1851-006 SOUTHAMPTON COUNTY CHANCERY PAPERS DARDAN VS. LAURENCE etal

5/1851

other SURNAMES: Lawrence, Darden

Darden

v. 7 Papers

Lawrence &c

1851 May Term

Darden

to 3 Stat: Rules

Lawrence &c

Bleffs Leon

Celk	$7.61
Stiff	50
Or. Pub	3.75
Dues &c	15.75
	$27.61

Off. Dardens Cons

Celk	50

Elisha Darden

v.

Thomas Lawrence & Jonathan Darden admrs. of Lydia Lawrence dec'd & as admrs. de bonis non of William Lawrence dec'd.

1850. June 3d Sp^a & Rest. order issued.

" July. Rules. Sp^a. Rt.^s Entered on Darden. Lawrence no inhabitant. Bill filed. Decree nisi v Dft. Darden adv. Pf.

" Aug: R. Bill taken for confessed as to Dft. Darden admr. Order of Pub v Dft. Lawrence.

" Sept. Cause set for hearing as to Dft Darden adv.

" Nov. Continued

1851 May - Decree Pf.

Barden
v
Lawrence
} Bill

1850 July Rules.

To the Hon. Richard H Baker Judge of the circuit Superior Court of law & chancery for the County of Southampton

In Chancery

Humbly complaining sheweth unto your honor your orator Elisha Daidan. That at the January term 1839 of the County Court of Southampton Thomas Laurence of said County qualified as guardian of Joanna Seata Johnson orphan of Seata Johnson dec'd and gave bond conditioned as the law directs in the penalty of $1000 with your orator and Jonathan Daidan his sureties, and that the said Laurence then obtained possession of the whole estate of said ward which consisted of bonds & money. That your orator afterwards finding that the said Laurence was very much in debt and fearing that he might (if he had not already) spend the estate of his said ward, requested that the said Laurence would in some way secure him from loss on account of said securityships: That accordingly the said Laurence executed a deed on the 15th of april 1844 conveying certain property to a trustee, in trust for the purpose of securing your orator and the said Jonathan Daidan from loss on account of said guardianship and for other purposes therein set forth; which deed is now of record in the clerks office of said County Court, But your orator being satisfied that the property conveyed in said deed was very insufficient to secure him from loss, at the april term 1844 petitioned the said County Court to be relieved from his said securityships, and the said Laurence being summoned to answer the same, the Court ordered the estate of the ward to be committed to Jonathan Daidan the co-security of

Your orator, all of which will appear from certified copies of the orders of said Court herewith filed marked (A) and prayed to be considered as parts of this bill - That the said Laurence settled an account of his transactions as guardian as aforesaid, up to the 31st of Decem 1824 after which there were no receipts or expenditures of his, before a commissioner of the said Court, on which account, (a copy of which is herewith filed marked (B) and prayed to be taken as a part of this bill), a balance is reported due the ward of $407.63 with interest - On the 8th day of January 1845 the property conveyed by the said deed of trust was sold and proved entirely insufficient for the purposes therein mentioned, the sum of $152.53 being the whole to be applied to the security of your orator from loss on account of said guardianship. The said sum of $152.53 was paid by the trustee to Jonathan Dardan to whom the estate of the ward had been committed, and the said Laurence was duly credited by that amount leaving a balance due the ward of about $255.10 The said Laurence was then totally insolvent and a few weeks after departed from the Commonwealth, leaving your orator and his cosurety to make good the said balance due the ward, and your orator being no relief paid his half of said amount about $127.55 to Jonathan Dardan then the guardian of said ward and also the cosurety of your orator - Your orator further states that some short time since a large amount of money came to the hands of the said Jonathan Dardan as administrator de bonis non with the will annexed of Wm Laurence dec'd and as administrator of Lydia Laurence dec'd, and that the said Thomas Laurence as one of the distributees of the said William and Lydia Laurence will be entitled to a considerable part thereof, which your orator is advised may be rendered liable to the payment of the amount paid by your orator as surety as aforesaid - That the said Thomas Laurence is not a resident of the Commonwealth of Virginia, but resides without the limits thereof and beyond the reach of the process of this Court - In tender consideration of all which and inasmuch as your orator is without remedy in the premises except in a Court of Equity. To the end therefore that justice may be done, he prays your honor to make Thomas Laurence & Jonathan Dardan in his own right, as administrator de bonis non with the will annexed of Wm Laurence and as administrator of Lydia Laurence dec'd defendants to this bill, that an order of publication may be awarded as to the absent defendant Laurence - That the defendant Dardan may be compelled to state on oath whether individually or as administrator de bonis non with the will annexed of Wm Laurence, or as administrator of Lydia Laurence, he has any money goods or effects of or any debts due to the said Thomas Laurence in his hands, and that he be injoined and restrained from disposing of, paying away, or secreting the same till the further order of this Court - That the amount due your orator may be decreed to be paid him, out whatever may be in the hands of the defendant Dardan or so much thereof as may be right and proper may be appropriated

To the payment thereof - That your Honor will grant such other & further relief in the premises as Equity may dictate & the case as in duty bound they will ever pray &c

Elisha Gordon

By Chambliss & Masenburg
his attorneys

Dardan
ē Shawn
Lamond

The answer of Jonathan Dardan to a bill of complaint exhibited against him in his own right as administrator de bonis non of Wm. Laurence and administrator of Lydia Laurence dec'd & Elisha Dardan

This Defendant now and at all times hereafter saving & reserving to himself all manner of benefit & advantage of exception to the said bill or to any matter thing or things therein contained for answer thereunto, or unto so much thereof as he is advised it is material for him to make answer unto, answering saith: That it is true, the said Elisha Dardan and himself were the sureties of the said Thomas Laurence for the guardianship of Joanna Isabel Johnson orphan of Isabel Johnson dec'd and that the said Laurence having become insolvent and failing to give counter security the estate of said ward was committed to this respondent; That after the payment of the sum of $152.53 & Laurence's trustee as stated in the bill there was a balance still due the orphan of $265.10, for which the said Elisha Dardan and this respondent were responsible, one half of which was afterwards paid to this respondent as the guardian of said orphan & the said Elisha Dardan. He also admits it to be true that he is the administrator de bonis non of Wm. Laurence and administrator of Lydia Laurence, and as such has some money in his hands to which the said Thomas Laurence is entitled, he has settled his accounts of his transactions as the estates of the said Wm & Lydia Laurence before a Commissioner of this County Court of Sussex and files a copy of which

is herewith filed marked (A) and prayed to be taken as a part of this answer, by which it will appear there is a balance due the estate of Wm Lammer of $39.84 and a balance due the estate of Lydia Lammer of $449.00. The said Thomas Lammer is entitled to one third of the said balance due the estate of Wm Lammer, to wit: $13.28, and to one fourth the balance due the estate of Lydia Lammer, to wit: $112.25. But this respondent is advised that if the said effects in his hands are to be made subject to the payment of the debts of the said Thomas Lammer, that it would not be just to apply and appropriate them to the one half of the debt paid by the plaintiff to the exclusion of the half for which this respondent is also responsible to his bail, but that he should be allowed to retain so much of said effects as will satisfy the debt for which he is responsible before any other claim should be paid — And having answered the charges he prays to be dismissed with his costs &c

Southampton County to wit:
This day Jonathan Darden personally appeared before me a justice of the peace in and for the said County and made oath that the facts stated in the above written answer are true to the best of his knowledge & belief — Given under my hand this day of November 1850 Jno P Nicholson JP

Dan Dan
i } Dees
Lawrence &c

1857 May Term

Jordan
v
Laurence &c

May Term 1837

It appearing that the Plaintiff has pursued the course prescribed by law against the absent defendant Thomas Laurence who still failing to appear and answer on motion of the Plaintiff his bill is taken for confessed as to him: And the cause came on to be heard as to the Defendant Jonathan Jordan, on the bill, exhibits, and answer, and was argued by counsel, On consideration whereof the Court doth adjudge order and decree that the Plaintiff recover of the Defendant Thomas Laurence the sum of One Hundred and twenty seven dollars and fifty five cents with interest thereon from the 18th day of August 1835, and also the cost of this suit, and that the said Jonathan Jordan recover from the said Thomas Laurence the like sum of One Hundred and twenty seven dollars and fifty five cents: And it is further decreed, that the Defendant Jonathan Jordan pay to the Plaintiff Sixty two dollars and Seventy six cents with interest from the 31st day of December 1830 part of said sum, out of the effects in his hands belonging to the said Laurence, and that he retain out of said effects the like sum of Sixty two dollars and Seventy six cents with interest as aforesaid in part of the amount due him from the said Thomas Laurence, and leave is reserved for the Plaintiff to apply for further relief. But this decree shall be of no effect until the Plaintiff and the said Jonathan Jordan as soon as

for them shall execute a bond in the Clerks Office of this Court in the penalty of Two Hundred dollars with security who shall justify on oath as to his sufficiency conditioned to abide such future order of the Court as may be made for restoring the said effects to the absent Defendant Thomas Lawrence upon his appearing and answering the bill

To attach the monies debts and effects of the Defendant Thomas Lawrence in the hands of the other Defendant so that he be restrained from paying conveying away or detaining the debts by him owing to or the effects in his hands of the said Thomas Lawrence until the further order of this Court

Chs Mayenberg Jp. q

Test. P.R. Edwards Cl.

Barclay
v
Thos Lawrence & al

1850 July. Rule

Entered as Decree in the Chancery Records in Liber No.

Examd with the Original

Chs Mayenberg Jp. q

6.5.6

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon Thomas Lawrence & Jonathan Darden administrator of Lydia Lawrence and as administrator de bonis non with the will annexed of William Lawrence dec'd

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in July next, to answer a Bill in Chancery exhibited against them in the said Court by Elisha Darden

And unless they shall answer the said Bill within ~~four~~ two months thereafter, the Court will take the same for confessed, and decree accordingly. And this they shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the 3 day of June 1850, in the 74 year of the Commonwealth.

L R Edwards CC

[*One Copy to be delivered each Defendant.*]

Lardam
Laurence
Affidavit

1850 August 7th

Jordan
v
Lawrence

Southampton County, to wit:
This day Eliza Jordan personally appeared before me a justice of the peace in and for said County, and made oath that Thomas Lawrence one of the Defendants in a suit now pending in the Circuit Superior Court of Law & Chancery for the County of Southampton in favor of Eliza Jordan v said Lawrence &c, is not a resident of the state of Virginia, to the best of his knowledge & belief. Given under my hand this 7th of August 1850

G. A. W. Newsom J. P.

Darden

&c } Pr: Pub:

Lawrence &c

Copy posted at front door Ct. Ho:
1st day August Court 1850.

J.R.E.

At Rules held in the Clerks Office of the Circuit Court of Southampton County on the 7th day of August 1850.

Elisha Darden — Pltff.

against

Thomas Lawrence and Jonathan Darden in his own right and as administrator de bonis non with the will annexed of Wm. Lawrence decd and as administrator of Lydia Lawrence decd — Defts } In Chancery

The object of this suit being to subject the monies, goods or effects of, or debts due to, the Defendant Lawrence in the hands of the defendant Darden individually or as administrator as afore-said, to the payment of a debt due the plaintiff from the said Defendant Lawrence, and to restrain and injoin the said Defendant Darden from disposing of, paying away or secreting the said monies, goods, effects or debts until the further order of the Court, and it appearing by affidavit filed in this cause that the defendant Lawrence is not a resident of this State on the motion of the plaintiff by his attorney, it is ordered that the said Defendant ~~defendant~~ do appear here within one month after due publication of this order and do what is necessary to protect his interest, and that a copy of this order be published once a week for four successive weeks in some news paper published in the town of Petersburg and posted at the front door of the Courthouse of this County on the first day of the next County Court.

VIRGINIA—IN CHANCERY—At Rules held in the Clerk's office of the Circuit Court of Southampton county, on the 7th day of August, 1850:

Elisha Darden, Plaintiff,

against

Thomas Lawrence and Jonathan Darden in his own right and as administrator de bonis non with the will annexed of Wm. Lawrence, dec'd, and as administrator of Lydia Lawrence, dec'd. Defts.

The object of this suit being to subject the monies, goods or effects of, or debts due to, the defendant, Lawrence, in the hands of the defendant, Darden, individually, or as administrator as aforesaid to the payment of a debt due the plaintiff from the said defendant Lawrence, and to restrain and injoin the said defendant, Darden, from disposing of, paying away, or secreting the said monies, goods, effects or debts, until the further order of the Court, and it appearing by affidavit, filed in this cause that the defendant, Lawrence, is not a resident of this State, on the motion of the plaintiff, by his attorney, it is ordered that the said defendant do appear here within one month after due publication of this order, and do what is necessary to protect his interest, and that a copy of this order be published once a week for four successive weeks in some newspaper published in the town of Petersburg, and posted at the front door of the Court House of this county on the first day of the next county Court.

A Copy—Teste,

an 13—w4w L. R. EDWARDS, C. C.

Printers fee $3.75

TOWN OF PETERSBURG, TO-WIT:

Personally appeared before me, an Alderman of said Town, John D. Harwood Clerk of the Intelligencer Office, and made oath that the annexed Order of Publication has been published weekly for Four weeks successively. Given under my hand, this 7th day of Nov 1850.

W E Stanley Rud

Darden

& 2 Proof pieces

Lawrence

August 18th 1845. I as guardian for Joanna I. Johnson
Recd of Elisha Darden the sum of one hundred and
twenty seven Dollars & fifty five cents in full of his
part to pay as security for Thomas Lawrence former
guardian of the said ward. —

Jonathan Darden

Exhibit (A).

Darden

v

Lawrence &c

In Southampton County Court, March 18th, 1844

On the motion of Elisha Vaden and Jonathan Vaden setting forth that they are bound in this Court as security for Thomas Lawrence as Guardian of Joanna Ichabod Johnson and that they conceive themselves to be in danger of suffering damages by occasion thereof, and pray the Court for relief, Ordered that the said Thomas Lawrence be summoned to the next Court to show cause, why he should not be ruled to give the said Elisha and Jonathan Vaden good counter security according to Law

A Copy

Teste L. R. Edwards, C.C.

In Southampton County Court, March 17th 1845

The Court doth assign Jonathan Vaden, guardian to Joanna S. Johnson orphan of Ichabod Johnson dec'd, and thereupon the said Jonathan Vaden with Elisha Vaden and Thomas P. Worrell his securities entered into and acknowledged a bond in the penalty of one thousand Dollars with condition according to Law.

A Copy.

Teste, L. R. Edwards, C.C.

Exhibit (B.)

Dryden

v

Laurence Y.

Ju 30

Seamah Shabos Johnson a Minor
In account with Thomas Lawrence Guardian

			Dr		Cr	
1839						
	By amount rec'd of Sheriff of Southampton			$	240	34
	By amount rec'd of S. C. Wafsenburg late Guard.				231	00
	To board paid for the — 1839		18	00		
	To board paid for the year 1840		20	00		
	To Commissions on $477.34 at 5 pr. Cent.		23	85	477	34
					91	85
Dec 31	By Balance due the Ward				416	48
1841	To board paid this year	$	20	00		
	Interest on $416.48				24	98
Dec. 31	By balance due the Ward				421	46
1842	To board paid this year	$	20	00		
	To amount p.d. Dr. Wafsenburg by order of Court		23	50		
	Interest on $421.46 at 6 pr Cent.				25	29
		$	43	50	440	75
					43	50
Dec 31	By Balance due estate of the Ward			$	403	25
1843	To paid for Board this year		20	00		
	To paid for Clothes		4	00		
	Interest on $403.25 at 6 pr cent				24	19
					427	44
					24	00
Dec 31	By Balance due estate of the Ward				403	44
1844	To paid board this year		20	00		
	Interest on $403.44 at 6 pr cent				24	19
					427	63
					20	00
Dec 31	By Balance due the estate of the Ward			$	407	63
	with interest thereon from 31st of Dec					
	1844 till paid					

Respectfully submitted
Wm. S. Thomas Comr

Commissioners fee
$1.00 charged to the guardian

At a Court held for the County of Southampton on the 15th day of September 1845. This Account of Thomas Lawrence's Guardianship of Hannah Celabes Johnson was returned and ordered to lie one Term for exceptions: And at a Court held for the County aforesaid on the 20th day of October 1845. The said account having lain one Term and no exceptions being filed, was confirmed and ordered to be recorded

Teste, L. R. Edwards, C. C -

A Copy, Teste, L. R. Edwards, C. C -

Dardin

v 3 Exhibit with Defts answer

Lawrence ux

fu 60

The estate of Lydia Lawrence Dec.d
In account with Jonathan Daven her administrator

			Dr.		Cr.	
1850			$	cts	$	cts
April	12	By cash received of Matthew Wills			477	01
		To cash paid Clerk's Tickets	3	14		
		" Commissions on $477.01 at 5 pr cent	23	85		
		" Commissioner's fee retained	1	00		
		" balance	449	02		
			477	01	477	01
Dec	31	By balance due the estate			449	02

The Commissioner would state specially that he has fixed on the 31st of December 1850. as the time from which the balance due should carry interest. The administrator has already paid out some of the money to the distributees and will probably pay out the whole fund by the time abovementioned, all of which is respectfully submitted by

William B. Shands. Comr.

At a Court held for the County of Southampton on the 20th day of May 1850. This account of Jonathan Davens administration of the estate of Lydia Lawrence deceased was returned and ordered to lie over one Term for exceptions; and at alike Court held on the 17th day of June 1850. the said account having lain over one Term and there being no exceptions thereto, was confirmed and ordered to be recorded.

Teste,

L. R. Edwards, C.C.

A Copy. Teste, L. R. Edwards, C.C.

Estate of William Lawrence Dec^{d}

In account with Jonathan Darden admr. de bonis non.

			^{Dr}		Cr	
1850						
Sept^{r}	1	By Cash from Jno: Moon admr. of R. Edwards			43	80
		To commissions on $43.80 @ 5 pr. cent	2	19		
		" commissioner's fee retained		75		
		" balance	40	80		
			43	80	43	80
Sept^{r}	19	By balance due the estate with interest from this day till paid			40	86

The commissioner reports further that he has examined the administration and finds it to be in the penalty of three thousand Dollars and the securities Jesse Parker and Elisha Darden, he believes the penalty sufficient and the security good- all of which is respectfully submitted.

Wm. B. Shands, commissioner

A Copy. Teste L. R. Edwards, C. C.

In the Clerks Office of the Circuit Court of Southampton County 19th day of May 1851

Seth D Williams ——— the Security in the within bond who this day signed and acknowledged the same before me Clerk of the Court aforesaid made oath that his estate after the payment of all his just debts is worth two hundred dollars the penalty of the said bond - Given under my hand the day & year aforesaid.

S R Edwards Clk

Darden

v } Bond

Lawrence

Know all men by these presents that we Elisha Darden, Jonathan Darden & Seth D Williams ——— are held and firmly bound unto Thomas Lawrence in the just and full sum of Two hundred dollars. 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 19th Day of May 1851

The Condition of the above Obligation is such that whereas in a Suit in chancery lately depending in the Circuit Court of Southampton between Elisha Darden plaintiff and Thomas Lawrence & Jonathan Darden admrs. of Lydia Lawrence dec'd and as admrs. de bonis non of William Lawrence dec'd Defendants it was ~~on the~~ the 3rd day of May 1851 decreed that the plaintiff recover of the defendant Thomas Lawrence the Sum of One hundred and twenty Seven dollars and fifty five cents with interest thereon from the 18th day of August 1845 and also the Costs of the said Suit. and that the said Jonathan Darden recover from the said Thomas Lawrence the like Sum of One hundred and twenty Seven dollars fifty five cents: and it was further decreed by consent of Jonathan Darden that the defendant Jonathan Darden pay to the plaintiff Sixty two dollars and Seventy Six cents with interest from the 31st day of Decemb. 1850 part of said Sum out of the effects in his hands belonging to the said Lawrence and that he retain out of said effects the like Sum of Sixty two dollars and Seventy Six cents with interest as aforesaid in part of the amount due from said Thomas Lawrence — Now if the said Elisha Darden & Jonathan Darden shall abide such future order, as may be made for restoring to the said Thomas Lawrence whatever money they may receive under the said decree with interest thereon, upon his the said Thomas Lawrence appearing within the time prescribed by Law and answering the bill in the said Suit. then the above Obligation to be void or else to remain in full force and virtue.

Witness

Elisha Darden (Seal)
Jonathan Darden (Seal)
Seth D Williams (Seal)