

1886 - 06

Southampton County Chancery

Bardon, James R. vs. Bishop, Stith
et al et al

"To sell land to
settles Estate"

Bardon, Richard S.

Persons, John

Persons, Edward D.

Persons, James H.

Gilliam, Joseph J. +

Gilliam, Bertha A.
his wife

Persons, Ann

Claud, Joseph S.

Claud, Lucy

Kerney, James +

Kerney, Adelaide his wife

Carr, James A.

Crumpler, Augustus

Whitfield, C.C.

Darden et al
vs Deere
Bishop et al

To be Entered
May Term 1886

Geo. Blom,

✓

Darden et al
vs J Deere
Be. hof et al

This day this
cause came on again to be heard
on the papers formerly read and
upon the report of Special Commis-
sioner H. Shands. To which report
no exceptions were filed and
was argued by Counsel. On
consideration whereof the Court
doth adjudge order and decree
that the said report be confirmed
and it appearing unto the Court
that there is nothing further
to be done in this case. The
Court doth further adjudge
order and decree that it be
removed from the docket

Darden nals

173 Devere

Bishop nals

May [✓] June 1885

To be entered

Geo Blow

Entered 129

Darden n als

v 3 Decree

Bishop n als

This day this cause came on to be heard on the bill taken for compend as to all the defendants Little B. Bishop, Augustus Brown and C. C. Whitfield the exhibit Thimble filice and was argued by counsel. On consideration whereof the court doth adjudge order and decree that nuly the defendants or some one of them shall on or before the ^{1st} of October ~~1883~~ ~~1884~~ 1883 - pay to the plaintiffs the sum of \$100 with interest from the 1st of January 1862. They executing to such one of the defendants as they may direct a deed with general warranty for the lot of land lying in Monroe containing eight acres. Then William Shandas who is hereby appointed special commissioner for that purpose shall after having given at least twenty days notice of the time and place of sale by public advertisement at Jerusalem and Monroe proceed to sell at Jerusalem or some county court at public auction to the highest bidder the lot of land lying in the village of Monroe

sold by Richard Darden's devisees to Seth
H Bishop and now in the occupancy
of C. C. Whitfield containing by estimate
eight acres on the following terms to wit
one half cash balance on a credit of
twelve months taking from the purchase
bond with security carrying interest
from date with option to the purchaser
to pay all the purchase money on
the day of sale and take a release from
the commissioner and that the said
commissioner after paying the costs of
sale and suit shall pay to the plaintiffs
the sum of \$100 with interest from the
1st of January 1862 and the balance
of the purchase money if any pay
to C. C. Whitfield

But the said William Shanks
shall not proceed to act under this
decree until he shall ^{have} executed in
the clerk's office of this court a bond
in the penalty of Three hundred
dollars conditioned for a faithful
performance of this decree and that
a ^{copy of the} certificate of the clerk that the
commissioner has executed the bond
according to this decree shall be
appended to the advertisements and
published as a part thereof and the
certificate of the clerk returned with
his report to the court

Darden et al
vs } Stal of Costa

Bishop et al

Danden sorken

or

} stat: Cesti.

Beihop sorken

belk. \$6.83 to L.B.P.

Stff Miss 1.50 Paid H.S. for H.H.B.

Law Jr. 26.50 Paid H.B.S. son.

\$28.83

L.B.P.

1224
1096
1224
682
1224

Received this day of W. Shands
comr \$16-03 as payment in full
of amount due N. N. Carr from
sale of land belonging to
Richard Darden decd"

March 15 1886

Jas J Darden
for N. N. Carr

Darden et al
vs
Bishop et al

See his certificate that
Mr. Shands could not
give the bond
required of him

Southampton Circuit Court, Clerk's Office,
Nov: 12th 1885.

Larden & als: Plffs
(5) } In Chancery
Bishop & als: Defts:

I certify that the bond required of Special Com'r Wm Shands, in the above caused - entered at the May Term 1885 has been given with security deemed sufficient by me.

H. H. Pruned C. G.

J. J. Darden et al
To y Receipts
Shando H. Conit

\$64, ¹²/₁₀₀

Received this day of W. Shands Comr
\$16.03 as payment in full of
amount due from ^{me} sale of land
belonging to Richard Darden Deed
March 15th 1886

Jas J Darden

Received this day of W Shands Comr \$16.03
as payment in full of amount due R J
Darden from Sale of Land belonging to
Richard Darden Deed
March 15th 1886

Jas J Darden for
R. J. Darden

Received this day of W Shands Comr \$16.03
as payment in full of amount due ~~the~~
J. H. Person ~~children~~ from Sale of Land
belonging to Richard Darden Deed
March 15th 1886

Jas J Darden
for J. H. Person

Dorden et al
vs} Report
Bishop et al

To the honorable George Blow judge
of the circuit court of Southampton Co
In chancery sitting

Your undersigned Commissioner begs
leave to report that in obedience to
a decree rendered in this cause
at the May Term 1885 of the circuit
court of this county. he proceeded;
after having first given the required
notice of place, time and terms of sale
to sell at public auction on Decr
21st 1885 that day being county
court day in the town of Jerusalem
to the highest bidder. Some eight
acres of land more or less belonging
to Richard Dorden's devisees. That
J. J. Dorden being the highest
bidder became the purchaser
of the same for the sum of one
hundred and one dollars. That he
paid all the purchase money
cash and your Commissioner made
him a deed with special warranty
for the said land. That after paying
costs in said suit including taxes
on said land of \$4.⁵³/₁₀₀. Auctioners fee
for selling said land \$2.⁵⁰/₁₀₀. Clerk's Tickets

and with a lot of \$8.³³/₁₀₀. Sheriff's Ticket of \$1.⁵⁰/₁₀₀
att'y. fee as per agreement; of \$20.⁰⁰/₁₀₀. There
remained in the hands of your
Commissioner the sum of \$64.¹²/₁₀₀.
which your commissioner divided
into four shares. and paid one share
to J. J. Darden; one share to N. N. Carr,
one share to R. J. Darden; and one
share to J. H. Person* ^{they being the parties entitled to the same} receipts for
all of which payments are here-
with filed. That there remains
nothing further for your Court
to do. all of which is respectfully
submitted by

H. Shands

Special Court

April 2nd 1886

Darden et al
vs J. Report Of
Bishop et al
Special Court
H. Shands
1886. May, filed

Warden et. al.:

$\overline{r}$ } Bond

Bishop et. al.:

1885 Nov. 12 filed.

Know all men by these Presents, That we *William Shands*
and *Wm B. Shands*

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of

Three 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, and also waive any claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter-claims or offsets other than legal tender currency of the United States.

Sealed with our seals and dated this *12* day of *November* A. D. 18*85*

THE CONDITION of the above obligation is such that if the above bound

Wm Shands
who was appointed Special Commissioner, under a decree of the Circuit Court of Southampton County, at the May Term 1885, in the Chancery Cause of "Darden et al: vs Bishop et al:" to sell a certain lot of land mentioned and described in said decree as lying in the Village of Monroe, containing Eight acres, - being the same land sold by Richard Darden's devisees to S. H. Bishop, and now in the occupation of G. B. Whitfield - shall faithfully perform all the requirements of said decree

~~shall faithfully discharge the duties of his~~ office, or trust according 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.

W. Shands
Wm B. Shands



Memorandum
for
Clerk

Copy Richard Darden Rice Exhibit A
1861

20.	60	35.	10	25.	50,	1.74	72	1.00
25	35						72	
72	10						1.00	
40	25						<u>3.46</u>	
	50						1.80	
<u>157</u>	<u>180</u>						1.57	
							<u>6.83</u>	

Darden & others,

vs & summons

Bishop & others.

1884. Sept: Rules

Executed by delivering a
copy of the summons to
Augustus Crampster on the
18th day of Augt. 1884. and
by delivering a copy to
C. C. Whitfield & S. A. Bishop
on the 29th day of Augt.
1884.

P. Caron Dep
for C. W. Briggs
shf

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

*Stich H. Bishop, Augustus
Crumpler and C. C. Whitfield*

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 *September* next, to answer a bill in Chancery exhibited against *them*

in our said Court by

*James J. Darden, Richard J. Darden
John Perrin, Edward R. Perrin, James H. Perrin
Joseph S. Gilliam & Bertha A. his wife, Joseph J.
Cland and Lucy, his wife, James Drenly and
Adelaide his wife, and James A. Carr*

And this

They

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

WITNESS, J. B. PRINCE, Clerk of our said Court, this

5th

day of

August

, 188 *4*

in the

109th

year of the Commonwealth.

Teste. J. B. Prince C. C.

In Southampton Circuit Court.

James J. Darden, Richd. J. Darden, John Person
Edward R. Person, Jas H. Person, Joseph S.
Gilliam & Betha A. his wife, Joseph J.
Cland & Lucy, his wife, James Drury and
Adelaide his wife & James A. Carr. Pltffs.
against

Richd H. Bishop, Augustus Cunniff
H. C. Whitfield.

In
Chancery.

1884. Aug. 5 Summons issd to Sept: Rules.
" Sept Rules. " ret'd Execd. Bill & Exhibits filed
and decree nisi vs costs.
" Oct " Cause set for hearing.

I Richard Aarden of the
County of Southampton and State
of Virginia do hereby make and
ordain this my last Will and test-
ament in manner and form fol-
lowing (Vizt)

1st I wish my Executors who I shall
hereafter name as soon after
my death as may seem to them
best sell the whole of my Chattel
Estate, pay my debts &c, &c,

2nd I give and leave to my beloved wife
Staney Aarden during her nat-
ural life just what she is entitl-
ed to out of my Estate under the
Laws of Virginia.

3^d I give to my niece Ann E. Persons
the wife of James H. Persons, one
fourth of the whole of my Estate
of every kind what soever not herein
before disposed of Less Three Thous-
and Dollars on account of presents
made to her and her husband here-
tofore which I give her and her
heirs forever.

4th I wish and my Will is that all
the balance of my Estate of every
kind what soever not herein before
given away shall be equally divided

5th

Between my Sister Nancy Larr
formerly Larden of the State
of Tennessee and my nephews Richard
J. Larden and James J. Larden
of the County of Southampton
and State of Virginia all of which
I give to them and their heirs forever.
I do hereby constitute and appoint
as Executors to this my Last Will
and Testament my nephews Richard
J. Larden and James J. Larden
and Davis Barrett.

In Witness whereof I have hereunto set
my hand and affixed my seal this 16th
day of February One Thousand eight
hundred and Sixty.

Signed sealed acknowledged

Richard J. Larden ^{this} Seal
_{mark}

In presence of.

Ben E. Pope.

J. F. Woodard,

Edicito

I, Richard Larden of
the County of Southampton and
State of Virginia do wish and give
that portion of my Estate of every
kind whatsoever which I have herein
before given and loaned to my wife
Nancy Larden who has since

died, to my Sister Nancy Larr
formerly Darden of the State
of Tennessee, and to Richard J.

Darden, James. J. Darden and
Ann A. Persons the wife of James
H. Persons, all of this State to be
equally divided between them, all
of which I give to them and their
heirs forever.

Given under my hand and Seal
this 22nd day of December 1860.

Signed Sealed and
acknowledged in the

Richard ^{his} Darden ^{Seal}
exhib.

presence of

Ben. C. Pope,

J. J. Woodard

At a Court held for the
County of Southampton August 19th
1861.

This last Will and Testament of
Richard Darden decd. together with
the Codicil thereto were this day proved
by the oath of Ben C. Pope and J. J.
Woodard the subscribing witnesses to
the said Will and Codicil and there-
upon ordered to be recorded as the
true last Will and Testament and
Codicil of the said Richard Darden
decd. And on the motion of Richard J.

8
Harden, James J. Harden and
Davis Barrett the executors therein
named who made oath and together
with Ben. E. Pope, Harrison P. Pope,
Edwin Harris, James H. Persons, Benj.
J. Bryant, Amos S. Pope and E. C.
Barrett, their securities, (who justified
on oath as to their sufficiency) entered into
and acknowledged above in the presence
of one hundred and fifty thousand
dollars conditioned according
to laws certificate is granted them
for obtaining a probate of the said will
in due form.

Teste L. L. Edwards. clerk.
Copy
Teste J. B. Prince clerk.

"
A
"

Jan 100

Darden "als
vs 3 Bill
Buhop "als

1882. Sep 2. Filed

To The Honorable George B. Jones Judge of The
Circuit Court of Southampton County in
Chancery sitting

Humbly complaining your Orators
James J Darden, Richard J Darden John Persons
Edmund P Persons, James B Persons, Joseph J
Gilliam and Bertha A Gilliam his wife and
a child of Anne Persons, Joseph J Blance and
Lucy Blance his and a child of Anne Persons
James Drury and Adeline Drury his wife
and a child of Anne Persons and James A
Carr a son of Nancy Carr, Shew unto your
Honor that Richard Darden by his last
will and Testament recorded in 1861 and a
copy of which is herewith filed marked
exhibit A and prayed to be taken as a part
of this bill gave all his estate to his nephews
Richard J Darden, James J Darden and niece
Anne Person and his sister Nancy Carr, that
in the year 1861 These heirs or devisees sold
a tract of land containing eight acres lying
in the Town of Monroe Southampton County
and which they had received by devise from
Richard Darden to Little B. Bishop for
the sum of \$150 upon the said Little B.
Bishop paying to them the sum of \$50
he was placed in possession of the said
tract of land with the distinct understanding

that no title was to be made until the
receipt of the purchase money was paid
and your Orators aver and charge that no
money has been ^{paid} since by the \$100 and that
no deed has been made to the purchaser

Your Orators state and show further
that since the sale in 1861 Anne Parsons has
departed this life leaving as her heirs at law
the six children named in this bill to wit
John Parsons, Edward P Parsons, James B
Parsons, Bertha A. Julian, Lucy Claude and
Adelaide Downey, that Nancy Carr ^{has died} and
James A. Carr of Kentucky ^{a son} is her heir at
law

Your Orators state and show further that
this tract of eight acres of land has been
since sold (so they are informed) first to Augustus
Compher and that Augustus Compher sold
the same to C. C. Whitfield who now has it
in possession

Your Orators now distinctly state charge
and aver that the balance of the purchase
money to wit the sum of \$100 with interest
from the 1st of January ¹⁸⁶² has never been
paid to them either by Still H. Bishop
Augustus Compher or C. C. Whitfield nor
have they ever made them any deed but
that the title to the same is still in the
plaintiffs and that they are now ready
and have been always ready upon the
payment of the money to make a deed

Shanks is Lou jay