

1884-15

Soathampton County Chancery ~ Darden, James J. VS Ferguson, Samuel

Compromise suit

Carolus

05 23

Ferguson

Asson of Samuel
Ferguson

The answer of ~~James~~ Ferguson
To a bill in chancery in the circuit
Court of Southampton by James J
Dodd

This defendant for answer to
the said bill on as much thereof as
he is advised it is material for him
to answer answering says It is true
there was an agreement that each
partner was to pay one half of the
expenses of working the mine and to
divide the profits equally and this
defendant says that he has always
been ready and is now ready to settle
the said partnership account on fair
and equitable principles and has been
twice to see the plaintiffs for that
purpose and was unable to effect
any they not being able to effect
any when they met, and further
this defendant says that he thinks
and believes that upon a fair
settlement of the accounts asked for
the plaintiffs will be found indebted
to him and having fully answered
prays leave to be dismissed with his
costs

signed
Garnet Ferguson
Shanderson p. g.

Southampton County to wit

This day James Ferguson
personally appeared before me and
made oath that the facts set forth
in the above answer are true to
the best of his knowledge and belief
given under my hand the 29th
of September 1883

J. B. Ruess Clerk

~~188~~
Darden

vs 3 Bell

Jepson

~~~~~

1883. April Rudeg

M. Prince Jr.

To the Hon Geo Blow, Judge of the Circuit  
Court of Southampton, Duchessey.  
Complaining sheweth unto your  
Honor your Complainant, James J.  
Darden - as follows. That in the  
Year 1871, your Complainant entered  
into partnership with one Samuel  
Ferguson to carry on a watermill  
mill in Southampton County, upon  
the following stipulations; Each partner  
was to pay one half of all expenses  
and to share one half of the profits.  
That in pursuance of said agreement  
your complainant did furnish his  
part of the expense account for  
running and operating said  
mill for a period of five or six  
years. that he has repeatedly called  
upon his partner, Samuel Ferguson  
to know definitely & specifically what  
he has paid out towards the expenses  
of running said mill, and to know  
what were the profits - but so far  
he has failed and refused to give  
him the information he wishes.  
Your complainant, has been anxious  
to settle with his partner and  
to close up the business, but he has

not been able to do so on account  
of the refusal of his partner to furnish  
the itemized statements necessary  
to settle the partnership accounts.  
That Complainant is satisfied from  
what said Ferguson has told him  
at different times, if the accounts  
were properly stated there is a  
balance due Complainant.  
In consideration whereof, and inas-  
much as Your Complainant is without  
remedy in the premises, except in  
a Court of Equity, where such matters  
are properly cognizable, Complainant  
prays that the said said Ferguson  
may be made a party defendant  
to this bill and compelled to answer  
its allegations. That your Honor will  
direct a Commissioner of this Court, to  
settle the partnership accounts,  
and all other necessary accounts,  
and grant such other, further, general  
and special relief in the premises  
as the nature of this case may demand  
or to Equity may seem meet. And as  
in duty bound. Your Complainant will  
ever pray &c. May it please the Court  
J. B. Paine for

Dardin  
- w.  
Perguson

(Sept. 4<sup>th</sup>)

Dunkampton Circuit Court, May Term 1883.

James J. Darden,

Plff:

vs. Samuel Ferguson

Def:

In Chancery

This day the Cause came on to be heard, on the Bill of the Complainant, taken for Confusion of the Defendants, and was argued by Counsel; On Consideration whereof, the Court doth adjudge Order and decree that, a Commissioner of this Court take the following accounts, to wit;

- 1<sup>st</sup> An account as to how much for J. Darden and Samuel Ferguson, each, contributed to the Expense account of Operating their water-grist Mill, during the time of their partnership.
- 2<sup>nd</sup> An account of their partnership transacting, showing how much was profit, and how much was loss.
- 3<sup>rd</sup> An account showing how much was drawn out of the partnership fund, by each partner, and 4<sup>th</sup> an account of any debt owed by said partnership; Which accounts the Commissioner will audit, and report to Court, together with any other matters, deemed pertinent by himself, or required to by Statute, by any interested party.

A. C. J. J.

Wm. R. Taylor

Darden  
2u. 2 Jumbo in  
Chancery  
Ferguson

1883. April Rules

Executed by  
delivering Samuel  
Ferguson a copy  
of this summons on  
the 27<sup>th</sup> day of  
~~March~~ March  
1883. Delivered by  
J. W. L. Briggs J. B.

# The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting:

WE COMMAND YOU TO SUMMON

*Samuel Ferguson,*

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* in our said Court by

*James J. Gordon,*

And this

*he*

shall in no wise omit; and have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court this *7<sup>th</sup>* day of *March* 1883, in the *107<sup>th</sup>* year of the Commonwealth.

*L. R. Edwards*

Executed Aug 17<sup>th</sup> 1883 by delivering a copy to each  
of the within parties.

J W Williams Esq  
for C W Briggs Esq.

Given  
in  
Presence  
of  
Notary

1883. Sept. 4<sup>th</sup>

COMMISSIONER OF THE

COMMISSIONER'S OFFICE,

Jerusalem, Va., August 9. 1883

TO James J. Carden & Samuel Ferguson,

You are hereby notified that I have fixed upon the 4<sup>th</sup> day of September next, if fair, if not, the next fair day thereafter (Sunday excepted) to take and settle, at my office, the following accounts, to wit:

- 1<sup>st</sup> "An ap of how much Jas J. Carden & Samuel Ferguson, each, contributed to the expenses account of Operating their Water Grist Mill, during the term of their partnership -
- 2<sup>d</sup> "An ap of their partnership transactions, showing how much was profit, & how much was loss.
- 3<sup>rd</sup> "An ap showing how much was drawn out of the partnership fund, by each partner -
- 4<sup>th</sup> "An ap of any debt now due by said partnership to."

required to be taken by a decree of Southampton Circuit Court, rendered at the May term, 1883, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

**JAMES R. TYLER, Commissioner.**

To the Sheriff of Southampton County to execute.

Garden  
 20. } Repts  
 Bergson  
 Cunningham Tyler

1883 Oct. 30<sup>th</sup> filed

Commissioner's Office,  
 Jerusalem, Pa.  
 October 15<sup>th</sup> 1883.

To the Circuit Court of Southampton County;

Whereas a decree of the Circuit Court of Southampton County, entered at its May Term 1883, in a suit in Chancery depending in the said Court between Jas J. Carden, Plaintiff, and Samuel Ferguson, Defendant, the undersigned one of the Commissioners of the said Court, to which it was referred for settlement by said decree, 1<sup>st</sup> "An account as to how much, James J. Carden & Samuel Ferguson, each, contributed to the expense account of operating their water-grist mill, during the term of their partnership."

2<sup>d</sup> "An account of their partnership transactions showing how much was profit and how much was loss."

3<sup>d</sup> "An account showing how much was drawn out of the partnership fund by each partner, and 4<sup>th</sup> "An account of any debts due and by said partnership."

1<sup>st</sup> Reports to the Court that James J. Carden expended,

Samuel Ferguson expended,

\$489 98  
 380 35  
 \$109 63

2<sup>d</sup> That the gross amount received by the partnership was

\$878 71

That the profits after paying the above debts were \$8.57 and the only debts reported are \$4.25 due to each partner.

3<sup>d</sup> That James J. Carden, received of the partnership effects on hand sold from the mill and Samuel Ferguson received leaving a balance due of

\$155 80  
 103 40  
 \$52 40

All of which is respectfully submitted to the Court by

Com'r for this Report  
 Yrtien & \$5.00 chgd  
 to the Plaintiff.

James R. Tyler  
 Commissioner

Darden  
vs 3 dues

Ferguson

May Term  
1883 -

To be entered.

Geo. B. Low.  
3

Darden

vs 3 Decece.

Ferguson

This day this Cause came on to be heard on the bill of complainant, taken for Compessed as to the defendant, and was agreed by Counsel. On consideration whereof, the Court doth adjudg order and decree that a Commissioner of this Court take the following accounts to-wit - 1<sup>st</sup> an account of how much J. J. Darden and Saml. Ferguson, each contributed to the Expense account of operating their water grist mill during the time of their partnership - 2<sup>nd</sup> an account of the partnership transactions - showing how much was profit & how much was loss - 3<sup>rd</sup> an account showing how much was drawn out of said partnership funds by each partner - and 4<sup>th</sup> an account of any debts now due by said partnership - which accounts the Commissioner will audit and report to Court together with any other matters deemed pertinent by himself or required to be stated by any interested party.

~~136~~ ~~131~~ 129  
Darden  
110 ~~129~~  
Stat Rules

7u.

Dargason

In Southampton Circuit Court

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James J. Darden  
against  
Samuel Ferguson

Sett 2 Subj  
Sept 1

1883. March 7<sup>th</sup> Summons issued

" April Rule Summons returned executed  
Bill filed James Darden vs. Defendant

" May Rule Bill taken for Confid.  
and Case set for hearing to

" May Term, Case for account &c.

Darden  
01.  
Ferguson.

Statement of Compromise  
11

Darden  
or.  
Ferguson

The matters in controversy in  
this cause have been settled by com-  
promise between the parties, Jas. J. Dar-  
den, the pl'ff., having accepted from  
Sam'l Ferguson, the def't, One hundred  
dollars in satisfaction of his claims.

W. J. McBee, atty

for J. J. Darden. pl'ff.

Carden }  
or. } Deane  
Ferguson

Nov. Decm 1884.

To be entered -  
G. S. S. S. S.  
→

Entered

79

Darden }  
or. } Secrecy.

Ferguson

This day this cause came on to be again heard upon the papers formally read and was argued by Counsel. On consideration whereof, it appearing to the Court that the matters in controversy in this cause have been settled by compromise between the parties, and nothing further remaining to be done in this cause it is ordered that the same be removed from the docket.