1865-002 SOUTHAMPTON COUNTY CHANCERY PAPERS DARDEN et al VS. DARDEN et al 12/1865

Plat

other surnames: Austin

Dardan

vs 3

Dardan

Bill, answer &
docum

1865 Oct Decree as filed
" " Ans Report
" Dec. " Confm.

To the worshipful County Court of Southampton
in chancery sitting

Humbly complaining your orators
John Darden and Jacob Austin and Emiline
his wife show unto your worships that
in the year 1855 William H Darden of
the county of Southampton died possessed
of considerable estate both real and personal
and Dempsey H Darden qualified as his
administrator he left at his time at law
his widow Francis Darden and his
children John Darden Emeline and
Mary E. and Walter S Darden, two infants
that been endowed of his lands

Your orators state that he left a tract
of land containing 300 acres more or less
of which the widow has been endowed
and your orators now living of age ask
that partition of the same may be made
In tender consideration whereof and
inasmuch as your orators are entitled
only at law and only entitles to relief
in a court of equity where such matters
are cognizable They Humfrey pray that
Mary E Darden and Walter S Darden two
infants by some fit and proper person their
guardian ad litem appointed for that
purpose may be made parties defendants to
this bill and compel them as fully and
perfect answer make to the allegations
therein contained as if they had been
thereto more fully and specially interrogated
and that the court would please on your

partition of the said tract of land and grant such other and general relief the premises considered as equity may dictate and the nature of this case may require and as in duty bound Your orators will ever pray &c

Thos Chandler Jr

The answer of Mary J Darden and Walter S Darden two infants by Wm B Perkins their guardian ad litem to the above bill

This defendant for answer to the said bill or so much thereof as he is advised it is material for him to answer answering says he has no objection to the prayer of the plaintiff - but being grants and having fully answered prays leave to be dismissed with his costs &c

Thos Chandler for defts

Darden
vs
Darden

Decree

This day this cause by consent of parties came on to be heard on the bill and answer and was argued by counsel on consideration whereof the court doth adjudge order and decree that Joseph E Warren, Adolphus Toms and Orndon Bryant who are hereby appointed special commissioners for that purpose and any two of whom may act shall after reasonable notice to the parties interested proceed to divide the tract of land whereof Wilson Darden died seized and possessed containing 300 acres more or less into four equal shares in value and allot one fourth in value to John Darden one fourth in value to Jacob Austin and Edna his wife one fourth in value to Mary J Darden and one fourth in value to Walter S Darden and report their proceedings to court in order to a further decree

Dardin

2 ℥ Bill d Exhl.s

Dardins adr. ℔

The answer of Walter S. Dandridge an infant by D. R. Edwards his Guardian ad litem appointed to a bill in Chancery by Mary S. Dandridge &c. vs him 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, he knows nothing of the allegations of the plaintiffs but submits the interest 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 hence to be dismissed with his costs &c.

Darden & Co

& } Co Decree.

Darden

Southampton County October Court 1865.

John Darden & Jacob Austin and Emaline his wife Pffs

against

Mary J Darden and Walter S Darden by John B. Jenkins their guardian ad litem Defts

In Chancery

This day this cause by consent of parties came on to be heard on the bill and answer and was argued by Counsel On consideration whereof the Court doth adjudge, order and decree that Joseph B Warren, Adolphus Jones and Orran Bryant, who are hereby appointed Special Commissioners for that purpose, any two of whom may act, shall after reasonable notice to the parties interested, proceed to divide the tract of land whereof Wilson Darden died seized and possessed containing 300 acres more or less into four equal shares in value and allot one fourth in value to John Darden, one fourth in value to Jacob Austin and Emaline his wife, one fourth in value to Mary J Darden and one fourth in value to Walter S. Darden and report their proceedings to Court in order to a further decree.

A Copy

Teste LR Edwards clk

Darden

v. 2/5 Report

Darden

1815 Nov. Term

Southampton Co. State of Virginia

In obedience to the annexed order, and decree, We the under-Signed Commissioners (assisted by a Surveyor) proceeded to divide the tract of Land whereof Wilson Darden died, Seized, and possessed; in four equal Shares regard being had to value, as well as quantity, Containing three hundred and twelve acres, by actual Survey as will appear by refference to the annexed map, in manner and form as follows to wit.

Allotted to Mary J. Darden Lot No. 1, Containing Sixty one (61) acres valued at two hundred and fifty dollars, Marked and bounded as follows. Beginning at a Pine on the edge of the hill on Nottoway river, Corner for Lot No. 2. thence S 10 E 156 poles to a large Pine on the run of a branch, thence down the run of said branch its various courses to the river, thence up the river to the first Station

Allotted to Jacob Austin and wife, Lot No. 2 Containing ninety nine (99) acres valued at two hundred and fifty dollars, Marked and bounded as follows, Beginning at a Pine on the edge of the hill, corner for Lot No. 1. thence S 10 E 156 poles to a large pine on the run of a branch corner for Lot No. 1. thence up said branch its various courses to a dead pine on the edge of a ravine, thence S 88 W 35 poles to large pine, thence S 89 W 11½ poles to a white oak, thence S 83 W 42 poles to a dead oak near two small pines and a gum corner for Lot No. 3. thence N 10½ E. 206 poles to a small black gum on the edge of low ground, thence same course to the River, thence down the river to the first Station.

Allotted to Walter S. Darden Lot No. 3 Containing ninety two (92) acres, valued at two hundred and fifty dollars; Marked and bounded as follows, Beginning at a small black Gum on

the edge of the low-grounds near corner for Lot No. 2. thence S 10½ W 20 poles to a dead Red Oak near two small pines & a gum corner for Lot No. 2. thence S 83 W 32½ poles to a pine corner for Lot No. 4. thence N 14 W 136 poles to four (4) black gums on John D. Harts line. thence along said line N 33 E 104½ poles to a large Poplar, side line for J.D. Hart thence same course to the river, thence down the river to Corner for Lot No. 2. near a small black gum on the edge of the low-grounds.

Allotted to John W. Darden Lot No. 4 containing Sixty (60) acres valued at two hundred and fifty dollars. marked and bounded as follows. Beginning at a pine corner for Lot No. 3 thence N 14 W 136 poles to four (4) black gums on John D. Harts line Corner for Lot No. 3. thence along said line S 33 W 67½. poles to an oak Stump near a small white oak, corner for Leonard Cobb & John D. Hart. thence S 52 W 65 poles to a large pine thence S 55 W 21½ poles to a dead oak, near two small black gums corner for Jordan Johnson, thence S 66 E 9 poles to a small Red oak, thence S 75 E 7½ poles to a large pine, thence S 65 E 8 poles to a pine, thence S 80 E 10½ poles to a white oak. thence S 66 E 23 poles to a crooked pine. then S 60 E 19½ poles to a black gum S 49 E 16 poles to a dead white oak, then S 47 E 13 poles to a pine, then S 57 E 12½ poles to a small black gum near a maple & 2 gums. then N 49 E 6 poles to a white oak, then N 52 E 14½ poles to a maple, then N 62 E 33 poles to the first Station. Which disposes of the real estate of Wilson Darden deceased.

All of which is respectfully Submitted, given under our hands, and Seals, this 14th day of November 1865.

A. M. Bryant } Com
Jos. E. Parker } Com

John M. Darden

Distributable share	138. 03 7/15
Deduct balance due Quar.	10. 93
Balance due 31st Dec., 1837.	127. 10 7/15

Emeline Darden

Distributable share	138. 03 7/15
Deduct balance due the Quar.	33. 76
Balance due 31st Dec., 1837	104. 27 7/15

Martha S. Darden

Distributable share	138. 03 7/15
Add the balance due the ward	30. 41
Bal. due 31st Dec., 1837	168. 44 7/15

All which is respectfully submitted by
Wm B. Shands, Commr.

Southampton County, In the Clerks Office, March 17th, 1838.

This account of Demsey H. Dardens administration on the estate of Milton H. Darden, dec., and the distributee accounts were returned & filed for exceptions; and at a Court held for the said County the 19th day of April, 1838, the said accounts having lain one month and upwards in the Clerks Office, and there being no exceptions thereto, was examined, confirmed, and ordered to be recorded.

Teste
L. R. Edwards, Clk

Southampton County, October Court, 1843.

John Darden & Jacob Austin & Emeline his wife Pltffs.
against
Mary J. Darden and Martha S. Darden & John B. Jenkins their Guardian ad litem Defts.

In Chancery

This day this cause, by consent of parties, came on to be heard on the bill and answer and was argued by Counsel - On consideration whereof the

Court doth adjudge, order and decree that Joseph E. Warren, Adolphus Jones and Orman Bryant, who are hereby appointed special Commissioners for that purpose, any two of whom may act, shall after reasonable notice to the parties interested, proceed to divide the tract of land whereof Wilson Darden died seized and possessed, containing 300 acres more or less, into four equal shares in value, and allot one fourth in value to John Darden, one fourth in value to Jacob Austin and Emeline his wife, one fourth in value to Mary J. Darden and one fourth in value to Walter S. Darden, and report their proceedings to Court in order to a further decree.

A Copy

Test

L. R. Edwards, clk

Southampton County, State of Virginia

In obedience to the annexed order and decree, We the undersigned Commissioners (assisted by a surveyor) proceeded to divide the tract of land whereof Wilson Darden died seized and possessed in four equal shares regard being had to value as well as quantity, containing three hundred and twelve acres by actual survey as will appear by reference to the annexed maps, in manner & form as follows, to wit,

Allotted to Mary J. Darden Lot No 1 containing sixty one (61) acres valued at two hundred and fifty dollars, marked and bounded as follows beginning at a pine on the edge of the hill on Nottoway River, corner for Lot No 2. thence S. 10 E. 136 poles to a large pine on the run of a branch, thence down the run of said branch its various courses to the River, thence up the River to the first station.

Allotted to Jacob Austin wife Lot No 2. containing ninety nine (99) acres valued at two hundred and fifty dollars, marked and bounded as follows: Beginning at a pine on the edge of the hill, corner for lot No 1, thence S. 10, E. 136 poles to a large on the run of a branch, corner for lot No 1, thence up said branch its various courses to a dead pine on the edge of a ravine, thence S. 88. W. 35 poles to large pine, thence S. 89. W. 11½ poles to a white oak, thence S. 83. W. 22 poles to a dead oak, near two small pines & a gum, corner for lot No 3 thence N. 10½ E. 206 poles to a small black gum on the edge of low grounds, thence same course to the River, thence down the River to the first station.

Allotted to Walter S. Darden Lot No 3 containing ninety two (92) acres, valued at two hundred and fifty dollars, marked and bounded as follows: Beginning at a small black gum on the edge of the low grounds near corner for lot No 2, thence S. 10½ W. 206 poles to a dead red oak near two small pines and a gum, corner for lot No 2, thence S. 83 W. 32½ poles to a pine corner for lot No 4, thence N. 14 W. 136 poles to four (4) black gums on John D. Hunts line, thence along said line ~~to the River~~ N. 33 E. 104½ poles to a large poplar, side line for John D. Hunt, thence same course to the River, thence down the River to corner of lot No 2 near a small black gum on the edge of the low grounds.

Allotted to John W. Darden Lot No 4 containing sixty (60) acres valued at two hundred and fifty dollars, marked and bounded as follows: Beginning at a pine corner for lot No 3, thence N. 14 W 136 poles to four (4) black gums on John D. Hunts line, corner for lot No 3, thence along said line S. 33 W. 67½ poles to an oak stumps near a small white oak, corner for Lemuel Cobb & John D. Hunt, thence S. 32 W. 65 poles to a large pine, thence S. 35 W. 21½ poles to a dead oak near two small black gums, corner for Indian Johnson, thence S. 66 E. 9 poles to a small red oak, thence S. 75 E. 7½ poles to a large pine, thence S. 65 E. 8 poles to a pine, thence S. 80 E. 10½ poles to a white oak, thence S. 66 E. 23 poles to a crooked pine, thence S. 60 E. 19½ poles to a black gum, S. 49 E. 16 poles to a dead white oak, thence S. 47 E. 13 poles to a pine, thence S. 57 E. 12½ poles to a small black gum near a maple and two gums, thence N. 49 E. 6 poles to a white oak, thence N. 32 E. 14½ poles to a maple, thence N. 62 E. 33 poles to the first station. Which disposes of the real estate of Wilson Darden, deceased.

All which is respectfully submitted. Given under our hands and seals this 14th day of November, 1865.

O. M. Bryant Comr
Jos. E. Warren Comr

A Copy Test

L. R. Edwards, clk

At the request of Dempsey H. Darden, the Administrator of Wilson H. Darden, and also acting Guardian for his children, the Commissioners has made up the following distribution account & also an account showing the balances due each of the children after bringing in the balances due on the Guardian accounts. Wilson H. Darden died intestate leaving Mrs. Darden, his widow, and Mary I., Anna M., John W., Emeline and Walter S. Darden, his five infant children his distributees and heirs at law. On the 31st of December, 1857, there was a balance due the estate of $1033.26 cts. which is to be distributed in the following manner, to wit,

To Mrs.	Darden the widow, one third	$345.08 2/3
" Mary I. Darden, a child, ⅕ of residue		138.03 7/15
" Anna M. Darden, do.	do.	138.03 7/15
" John W. Darden, do.	do.	138.03 7/15
" Emeline Darden, do.	do.	138.03 7/15
" Walter S. Darden, do.	do.	138.03 7/15
		$1033.26

The following statement shows the balance due each child after bringing in the balances due on Guardian accounts:

Mary I. Darden	
Distributable share	138.03 7/15
Deduct balance due Guard. as per Acct. settled	13.83
Balance due Dec. 31st, 1857.	125.20 7/15
Anna M. Darden	
Distributable share	138.03 7/15
Add balance due on Guard. Acct.	31.41
Balance due 31st December, 1857.	169.44 7/15

O M Bayard
a O J L

Nov 14th 1865 –

Wilson H Darden Dr. To Estate

To O M Bryant, Commissioner

To two days work two dollars each $4,00