

1869-023 SOUTHAMPTON COUNTY
CHANCERY PAPERS

DARDEN et al vs. EDWARDS' EXECUTORS -
a1 11/1869

other surnames: Kindred

To the Worshippful County Court of Southampton County
In chancery
November term 1868.

Humbly complaining sheweth unto your
worships your orators Jonathan Darden ^{of his kindred} that ^{himself}
deputy Harrison D. Moore (who has since died and whose
estate is insolvent or nearly so) ^{the said kindred} who
is also insolvent and Wm W. Briggs and George W.
Lawrence the two last-named having lately gone
into bankruptcy and having no estate whatever
to be distributed towards the liquidation of the debt
herein-after named — the said Darden, kindred
Briggs and Moore on the 18th day of December A.D.
1856 became bound as sureties to the said George W.
Lawrence in a bond for the sum of eight hundred
dollars, made payable to Martha M. Vaughan, guar-
dian to Wm S. Vaughan — This bond is now held
by Allen Edwards and William Edwards Executors
of Wm W. Edwards, as the property of Robert M Edwards
an adult, and Mary E. Edwards, a minor, children of the said Wm W Edwards —
the most of the said bond is still due, there having
been forty eight dollars paid on the 18th December
1857 and the further sum of eighty six dollars and
forty seven cents on the 26th March 1862 —
that the said Jonathan Darden your orator is the
only person whose name is signed to the said bond,
now responsible for the amount due thereon, and he is
not responsible for the whole amount —

Your orators therefore pray that the said
Allen Edwards & William Edwards Executors of Wm W. Edwards deceased and the
said Robert M Edwards and Mary E Edwards
be made parties defendant to this Bill ^{by proper proofs} the said
minors by ^{some} fit person as guardian ad litem to be
appointed by the Court and required to answer specially
* to be issued against the said parties by the clerk of this Court ~~and returnable to the Court~~
~~therein~~

its allegations, particularly whether the said Jonathan
Darden ^{and his friends} your ~~orators~~ ^{present} are able and ought to be required
to pay the whole of the said debt -

Your orators propose to pay immediately as
much as they consider ~~the~~ ^{present} means will justify,
the original debtors or obligors to the said bond
having been ruined by the late war - they were
either of them abundantly able to pay all their
obligations, before the war.

Your orators propose to pay seventy
five cents to the dollar on the whole amount
due on the said bond - and pray further
that a Commissioner of this Court may be or-
dered to inquire and report to the next term of
this Court, upon the facts stated in the Bill, and
to state whether in his opinion seventy five cents to
the dollar will be a just and equitable compromise
of the said debt, considering all the circumstances of
the case - and report further any matter deemed per-
tinent by himself or required by any party herein
interested. And that your worship would grant such fur-
ther and several relief as equity may dictate and
the nature of the case may require. And, as in duty
bound, your orators will ever pray &c.

As I Kinded pg

The Joint and several Answer of Allen Edwards & William Edwards Executors of Wm B. Edwards deceased and of Robert M Edwards and Mary E. Edwards the last-named ^{as minor} by L R Edwards who is appointed by the Court ~~the~~ guardian ad litem to a Bill filed against them in the County Court of Southampton, by Nathan Warren & Geo S. Kendrick.

These defendants, being before the Court by process duly served, for answer to so much of the Complainant's Bill as they are advised it is material for them to answer say that they know nothing of the facts stated in the Complainant's Bill but submit their interest to the protection of the Court.

The Defendant Robert M Edwards answering for himself says that he has no objection to the prayer of the Complainant's bill.

And having answered pray to be hence dismissed & the said defendants in mercy be
Wm B. Thomas
counsel for defts

Darden G

~ } Copy Done

Edwards Exor.

Southampton County Court. November Term 1868

Jonathan Darden & Jno. I Kindred

Plff

In Chancery

against
Allen Edwards & William Edwards Executors of W^m V Edwards,
Robert M Edwards and Mary E Edwards the last named a
minor by L R Edwards appointed guardian ad litem

Defts

This cause, this day, came on the Complainants bill, 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 enquire and report to this Court, at its next Term, upon evidence to be taken by him, whether twenty five to the dollar, upon the whole amount due thereon is a just, equitable and reasonable satisfaction in whole, of a debt due to the defendants by bond for eight hundred dollars executed on the 18th day of December A D 1856, and signed by W^m W. Briggs, Harrison B Moore, Jonathan Darden and Jno. I Kindred as Sureties for George W Lawrence - which said bond is subject to a credit of \$48.⁰⁰ on the 18 December 1857. and a further credit of \$86.⁴⁷ on the 26 March 1862 - And report further what in his opinion is a just and equitable satisfaction of the said debt, by virtue of the act of assembly of Virginia passed April 20th 1867. And that the said Commissioners report further any matter deemed pertinent by himself or required by any party interested herein to be so stated.

At Copy

Teste

L R Edwards Cky

886

Darden & others

in $\frac{5}{3}$

Edwards & others

Decree

1868. Nov. Decree as filed

#1869 Nov. Report & decree

Darden

vs.

Edwards & others

} Decree

This Cause, this day, Came on to be heard

with replication thereto and was argued by ~~the~~ defendants
On Consideration whereof the Court doth adjudge, or-
der and decree, that one of the Commissioners of this
Court inquire and report to this Court, at its next
term, upon evidence to be taken by him, whether
seventy five cents to the dollar, upon the whole amount
due thereon, is a just, equitable and reasonable satis-
faction in whole, of a debt due to the defendants
by bond for eight hundred dollars executed on the
18th day of December 1836 and signed by Wm. W. Briggs

for George
is subject to a credit of \$48.00 on the 18th December 1857
And a further credit of \$86.47 cents on 26th March 1862 -
and report further what, in his opinion is a just and
equitable satisfaction of the said debt, by virtue of the
Act of Assembly of Virginia passed April 20th 1867 -
And that the said Commissioner report further any
matter deemed pertinent by himself or required by any
party interested herein to be so stated.

Inaction Darden &c
Against

Edward's &c

Deceit

Member from Co. Hg

To be entered

Miss Bradshaw

Jonathan Darden & Jno J. Kinred

Against

Allen Edwards & William Edwards Executors of Mrs. V. Edwards
Robert M. Edwards & Mary E. Edwards, the last-named a minor
by L. R. Edwards appointed by the Court her guardian ad litem

This Cause was again heard this day,
on ^{the} papers formerly read, together with the Report of
Commissioner Ford, this day filed by leave of
Court, having lain ten days in the Office of
the said Commissioner for exceptions, and no
exceptions having been filed thereto, the
same is hereby confirmed - On Considera-
tion whereof the Court confirming said Report
doth adjudge, order and decree that the plain-
tiffs in the said suit be fully discharged
from the said debt in the proceedings
mentioned by paying to the parties thereto
entitled, To wit the Defendants in this suit,
seventy five cents on the dollar due on said
debt in the proceedings mentioned.

And nothing further appearing ~~necessary~~
to be done in this cause the same is dismissed

Darden & Kindred

or } Copy Deed

Edwards' Ex. of

Southampton County Court November Term 1869.
Jonathan Darden & John I. Kindred

Defts

In Chancery

against
Allen Edwards & William Edwards Exors of Wm. V. Edwards & J. H. H.

This cause was again heard this day on the papers formerly read together with the report of Commissioner Ford this day filed by leave of Court having lain ten days in the Office of the said Commissioner for exceptions, and no exceptions having been filed thereto, the same is hereby confirmed: On consideration whereof the Court confirming said report doth adjudge, order and decree that the Plaintiffs in the said suit be fully discharged from the said debt in the proceedings mentioned by paying to the parties thereto entitled to wit, the Defendants in this suit Seventy five cents in the dollar due on said debt in the proceedings mentioned. And nothing further appearing to be done in this cause the same is dismissed

a Copy

Teste L. R. Edwards D.C.

The Commonwealth of Virginia,

To the Sheriff of Southampton County—Greeting:

We command you to summon *Allen Edwards & William Edwards Exor. Wm. V*
Edwards dec'd Robert M Edwards & Mary C. Edwards

if *they* be found within your bailiwick, to appear at the Clerk's Office of our
County Court of Southampton County, at the Rules to be holden for the said
Court, on the first Monday in *December next to answer & tell in Chancery exhibit*
against them by Jonathan. Larden & John J. Kindred

and have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, this

17 day of *November* A. D. 186*8*, in the *93* year of the Commonwealth.

L R Edwards

November 17th 1868 -

I acknowledge service of the within notice

Robt M Edwards

Merchants &c
Against
Edward &c

Report of Commissioners

1869 Nov. 6.

Commissioners Office

Jerusalem 5th Nov 3rd 1869

To the County Court of Southampton Co.

Pursuant to a Decree
of the County Court of said County rendered
at the November Term thereof 1868
in a suit between Jonathan Darden and
John, J. Kindred, Plaintiffs, and Allen
Edwards and Gilliano Edwards executors of
Wm. E. Edwards, Robert M. Edwards and
Mary E. Edwards the last named
a minor by L. R. Edwards appointed
Guardian ad litem, Defendants, the
undersigned one of the Commissioners of
said Court to whom the said Decree
was referred for the purpose of reporting
to this Court the matter therein required
to wit;

Whether seventy-five cents to the
dollar upon the whole amount is
a just, equitable and reasonable

Satisfaction in whole of a debt due to the defendants by bond for eight hundred dollars executed on the 18th day of December 1856, and signed by W^m. H. Briggs, Harrison D. Moore, Jonathan Darden and Dno. S. Kindred as sureties for George W. Lawrence which said bond is subject to a credit of \$48.⁰⁰ on the 18th December 1857 and a further Credit of \$86.⁴⁷ on the 26th March 1862, "respectfully reports to the Court that upon 21st day of October 1869 he issued notices against the several parties aforesaid requiring them to attend before him at his office aforesaid on the 4th day of November 1869

That on the said 4th day of November none of the said parties appeared except Gilliam Edwards, who expressed his willingness, if approved by the Court, to accept seventy five cents to the dollar in satisfaction of said debt. Your Commissioner on inquiry ascertains and reports

The said George W. Lawrence has been declared a Bankrupt, that the said W^m. H. Briggs has been declared a Bankrupt, that the said Dno. S. Kindred has little or no property which is not encumbered to the extent of its value, that the said H. D. Moore has departed this life and that his estate will pay but a very small proportion of his liabilities, - and hence, that the whole or nearly the whole burden of this debt falls on Jonathan Darden alone, who is of small means. Under these circumstances your Commissioner is of the opinion that seventy-five cents to the dollar, is a just and equitable satisfaction in whole of the said debt, especially as the said debt is protected by the Stay-law

All of which is respectfully submitted
Walter Ford
Comr.