

1882-02

~ Southampton County Chancery - Barden, James H. vs Worrell, Fannie

partition of land

Worrell, John H.

" , Wm. R.

" , Josiah

Worrell, Virginia H.

Cutler, G. D.

Edwards, L. R. -

Guardian

To the Hon. Geo. Blaw Judge of
the Circuit Court of Southampton
— In Chancery —

Thumblly Complaining sheweth unto
your Honor your Complainant James
H. Barden, That sometime during
the year 187th ^{Virginia A Worrell} departed this life intestate leaving the following parties her
only children & heirs at law, to wit:
John H. Worrell, Wm R. Worrell, Josiah
Worrell and Fannie Worrell, That
the said Virginia A. Worrell at the
time of her death was seized and
possessed of certain Real Estate
lying in the County of Southampton
containing 80 acres more or less,

That the said John H. Worrell and
Wm R. Worrell by deed of Bargain & sale
dated 11th Aug 1875, sold their interest
in said land to the G. D. Cutler, which
Deed was regularly recorded in the
Clerk's Office of the County Court of South
ampton, as will more fully appear from
a copy of said deed herewith filed marked
"A" & prayed to be taken as a part
of this bill. That the said Josiah Worrell
by deed dated 26th Aug 1875 conveyed
his interest in said Real Estate

to one J. P. Cutler, which said Deed was regularly recorded in the Clerk's Office of the County Court of Southampton, as will more fully appear from a copy of said Deed herewith filed marked "B". I prayed to be taken as a part of this bill, That the said J. P. Cutler by Deed dated Jan^y 21st 1878, and of record in Clerk's Office of Southampton County Court conveyed all of his interest in said Tract of Land to your Complainant as will more fully appear from a copy of said Deed marked "C" herewith filed. I prayed to be taken as a part of this bill. That the said Janice Woodell is an infant under the age of 21 years & your Complainant further states that in his opinion the said real Estate is not susceptible of partition amongst the parties entitled thereto but if it be then your Complainant desires his portion thereof allotted to him, and if it be not then your Complainant desires the same to be sold, in Consideration whereof and inasmuch as your Complainant has no remedy save in a Court of Equity where such

matters are properly to be heard. Your
Complainant prays that the said Fannie
Worrell be made a party De-
fendant to this bill, and compelled
to answer the allegations thereof
and that some fit & proper party
be assigned Guardian ad litem to
defend the interest of the infant
Defendant in this suit, That the
said Real Estate may be divided
between the parties before mentioned
if partition in kind be practicable
and in case the said real Estate be
indivisible in kind, that the same
may be exposed to sale, and the
proceeds thereof distributed a-
mong the parties entitled thereto,
and that your Honor will grant
such other further, general and
special relief as the nature of
the Case may require or to Equi-
ty may seem meet, and as in duty
bound &c Your Complainant
will ever pray &c

May it please the Court &c

J. N. Sebrall f.c.

The Answer of Fannie Worrell by

SR Edwards, Guardian ad litem, to a bill
of Complaint exhibited against her in the
Circuit Court of Southampton by James
H Barden.

This Respondent saving and
reserving or for answer to said bill,
says that she is an infant and
knows nothing of the facts alleged
in said bill and being such, she sub-
mits her rights to the protection of
this Honorable Court & having answer-
ed she prays hence to be dismissed

SR Edwards,

Wm ad litem

J. N. Sebrall p.d

Barden 126

Bill Exhibited

Ward

1878. April Rules

Sebrall p.c

To the Hon Geo Blow.

Indy Circuit Court Southampton,

The undersigned Special Commissioner appointed at the Nov. Term 1878 to collect of Jas. H. Barden the sum due for the real Estate, ^{to wit the sum of \$15.⁰⁰} mentioned in the proceedings & make deed to said Barden for said Real Estate, begs leave to report, that he has collected the said sum of Jas. H. Barden & duly executed a deed to him for the real Estate in proceedings mentioned.

And the said Comr further reports that in obedience to a Decree entered Nov. Term 1880, in said Cause directing him to pay to Jas. J. Darden the sum \$21.⁶¹ part of said sum collected from said Barden & to pay the residue of said last mentioned sum to Fannie Worrell, respectfully reports that he has paid the said sum to the said Jas. J. Darden & taken his receipt therefor which is herewith filed & has paid the said Residue to the said Fannie Worrell who has intermarried with J. L. Johnson & ~~the~~ taken the receipt of both husband & wife

to wit \$80.⁹⁷ which ~~was~~ ~~received~~ ~~by~~ ~~him~~ ~~in~~ ~~his~~ ~~hands~~ due said fund, after
paying costs & allowing interest
as will be seen by the following
statement, the said receipt is herewith filed.

Respectfully submitted,

J. M. Sebell
Special Commr

Special Commr's
Report

Wm. L. J. Sud
Cutler

Exhibit A.

See 750

This I do make this 11th day of August 1875,
between John St. Worrell, William R. Worrell & his wife
Kannie, grantors of the first part & G. I. Cutler
the grantee of the second part, Witnesseth that in
consideration of the sum of two hundred & thirty
dollars to the said John St. Worrell, Wm. R.

Worrell & his wife Kannie in hand paid by the
said G. I. Cutler, at and before the sealing of
these presents, the receipt whereof is hereby acknowl-
edged, have granted, bargained & sold, unto the said
G. I. Cutler their entire interest in a certain tract
of land lying & being in the County of Southampton,
& State of Virginia, containing Eighty Eight Acres,
more or less, & bounded by the lands of Mary A.
Crop, the heirs of Jacob Spangler & others; it being
the lands that the said John St. Worrell & Wm. R.

Worrell derived from their mother Virginia A.
Worrell, being under the last will and Testament
of A. Williams dec'd. & the said John St. Worrell,
William R. Worrell, & his wife, warrants their
title to the said Interest of Land to the said
G. I. Cutler generally, as Witness the following
Signatures & Seals.

Witness
George H. Darden } John^{his} St. Worrell Seal
James S. Luter } William^{his} R. Worrell Seal
Kannie^{mark} Worrell Seal

State of Virginia }
County of Southampton } Do Wit,
I, J. J. Dyer, &c
Notary Public, in the County aforesaid, for

the State aforesaid, do Certify that Hannie the
wife of Wm. R. Worrell, whose name is signed
to the writing above, bearing date on the
11th day of August 1875, personally appeared
before me, in the County of ~~Southampton~~ ^{York} and in the
State aforesaid, & being examined by me, privily
& apart from her husband & having the writing
aforesaid fully explained to her, she the
said Hannie Worrell acknowledged the said
writing to be her act & deed, & declared
that she had willingly executed the same,
& does not wish to retract it.
Given under my hand this 13th day of August
1875.

J. J. Dyer,
Notary Public

State of Virginia,
County of Southampton } to wit;

I, J. J. Dyer,
Notary Public, for the County aforesaid,
in the State aforesaid, do Certify that John P.
Worrell, whose name is signed to the
writing above bearing date on the 11th
of August 1875, has acknowledged the same
before me, in my County aforesaid. Given under
my hand this 13th day of August 1875.

J. J. Dyer,
Notary Public

State of Virginia,
County of Southampton } To wit;

J. J. Dyer, a Notary Public, for the County
aforesaid, in the State aforesaid, do Certify
that William R. Norvell, whose name is signed
to the writing above, bearing date on the
11th day of August 1875, has acknowledged the
same before me in my County aforesaid.
Given under my hand this 13th day of August
1875.

J. J. Dyer
Notary Public,

Litchamption County, In the Clerk's Office, August
27th 1875. This Deed of Bargain & Sale from
John H. and William R. Norvell & wife to
G. J. Cutler, was this day received &
registered with the Certificates thereto
annexed, admitted to record.

Teste,

J. K. Edwards C. C.

A Copy

Teste,

Jas. R. Tyler J. C.

Wmell
J.
Cutler

2
D

Exhibit "13."

Jan 50

2
This Deed made this 21st day of August 1875,
between Josiah, Wornell grantor of the first part, and G. I.
Butler, the grantee of the second part, Witnesseth that
in consideration of the sum of One hundred & fifteen
dollars, to the said Josiah, Wornell, in hand paid
by the said G. I. Butler, at or before the sealing of
these presents, the receipt whereof is hereby acknowledged,
the said Josiah, Wornell, hath granted bargained & sold unto the
said G. I. Butler, his entire interest in a certain
tract of land lying & being in the County of
Sunderland, & State of Virginia, Containing Eighty
Eight acres, more or less, & bounded by the
lands of Mary A. Corp, the heirs of Jacob
Barney dec'd. & others; it being the land which
the said Josiah, Wornell inherited from his Mother
Virginia A. Wornell, dec'd. which the said
Virginia A. Wornell held under the last
Will & Testament of A. Williams dec'd. & the
said Josiah, Wornell warrants the title to
the said Butler of Land to the said G. I.
Butler, generally, as Witness the following
Signature & Seal.

Witness

W. R. Battley

C. L. Barden

Josiah^{his} Wornell Seal
mark

State of Virginia:

County of Sunderland,

To Wit;

J. J. Tye, a Notary Public for the County aforesaid in the State aforesaid, do Certify that Josiah Merrill of and to whom is Signed to the Writing above, bearing date on the 26th day of August 1875, does acknowledge the same before me in my County aforesaid. Given, under my hand this 26th day of August 1875.

J. J. Tye N.P.

Dorchester County, In the Clerk's Office, August 27th 1875. This Deed of Bargain & Sale from Josiah Merrill to G. D. Cutler was this day received, & together with the Certificate thereto annexed, admitted to record.

Teste,

J. H. Edwards, C. C.

A Copy:

Teste,

J. H. Tyler J. C.

Cutler
J. Q. D. Qud

Barden

Exhibit "C"

Tru 50⁰

This Deed made this 21st day of January A.D.
1878, between Goodwyn Cutler, grantor of the first part
and James St. Barden, Grantee of the other part, both
of Southampton County, Va. Witnesses, that for &
in Consideration of the sum of Four hundred twenty
one dollar & twenty six Cents, then (day paid & the
receipt of which is hereby acknowledged, the
Said party of the first part, with bargain, sell,
grant and Convey unto the Said party of the
Second part, the following real Estate to wit;
A Certain tract or parcel of land Situated
near & adjoining Piney Grove, in the aforesaid
County, containing Eighty Eight acres by estima-
tion, it being the same land purchased by Said
G. D. Cutler of John S. Worrell, Wm. R. Worrell;
and Josiah Worrell, of a Deed for which, has
been executed and duly recorded in the Clerk's
Office of the aforesaid County. The Said Tract
of land was a part of the Estate of Adm-
Animus Williams decd. and is bounded by
the lands of Mr. Mary A. Corp, Geo. W.
Drake, Joseph T. Bowers & others;
The said G. D. Cutler hereby Conveys all
interest which he holds in Said Tract of
land, or may hereafter accrue to him by
reason of the death of an Infant Child
of Virginia Worrell deceased, who is now
living and holds one fourth interest in Said

Estate, & Warrants the title, all right and Claim
in Said land. Witness the following Signatures and
Seals, this 21st day of January A.D. 1878.

Gordon I. Cutler, 

State of Virginia: }
Pembroke County } To Wit,

I, R. A. Barrett
a Justice in and for the County Pembroke, and
State of Virginia, do Certify that Gordon I. Cutler,
whose name are signed to the Writing
hereto annexed, bearing date on the 21st day of
January 1878, has acknowledged the same before
me in my County of State aforesaid.
Given under my hand & Seal this 22nd day
January 1878.

R. A. Barrett J.P.

Pembroke County, In the Clerk's Office February 11th 1878.
This Deed of Bargain & Sale from Gordon I.
Cutler to James H. Barden, was this day received
and together with the Certificate thereto annexed,
admitted to record.

Testes,

J. K. Edwards C. G.

A. C. G. J. N.

Testes, J. K. Tyler J. C.

Garden
v1 Report of Comrs.
Worrell

1878 Oct. 31st

To the Honorable Judge of the Circuit
Court for Southampton County.

The undersigned, Commissioners appointed by the Circuit Court of Southampton County, at the May term 1878, to divide the real Estate mentioned in the Chancery Suit of Borden vs. Merrill. They come to suggest that after viewing said Land, conclude that it cannot be divided without damage to all parties concerned and as the Plaintiff Jas. H. Borden is willing to pay the Defendant Gamble Merrill the same price he paid for the other three shares, to wit, one hundred & fifteen Dollars ^{each} and all costs incurred in said matter, it is our opinion that it would be to the advantage of said Defendant to accede to said proposition, all of which is respectfully submitted.

Piney Grove, Va
Sept 27th 1878.

B. R. Griffin
Gamble Ferguson
D. J. Merrill
B. J. Gooch
J. J. Dyer

Barden
vs 3
Warrell

Petition of
J. J. Barden

1880 April 16. filed

Barden
vs 3 Petition of J. J. Barden,
Warrell

In this cause, your petitioner J. J. Barden
represents as follows..

That he holds a bond against Saml. A.
Barden & A. Williams for \$21.61 dated
23 March 1859.. That the fund now under
control of the Court, in this suit, is derived
from land devised by A. Williams to
Virginia A. Warrell, the mother of Fanny
A. Warrell.. That this money ought to be
applied first to the payment of the
debts of A. Williams.. That Your Honor
will direct the Commissioners to pay first
this debt, before paying any to Fanny
Warrell.. and that Your Honor will
grant such other relief as may
be necessary.

To Judge Cir Ct,
Southampton. }
Apr 15. 1880. }

J. J. Barden
by Counsel,
J. W. R. R. R. R. R.

Barden
to 3 Dec
Morrell

+
Capt J. J. Darden's
receipt

7

Southampton Circuit Court November Term 1880

Bardeen Plaintiff
against
Worrell Defendant } In Chy.

This case came on again to be heard on the papers formerly read and the petition of James J. Darden, on consideration whereof the Court doth adjudge, order and decree that Jno. N. Sebell Special Commr. pay out of the funds ~~in~~ his hands the sum of \$21⁶¹/₁₀₀ to the said James J. Darden and the Balance of the sum derived from the sale of Real Estate in the proceedings mentioned, he is authorized to pay to Fannie Worrell the Defdt. in this cause and make Report to Court

@ Leahy
Teste: J. A. Plythe D.C.

clks lcks J298

Received Feb. 21st of Jn Sebell, Comr
Twenty ⁶¹/₁₀₀ dollars, ordered to be paid
me by above decree,

Jas J Darden

But before the ^{said} J. N. Sebrule shall
discharge the duties of Court
under this Decree he shall ex-
ecute in the Clerk's Office of this
County, his bond secured in
the sum of 200\$ for the
faithful performance of said
duties -

Barden
17 Decree
Worrell

Nov. Term 1878

To be entered

Geo T Blount,

Barden

U } Decree,
Worrell }

This Cause came on this day to be again heard on the papers formerly read, and upon the report of Ben. R. Griffin, Saml Ferguson, O. T. Worrell, B. J. Gray and J. J. Deyer Leonis under Decree of May Term 1878, and to which report there is no exception, and was argued by Counsel for plaintiff: On consideration whereof The Court doth approve and confirm said report, and adjudge order and decree, that John N. Sebrall, be and is hereby appointed Commissioner to execute to the plaintiff James A. Barden a Deed of bargain & sale, for the undivided interest of Fannie Worrell, the Defendant, in the real Estate in the bill & proceedings mentioned and collect from said Barden the sum of One hundred and fifteen dollars together with the legal costs of this suit, and report to Court

Barden

M³ Decree
Worrell

May Term 1882

To be entered

Geo. Blow,

Barden

W 3 Moore
Worrell

This cause was this day
again heard on the papers formerly
read & the report of Special Com'r
Sebell this day filed by leave of
Court, and the Court confirming
said report, and it appearing that
there is nothing further to be done
in this Cause, it is ordered that
the same be removed from dock
et.

Barden
vs. $\frac{2}{3}$ Denee.

Worrell

Nov. Term 1880.

To be entered.

Geo. Worrell.

Barden

vs. $\frac{1}{2}$ Decree.

Worrell

This cause comes on again to be heard on the papers formerly read and the petition of James J. Darden. On consideration whereof the Court doth adjudge, order and decree that Jas. T. Deuell, special Commr. pay out of the funds in his hand the sum of \$21.⁶¹ to the said James J. Darden and the balance of the sum derived from the sale of Real Estate in the proceedings mentioned he is hereby authorized to pay to Fannie Worrell, the def'dt. in this cause and make report to Court

The said Comm will also report
the value of said land. with any
other matters deemed pertinent by
himself or required by any interested
party to be stated.

Barden
vs Byler
Warrell

May Term 1878

To be reviewed.

Geo. B. Co. D.
J.

Bardeen
vs 3 Decree.
Warrell

This day this cause came on to be ~~presented~~ on the complainant's bill, the answer of the defendant, by A. R. Edwards, her guardian ad litem, with several replication, exhibits filed and was argued by Counsel. On consideration whereof, the Court doth a judge order & decree that partition be made of the land whereof Virginia Bardeen did seized, as follows - $\frac{3}{4}$ to James H. Bardeen & $\frac{1}{4}$ to Fannie Warrell. And for the purpose of effecting such partition the Court doth appoint Benj Griffin, Saml Ferguson, Delaware Warrell, Benj Gray & Geo J. Geyer Commissioners, any three of whom may act, to assign & allot to the persons before named, the respective shares & proportions before mentioned by meter & bounds. And if partition cannot be conveniently made, then the said Commissioners will report that fact to Court, and also whether the entire subject can be allotted to any interested party who will accept it & pay therefor to the other party such a sum of money as their interest may entitle them to.

Received Nov. 6th 1880 of J. N. Sebell
Comr to, Eighty 9/100 Dollars in full of amo:
due ~~us~~ from sale of land sold under
Decree of the Civ: Ct. of Southampton
County rendered at Term 187
deducting legal costs & amount
ordered to be paid on claim due
Capt J. J. Darden, by Decree render
ed Nov. Term 1880.

Witness

M. B. Bain

M. F. Johnson formerly

M. F. Warrall

^{his}
J. L. Johnson husband
^{mark}
of M. F. Johnson

[Faint, illegible text]

Worrell
Matter

Statement

Statement Worrell matter -	
amt collected of Barden.	\$115.00
Do com's on \$115.	<u>5.75</u>
	109.25
To fee for writing Deeds,	<u>5.00</u>
	104.25
" atty's fee -	<u>10.00</u>
	~~\$94.25~~
Int on ~~\$94.25~~ from 3	
Nov. 1878. to Nov. 1880 }	<u>11.31</u>
	105.56
Clerk's cost,	<u>2.98</u>
	~~\$102.58~~
amt ret'd to pay Capt A.	<u>21.61</u>
due Mr. Johnson	<u>~~\$80.97~~</u>
"	

Oct 15th 1867 Recd of S. H. Darden Adm the sum
Nineteen dollars & Fifty seven cents. it being the
amt due from S. H. Darden Est agreeable to the
Commissioners report Jas J Darden

Saml. A. Darden Vothrs

note To

Jas. J. Darden Per

\$ 21.61

or demand the 25th day of October 1853 He promised to pay or
Cause to be paid unto J. A. Warden Exr. of H. C. Briggs. &c.
or order the just sum of Twenty one Dollars and Sixty
one cents ————— for value received for the time
payment of which we and truly to be made we bind our
selves our heirs & exors and administrators jointly &
severally firmly by this presents we witness our hands and
seals this 25th day of March 1853
J. A. Warden

J. A. Warden Seal

A. Williams Seal

Scarden

Tr } Sent

Worrell

1878 April Rules.

The Commonwealth of Virginia:

To the Sheriff of Southampton County---Greeting:

WE COMMAND YOU TO SUMMON *Fannie Farrell (minor)*

if _____ to 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 *April next* to answer *a bill*
in Chancery exhibited against her in our said Cir-
cuit Court by James H. Borden

and have then and there this writ.

Witness, **Littleton R. Edwards**, Clerk of our said Court, at the Court
House this *22nd* day of *March* 187*7*, in the
102nd year of the Commonwealth. *L. R. Edwards*

Southern Circuit Court Clerk's Office
Dec: 2nd 1878-

This bond was acknowledged by John
et Sebrall and James E. Sebrall
the obligors therein and Jas E.
Sebrall the surety therein justified
on oath as to his sufficiency ac-
cording to law.

L R Edwards C. C.

Barden

James Bond

Morrill

1878. Dec. 2-

Recorded

Page 574

Know all Men by these Presents, That we John et Sebrrell
James E. Sebrrell

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Two Hundred Dollars, to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And we, the obligors herein, hereby waive the benefit of our Homestead Exemption as to this obligation.

Sealed with our seals, and dated this 2nd day of December
A. D. 1878

The condition of the above obligation is such, that ^{whereas} ~~X~~ the above bound John
N. Sebrrell, was by a decree of the Circuit Court
of Southampton County, rendered at the November Term
1878, in a chancery suit depending in said Court
in which James A. Barden is Plaintiff and Fannie
Worrell Defendant, appointed a special com-
missioner for purposes in said decree men-
tioned
know if the said John et Sebrrell

shall faithfully discharge the duties of his said office or trust according
~~under said decree, or any other decree in this cause~~
to law, then the above obligation to be void, or else to remain in full force and virtue.

Signed, sealed and delivered in }
presence of ~~the Court~~. }

John et Sebrrell [SEAL.]
James E. Sebrrell [SEAL.]
[SEAL.]

[SEAL.]

XX
Barday ~~88~~ 66 64

& { State Rules

Worrell

1878 Nov
Ck 18.62
Sh
Law f: 16.50
Retain f: c 2.50
27.62

In Southampton Circuit Court

James M. Barden

against
Fannie Worrell

1878 March 22^d Summons issued

" Apr^l R Summons ret^d Bill filed L R Edwards assigned
Gov ad litem to Deft. Ans of Deft. Sent Ref.

" May " Cause set for hearing &c

" " J. Decree for partition &c

" Nov " Decree to execute Deed &c

1882 May Report. Report confirmed & case removed from the Docket

S A Darden & A Williams note

Int 1st Octr 1859 to 15th Octr 1867

pd 15th Octr 1867

Int 15th Octr 1867 to 16th Decr 1878

\$ 21.61

11.09

32.70

19.57

13.13

8.80

\$ 21.93