

1872 - 13

Santhampton County - Chancery

Darden, Francis vs Darden, Wilson H's Est

'Fraud' (to obtain Wilson's
share of Estate)

Shropsey Darden
Admoe

61 27 32 24 21

19

Larden

& } Papers

Larden &

1872 May

Frances Darden

or

William H. Darden's adm^r /

Et Al.

Bill

To the Hon Richard H. Baker, Judge of the
Succat Court for Southampton County - Southamsey.

Having explaining sheweth unto
your ~~honor~~ your Oratrix Francis Darden of the said
County, that her husband Wilcox H. Darden departed
this life in the year one thousand eight hundred fifty
five intestate, and Dempsey Darden qualified as ad-
ministrator of her said husband at the June term of
the County Court for the said County of Southampton, in the
year A.D. 1855, with Wm P. Moore and Jeremiah Horton
flect as his sureties for the said administration, who
entered into a bond in the penalty of
according to law. — a copy of which bond and certificate
of administration are herewith filed as parts of this bill
and are marked A & B.

By reference to the last report or account ~~returned~~
~~which was returned to the said County Court~~ - Current
returned to the County Court of the said County by the said
administrator, Dempsey Darden, which said report
was confirmed at the April Term A.D. 1858 of the said
Court ^{which said report is herewith filed (marked C) as part of this bill} it will appear that the said Dempsey Darden
administrator as aforesaid acknowledges himself to
be justly indebted to the estate of the said Wilcox H.
Darden deceased in the sum of one thousand and
thirty five dollars and twenty six cents, with legal in-
terest on nine hundred and seventy dollars and sixteen
cents part thereof, from December 31st A.D. 1857 till paid
to one third of which sum, that is, three hundred and
forty five dollars and eight and two thirds cents, your
Oratrix is advised she is entitled to demand as widow
of the said Wilcox H. Darden deceased.

Your Oratrix would state and aver to your honor
that anxiously desiring to avoid a lawsuit with the

administrator of her deceased husband for the small
sum which is legally due to her as shown and ad-
mitted by the ~~said~~ report of the said administrator, she
has frequently urged ~~him~~ impudently him to pay
and satisfy her which he has uniformly refused to do, ei-
ther in whole or in part, ~~and~~ continuing to deprive
your oratrix of her just rights and as she verily believes
to defraud her, the said administrator still refuses to
pay your said oratrix, ~~which~~ all of which is mani-
festly wrong and contrary to equity and good conscience

And your oratrix is extremely ready and
in a court of equity where such things are properly cogni-
zable, she humbly prays that the said ~~Wm P. Moore~~
~~Jeremiah Norfleet~~ Dempsey Darden - Wm P. Moore
and Jeremiah Norfleet may be made parties defen-
dant to this bill - and be required to make full and
perfect answers to the allegations herein contained
and if they had been thereto specially interrogated -
~~and that your oratrix be granted such other and~~
~~general relief as equity~~

Grant a decree against the said Dempsey Darden
Wm P. Moore and Jeremiah Norfleet for the said sum
of \$345.08 $\frac{2}{3}$ cents with proper interest thereon -
and such other and general relief as equity may
dictate and the nature of her case may require
- and as in and by law she bill verily

And I kindred pg

(Copy)

Account Current of
Wilson M. Dardens Esq

Darden

Ex. with bill.

Darden

(61)

The Estate of Wilson H Darden dec^d

In Account with ~~Wm~~ R Darden his administrator

1857			\$	D ^{cts}	\$	Dr ^{cts}	Interest \$
May.	1 st	By balance due the estate by the last report			1017	89	24.89
		" bond and interest from Seth D. Williams			120	00	
		To Commissions on \$120. at 5 per cent	6	00			
		" paid Richard W. Dividen on bond	50	00			
		" paid Clarke ticket		50			
		" paid Commissioners fee	5	00			
		" paid Wm R Lawrence account	1	77			
		" paid Augustus Crumpler do	2	18			
		" paid Wm J. Moore do	2	06			
		" paid Norflet Williams do	6	03			
		" paid R. Darden do	6	16			
		" paid Wm J. Moore do	13	20			
		" paid Sheriffs ticket		50			
		" paid Edwards & Moore account	3	86			
		" paid Norflet & Williams do	1	30			
		" paid A. W. Norflet do	43	00			
		" paid Norflet & Williams do	8	10			
		" paid Wm Murfee do	1	07			
		" Commissioners fee returned for this and copies	15	00			
		" Clarke fee returned	2	00			
		By interest on \$1017. 89 etc for eight months					40.71
		To balance	970	16			
			1137	89	1137	89	65.10
		By balance			970	16	
		" Interest brought in			65	10	
Dec	31	By balance due the estate			1035	26	
		with interest on \$970. 16 etc part thereof from this day till paid					
		Respectfully Submitted by					
		Wm B. Shands Commissioner					

At the request of Demsey H Darden the administrator of Wilson H Darden and also acting guardian for his children the Commissioner has made up the following Distributor account and 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 J. Anne 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 \$1035.26 which is to be distributed in the following manner to wit.

To Mrs. Darden the widow one third	\$345.08 ²⁵ / ₁₀₀
Mary J Darden a child ¹ / ₅ of residue	138.03 ⁷ / ₁₅
Anne M Darden do " "	138.03 ⁷ / ₁₅
John W Darden do " "	138.03 ⁷ / ₁₅
Emeline Darden do " "	138.03 ⁷ / ₁₅
Walter S Darden do " "	138.03 ⁷ / ₁₅
Whole amount to be distributed	<u>1035.26</u>

The following statement shows the balance due each child after bringing into the balances due on guardian accounts.

Mary J. Darden	
Distributable share	138.03 ⁷ / ₁₅
Deduct balance due guardian as per account settled	<u>13.83</u>
Balance due Dec. 31 st 1857.	125.20 ⁷ / ₁₅

Annie M Darden	
Distributable share	138.03 ⁷ / ₁₅
Add balance due on her guardian account	<u>31.41</u>
	169.44 ⁷ / ₁₅

John W Darden

Distributable share	138.03 ⁷ / ₁₅
Deduct balance due on her guardian account	<u>10.93</u>
Balance due 31 st of Dec. 1857	127.10 ⁷ / ₁₅

Emeline Darden

Distributable share	138.03 ⁷ / ₁₅
Deduct balance due the guardian	<u>33.76</u>
	104.27 ⁷ / ₁₅

Walter S. Darden

Distributable share	138.03 ⁷ / ₁₅
Add the balance due the guardian	<u>30.41</u>
Balance due 31 st Dec. 1857.	168.44 ⁷ / ₁₅

All of which is respectfully submitted by
H. B. Shands Commissioner

Southampton County In the Clerks Office. March 17th 1858.

This Account of Demsey H Dardens administration on the estate of Wilson H Darden dec and the distributor accounts were returned and filed for exceptions. And at a Court held for the said County the 19th day of April 1858 the said accounts having lain on the table and upwards in the Clerks Office and there being no exceptions thereto were examined, confirmed and ordered to be recorded.

Teste

JR Edwards lb

Attest

Teste JR Edwards lb

Dur den

~ { Exhibits with bill

Dur den 8^o

et y B.

Know all men by these presents that we Dempsey H Darden Wm P Moore & Jeremiah Norfleet are held and firmly bound unto the Commonwealth of Virginia in the sum of Eight thousand dollars, to the payment whereof we bind ourselves, our heirs, executors and administrators jointly and severally firmly by these presents. Sealed with our seals and dated this 18 day of June 1855.

The condition of the above obligation is such that if the above bound Dempsey H Darden as administrator of Wilson H Darden dec^d shall faithfully discharge the duties of his office or trust according to law, then the above obligation to be void otherwise to remain in full force and virtue.

Signed, Sealed and acknowledged
in the presence of the Court } 3

Dempsey H Darden

(Seal)

Jeremiah Norfleet

(Seal)

William P. Moore

(Seal)

At a Court held for the County of Southampton on the 18 day of June 1855

On the motion of Dempsey H Darden who made oath and together with Wm P Moore & Jeremiah Norfleet his securities (who justified on oath as to their sufficiency) entered into and acknowledged a bond in the penalty of Eight thousand dollars, conditioned according to law certificate is granted him for obtaining letters of administration on the estate of Wilson H Darden dec^d in due form.

Attest

Teste

L R Edwards Clk

Darden

2 } Stat: Rules P.

Darden 1/2

In Southampton Circuit Court -

Frances Darden

against.

Dempsey Darden Wm P. Moore & Jeremiah Norfleet.

1860 March 30. Sum. issued

" Apr. R. Sum. ret. Ex² in Dft. Moore & Norfleet
v. Dft. Moore & Norfleet

Bill filed & D. Nisi.

" Apr. R. Last Monday, Bill taken for Confessed as to Dft. Moore & Norfleet. & Cause
set for hearing as to them.

June R. New Sum. awarded v Dft. Darden ~~adms~~

July R. Sum. not Executed. New Sum. awarded v Dft. Darden

Aug. " Sum. ret. Ex² D. Nisi v Dft. Darden.

Sept. " Bill taken for Confessed as to Dft. Darden

Oct. " Cause set for hearing as to Dft. Darden

Darden

v { Sum. Chr

Darden V

1860 April Rules

Announcement

The Commonwealth of Virginia,

Hammond
TO THE SHERIFF OF ~~SOUTHAMPTON~~ COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

Dumfries Darden

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 first Monday in *April next*, to answer a bill in chancery
exhibited against *him & others* in our said Court by *James Darden*

and have then and there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court
House, this *30th* day of *March* 1860, in the *82^d* year of the
Commonwealth.

L R Edwards

The Commonwealth of Virginia, *Nassau*

TO THE SHERIFF OF ~~SOUTHAMPTON~~ COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

Dumfries Darden

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 first Monday in *April next*, to answer a bill in chancery exhibited against *him & others* — in our said Court by *Frances Darden*

and have then and there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this *30th* day of *March* 1860, in the *84th* year of the Commonwealth.

Copy.

L R Edwards

Executed July 28th 1860.
and true copy hereof delivered
to Dempsey (Pardon)

William Clay Dafa
Jesse R. Savage Shff
of Newmond Co Va

Darden

to { Duni. Ch.

Darden J

1860 Aug. Rule

Newmond

The Commonwealth of Virginia,

Summons
TO THE SHERIFF OF ~~SOUTHAMPTON~~ COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

Dempsey Darden

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 first Monday in *August next* — , to answer a bill in chancery exhibited against *him & others* — in our said Court by *Frances Darden*

and have then and there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this *2^d* day of *July* 186*0*, in the *84th* year of the Commonwealth.

L R Edwards

Executed on Wmth More by delivering him a
Copy of this Summons on the 31st day of March
1860. I went to the residence of William
Norfleet on the same day and he not being
found there, I delivered a Copy of this Sum.
to Mr. Spratt and gave information to him
of its purport. He being a white Member of his
family and above the age of sixteen years
Deputy Warden of the County of Wmth Briggs off

Deputy

to { Sum. Chy

Deputy

1860 April Rules.

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

Norfolk

Dempsey Darden, M^r. P. Moore & Jeremiah

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 first Monday in *April next* — to answer a bill in chancery exhibited against *them* in our said Court by *Francis Darden*

and have then and there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this *30th* day of *March* 1860, in the *34th* year of the Commonwealth.

L. R. Edwards

John Ellison Darden

Darden

to { Sum. Chy.

Darden 40

1860 July Rules

John Ellison R.E.

Jameson

The Commonwealth of Virginia, *Notarum*

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

Wilson A. Larden

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 first Monday in *July next*, to answer a bill in chancery exhibited against *him & others* — in our said Court by *Francis Larden*

and have then and there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this *4th* day of *May* 1860, in the *8th* year of the Commonwealth.

L R Edwards Clk

Darden

17

Darden's adm^r

Dece

May term '72

To be entered

Geo. B. B. B.

Darden

17 3

Darden's Admⁿ

On motion of the plain^{tiff}
it is ordered that the cause
be dismissed from the docket
The said plaintiff paying the costs —