

1893-23

Southampton County Chancery - Darden, James T. vs Fergusson, Laura + Richard

Divide real estate - if not
sell + divide proceeds -

Fergusson, John
" , Trenilla
" , April C
" , Indiana S.
" , Caroline C.
" , Beauregard
{ " Laura A.
" Richard O.

Edwards, L. R.
(G. A. L.)

125 ✓

Darden Vander V.

in 3 Bill Exhibits

Hepson V.

"

1882 October Rules

J.B. Pomeroy Jr.

To the Hon Geo Blou. Judge of the Circuit
Court of Southampton, In Chancery.

Complaining sheweth unto Your Honor, Your
Complainant James J. Darden - as follows -
That H.D. Ferguson acquired by his marriage
with one Vick, a life interest in
the real estate owned in fee by ^{her} the
said wife of said H.D. Ferguson, That the said Ferguson
has by his said wife the following
children to wit Jno, Genilla, Arpil C.
Indiana S. Caroline C. & Beauregard
Ferguson, all of whom are of age - and
Laura A & Richard O. Ferguson who are
yet minors. That your complainant
has bought the life interest of H.D. Ferguson
in his wife's land, and the interest of
the following children, viz: Jno: Genilla,
Arpil C. Indiana, Caroline & Beauregard
Ferguson. And they have executed to
your complainant deeds of bargain
& sale for the same, copies of which are
herewith filed, as exhibits in this cause.
That the wife of said H.D. Ferguson has
died. That the tract of land is not in
the opinion of your complainant susceptible
of partition among the parties entitled
but if it is, he desires that it may be
divided, but if not that your complainant
desires it to be sold and the proceeds

divided among the parties in proportion
to their respective interests.

In consideration whereof, and forasmuch
as your complainant is without remedy
in the premises except in a Court of
Equity, where such matters are properly
cognizable. to the end therefore that
justice may be done, your complainant
prays that Laura A. & Richard O. Ferguson
who are both minors, may be made
parties defendant to this bill and
compelled to answer its allegations;
that some fit and proper party may
be assigned you as tutor for said
infants to protect their interests in this
suit. that your Honor will enter an
order appointing Commissioners to enquire
upon whether said land can be divided
in kind, and if it can, that the same may
be done; but if it cannot be done, then
that the same may be exposed to sale,
and the proceeds thereof divided among
the parties according to their rights -
and that your Honor will grant such other
further, general & special relief in the
premises, as to Equity may seem meet or
the nature of the case may require, and
as in duty bound, your complainant will
ever pray. May it please the Court &c.

J. B. Prince &c.

The Joint and several answer of Laura
A. Richard O. Ferguson, Minors, to a bill of
Complaint Exhibited against them in the Circuit
Court of Southampton by James J. Darden,
Plaintiff of H. P. Ferguson & others. This answer is
filed by L. R. Edwards. Their Gov. as litig.
These respondents, having reserving all
just grounds of exception to said bill, for
answer thereto saith. That they are Minors,
and know nothing of the facts contained in
said bill - and being such, they submit
their rights to the protection of this Honorable
Court - and having answered, they
pray hence to be dismissed &c.

L. R. Edwards. Gov. as
litig.

L. B. Darden p. o.

This Deed made the 20th day of November in the
year One thousand Eight hundred and seventy two
between John H. Ferguson Tremella F. Ferguson
and Argil C. Ferguson of Southampton County
Virginia & James J. Darden of the same County
& State. Witnesseth that in consideration of
the sum of One hundred & fifty dollars the
said John H. Ferguson Tremella F. Ferguson
& Argil C. Ferguson doth grant unto the
said James J. Darden all of their interest
they now have or may ever have in a
certain piece or Tract of land lying in
Southampton County near Newsoms Gap
Va and bounded by the lands of Mary A.
Scott (or Vick) Matha Jones B. C. Pope and
others and is the portion of Mathew Vick's
decd Land which was divided by Commis-
sioners Davis Barrett E. R. Fries & others and
this is the part that Henry D. Ferguson's wife
drew for her share of said Plantation and
the said John H. Ferguson Tremella F. Ferguson
& Argil C. Ferguson the grantors release &
Covenants to the said James J. Darden the
grantee all of their Claims upon the said
Land and warrant and defend forever the title
of said Land to J. J. Darden. Witness the following
signatures & seals this day and date above
written

John H. Ferguson ^{his} Seal
Argil C. Ferguson ^{his} Seal
Tremella F. Ferguson ^{her} Seal

County of Southampton State of Virginia, to wit:
I Will A. Brett a Notary Public for the County &
State aforesaid do Certify that John H. Ferguson
Argie S. Ferguson and Fannella F. Ferguson whose
names are signed to the writing above bearing
date on the 20th day of November 1872 has acknowl-
edged the same before me in my County aforesaid
said given under my hand this 21st day of November
1872

Will A. Brett
Notary Public

Southampton County in the Clerk's Office November
28-1872. This Deed of Bargain & Sale from John H.
Ferguson & others to James J. Darden was this
day received & together with the Certificate
thereunto annexed admitted to record

Teste
J. R. Edwards C. C.

This Deed made this fourteenth day of March
in the year One thousand Eight hundred and
seventy four between Henry D. Ferguson the
grantor of the one part and James J. Darden
of the other part all of the County of South-
ampton and State of Virginia, Witnesses:
that in Consideration of the sum of
Ninety four dollars and fifty three cents the
said Henry D. Ferguson doth grant unto the
said Jas. J. Darden all of his entire interest
or right in any way whatever he now has
or may have ^{hereafter} in and to the part of the
Matt Dick land that was assigned to his wife
Ann E. Ferguson by the Commissioners that was
appointed to divide the Matt Dick Farm and
bounded by Nathl Jones B. E. Pope J. L.
Worrell M. H. Scott and Madaline Revil
Containing forty acres more or less and the
said H. D. Ferguson covenants or warrants
generally said land title. Witness the following
Seals and signatures this 14th day of March
1874

Witness

R. E. Darden

J. D. Darden

Henry D. Ferguson Seal

Southampton County on the Clerk's Office March
16th 1874 This Deed of Bargain Sale from Henry
D. Ferguson to James J. Darden was this day
received and proved by the oaths of R. E. Darden
J. D. Darden the subscribing witnesses therein
and admitted to record
John L. Edwards Clk

This deed made the 26th day of January in the year
One Thousand Eight hundred and Eighty between
Saml Drake and his wife Caroline C Drake who
was H D Ferguson's Daughter and James Darden
all of Southampton County Virginia Witnesseth
that in consideration of the sum of Fifty
three Dollars and thirty three Cents the said
Saml Drake and Caroline C Drake his wife
doth grant unto the said James Darden
all of their interest they now have or may
ever have in a piece or Tract of Land known
as the Matt Vick Place lying in Southampton
County near Newsoms Depot Va and bounded
by the lands of M^r Scott or Vick Nathaniel Jones
B E Pope and also a portion of Mathew Vick Decd
land and this is the tract that was assigned
to H D Ferguson's wife Mrs Caroline C Drake
being one of H D Ferguson's wife's Childs And
the said Saml Drake & wife C C Ferguson
the grantors Covenants to Bear to the said
Darden the grantee and Warrants generally
the Title to said land Witness the following
Seals and Signatures this day and date first
written

Witness

his
Samuel Drake Junr
Caroline C Drake
his
mark

Southampton County, Va. Wt:

J R E Darden a Notary Public for the County
aforesaid in the State of Virginia do Certify that Samuel
Drake whose name is signed to the above
writing bearing date on the 26th day of January
1880 has acknowledged the same before me in

My County aforesaid. And B. E. Darden a Notary
Public for the County aforesaid in the State of
Virginia do further certify that Caroline Drake
the wife of Samuel Drake whose name are signed
to the within writing bearing date on the 26th day
of January 1880 personally appeared before
me in My County aforesaid and being examined
by me privately and apart from her husband
and having the writing aforesaid fully ex-
plained to her she the said Caroline Drake
acknowledged the said writing to be her act
and declared she had willingly executed the
same and does not wish to retract it.
Given under my hand this 26th day of January
A.D. 1880 —

B. E. Darden N.P.

Southampton County, In the Clerk's Office February
16th - 1880 This Deed of Bargain and Sale from
Samuel Drake and wife to James Darden
was this day received and with the Certif-
icate annexed admitted to record

Teste L. R. Edwards Clk

This Deed made the 19th day of December in the
year one thousand eight hundred & eighty one
between Boregard G. Ferguson of Southampton
County Virginia & James J. Darden of the
same County &c. state. Witnesseth that in
consideration of the sum of of sixty eight
dollars & thirty three cents the said Bore-
gard G. Ferguson doth grant unto the said
James J. Darden all of his interest he now
has or may ever have in a certain piece
or tract of land lying in Southampton County
Va. near Newsoms Depot and bounded
by the lands of Mary A. Scott, Caroline Jones
Mary Story Jas. D. Darden & L. Worrell and
others and is a portion of the Matt Vick
land which was divided by the Commis-
sioners to divide said land and this is the
fact Henry D. Ferguson drew for his wife's
share of said land and the said Boregard
G. Ferguson the grantor release and Covenant
to warrant generally the title to said land
to the said Jas. J. Darden the grantee all of his
claim upon the said land and warrant and
defend forever the title of said land to Jas.
J. Darden. Witness the following seal and
signatures this day and date first above
written

Witness

Boregard G. ^{Wife} Ferguson Seal
mark

Southampton County. In the Clerk's Office
December 19th 1881 This Deed of Bargain & Sale
from B. G. Ferguson to J. J. Darden was this day
received and acknowledged by the said Ferguson
to be his act and deed and Admitted to record

Teste L. R. Edwards C. C.

This Deed made and entered into this the 5th day
of January A.D. 1875 between Jendrianna Ferguson
daughter of Henry Ferguson party of the first part and
Russell & Pope party of the second part, with intent
as follows that the said Jendrianna Ferguson
party of the first part for and in consideration
of the sum of Fifty three dollars to her in hand
paid by the said Russell & Pope party of the
second part both grant and by these presents
both bargain and sell and convey unto the said
Russell & Pope all of her interest in a certain
tract of land lying in Southampton County for-
merly owned by Mathew Vick and bounded by
the lands of Ben E. Pope J. J. Darden & Daniel
Ferguson it being the land heired by her from
her mother whom heired from Mathew Vick's estate
In witness where of we have here unto set our
hands & seals this the 5th day of January 1875

Witness

J. D. Thayer

Jendrianna^{her} Ferguson^{mark}

State of Virginia
County of Southampton } to wit
J. J. Barham a Justice of said County in the

State of Virginia, do certify that Indiana. S.
Ferguson whose name is signed to the
above writing bearing date on the 5th day of
January 1875 has acknowledged the same
before me in my County aforesaid.
Given under my hand this 5th day of Aug 1875
J. L. Farham J. P.

Southampton County. In the Clerk's Office
January 30th 1876 This Deed of Bargain and
Sale from Indiana S. Ferguson to Russell
R. Pope was this day received and together
with the certificate thereto annexed
admitted to record
Clerk L. R. Edwards C. C.

This Deed made this Twenty fourth day of March
in the year one thousand Eight hundred and
seventy six between Russell R. Pope the grantor
of the first part and James J. Darden of the
second part all of Southampton County
and State of Virginia. Witnesseth that in
Consideration of the sum of fifty five
dollars Twenty five cents the said Russell
R. Pope doth grant unto the said Jas. J.
Darden all of his entire interest in one
share of the Mathew Vick land which J.
S. Ferguson's wife drew from the death
of her father Mathew Vick and the said R.
Pope bought one of J. S. Ferguson's chil-
dren's interest in said land and he

Now by this Deed conveys his interest in
that tract to the said Jas Darden said land
is bounded by that Jones B. E. Pope Mrs
Scott & their near Newsome Depts &c
and the said R. E. Pope covenants to
warrant generally the title to the share
of said ~~land~~ bought of H. D. Ferguson to
daughter Indianus Ferguson Witness the
following seals and signatures this day
and date first above written

Witness
R. E. Darden
J. D. Darden

R. E. Pope (Seal)

Southampton County. In the Clerk's Office May
15th 1876 This Deed of Bargain and Sale
from R. E. Pope to Jas Darden was this
day received and acknowledged by
said Pope to be his act and deed and
admitted to record

Teste L. R. Edwards Clk

Darden Vander & Co

no

Auguson

Exhibits

\$260

that opinion is based, together with
the real value of the land, and the
said Commissioners will report to
Court.

Chas. Darden ~~119~~ 119
Two B Decree
Ferguson ac. 56

54

November Term
1882.

To be entered.

Geo. B. B. B.

Darden

vs 3 Decree.

Ferguson &c.

This day this Cause came on to be heard on the Complainant's side, the exhibits filed, the answer of the infants by L. R. Edwards their Guardian ad litem, with general replication thereto, and was argued by Counsel. On consideration whereof, the Court doth adjudge, order & decree that partition be made of the tract of land in the Bill mentioned as follows: That $\frac{5}{7}$ be assigned to J. D. Darden, $\frac{1}{7}$ to Laura A. Ferguson and $\frac{1}{7}$ to Richard O. Ferguson; and for the purpose of effecting said partition, the Court doth decree that W^m A. Myrick, Jas. D. Darden and Rufus C. Darden who are hereby appointed Commissioners for that purpose do assign and allot to the aforesaid parties the respective shares by metes and bounds, or the entire subject matter may be allotted to any party who will accept it and pay therefor to the other parties such sums as their interest therein may entitle them to. But if in the opinion of the Commissioners partition cannot be made in kind they will report that fact to the Court and the reason upon

~~75~~ ~~108~~ ~~##~~ #4
~~75~~ ~~108~~ ~~##~~ #4
Darden, Vander T. ~~Leaf~~

~~68~~ } Stat. Rules

Ferguson 57

In Southampton Circuit Court

James J Darden vendee of H D Ferguson & of Jno,
Trenilla, Arvil C, Indiana L, Caroline C & Beauregard
Ferguson Plaintiff

against

Laura A & Richard O Ferguson

Defendants

In Chancery

1882 Sept. 12 Summons issued

" Oct. 18 Summons returned Ex Bill & filed. L.R.
Edwards assigned Gen ad litem to Defts. ^{answ'd of infants} Gen Rep. thereto

" Nov. R. Cause set for hearing &c

" Nov. T. Decree for partition &c

Davidson

tr. } Sum. Chs

Ferguson & Co.

1882 October Rules

The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting:

WE COMMAND YOU TO SUMMON *Laura et al & Richard O. Ferguson*

minors

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 *October* next, to answer a bill in Chancery exhibited against *them* in our said Court by *James J. Darden, vendee of St. D. Ferguson and of pro-Francis F.*

Argyle C. Indiana S. Caroline C. & Beauregard T. Ferguson

And this

they

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

Witness, LITTLETON R. EDWARDS, Clerk of our said Court this *12th* day of *September* 1882, in the *10th* year of the Commonwealth.

L R Edwards cc