

1877-20

Sanctamary County - Chancery

Quill, Fanny, et al vs Gordon, James S.

"Partition Suit"

Mark James ingt
who sue by
Fanny Quill
next friend

Reed & James

as } Bill

Darden

1876 August Rules

To the Honorable George Blow judge
of the Circuit Court of Southampton
County in chancery sitting

Humbly complaining your
complainants Fanny Rice and Mark James
an infant of tender years who are by
Fanny Rice his next friend shew
unto your Honor that your Orators
together with one James S Darden
own as tenants in common a certain
tract of land lying in Southampton
near Newson's station containing about
thirty acres. Fanny Rice owning one
fourth, Mark James one fourth and
James S Darden owning the other half.
Your Orators state that they desire
a division of the same or if that
cannot be done in kind a sale of
the land and division of the money
according to the rights of the parties
and as one of your orators is an
infant they have to bring this suit
in order to effect a partition

For tender consideration whom
and maxims as your orators are without
relief in a court of law and only
entitled to relief in a court of equity
where such matters are peculiarly
cognizable they therefore pray that James
S Darden may be made a party defendant
to this bill and that the court would

compel him as full and perfect answer
make to the allegations therein contained
as if he had been ^{thoroughly} more
fully and specially interrogated and
that the court would appoint commissioners
to divide the said land according to
the rights of the parties or if that
cannot be done that the court decree
a sale for partition which your
orators much prefer and that the
court would 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 us

Shancas p.c.

Rule 11 James

12 { Mission
of
Jas & Jarden

Jarden

1876 Aug Rules

To The Honorable George Blount Judge of the
Circuit Court of Southampton in chancery sitting

The answer of James S. Darden to a bill in
chancery in the Circuit Court of Southampton
by Fanny Keel and Mark James or heirs

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
That he desires the sale of the said tract of
land as he does not think it can well
be divided and he thinks the interests
of all parties will require it.

And having fully answered says he
to be dispensed with his costs and

This answer is received by consent of the
affidavit

Wm B Shuman
counsel for plaintiffs

Letter from Jas
& Darden asking
for sale of land

Newsoms Depot Va
June 27th 1876

Gen W B Shands

Dear Sir I recd yours
this morning about the Devil Sand
and if you will use your influence
to have the whole Sand sold instead
of dividing it I dont want any
other Sawyer in fact I had rather
pay you a fee than to get another
Sawyer for there is only 25 acres
of the Sand, a part of that in the
Swamp and to divide it and
give me half of it the part I
would get would not be worth
any thing to me. Please write me
about this matter whether you will
have it sold or divided
Respectfully
Jas J Darden

119 120 121

Revd
v } Stat Rules

Garden

1877 May. Dismissed

IN Southampton Circuit Court

Fanny Revell and Mark James an infant of tender years who
Sues by Fanny Revell his next friend.

against
James J Darden

1876 June 22^d Summons issued

" Aug R " Returned executed Bill filed Ans.
of Deft.

" Sept. R Cause set for hearing

1877 May. Dismissed

Revell ✓

to } Sum's Chs.

Darden ✓

1846 August Rules

Executed by delivering
Jas Darden a copy
of the Summan on
the 19th day of July
1856

W W Briggs Shff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

James I. Darden

if *he* be found within your bailiwick, 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 in our said Court by *Fanny Reville* & Mark James an infant who does by his next friend *Fanny Reville*

And have then there this writ.

WITNESS, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this *22nd* day of *June*, 187*6*, in the *100* year of the Commonwealth.

L. R. Edwards

Depositions of John C. Bunn and others taken
at Newsum's depot on the 5th day of August
1876 Pursuant to notice duly given to be
made as witnesses in behalf of Fanny
Reed and Mark James in a certain
suit in chancery now pending in the
circuit court of Southampton ~~County~~
Reed & James plaintiffs vs James & Darden
defendants

John C. Bunn having been first
duly sworn deposes and says that he
knows the tract of land well that is held
by Fanny Reed Mark James and James
& Darden that it contains about 25
acres and he does not think it can
be well divided and that the interests
of all parties would be promoted by
a sale of it

And further this deponent saith not
signed John C. Bunn

Rufus E. Darden Having been first
duly sworn deposes and says he knows
the ~~piece~~ land well and that it contains
about twenty five acres. And I think it would
be to the interest of all the parties concerned to sell
the land
Rufus E. Darden

Wm A Myrick Having been first duly sworn deposes and says that he is well acquainted with the Land in question, and is satisfied that it would be to the interest of all parties concerned, to make a sale of the same.

Wm A Myrick

State of Virginia }
Southampton County Dist }

The above deposition was taken, and sworn to before me a justice of the peace for the aforesaid county and state at the time and place mentioned in the caption, given under my hand this day 5th of August 1874

John. J. Deput. P.
"

Reville & Deposition
to James Darden
Acknowledg. service
of the within notice
signed
Jas J Darden

Reville & James

Notice

to take depositions
Darden

Came to hand dated Aug. 12.
1876.
L.R.E.

To James I Darden Esq

Take notice that Melchior on
The day of 1876 at Meosons depot
in the county of Southampton between the
hours of 10 O'clock and sunset and to be
continued from day to day until finished
proceed to take the depositions of John C
Bannon Rufus E Darden and others to be read
as witnesses in our behalf in a certain
suit in chancery now pending in the
circuit Court of Southampton in which
we are plaintiffs and you are defendant
Fanny Reed
Mark James by and
joined us

Recd

as 3 Decr
Darden

May Term 1877
L. be entered

Geo Blair

Rice

vs 3 Deans
Darden

On motion of the
Plaintiff ^{by} his attorney

The bill in this cause is dismissed