

1892. 06

Southampton County Chancery - Darden, R. E. vs Webb, Julia (Darden)

Sues to recover debt by
using rent fees - if not this way
then sell defendant's share & use
money to settle debts

McKenmore, J. L., Trustee

Darden Lon &c.
vs. ^{Wm} Bill
and
Exhibits
Darden Julie.

McLennan p.g.

To The Honorable Leet Hill Judge of the
Circuit Court for Southampton County:

Complaining sheweth unto the Court, your
Complainant K. E. Darden who sues for the benefit
of Jas. L. M. Lemore his Trustee, that on the
day of 18 , he recovered a judgment
against Julia Webb (who was formerly Julia Barden)
amounting to \$87⁵⁰ with interest and costs, in
a Justice Court, which judgment was duly docu-
mented in the Clerk's Office of Southampton County
Court, an extract of which is herewith filed as
Exhibit "X" and that no part of said judgment has
been paid.

Your complainant further saith that the
aforementioned Julia Webb (formerly Barden) is pos-
sessed of a life interest in 290 acres of land
lying near Newsums Depot and bounded on
the North by the lands of on the
East by the on the South by the
+ on the South by the .

that said tract of land is well worth \$1000.
the fee simple being vested in the heirs of
Barden, of whom she was at one time the widow -
having since intermarried with Webb;
that the said Julia Webb has no personal property
out of which your complainant's debt could be
collected, an execution having been once issued
and returned "no effect" by constable,

Your complainant ^{therefore} being driven to this court in order that he may realize on the said judgment.

Your orator believes and avers that the rents and profits arising from the said land will pay the lien debts on the same in five years, or even a less time.

In tender consideration whereof and for as much as your Complainant is without remedy save in a court of equity, what matters of this nature are alone cognizable. He prays that the said Julia Webb (formerly Baran) be made a party defendant to this bill and required to answer the same. That one of the Commissioners of this court may be directed to enquire whether or not the rents & profits of the tract of land in the bill and proceedings ^{mentioned} will in five years pay the lien debts against the same, and if the Commissioner reports in the affirmative, that the same may be rented until your orator's debt is extinguished, if not, that the life interest of the said Webb be sold and your orator's debt paid. That all such further general and special relief may be granted, account taken and decrees entered, as the nature of the case may require, or to equity may seem meet.

And as in duty bound, Your complainant will ever pray &c.

Gas. L. duRoi

R. E. Darden, who sues for the
benefit of J. L. McLeod, his Trustee. Plff
against

Julia Webb - formerly Barden. Dft.

1891 Oct. 7. Process Sp. to 4 Oct. Rules

" 2 " Rules. Process Executed. Bill and Ex:

filed - decree nisi.

" 1 Nov. Rules: Bill taken for Confessed and
Cause set for hearing.

Julia Webb

Ad 3

Dandini's Imule

Answer of Julia Webb

The answer of Julia Webb who before her marriage with George Webb was Julia Barden to a bill in chancery by James W. McTearns Trustee of R. C. Barden vs her

This defendant for answer to the said bill of the plaintiffs or as much thereof as she is advised it is material for her to answer answering says that she disclaims all interest ~~in~~ ^{not} in or claim to the tract of land in the plaintiffs bill mentioned that she has ^{not} any interest now in the homestead set aside for her and her infant children by order of court in 1880 nor has she any down in the same. The facts of the case are these, at the November Term 1880 of the county court of Southampton an order was made appointing commissioners to do to her and her infant children John C. Barden, Patten L. Barden, Sarah L. Barden Thomas L. Barden Charles L. Barden and Luther D. Barden as homestead in this tract of land that acting on the order. The said commissioners reported they had allotted this tract of land to them and their report was confirmed at the March Term 1881 of the said county court of Southampton as will appear by copies of the order herewith filed and prayed

* all the other children having arrived at the age of twenty one years old the youngest named being still under age

To be taken as facts of this bill, this defendant states and answers further that after the allotment of the homestead to her and others in this ~~homestead~~ land as well as she recollects in the year 1886 she was married to George West and of course her interest by law in this land ceased she never was endowed in this land and therefore as she has stated before all her interest in the same is gone and this land is now held as a homestead by her three youngest children to wit Thomas B. Barden, Charles L. Barden and Arthur D. Barden & she says the judgment filed against ^{her} is a correct copy of the record and she regrets her inability to pay it as she is dependent entirely on her children for her maintenance and support having no property whatever and having freely answered this defendant prays to be discharged with her costs in this suit in this behalf enjoined

Witness

J. M. Howard.

^{her}
Julia West
Mark

Shanley to Son paid.

Danden for me
as 3 Decem
Julia Webb

To be entered
C. M. H.
May 6, 1892

Decem paid

Entered

Darden for re

vs 3

Julia Webb

Deere

This day this cause
came on to be heard on the plaintiffs
bill, the answer and answer ^{to the}
the defendant and general replication.
The exhibit filed and was argued by counsel
On consideration whereof the court
doth adjudge, order and decree that
bill of the plaintiffs be dismissed and
that J. L. McGinnis Trustee of R. E. Darden
out of the trust funds in his hands
as Trustee of R. E. Darden pay to the
^{defendant}
~~plaintiffs~~ her costs about this suit in
this behalf expended

Darden, for J^r
2" Sum:

Hebb

1891. 2" Oct. Rules
Lein: let.

M^r Lemore J^r

Executed Oct 15th
Executed Oct 15th
1891 by citing a
copy of this lease to
John W. St.

H. R. Blount
for J. Williams
skp.

X

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

Bar den -

Julia Webb - formerly

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 *3rd* Monday in *October 1891* ~~next~~, to answer a Bill in Chancery

exhibited against *her* in our said Court by *R. E. Darden - who sues*

for the benefit of Jas. L. McLenore, his Trustee.

And this *she* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this *7* day of *October*, 1891, in the 116th year of the Commonwealth.

Teste: B. F. McLenore C. C.

In Southampton Justice Court,

Dec. 2nd Term, 1886

R. E. Barden

Against

Plff.

In Debt

Julia Webb (family Julia Barden) Deft.

Judgment for the Plaintiff against the Defendant for \$ 87.00 with
legal interest thereon from 1st day of Dec, 1886, till paid,
and costs, \$ 2.20.

Extract.

Teste:

B. F. W. Lemoore C. C.

Darden & Webb - Coal

Blank

\$4.38

Shft

1.50

Low gr.

7.50

12.38

Julia Webb

ads 3

Darden Trust

Duncan

Julia Webb

ads 3

Dummers

J. L. McLean Miller

The defendant Julia Webb
says the plaintiffs bill is not sufficient in Law
Shands & Longf. & Co.