

1903-08

Southampton County Chancery

Darden, J. R.

VS

Granger, James R. (et als)

Sell real estate &
Settle debts.

Rives, J. H.
(Exor's)

Darden, J. J. (dec.)

Howard, R.

Darden, R. N. (Trustee)

J. Dorden's Exors

vs 3 Bill

Jos. R. Granger

1900. 2nd Sept Rules filed

L. A. Hay tell.

Am. Shands & Co

To the honorable N. N. Prentiss Judge of the
Circuit Court for Southampton Co Va

Humbly Complaining your J N Dorden
J. B. Niles Exor of J. J. Dorden decd shew
unto your honor that J. J. Dorden
deposed this life testate during the
year 1899. That at the Aug Term of
the County Court of said County
your orators duly qualified as his
Executors - as will more fully appear
by a copy of the order of this
qualification herewith filed marked
exhibit No 1. & prayed to be read as
a part of this bill.

That on Sept 17th 1894 J. J. Dorden obtained
a judgement against Jas. A. Granger
for \$16²⁶ with interest thereon from
Jan 12th 1894 till paid & costs \$1.⁰⁰ That
on July 29th 1899 — he obtained another
judgement against Jas. A. Granger for
\$22⁶⁷ with interest thereon from Jan 12th
1898 till paid & \$1.⁰⁰ Costs. all of
which will more fully appear from
abstracts of said judgements herewith
filed marked exhibits Nos 2 & 3. and
prayed to be read as a part of
this bill

That said Jas. A. Granger is seized and
possessed of a certain tract of land
situated in Southampton Co. Va, adjoining
the lands of W. T. Whitley Oldridge Arles Mrs
Fannie Thomas and others. Containing

36 1/4 acres more or less). That since the obtaining of said judgments he on April 2nd 1900 he executed a deed of trust on said real estate to R. N. Dorden trustee to secure a certain debt therein mentioned as due to R. Howard & Co that said debt is due and said can be closed out.

That your orators are unable to get these said judgments paid except by subjecting said real estate to sale to get the same paid and they wish the same done.

Intenders consideration whereof and in as much as your orators are without relief save in a court of equity where such matters are alone cognizable they pray that Jos. R. Granger, R. Howard, R. N. Dorden & trustee may be made parties defendant to this suit and compelled to answer the allegations herein contained as fully as if they were thereunto more fully and specially interrogated. That the Court would direct that said real estate may be sold for cash or on such time and terms as to it may seem best and out of the proceeds pay first costs of this suit then your orators judgments costs & then other docketed & legal fees thereon according to these dignities of priorities.

and that all necessary orders inquiries
may be made and accounts taken.
and that the Court would grant
all such other, further, general & special
as the nature of the case may require
or to equity seem meet. and as in duty
bound your orders will not fail
may it so please the Court &c. And
notice is hereby given to all interested
parties that your orders will ask
the Court to allow this attorney
Mr Shands - a reasonable fee for his
services in this suit

J R Dorden & J H Dues Executors of J J Dorden decd
by Mr Shands their attorney

Mr Shands p. q.

Sardinia Exoris

vs. } copy. D.Y. from Granger
to Howard & Co.
Granger et als.

Ex. "no. 3."

Q. R. Knight & Co. Inc.

Q. R. Knight & Co. Inc.

Q. R. Knight & Co. Inc.

Q. R. Knight & Co. Inc.

This Deed made this 2nd day of April, in the year one thousand eight hundred and ninety nine, between Jas. R. Granger and Jane Granger his wife of the first part, and R. N. Darden Trustee of the second part. Witnesseth: That said parties of the first part do grant unto the said party of the second part the following property, to wit: All of that certain tract or parcel of land situated in Newsum's District Southampton Co. Virginia said to contain thirty six and one quarter $36\frac{1}{4}$ acres more or less, bounded by the lands of J. W. Vick, Mrs W. P. Whitley, Eldridge Artis, Miss Fannie Thomas and others, being the same parcel of land purchased of R. E. Darden, In Trust, to secure to R. Howard & Co. the payment of the sum of one hundred & twenty six Dollars (\$126.00) due by bond of J. R. Granger & Jane Granger, dated April 2nd 1900, with interest from April 1st 1900, In the event that default shall be made in the payment of the said debt, principal or any instalments of interest when due and payable, then the Trustee on being required so to do by R. Howard & Co., executors, administrators, or assigns shall sell the property hereby

conveyed. And it is covenanted and agreed between the parties aforesaid, that in case of a sale the same shall be made after first advertising the time, place and terms thereof for 20 days and upon the following terms to wit: For cash as to so much of the proceeds as may be necessary to defray the expenses of executing this trust, including a Trustee's Commission of five per centum, the fee for drawing and recording this deed if then unpaid and to discharge the amount of money then payable upon the said debt; and if there be any residue of said purchase money the same shall be made payable at such time and in such manner as the said parties of the first part, their executors, administrators or assigns shall prescribe and direct, or in case of their failure to give such direction, at such time and in such manner as the said trustee shall think fit. The said parties of the first part covenant to pay all taxes, assessments, dues and charges upon the said property hereby conveyed so long as they or their heirs or assigns shall hold the same; If no default shall be made in the payment of the said debt then upon the request of the parties of the first part, a good and sufficient deed of

release shall be executed to them at their own proper costs and charges.

Witness the following signatures and seals.

J. R. Granger 

Jane ^{his} Granger 
maric

State of Virginia

County of Southampton to wit:

I, Solon L. Bryant, a Justice of the Peace for the County aforesaid in the State of Virginia, do certify that James R. Granger & Jane Granger his wife whose names are signed to the writing hereto annexed bearing date the 2nd day of April 1900, have acknowledged the same before me in my County aforesaid, Given under my hand this 2nd day of April 1900.

Solon L. Bryant J.P.

Virginia.

In the Clerk's Office of Southampton County Court, April 3rd 1900. This deed was presented, and with certificate annexed admitted to record, the bond secured hereby being stamped according to law.

Test: B. F. McLeone C. C.

A copy.

Test: L. A. Gay D.C.

Larkin's Ex or's
vs } Stat: of Rules
Granger et als.

J. R. Darden & J. H. Rivers, exors)
of J. J. Darden, decd. } Plaintiffs
vs.

Jas. R. Granger, R. Howard)
R. R. Darden, Trustee. } Defendants

1900. 11th September. Process issued to 2nd Sept. Rules.

1900. 2nd Sept. Rules. Process returned & executed.

Bill and exhibits filed.

Discrepancies vs. Defendants

1900. 1st Oct. Rules. Bill Taken for confessed
and cause set for hearing

Virginia, In the County Court of Southampton
County. August Term 1899.

Two instruments of writings- One dated the 9th
day of April 1888- with Codicil thereto- and the
other dated the 12th day of August 1893- each
of said writings purporting to be the Last Will
and Testament of Jas. J. Darden, dead, were
this day produced in Court- and the Court
being requested to decide which of said writ-
tings shall be probated as the Will of said
decedent- and having carefully examined
said writings and duly considered the same,
doth reject the one dated the 12th day of August
1893, and is of opinion that the writing dated
April 9th 1888, with Codicil thereto is, and should
be probated as the true Last Will and Testament
of the said Jas. J. Darden, deceased. And there
being no subscribing witnesses to said Will,
Dr W. H. Daughtry and R. N. Mcgrover were
sworn and severally deposed that they are
well acquainted with the hand writing of the
Testator, and verily believe the said writing and
the name thereto subscribed to have been wholly
written by the Testators own hand, whereupon it
is ordered that the said writing and Codicil
thereto- be recorded as and for the Last Will
and Testament of the said Jas. J. Darden, dead.
And on motion of J. R. Darden and J. Nickles Rivers,

the executors therein named, who made oath according to law, entered into and acknowledged a bond in the penalty of Twenty Five Thousand Dollars, conditioned as the law directs (but without security, the Will directing that none be required and the Court requiring none) which ^{bond} is ordered to be recorded - Certificate is granted the said J. R. Darden and J. Hicks-Rives for obtaining a probate of the said Will in due form,

And on motion of said Executors, F. P. Pope, R. B. Story and Geo. W. Prince are appointed appraisers, who being qualified, will appraise the estate of said decedent and return the same under their hands as the law directs,

A copy.

Teste: L. A. Gay D.C.

Darden's Executors

vs } Copy. order of final
of Executors
Granger et al.

Ex "no. 1"

Darden's Exors.

vs { Exa: In chg.

Granger et als.

1900, 2nd Sept. Rules

fair. lot.

Executed Sept. 10th 1900
by delivering a copy of this
summons to each of the
within named parties de-
fendant

J. P. Bishop dep't
for W. Williams
Jury

(3)

Wm Shands p.g.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon *Gas R. Granger R. Howard*
R. A. Darden, Trustee

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 *Sept. 1900* ~~next~~, to answer a bill in Chancery exhibited against *them* in our said Court by *J. R. Darden & J. H. Rivers*
Executors of J. J. Darden dead.

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

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this *11th* day of *September*, 18*00*, in the 12*th* year of the Commonwealth.

Teste: *L. A. Gay* C. C.

A Copy—Teste: C. C.

In Southampton Justice Court,

July 29th Term, 1899

Jas. J. Darden

Pliff.

Against

In

Jas. R. Granger

Deft.

Judgment for the Plaintiff against the Defendant for \$ 22.⁶⁹ with
legal interest thereon from 1st day of Jan'y, 1898, till paid,
and costs, \$ 1.²⁵

Extract.

Teste:

L. A. Gay D.C.

In the Circuit Court of Southampton
County, October Term 1900.

J. R. Darden & J. H. Rives }
Exors of J. J. Darden decd. } Plaintiffs
vs.

Jas. R. Granger, R. Howard }
and R. N. Darden Trustee } Defendants

This day this cause came on to be heard
on the plaintiffs bill taken for confessed
as to all the defendants Jas. R. Granger, R.
Howard and R. N. Darden Trustee on whom
process has been duly served exhibits
filed and was argued by Counsel.

On consideration whereof the Court doth
adjudge, order and decree that one of the
Commissioners of this Court take an
account of the actual and annual
value of a certain tract of land lying
in Southampton containing $36\frac{1}{4}$ acres
held and possessed by J. R. Granger and
of the judgments against the said
J. R. Granger their dignity and priorities
and what liens there may be for delinquent
taxes or of any other kind on the said
the said land and their dignity and
priorities and report the said accounts
to Court together with any other matters
specially stated deemed pertinent by

J. J. Darden's Exors
vs. } Copy Deere
Granger et als.

To be entered
Oct. 2nd. 1900
Robert R. Prentiss

Entered pages 321 & 322

himself or which he may be required
to do late by any party interested.
A copy.
Filed: S. A. May 4. 4.

1901. 9. 16
1894. 1. 1

78.15

16.76
.06
100.56
67.04
47.99
77.59

702
169
4

1901. 9. 16
1898. 1. 1

22.69
.06
136.14
3
408
90
5

1 Judgment for

Int from Jan 1st/94 to Sept 15/901 - 7.8^m. 15 =
Costs

\$16.76
7.74
1.00
\$25.50

1 Judgment for

Int from Jan 1/98 to Sept 16/1901 - 3.8^m. 15^a

\$22.69
5.06
1.00

28.75
\$54.25
14.88
\$69.13

Costs

Roscoe Deberry note

Int from Oct 18/98 to Sept 18/1901. 7^m. 11

\$48.67
8.57
57.18

1901. 9. 18
98.10 .11
2.11

48.67
106
292.92
2

584 48.67
267 2433
1851 2433
267.67

J. J. Dorden's Cross

22 3 9nd 1st Fine Dene

for A. Granger & Co

To be entered

April 7th 1903

Robert R. Dorden

Entered page

No. 1.

Darden's Exors

vs 3rd & Final Decree

for R Granger

This day this cause
came on again to be heard upon
the papers formerly read, and it
being suggested to the court by
plaintiffs' counsel that the matters
mentioned in plaintiffs' bill have
been adjusted with them out of
court, and that nothing further
remains to be done in this cause,
and was argued by counsel, whereupon
the court doth adjudge, order and
decree, that same be removed
from the docket at the defendant,
for R Granger's cost.

J. I. Dandini Esq

or 3rd Decm

3
Gauger & Co

To be Entered

Oct Term 1900

Oct. 2nd

Wm. H. Hentz

Entered 321

1322

J. J. Darden's Exec

vs

Dece

Granger & als

This day this cause
came on to be heard on the Plaintiffs
bill taken for compes as to all
the defendants for R Granger, R. Howland
and R. N. Darden ^{and} on whose
prayer has been duly exhibits filed and
was argued by counsel On consideration
whereof the court doth adjudge order
and decree that one of the
commissions of this court take an
account of the actual and annual
value of a certain tract of land
lying in Southampton ^{containing} 3 1/4 acres and
of the judgments ^{against} the said J. R
Granger this dignity ^{and} priorities and
what lien there may be ^{for delinquent taxes of} of any other
kind the said the said land and this
dignity and priorities are upon the
said account to come together with
any other matters specially stated
deemed pertinent by the court or which
he may be required so to state by any
party interested

Read and approved by J. R. Granger