

1880-01

Southampton County Chancery -

Babb, John and Willoughby vs Darden, Rufus et al

Sues for land to be sold to
unravel ownership

Pagant, John
" , Missouri

infants { Griffin, Jonathan T.
" , Benjamin
" , Norfleet
Robert L.

Edwards, L. R.
GAL

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

Humly complaining your orator
John Babb and Willoughby Babb his wife and
before marriage was Worrell show into your
Honor that in May 1847 James Drake and
Susan Drake his wife and Mr E Myrick
conveyed a tract of land containing forty seven
acres (47) lying in Southampton County
to Elizabeth Griffin who is dead leaving two
children to wit Missouri married to John
Paget and Robert J Griffin, ^{and} John Worrell
who died some time since childless, intestate
and unmarried and whose share in the
said land descended to Elizabeth Griffin
hers and to your orator Willoughby Babb
^{who was} ~~and~~ Willoughby Worrell now Babb and that
your orator now owns one half the said
47 acres of land in fee simple

Your orator show further that they
Permitted their father Benjamin Worrell to
reside on the land during his lifetime
and somehow they do not know by
what means the said land was placed
on the assessor's land books as the land
of Benjamin Worrell and he not paying

The Taxes nor any one else for your Orator
on the 18th of December 1878 James M Corbitt
Treasurer of Southampton sold the same for
the taxes to wit the sum of forty seven
cents and Joseph L Barham became the
purchaser and by his consent the clerk
made the deed to Robert T. Griffin one
of the parties interested in the land all of
which will more fully appear by copies of
of the said deed herewith filed marked
A & B and prayed to be taken as parts of this
bill.

Your Orator states further that Robert
T. Griffin sometime in the year 1879 made
a deed of trust of this 47 acres of land
to secure a debt due Rufus E Darden
^{copy of which deed is herewith filed marked C}
~~but they have been made to find the deed~~
^{and prayed to be taken as a part of this bill}
~~deed so secured~~ And that in November 1879
Robert T. Griffin died leaving four infant
children to wit Jonathan T. Benjamin,
Norflut, and Robert T. Griffin his heirs at
law

Your Orator shows that Willoughby
Bath who owns one half of this 47 acres
of land has been married to John S. Bath
for twenty five years and upwards was
married at the time her land was
sold for taxes and has been ever since

and has a right to redeem this land upon
upon refunding the taxes and all the costs
damages and charges that she has in
(Willoughby Bath) repeatedly offered to pay the
same to Robert T. Griffin in his lifetime
and to Rufus E Darden since his death
but they have refused to take the money
and make her a deed

Your Orator especially your orator
Willoughby Bath states that Robert T. Griffin
who knew her right, behaved badly in the
matter to them, instead of asking her and
Paget a wife to pay their share of the costs
of Treasurers sale and taking a deed one
half to your orator and one fourth to Paget
a wife and one fourth to Griffin he had the
whole conveyed to himself with a full
knowledge of the right of Willoughby Bath
to redeem ^{and} to her manifest injury

In tender consideration whereof and
inasmuch as your Orator is without
remedy at law and only entitled to relief
in a court of equity where such matters are
presently cognizable she therefore prays that
Rufus E Darden John Paget and Missouri
Paget his wife and Jonathan T. Griffin
Benjamin Griffin, Norflut Griffin, Robert T. Griffin
four infants by some fit and proper person

their guardian ad litem appointed for that
purpose may be made parties defendant to
this bill and that the court would consider
them as full and perfect answer made
to the allegations therein contained as if
they had been themselves more fully and
specially interrogated and that the court
would upon your orators praying into court
on to the parties entitled to the same and
which they now tender to them the said
Taxes and all costs and charges appoint
a commissioner to convey to Milloughby
Bath one half of the said tract of forty
seven acres of land by metes and bounds
having regard to quality, quantity and value
or if partition cannot be made then sell
the same and divide the money
according to the rights of the parties
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 we
Shand p. 9.

Baob is wife

no 3 Amundsen bill

Dan den is als

To the Honorable George B. Low Judge of
the circuit court of Southampton County
in chancery sitting

Humbly complaining your orators
John Baob and Willoughby Baob shew unto
your Honor by way of amendment to their
original bill that sometime since they
filed their original bill against Rufus E
Darden, John Pagit and Mipsoni his wife
and Jonathan T. Griffin, Benjamin Griffin
Norflut Griffin and Robert T. Griffin four
infants in order to recover one half of a
tract of land containing forty seven acres
which belonged to your orators and had
been sold for taxes. And since the filing
of that bill it being suggested that Mrs
A Myrick mother to the child of Trust made
Robert M Griffin and Martha E Griffin his
wife and Martha E Griffin the widow of
Robert M Griffin should be made parties
defendant to the said suit, Therefore your
orators have filed this amended bill in order
to make them such.

In tender consideration whereof and
inasmuch as your orators are without
remedy except in a court of equity they
therefore pray that Rufus E Darden, Mrs
A Myrick, John Pagit and Mipsoni Pagit his
wife, Martha E Griffin, widow of Robert T
Griffin, and Jonathan T Griffin, Benjamin Griffin,

Norfolk Griffin and Robert L Griffin The four
last infants by some fit and proper person
Their guardian ad litem appointed for that
purpose may be made parties defendant
to both the original and this amended
bill and that the court would compel them
as full and perfect answer makes to the
allegations therein contained as if they had
been summoned more fully and specially
interrogated, and that the court would upon your
motion paying into court or to the parties entitled
to the same and which they now tender
to them, the said taxes and all lawful costs
and charges appoint a commissioner to convey
to Willoughby Babb one half of the said tract
of forty seven acres of land by metes and
bounds having regard to quality, quantity and
value, or if partition cannot be made then
sell the same and divide the money
according to the rights of the parties 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
Orator will ever pray &c

Shames

129

F. Bath & wife

as 3 Bill
enlivits

Darden & also

1980 March Rule

Memorandum for
clerk to copy and
file on books with
bill

Memorandum for Clerk

Mayor Edwards will please copy the deed
lodged in the clerks office &

James Drake is wife Susan Drake and Mr
E Myrick to Elizabeth Griffin, John Worrell
and Willoughby Worrell made in 1847 A.

Deed from clerk of Southampton conveying
47 acres of land to Robert T Griffin for
taxes sold made by consent of J. L. Barham B
and file with this vice.

Charles J. J.

This Deed of Trust, Made this 16th day of March 1878,
between Robt J Griffin, and Marston Elizabeth his wife, of
the first part, Wm A. Myrick (Trustee) of the second part,
and Rufus E. Garden, of the third part; Witness that the
said Robt J. Griffin & Marston Elizabeth his wife, doth
grant and convey unto the said Wm A. Myrick (Trustee)
with Special Warranty, the following property, to wit,
One Certain tract or parcel of Land known as the
Ben Huron Tract, Situated on the Spring Green and
Cypress Bridge Road, and adjoining the lands of Sam
Ferguson, Parker J. Story, and others, and said to
contain forty seven acres, be the same more or less,
and conveyed to the said Robt J. Griffin by William R.
Edwards and J. G. Basham, as shown by deed made
and recorded in the Clerk's Office of Southampton
County, Va. bearing date of July 16. 1877; In Trust,
to Secure a loan due Rufus E. Garden for forty doll.
ars with interest thereon and bearing date even
with this Deed; It is hereby Covenanted and agreed
between the parties to this deed, that no Sale shall
take place without the Consent of the said Robt J.
Griffin, and Marston Elizabeth his wife, prior to the
20th day of November 1878, and that when a Sale
does take place it should be by public auction, it shall be
for Cash after giving 20 days notice of Sale. The pro-
ceeds after paying the costs and expenses of this Trust
including the Trustee's fee per Cent Commissions shall be
applied to the aforesaid loan and interest, and the said
Rufus E. Garden, the balance if any, pay Over to the
said Robt J. Griffin and Marston Elizabeth his wife, or to
their legal representatives. Witness the following Signatories
and Seals.

Robert J. Griffin (Seal)
Marston Elizabeth Griffin (Seal)

State of Virginia,
County of Southampton, To wit, I, John J. Dyer, a
Notary Public, in the County aforesaid, for the State
aforesaid, do Certify that Marston Elizabeth Griffing, whose
Name is Signed to the Writing above, bearing date, on the
14th day of March 1878, personally appeared before me,
in the County aforesaid, and in the State aforesaid,
and having examined by me, privately and apart from her
husband, and hearing the Writing aforesaid fully explained
to her, she the said Marston Elizabeth Griffing, acknow-
ledged the said Writing to be her act and deed, and
declared she had willingly executed the same and does
not wish to retract it. Given under my hand this 14th day
of March 1878. John J. Dyer, Notary Public

State of Virginia,
County of Southampton, To wit, I, John J. Dyer, a Notary
Public for the County aforesaid, in the State aforesaid,
do Certify that Robert T. Griffing, whose Name is Signed to
the Writing above, bearing date on the 14th day of March
1878, has acknowledged the same before me, in my County
aforesaid. Given under my hand this 14th day of March
1878. John J. Dyer, Notary Public

Southampton County, In the Clerk's Office, March 14 1878.
Being Ver of Trust from Robert T. Griffing and Wife to
Wm. A. Myrick (Trustee) for the benefit of Rufus E.
Darden, was this day received, and together with
the Certificates thereto annexed, admitted to record.

Teste, J. R. Edwards Clk

A Copy, Teste,

John R. Tyler J. C.

Book 111 p 13

Griffing

(A)

Whereas, by virtue of the provisions of Chapter 38 of the Code of Virginia, 1873, James M. Corbitt, Treasurer, of Southampton County, did on the 18th day of December 1873, being Court-day, sell at the Court-house of Said County, for the non-payment of Taxes thereon a tract of Land according to the following memorandum, viz,

The Name of the person Charged with taxes was Ben Warr.
The quantity of Land Charged was forty Seven acres,
The brief description of the Land was as follows;
joins "Sam Ferguson."

The amount of Taxes due was forty Seven Cents.

The amount of Taxes due was—

The quantity of Land sold was forty Seven acres.

The Name of the purchaser was J. L. Perkins.

And the amount of purchase money was forty Seven Cents.

And Whereas, from the date of Said Sale, two years had elapsed and the interested has redeemed the Said Land, according to the 16 & 17 Sections of the Said Chapter; and Whereas J. L. Perkins, the purchaser of the Said Land, has assigned the benefit of his purchase to R. T. Griffing, and assigns that the Said for the Land be made to him, the Said Griffing; and Whereas the Said R. T. Griffing assignee of the Said J. L. Perkins, has in accordance with the 19th Section of the aforesaid Chapter, had a report made by the Surveyor of the aforesaid County, to the County Court specifying the metes and bounds of Said Land, and the Name of the Owners of adjoining tracts, and giving such further description as will more fully identify the same referred to, ^{which} Said report is hereby specially made. And Whereas the County Court of Southampton County, at the June Term 1877,

do order the said Report to be recorded, and the same
has been so done; and Whereas the said R. T. Griffin,
assignee of J. L. Berkham, has applied to me
Gittelman R. Edwards, Clerk of the County Court
of Southampton County, for a deed for the said
tract of land; And Therefore I Gittelman R. Edwards
Clerk of the County Court of Southampton County,
by Virtue of the foregoing, and the authority in me
vested, by Section 20th, Chapter 38 Code of Virginia
1878, and with the assent of the said J. L. Berkham,
Signified by his Signing this deed, do hereby grant
and Convey with Special Warranty, to the said
R. T. Griffin the tract of Land herein appraised, bounded
as follows, to wit, beginning at a White Oak (204)
inches in diameter, in the run of a little branch,
thence up said Branch S. 11 $\frac{1}{2}$ W. 200 chains, thence
South 1 $\frac{1}{4}$ E. 4. 19. S. 1 $\frac{1}{2}$ W. 2. 55. S. 9. W. 2. 20. S. 21. W. 3.
14. S. 2 $\frac{1}{2}$ E. 2. 25 to hollow S. gum, 130. thence
bearing Branch along Crop fence S. 28. E. 5. 77 S. 21 $\frac{1}{2}$
E. 1. 19 to a little pine, (10) Cor for Parker, J. Ston,
S. Ferguson of this tract, thence Strip Line W. 1. 8. E.
2. 75 to Center of Pine Grove & Cypress Bridge Road,
thence along said Road W. 33 $\frac{1}{2}$ E. 8. 21. W. 60 E. 7. 00
W. 38. E. 3. 11 W. 25 $\frac{1}{4}$ E. 4. 81 to a post Oak (10)
on East side of Road, thence bearing Road, W. 1. 8 $\frac{1}{2}$
E. 3. 70 to a point between 2. S. gum, 10 & 8, thence
said Course 1. 91 to pine, (200) Side line, thence
W. 72. E. 1. 03 to Belt gum, (10) edge of Strip's office
Swamp, thence N. 48. E. 2. 17 to Belt gum (15) on
run of said Swamp, thence up said Swamp to
a hollow Black gum, 20 on S. Side of run, thence
South 12 $\frac{1}{2}$ W. 1. 53 to a little Black gum, (1)

shown South 17³/₄ N. 2. 45 to beginning, Contain-
ing Forty Nine 99 acres, adjoining the lands of
Parker, J. Sten, S. Ferguson & others.
Witness the following Signatures & Seals this 16th
day of July 1877.

J. R. Edwards, (Seal)
J. L. Barkman, (Seal)

Durham County, In the Clerk's Office, July 16. 1877.
This Deed of Bargain & Sale from J. R. Edwards
and J. L. Barkman to R. T. Griffin was read
and acknowledged before me by Edwards & Barkman,
to be their act and deed, and admitted to record.

Test,

J. R. Edwards Clk.

Attest,

Test,

James R. Taylor, J. C.

This Indenture made this 15th day of May year 1847 by and between James Drake, Susan Drake his wife and William E. Myrick, Trustee in a Deed executed by the said James Drake on or about the 28th day of May year 1845, which Deed is of record, of the one part, Elizabeth Griffin, John Worrell and Willoughby Worrell of the other part each and all the above named persons ~~in~~ in the County of Southampton & State of Virginia. Witnesseth that the said James Drake, and Susan his wife have for ^{and} in consideration of the sum of Seventy Dollars and fifty cents current money of this Commonwealth to them in hand paid by the said Elizabeth Griffin, John Worrell and Willoughby Worrell at the sealing and delivery of these Presents, the receipt of which is hereby acknowledged and the said William E. Myrick Trustee as aforesaid in consideration of the request of them, the said James Drake and Susan Drake his wife ^{and} the consent and approbation of Jacob Barnes, Benjamin E. Pope and Harrison P. Pope for whose benefit the said Deed in Trust was executed as will appear by referring to the said deed. Have bargained and sold and by these Presents do and each of them doth grant bargain and sell unto

the said Elizabeth Griffin, John Norrell
and Willoughby Norrell and to their
heirs and assigns forever one certain
parcel and portion of land
situate, lying in the County of
Southampton & Parish of Saint
Luke and bounded by the lands of
of the following named persons to wit:
the said James Drake, Jacob Barnes,
Eosawen D. Butler and the lands
formally, Lewis Norrell's containing
Forty Seven Acres, be the same more
or less, it being a part of one of the
Tracts of land conveyed to said Myrick
by the Deed aforesaid for the benefit
of said Barnes and Pope. To have
and To hold the above described forty
seven acres of land with all its
enrollements and appertenuances
thereto belonging or in any way
appertaining to them the said Elizabeth
Griffin, John Norrell and Willoughby
Norrell and to their heirs and
assigns forever, with all the right, title,
interest and estate which they the
said James Drake, Susan Drake his
wife and William E. Myrick by said
Trust Deed has heretofore held in
and to the said forty seven acres
of land free from the claim or demand
of them or either of them, of either of their
heirs or assigns, the interrupted title to

4
3
2
2
8
said forty seven acres of land to them the
said Elizabeth Griffin, John Correll
and Willoughby Correll and to be
equally injoyed by them and each
of them and each of their heirs ^{and}
a signs forever. In witness whereof
they the said James Drake, Susan
Drake and William E. Myrick have
hereto subscribed their hands and
affixed their seals the day and year
herein first before written.

signed, sealed
acknowledged ^{and}
delivered in presence of
of Jacob Barnes as to Drake
A. Myrick as to Dr^{es} wife
Jos. Barrett as to Dr^{es} wife

James E. Drake (Seal)
Susan^{her} Drake (Seal)
Wm E. Myrick^{more} Trustee (Seal)

Gauthamption County L. B.
We Jos Barrett & A. Myrick Justices
of the Peace in and for the County aforesaid
do hereby certify that Susan Drake the
wife of James Drake party to the
annexed Deed bearing date the 15
day of May of May year 1847 personally
appeared before us in our County
aforesaid and being examined
by us privily and apart from her said
Husband, having the Deed aforesaid
fully explained to her. She the said
Susan Drake acknowledged the
same to be her act and deed, and

that she had willingly executed
~~the same~~ signed, sealed and
delivered the same, and that she
wished not to retract it given
under our hands and seals this 15th
day of May year 1847

} Jac. Barrett J.P. (Seal)
} A. Myrick J.P. (Seal)

Southampton County: In the Clerk's Office May 17. 1847
This Deed of Bargain and Sale, was
acknowledged by Wm E. Myrick a party
thereto, and was proved by the oaths
of Alexander Myrick as to James
Drake and on the 17th day of April 1848
said Deed was proved by Jacob Barnes
a witness thereto as to James E. Drake.

Done: S. R. Edwards C.C.

Attest: Deste:

S. Ashley Blythe D.C.

Myrick as
to Deed
Lyniff as

Exhibit

Dec 75^e

Bath & wife

No 3

Darden & all

Commissioner's Report

Nov 16th 1880

1880 November 18th

Tax & S. - cost for
writing and

Baob-4015

to 3

Darden 4015

Report of Special Commissioner Shana

The undersigned Mr B Shana who was appointed special commissioner to convey to Willoughby Baob one undivided half of forty seven acres of land upon him paying to Mr A Myrick forty seven cents and certain costs beg leave to report that the said money having been paid he has made the said deed with special assent of which is respectfully submitted by

Mr B Shana

Nov 16th 1880

special commissioner

per J. S. - chg^d to the suit

Executed by delivering each of the within
 named defendants a copy of this Summons
 on the 28th day of February 1880 except
 John Paget, and on that day, I went to
 his residence, & he being absent from home,
 I delivered a copy of this Summons, to Miss
 Paget his wife, she being a white minor of
 his family, and above the age of sixteen years,
 I also gave information to her of its purport.
 W. L. Briggs Shiff

Patt & wife

or } Sumns

Paget & als.

1880 March

Rules

Circuit-Court

500 1/2 Ac of land
 from H. S. S. S.
 12-18-80

The Commonwealth of Virginia:

To the Sheriff of Southampton County Greeting:

We command you to summon John Paget and Mifami Paget his
wife Rufus E. Darden, Martha Griffin and Jonathan T
Griffin Benjamin Griffin, Norbert Griffin & Robt. F. Griffin
if they be found within your bailiwick to appear at the Clerks office of our
Circuit Court of Southampton County at the Rules to be holden for said Court
on the first monday in March next to answer a bill
in chancery in said Court
exhibited against them by John Babb
and Willoughby Babb his wife

and have then there this writ. Witness Littleton R. Edwards Clerk of our
said Court at the Courthouse this 18th day of February 1880
in the 104th year of the Commonwealth. L. R. Edwards C. C.

Babb is wife

no 3

Darden is als

Assum of infant
defendants by their
guardian ad litem

1880 March Rules

The answer of Jonathan T Griffin, Benjamin
Griffin, Norflet Griffin and Robert L Griffin
four infant defendants by L R Edwards
their guardian ad litem to a bill in
chancery in the circuit Court of Southampton
by John Babbs wife vs them 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 that he knows nothing of the allegations
of the plaintiffs bill but submits the
interests of his wards to the care of this
court whose peculiar duty it is to protect
the rights of infants and having fully
answered prays leave to be dismissed with
his costs &c

signed L R Edwards Gon
addition &c

Shames for depts

Boob is wife

as {

Janet is also

Assure of four infants
Jonathan J. Benjamin,
Norfolk R. I. Griffin by
Geo. and John C. Amund
bile

The answer of Jonathan T. Griffin, Benjamin
Griffin, Wm. Griffin and Robert T. Griffin for
infants by their guardian
as litigants assigned to them to an amended bill
in chancery by John B. Bask and Willoughby Bask
or them 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
that he submits the interests of his wards
to the care of this court whose peculiar
duty it is to protect the rights of infants
and having fully answered pray leave to be
dismissed with his costs

signed

Shawson for defts

32 Grat. 12.

Babb & wife

as 3/4 Durn
Dardun ne

To be returned

May term 1880

Geo. B. B. B.

Robt's wife

vs 3/ Deere

Darden is als

This day this cause came on to be heard on the plaintiffs bill taken for confessed as to the defendants Rufus E Darden, John Paget and Missouri Paget his wife, The answer of the four infant defendants Jonathan T Griffin, Benjamin Griffin, Norbert Griffin and Robert L Griffin by L. R. Edwards their guardians ad litem and general replication Thence and exhibits filed and was argued by counsel On consideration whereof the court being of opinion that Willoughby Baob wife of John Baob is entitled to one half of the tract of land sold for taxes and which Joseph L Borham purchased at the Treasurers sale in 1873 and which by his consent was conveyed by the clerk of Superior Court to Robert T Griffin and by him conveyed by a deed of trust on the 15th of March 1878 to Mrs A Myrick as trustee to secure a certain debt Thence named to Rufus E Darden Now Therefore the court ~~the court and from the clerk as to Willoughby Baob~~ doth adjudge, order, and decree that upon Willoughby Baob's paying to Mrs A Myrick the sum of forty seven cents and interest and all the costs and charges incurred

What the clerk from the clerk as to Willoughby Baob
of the 15th of July 1877 to R. T. Griffin or to Darden and

by reason of the Treasurers sale of the tract
of forty seven acres of land lying near
Newson's depot in Southampton and
belonging one fourth to Robert T Griffin
one fourth to John Paget and Missouri
Paget his wife and one ~~half~~ to Willoughby
Babb or tendering the same to him
that Mr B Shandas who is appointed
a special commissioner for that purpose
shall convey one undivided half of
the said tract of ~~forty seven acres of~~
land with special warranty ^{to Willoughby Babb} and
the said special commissioner is directed
to report his proceedings to court in
order to a further decree and the
court doth further adjudge and decree that the
plaintiffs recover from the defendants their costs
by them in this suit in this behalf expended

119

Babb Wife

to } Stat: Rules

Darden H^U

Let 117. ~~4~~ 2
Sh 4 0 0

Com 8 50 0

Law 1 16 50

18

In Southampton Circuit Court

John Babb & Milborough Babb his wife who before marriage
was Worrell Plaintiffs.

against

Rufus E Darden, John Paget & Missouri Paget his wife & Jonathan
D Griffin, Benjamin Griffin, Asa Lett Griffin, Robert L Griffin,
four infants - Defendants

1850 February 18th Summons issued.

March R. Summons returned Executed. Bill filed -

L. R. Edwards assigned Guardian ad litem to infant Defts.
answ. of infants Genl Rep. Under. Diver Nisi v. adult Defts

April R. Bill taken for confessed as to adult Defendants
and cause set for hearing 8th

" Nov Deora for plff 1st