
Barnes. If he shall die leaving no
lawful heir of his body, I will the
same to his brother Joseph Barnes - in
same way - and if he shall die leaving
no heir of his body, I leave same to
his Sister Mary L Barnes in same
way &c." as will be seen by abstract
from his Will filed as Exhibit 'A' as a
part of this bill. That said Wm Joshua
Barnes is dead & left no heir of his
body. That your complainant has three
children viz Millie, Carrie & Blanche

Bamer, all minors under 14 years of age. That his sister Mary L. Bamer is still living, and is unmarried. That in the event of the death of your complainant, his children as above set forth named be his sole heirs and in the event of their death before your complainant the land aforesaid in question vested in the title of said James Bamer to his sister Mary.

That your complainant has made an excellent sale of said land to one Geo Drake for $1100- Conditioned upon the said sale being confirmed by this Court. That with the proceeds of this sale, a lien aforesaid of mine taken to your complainant and to those interested can be purchased and the rights of no one interested will be in any way violated, but all parties will be benefited.

That the land to be purchased will be held & owned upon the same limitations as the land aforesaid sold. In consideration whereof your complainant prays, inasmuch

as he has no relief except in a Court of Equity, where matters of this kind are properly cognizable, that Mary L. Barnes, Willie, Carrie & Blanche Barnes, the last three minors under 14 years of age may be made parties defendant to this bill and required to answer the same, but answer under oath as to the adult defendant is waived. That some fit and proper person be assigned guardian ad litem to the infants. That the bed of land be surveyed and the money arising therefrom be invested in another tract to be held upon same limitations. That all proper inquiries may be made, and that your Honor may grant all such other, further, special and general relief as to Equity may seem meet in the premises and as the nature of this case may require, and as in duty bound, your complainant will ever pray &c. May it please the Court &c.

Jos. T. Barnes

J. R. Lewis Jr.

Sworn to before me.

T. W. Howard. C.C.

The joint and several answer of
Willie, Carrie & Blanche Barnes
by J. L. McLemore their Guardian ad
litem to a bill of complaint
exhibited in the Circuit Court of
Smith county, Miss against them and
Mary L Barnes by Joseph T. Barnes.

These respondents for answer to
said bill say that they are
infants of tender years and submit
their rights to the protection of this
Court. And having answered fully
pray hence to be dismissed &c.

J. L. McLemore
Guardian ad litem

Barnes
vs
Bill of Partition
Barnes Infants

Oct 17

C

J. L. McLemore

Barnes

(2) Stot Rifles.

Barnes Infantry

Jos. T. Barnes Pltff

vs

Mary L. Barnes
Willie Barnes
Carrie Barnes
& Blanche Barnes
last three infants under
the age of 14 yrs.
J. L. McLemore Their
Gdn ad litem.

1894 Sept 21st Proc issd to 1st Oct Rules

" 1 Oct Rules. Proc ret'd Executed
Bill & Cr filed Answer of
Gdn ad litem with Reps.
as to every min & adult

" 2 Oct Rules. Bill taken for confessed
as to adults ~~& decree nisi~~
~~vs Adult~~. and cause
set for hearing as to
adults

A

6th Clause of Will
of James Barnes.
Extract

Sixth. Clause

I give and bequeath the residue of my Estate of all kinds including real and personal as well in Southampton County Va. as in Hertford County N.C. to my nephew William Joshua Barnes. youngest son of my brother Jacob Barnes to him and his lawful heirs of his body forever. If he should die leaving no lawful heirs of his body, in that case I will the legacy then to his brother Joseph Barnes in the same way + if he should die leaving no lawful heirs, then to Mary, his sister + her lawful heirs of her body.

An Extract

Test: B.F. McLemore C.C.

I do acknowledge due
& legal service of this notice
March 26/95.
I. B. Pennington atto -

D. L. McLemore Gdn.
ad litem for Infant.

COMMISSIONER'S OFFICE,

COURTLAND, VA., March 26 1895

To J. T. Barrier, Mary L. Barrier, Carrie Barrier Blanch Barrier, last three infants under 21 yrs of age by J. L. McLemore their gdn ad litem.

You are hereby notified that I have fixed upon the 26 day of March next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:

1st. Whether tis to the intrest of the infant to allow a change of investment as prayed for in the plaintiff bill or not

2nd Whether the rights of any party will be violated or not

3rd. Whether it is to the intrest of the infant to have the sale made to Jurgis Drake confirmed with any other matter deemed pertinent or required to be stated by any interested party

required to be taken by a decree of Southampton Circuit Court, rendered at the nov term, 1894, 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.

by a subsequent decree entered at March term 1895 recommitting said report with instructions &c

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

D. T. McLemore Commissioner.

To the Sheriff of Southampton county to execute.

Barnes

v. { Report

Barnes. Defts

1895. March 27th Filed
T. M. H. C.C.

JAMES L. McLEMORE,
Attorney-at-Law,
COURTLAND, VIRGINIA.

Everett Waddey Co., Stationers and Printers, Richmond, Va.

The deposition of A R Myrick & others taken before me T F McLemore a commissioner in chancery of the Circuit Court for the County of Southampton in the State of Virginia, pursuant to notice hereto annexed, at Courtland Va. on the 26th day of March 1895. between the hours 10 a.m. & 3 p.m. to be read as evidence in behalf of Joseph Barnes & others in a certain suit in equity depending in the Circuit Court of Southampton County, wherein Joseph Barnes & others are plaintiffs and Barnes Infant are defendant.

Present J B. Prince for plaintiffs
D L McLemore Esq ad litem
for Infant defendant.

The witness A R Myrick being first duly sworn, deposes says.

Q. 1. What is your age, where do you reside and do you know the parties to this suit?

A. I am 31 years of age live in Southampton & know the parties to this suit.

Q. 2. Do you know anything of the sale of the farm sold by Joseph Barnes to George Drake for $1100. & specially mentioned in the bill of complaint?

A. I do. I live near it, & have known it all of my life.

Q. 3. What do you think of the sale? Do you regard it as a fair sale, excellent sale or good sale?

A. I regard it as an extraordinary sale & for this reason,: there are about 160 acres in the farm. the land is poor & the buildings very much out of repair. 6% interest upon the purchase money will yield more revenue than can be gotten from the rent of the farm. Besides I know that Mr Barnes has never been offered more than $800 for the farm by any one else.

And further this deponent sayeth not.

A. R. Myrick

The witness W. A. Myrick, J. L. Barham being first duly sworn deposes says

Q. 1. What is your age residence & do you know the parties to this suit?

A. W. A. Myrick says "I am 44 yrs of age" J. L. Barham says "I am 48 yrs of age" We live in this County & know the parties to the suit & the land in question.

Q. 2 What do you think of the sale of the land by Joseph T. Barnes to Geo. W.

Drake at $1100.

A. We think it an extraordinarily good one.

And further these deponents say not.

Wm. A. Myrick

J. L. Barham

Virginia

County of Southampton to-wit:

I, B. F. McLemore, a commissioner in Chancery of the Circuit Court for the County & State aforesaid, hereby certify that the foregoing depositions of A. K. Myrick W. A. Myrick & J. L. Barham were duly taken, subscribed & sworn to before me on the day & for the purposes as herein first above stated.

Given under my hand this the 26th day of March 1895.

B. F. McLemore

Com'r in Chancery

Com's fee $2.50

Commissioners Office
Courtland Va. March 26. 1895

To the Circuit Court of Southampton County.

Pursuant to a decree of the said Court entered at the March term 1895, in the Chancery cause of Barnes vs. Barnes. Infants, the undersigned one of the Commissioners of said Court to whom said decree has been referred, having first issued notice against the parties requiring them to appear before him at his Office in Courtland on March 26. 1895, (the service of said notice having been acknowledged by the parties) respectfully reports to the Court as follows. that he has in obedience to the instructions contained in the decree of the march term 1895. filed with this report depositions of the witnesses upon which he based his report of March 5. 1895, and he also states further to the Court that the said depositions were taken in the presence of the guardian ad litem.

Respectfully Submitted.
D. F. McLemore
Com'r in Chancery

J. T. Baines
Sister
to
Booth

I B Pruner

In Re Bill in Chancery
Suit of Baines vs
Baines Infants

Write D.R.A. what
day he can find you
in Office

Received of I B Bruce Special Commissioner in the Chancery suit of Barnes vs Barnes Wfants, now pending in the Circuit Court of Southampton County the sum of Eleven Hundred dollars, same being amount received from Geo Drake for purchase of farm sold to said Drake by Joseph Barnes subject to confirmation by the Circuit Court of Southampton Co.

June 1896 J. Y. Barnes

I hereby consent to the above and give this as my receipt also.

June 1896 Mary L Barnes

Barnes
vs 3 Reports Cen. Pac.
Barnes Infants

1896 Mar 21.
Filed. L. A. Gay C.C.

Barnes
vs 3 Report of Comr. I. B. Lucas
Barnes Infants

In this cause your Comr reports as follows. That pursuant to an order of this Court entered March 27. 1895. he has received from Geo Drake the sum of $1100. in full for the tract of land sold to him conditionally by Joseph Barnes and has deeded to him a deed with special warranty for the same.

There is now in my hands as follows.

By amt rec'd from Geo Drake $1100.
Less Comrs. 31.00

$1069.00

I have been unable to reinvest this money in any land. and as the terms of the will, under which Joseph Barnes held the land are that if he should die leaving no lawful heirs of his body. then it goes to his sister Mary, and her lawful heirs of her body, I would recommend to your Honor that if Joseph Barnes will execute a bond before the Clerk of this Court in the penalty of $1200. conditioned for the safe keeping of the sum of $1069.00 (must be deposited to be withdrawn by Court Order) in the event he should die leaving no lawful heirs of his body. then that your Commissioner be allowed to pay him that sum of money. I see no other way to dispose of the fund, and Mr Barnes is clearly entitled to the use of the money during his life.

Respt Submitted

To Judge Cir. Ct. Lo'campton Co. 3

I. B. Lucas
Master Comr.

Form No. 309.

Barnes

vs.

Barnes Infant

to { COMMISSIONER'S BOND.

Commonwealth.

Recorded.

page 34.

Everett Waddey, Stationer and Printer, Richmond, Va. } Form No. 309.

Know all Men by these Presents, That we J. B. Prince

J. L. McLemore, J. W. Williams & B. F. McLemore

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

Two thousand Dollars,

to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligaiton, and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office, post or trust, with coupons detached from bonds of this State. Sealed with our seals, and dated this 22nd day of May one thousand eight hundred and Ninety Five.

The condition of the above Obligation is such, That if the above bound J. B. Prince

shall faithfully perform the duties of his office or trust, as Special Commissioner

under a decree of the Circuit Court of the County of Southampton, pronounced on the 27th day of March, 1895, in the suit therein depending under the name and style of Banes vs. Banes Infants

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

J. B. Prince SEAL.

J. L. McLemore SEAL.

J. W. Williams SEAL.

B. F. McLemore Seal

*In the Clerk's Office of the Circuit Court of the County of Southampton.*

This day J. L. McLemore, J. W. Williams & B. F. McLemore surety on the above bond, made oath before me L. A. Gay, Clerk of the Circuit Court of the County of Southampton, that this estate after the payment of all this just debts, and those for which they are bound as securities for others, and expect to have to pay is worth the sum of Two Thousand dollars; whereupon the said bond is admitted to record according to law.

Given under my hand this 22nd day of May 1895.

Teste: L. A. Gay Clerk.

Barnes

vs 3

Barnes Infant Vs

---

Accounts of D. L.

McLennan Son

& Liberia

---

1896 Nov 13

---

The answer of J. L. McLemore Gdn ad litem for the infants Willie, Carrie & Blanche Bamer, under 14 years of age to a bill of complaint exhibited against them in the Circuit Court of Southampton by Jos. T. Bamer.

This respondent for answer to said bill says. That he knows nothing about the facts of this case except from the allegations of the bill, and he asks the Court to protect the interests of the minors and having answered, prays hence to be dismissed.

Jas L. McLemore
Gdn ad litem.

Sworn to before me Nov 13. 1894.

T. W. Howard. C. C.

Baines
vs 3
Baines Infants &c.

Answer of
Mary L. Baines

The answer of Mary Barnes to
a bill of complaint exhibited in the
Circuit Court of Southampton County
herself sorters by Joseph Barnes.
This respondent for answer to
said bill says. That she has no
objection to the sale of the tract of
land as stated in the bill to one
Geo Drake. for $1100. provided
the money is invested in other
lands and she has the same
interest in the land bought as
she has in the land sold.
She moves further state that
she is not married.
And having answered. she
prays hence to be dismissed
&c.

x Mary L Barnes

Barnes
vs
Barnes Infants

1897. Mch 23
Enter -
Robt R. Davis

Entd Page - 127 -

Bamer

vs Deane.

Bamer Ins Courts-

This day this Cause came on to be again heard on the papers formerly read, and on a paper writing signed by J. T. Bamer and his sister Mary L. Bamer acknowledging payment by Com. L.B. Prince of $1100. to their - same being amount received from Geo Drake on purchase of farm sold by J. T. Bamer. and which was ordered to be paid over by decree in this Cause dated Mch 25. 1896.. Nothing further appearing necessary to be done in this Cause, the same is ordered to be removed from the docket.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON Mary L. Barnes, Willie Barnes, Jamie Barnes and Blanche Barnes last three infants by J. L. McLemore their next friend ad litem

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the 1st Monday in October next, to answer a Bill in Chancery exhibited against them in our said Court by Jas T. Barnes

And this they shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, T. M. HOWARD, Clerk of our said Court, at the Courthouse, this 31" day of Sept, 189.4, in the 119th year of the Commonwealth.

TESTE: T. M. Howard, C. C.

A Copy Teste: T. M. Howard C.C.

Oct 13. 1894. I acknowledge
service of this summons.

Mary L Barnes

Barnes

Pl's } Summ.

Barnes

1894. 1st Oct Rules

2 in Lot.

Executed Sept. 26th 1894 by delivering a Copy thereof to H. L. McLemore Def'n in said Cause.

J. W. Williams
Sh'ff.

Bruce f.a.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON Mary L. Barnes, Willie Barnes, Carrie Barnes & Blanche Barnes last three infants under the age of 14" by J. L. McLemore their Guardian ad litem.

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the 1st Monday in October next, to answer a Bill in Chancery exhibited against them in our said Court by Jos. T. Barnes

And this they shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, T. M. HOWARD, Clerk of our said Court, at the Courthouse, this 21st day of Sept, 1894, in the 119th year of the Commonwealth.

TESTE: T. M. Howard, C. C.

Barnes

vs } Statement of Costs

Barnes' Indemnity

Barnes

Vs. } Statement of Costs

Barnes. Infants

Sum, 25. 2 Copies 26. receipt 18. atty. 10. Book. 18 = .97

Rule 50. entering return 35. fil. bill 15. Do. Sum. 15. Do. replication 50 = 1.30

Rule 50. fil. 2 reports 50. 3 Decrees & copies $2.16. 3.16

J. M. H, $5.43

Taking Comr's Conf $1.40. 1 Decree & Copy 72. fil. Comr's Report 25. Fay Costs 40 2.77

Further Costs, 1 Decree 72. fil. Comr's report 25. fil. papers 25 = 1.22

J. M. H. 5.43 Pd R. Howard Pd L. A. Gay Clerk $9.42

L. A. Gay 3.99 Sheff. .50

$9.42 Lawyer 16.50

$26.42

Lawyer. H. H. McLemore fee 10.00

" " " " 2.50

$38.92

Barnes
vs Hs Heirs
Barnes Infants

1896. March 25

Enter

Robert C. Lewis

Entered
Page 73—

Barnes

vs Decree.

Barnes Infants

This day this cause came on to be further heard on the papers formerly read, the report of Comr. L.B. Prentice filed Mar 21. 1896. to which there is no exception and was signed by Counsel. On consideration whereof, the Court confirming said report in part, doth decree that upon the joint receipt of Joseph Barnes and his sister Mary Barnes to said Comr. L.B. Prentice, he pay over to them the sum of $1069.00 and make report to Court.

Barnes
vs 3 Heirs
Barnes Infants

1895. March
Term

To be entered.

Robert C. Lewis
Mar. 26, 1895.

Barnes

vs Z Decree.

Barnes Infants

This day this Cause Came on to be further heard on the papers formerly read, and the report of Comr B. F. McLemore filed Mch 5. 1895: and the Court Without deciding upon any question involved doth ordain that the said report be recommitted to said Comr with instructions to report the evidence upon which he bases his report and also to let his report show whether the Evidence is taken in the presence of the guardian ad litem or upon interrogatories agreed by him.

And it is further ordered that notice of the time and place of taking the accounts directed need only be given to the guardian ad litem and to Solicitors acting on the parties.

Barnes
vs
Barnes Infants

1895. March Term

To be inlarged.

Robert C. Davis

Mar. 27, 1895.

Page 9

within Caveat and said County, as exhibited
the Clerk of said Court, duly made report to Court.

Barnes

vs

Decree

Barnes Infants &c.

This day this cause came on to be again heard on the papers formerly read, and on the report of Comr B. F. McLemore filed March 5. 1895. and on report filed March 26. 1895 to which there is no exception and was argued by Counsel. On consideration whereof, and it appearing from the said reports that the sale of stock placed by Joseph Barnes to Geo Drake is an advantageous one and that it is to the interest of all parties, the same is hereby confirmed. And the Court doth further adjudge ordain and decree that I. B. Purser and Joseph Barnes, be and they are hereby appointed Special Comrs, either one of whom may act, that they receive from Geo Drake the sum of $1100.00 in full for the purchase of the tract of land sold to him by Joseph Barnes conditionally and upon its payment execute to him a deed with special warranty for the same. And the said money they are directed in the purchase of another tract of land, subject to confirmation by this Court. But before the said Comrs or either of them shall proceed to act under this decree they are directed before the Clerk of this Court a bond in the penalty of $2000.00 with security to be approved by said Clerk conditioned to faithfully execute this and any other decree

Barnes
vs
Barnes Defts

1895. March Term

Dr. ke means.

Robert D. Rhodes
Jan. 27, 1895.

Page 9

whether Cause. and said Comrs, or whichever
one shall act, will make report to Court.

Barnes
vs 33 Decree
Barnes Mfg Co.

1894. Nov Term
To be filed
13th CMA

Ent. 702

Barnes

vs Deed.

Barnes Infants &c.

This day this cause came on to be heard on the complainants bill, the answer of the infants defendants by J.L. McLemore their Guardian ad litem, the answer of J.L. McLemore, Gdn ad litem, sworn to as the law directs, & the answer of Mary L. Barnes, with general replication thereto, and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that it be referred to one of the Commissioners of this Court to inquire & report

1st. Whether it is to the interest of the infants to allow the change of investment as prayed for in complainants bill or not.

2nd Whether the rights of any party will be violated or not.

3rd Whether it is to the interest of the infants to confirm the sale to Geo Drake as stated in complainants bill - which inquiries the Comr will make and report together with such other matters specially stated deemed pertinent by himself or which may be required to be so stated by any interested party.

be required to be so stated by any interested party.

A Caley

Teste: T. H. Howard C.C.

Barnes
F. J. Deeves
Barnes' Signature
A Caley

Feb 16
C. P. May rec'd
A. D. May rec'd
J. B. Hall

Southampton Circuit Court, Nov. Term 1874

Barnes

&c — 3 Decree.

Barnes' Infants &c.

This day this cause came on to be heard on the complainants bill, the answer of the infant defendants by J.L. McLemore their guardian ad litem, the answer of J.L. McLemore, Gdn ad litem, sworn to as the law directs, the answer of Mary L. Barnes, with general replication thereto, and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that it be referred to one of the Commissioners of this Court to enquire & report.

1st Whether it is to the interest of the infants to allow the change of investment as prayed for in complainants bill or not.

2nd Whether the rights of any party will be violated or not.

3rd Whether it is to the interest of the infants to confirm the sale to Geo Drake as stated in complainants bill— which enquiries the Comr will make and report together with such other matters. Specially stated deemed pertinent by himself or which may

Barnes
v } Notice.
Barnes' Infants

1895. Feb 16.

Executed Feb. 14th 1895 by delivering a copy of this Notice to the within named parties

R. D. Mygon dep't for
D. M. Williams
Sh'ff

Feby 14th 1895-

Commissioner's Office,

Court Yard & Jerusalem, Va., Jany 16th 1895.

To J. T. Barnes -
Mary L. Barnes.
Willie Barnes
Carrie Barnes
and Blanche Barnes.
last three infants under
21 years of age. by
J. C. McLemore, their Guardian
ad. litem.

*You are hereby notified that I have fixed upon the* 16 *day of* February *next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:*

1st. Whether it is to the interest of the infants to allow the change of investment as prayed for in the Plaintiffs Bill or not.

2nd Whether the rights of any party will be violated or not.

3rd Whether it is to the interest of the infants to confirm the sale to Geo. Drake, as stated in Complainants bill.

With any other matter deemed pertinent.

*required to be taken by a decree of Southampton Circuit Court, rendered at the* November *term, 1894, 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 said Court, the day and year first aforesaid.*

B. F. McLemore

*Commissioner.*

*To the Sheriff of Southampton County to execute.*

Barnes
v } Spia
Barnes' Infants

1895. Feb. 16.

Executed Feb 13th
1895 - by delivering
a copy of this Writ
to each of the within
named parties

R. D. Moore Deputy
for J. W. Williams
Sheriff

Feby 13th 95

# THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON A. R. Myrick, Julian D. Myrick and S. W. Hill

B. F. McLemore, Comr

to appear before ~~the Judge~~ of our County Court of Southampton County, at the Courthouse thereof, on the 16th day of February ~~Term~~, 1895, to testify and the truth to speak on behalf of J. J. Bames et als

in a certain matter of controversy in our said Court depending and undetermined between J. J. Bames, plaintiff, and Bames' Infants &c, defendant.

And this they shall in no wise omit, under the penalty of the law. And have then there this writ.

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 4 day of Feby, 1895, in the 119th year of the Commonwealth.

TESTE:

B. F. McLemore, C. C.

Barnes

v

Barnes Default -

A.R. Myrick - Thinks the sale a good. The price a big one. That the change of investment will be to the interest of the Defts. Interest of no one else to be studied.

J.D. Myrick & Settle corroborate the above, & finds that Court decide a proper & judicious investment

Barnes

4th Cavalry Report.

---

Barnes' Infantry

1895 March 5th Filed

Mch 5 D.M.K. b.b.

Commissioners Office.
Courtland. Va.
Feby 26th. 1895.

To the Circuit Court of Southampton Co.

Pursuant to a decree of said Court, entered at the November Term 1894. in the cause of "Barnes & Barnes' Infants". the undersigned, one of the Commissioners of said Circuit Court. to whom said decree has been referred. having first issued Notices against the parties. requiring them to appear before him, at his Office, in Courtland, on the 16th day of Feby 1895. (said Notice, having been duly executed, is herewith filed.) And the parties aforesaid having appeared, at the time and place aforesaid. he thereupon proceeded to make the following enquiries:

1st. "Whether it is to the interest of the infants to allow the change of investment as prayed for in the Complainants bill".

2nd. Whether the rights of any party will be violated, or not?

3d: Whether it is to the interest of the infants to Confirm the sale to Geo Drake, as stated in Complainants' bill? -

Your Commissioner, having heard the evidence of A.R. Myrick, J.D. Myrick and S.H. Rice. Gentlemen of unquestionable veracity, sound judgment and familiar with the facts and circumstances of the case, submits the following report:

It is to the interest of the infants that the sale of the tract of land in the bill and proceedings

mentioned to Geo Drake for $1100.00, be confirmed. and that the Court decree a proper and judicious investment of the proceed of said sale; and that the rights of no party will be violated thereby. That the change of investment prayed for, will promote the interest of all parties Concerned.

Respectfully Submitted.
B. F. McLemore,
Comr in Chancery.

Comrs fee $10.00