

1828-016

Chancery Causes: John H. Darden & al vs Elizabeth Darden, admx of John Darden

Isle of Wight County
Plat in Oversize Box 2

^{ny}
To the worshipful Court of Isle of Wight County
in Chancery sitting,

Humbly complaining, sheweth unto the Court, your orators John
H Darden, Mills H Darden and Robert M Darden which said Mills and
Robert are infants, suing in this behalf by the sd John H. Darden their
brother and next friend, That a certain John Darden the father of your
orators, departed this life, intestate on or about the day of 1823,
seised and possessed of a certain piece, parcel or tract of land, lying,
being and situate in the County of Isle of Wight, containing by estimation
about four hundred and ninety one acres, and bounded as follows, to wit,
On the North by the lands of Sarah Pope and John Babb, On the West
by the lands of Ezzum O Britt and Mrs Fulgham, On the South by the
lands of, Stamp and, Hutchings And on the East, by the lands of -
Powell and Washell, That the sd John Darden also died possessed of
five slaves, namely Cherry, Charlotte, Peter, Mary and Alfred, your
orators beg leave to represent to your worships, that the sd John Darden
left the following children, as his heirs at Law, viz your Orators,
and Elizabeth Darden his relict and widow, That by virtue of
of an Act of Assembly passed in such cases made and intended, the said
estate, the sd intestates land and slaves, after debts and funeral charges paid
and satisfied, ought to be allotted and divided, first, into three equal parts
or shares, giving unto the sd Elizabeth Darden relict and widow as aforesaid
one full and equal third part of the sd land and slaves, to be held by
her for and during her natural life, Then the remaining two thirds of
sd land and slaves equally among your orators, And your orators further
shew unto your worships, that since the death of the sd John Darden their father
Elizabeth Darden, relict and widow, as aforesaid, obtained letters of administration
to be granted to her out of this Court and by virtue thereof possessed herself
of the sd intestates land and slaves, And the sd Elizabeth Darden having so
possessed herself of their said fathers estate, and there being scarcely any debts
pay and certainly none which would require a sale of any of the sd property
your orators well hoped, the sd administratrix would have come to a just
and fair division with them touching the same, But now, so it is,
may it please the Court the sd Elizabeth Darden combining and confederating
with divers persons unknown to your Orators, whose names when discovered
they may may be made depts to this their bill of complaint, with

apt and proper words to charge them, in order to defect and defraud your orators in the premises, and having possessed herself of all the land and slaves, although respectfully asked for a division of the sd land and slaves, has altogether refused to comply with their requests, sometimes she says, that no division can be made so long as one of the heirs remains in his minority, and at other times she says, that she cannot take upon herself to make a division without the direction and authority of a Court of equity, all which actings and doings are contrary to equity and good conscience and tend to the manifest injury and appropriation of your orators, To the end therefore they pray, that the sd Elizabeth Darden administratrix of the said John Darden, may be made a defendant to this their bill of complaint, and be compelled on her corporate oath full, true and perfect answers to make to all and singular the allegations and things therein contained, as fully and particularly as if the same were here again repeated and she thereunto interrogated, more especially that the sd Elizabeth Darden in her own right, and administratrix as aforesaid, may set forth and declare whether there are any other lands and slaves, than those herein named and set out, and if so, what is the quantity and situation of the land, and what the names, number and condition of the slaves, and what the lands left by the said John Darden are correctly described, and the slaves correctly named and set out, are not the complainants the heirs and distributees, and is she willing that they shall now be surrendered and delivered up for the purpose of a division according to Law, And that the sd Elizabeth Darden may set forth plainly and distinctly what right, title, interest or demand she has or pretends to claim in the lands and slaves whereof the sd John her late husband died seized and possessed.

Your orators lastly pray that your worships will appoint fit and proper persons to act as commissioners, for the purpose of dividing the land and slaves aforesaid, and that this Court will make such other or farther decree in the premises, as may be more consistent with equity and good conscience, (May it please &c to grant &c.)

Wm. M. Hance p.p.

The answer of Elizabeth Darden to the bill of complaint exhibited against her in this worshipful Court, by John H. Darden and others,

This defendant now and at all times hereafter saving and reserving to herself all benefit and advantage of exception to the many errors, uncertainties and misrepresentations in the Complainants said bill of complaint, contained for answer thereto a unto so much thereof, as she is advised, it is material or necessary for her to make answer unto, Answers and says, That it is true, that she is in possession of the land and slaves of which, John Darden died seized and possessed of an estate of inheritance, and that, at the solicitations of her children, she qualified as the administratrix of the sd John Darden decd and in that capacity took possession of the sd slaves, That from the best information she can obtain, her intestate, died free from debt, and she has no doubt, as at present advised, that it will not be found necessary in the course of administration to require the aid of the property aforesaid, for the purpose of relieving the estate from debts.

That your orators are the children and legal heirs of the sd John Darden that the sd John left no other lands and slaves than those mentioned and set out in the said Complainants bill, That your respondent is the widow of the sd John Darden decd and claims, for and during the term of her natural life, one full and equal third part of all the land and slaves of which the sd John died seized and possessed, This respondent most cheerfully consents that the sd land and slaves, may be now surrendered in order to effect a division according to Law, This respondent further answering, says that she admits that the Complainants have several times applied to her for a division of the sd land and slaves, which this respondent declined in consequence of two of the Complainants being infants, And therefore this respondent as she was advised could not be safe in making such division but by the order and direction of a Court of equity, where matters of this sort are properly cognizable, And this respondent denies all unlawful combination and confederacy in the sd bill charged, without that, there is any other matter or thing material or necessary for this respondent to make answer unto and not having or hereby answered unto, Confessed or avoided, traversed or denied as true

signed,
Elizabeth Darden

He of right
to make by

John A. D. & others
vs
Elizabeth R. & others
all &
unincorp

James
Darden had of friend

or

Bill & ans

Darden admix^d

December 6th 1821 Bill &
answer filed & Interd. diem

June 5th 1826 Report
returned & cont^d

August 4th 1828 report comp
and final decree entered

Darden & al vs Friends

vs

Darden adm^r

This cause came on again this day to be heard upon the papers formerly ~~received~~ received, the report of the Commissioners made in pursuance of the order of the 6th Dec. 1824 to which report no exceptions have been filed, and was argued by counsel; On consideration whereof the Court doth adjudge order and decree that the said report be confirmed and held absolute, and that the cost of this suit be mutually borne by the parties.

Finis de exco
"

Virginia.

Isle of Wight County Court

December the 6th 1824.

John A Darden, Mills W Darden & Robert M Darden
the sd Mills and Robert being infants, sue in this behalf
by the said John A Darden their brother and next friend

against

Com^{pl}ts.

In Chancery

Elizabeth Darden administratrix of

John Darden deceased, ... def^t.

By consent of the parties and with the assent of the court, this cause came
on this day to be heard, on the bill and answer filed, and was argued by
counsel, on consideration whereof, the court doth adjudge, order and
decree, that Curren D. Ditt, John Clark and Wm Eley

or any two of them, proceed to divide the piece parcel
or tract of land containing by estimation 49¹/₂ acres, And the slaves
Cheney, Charlotte, Peter, Mary and Alfred being the land and slaves
of which the sd John Darden died seized and possessed, First into
three equal parts or shares, and assign and allot one full and equal
third part of the land and slaves unto the sd Elizabeth Darden
Then the remaining two thirds of sd land and slaves, into three other
equal parts or shares, and assign and allot one third part unto the
sd John A Darden, one third part to the sd Mills W Darden and
one third part to the sd Robert M Darden, The shares or parts
allotted to the infants are to be delivered over to their proper and legal
guardian, Liberty is reserved the Infants in this suit to shew
cause if any they can, against this decree, within one year
after they shall severally attain the age of twenty one years.

de eric.

Virginia Isle of Wight County Court December 5th 1821

John A. Parker, Mills W. Parker and Robert M. Parker,

the said, Mills and Robert being infants sue in this behalf

by the said John A. Parker their brother and next friend Complainants

against

Elizabeth Parker administratrix of John Parker deceased Defendants

In Chancery

By consent of the parties and with the assent of the court this cause came on this day to be heard, on the bill and answer filed and was argued by counsel, on consideration whereof the court doth adjudge, order and decree, that Eum O. Brett, John Clark, and Josiah Eley, or any two of them, proceed to divide the piece parcel or tract of land containing by estimation 149 acres, and the slaves Cherry, Charlotte, Peter, Mary, and Alfred being the land & slaves of which the said John Parker died, seized and possessed. First into three equal parts or shares, and assign and allot one full and equal third part of the said land and slaves unto the said Elizabeth Parker, then the remaining two thirds of said land and slaves, into three other equal parts or shares, and assign and allot one third part unto the said John A. Parker, one third part to the said Mills W. Parker, and one third part to the said Robert M. Parker the shares or parts allotted to the infants are to be delivered over to their proper and legal Guardians. Liberty is reserved the infants in this suit to shew cause if any they can against this decree, within one year after they shall severally attain the age of twenty one years.

Attest Teste (Nathl. Young & Co)

Parthen das J. 7^{re}

et Pierre

Parthen administrat.

Allopy

Isle of Wight County, November 2nd 1828

Surveyed the lands of John Darden dec^d ^{containing three hundred & eighty two acres} to be divided among his Widow & children beginning at the foot of a branch next to M^{rs} Popes (formerly Gales) then down the main sweep the meander thereof to Charles Powells line then N. 76° W. 16 pole to a small Mulberry tree then along a line of marked trees S. 15° E. 63 pole — S. 13° E. 18 pole to a Black cor. tree of Powell S. 15° E. 35 pole to a Gum — S. 16° E. 16 pole — S. 22° E. 24 pole — S. 13° E. 16 pole to W. O. at the Old Road — S. 25° E. 26 pole to a hickory — S. 25° E. 18 pole to a White oak over the great branch then S. 5° E. 16 pole to a Dogwood Corner tree then along John Gales line S. 83° W. 14 pole — S. 67° W. 14 pole S. 68° W. 11 pole to popplar — N. 68° W. 8 pole to W oak in a branch then along the line of Sepi Hutchins land to the head of a branch thence S. 80° W. 7 pole to a Red oak sapling at the path in a lane then along the lane N. 20° W. 34 pole to a maple — then N. 17° W. 16 pole to a pond then N. 14° W. 10 pole — N. 14° W. 14 pole to a small pine — N. 18° W. 8 pole — N. 14° W. 11 pole — N. 18° W. 8 pole to a pine a cor. tree S. 73° W. 16 pole to a pine at a path — S. 81° W. 14 pole — S. 84° W. 54 pole to a pine a corner tree — N. 30° W. 22 pole — N. 21° W. 28 pole — N. 35° W. 16 pole — N. 42° W. 12 pole — N. 49° W. 34 pole — N. 54° W. 20 pole to a W. O. Corner tree of Gay & Britt — N. 17° W. 18 pole — N. 24° W. 8 pole — N. 15° E. 8 pole — N. 5° E. 18 pole — N. — 14 pole — N. 7° W. 32 pole — N. — 8 pole — N. 4° W. 22 pole to a pine near Cowpers pond — then through Cowpers pond N. 73° E. 46 pole — N. 67° E. 10 pole to a Ditch in John Babbs line then along a Ditch N. 70° E. 56 pole to a large pine a corner tree between Babbs and Sally Pope) near the head of a branch then down the said Branch the meander thereof to the first at the

And by direction of commissioners have divided the said land as follows to wit: The down line begins at a dogwood at the foot of a Gully near where the schoolhouse stood then S. 85° W. 38 pole — S. 68° W. 20 pole — S. 58° W. 30 pole to a popplar in the Roaring Spring branch then N. 2° W. 42 pole to the lane, then along lane W. 106 pole to the ditch at the head of the lane — then S. 54° W. to Britts line which cuts off seventy acres containing the mansion house orchard & other improvements for the down

The dividing line between Lot No. 3 — 117 acres and Lot No. 2 — 109 acres, begins at an Ash near the old dam then along a line of marked trees S. 68° W. to Gays line

The dividing line between Lot No. 2 — 109 acres and Lot No. 1 ^{86 acres} begins at a marked Maple in the Tanfat branch then up the branch the meanders thereof to a marked White oak sapling at the head — then S. 82° W. 26 pole to a marked pine in Defordys old line then along said line to Fulghams line which is represented by the annexed plat — Magnetic Variation 1.30° East —

W. Smully Sur.

Pursuant to the annexed order of the honourable court of
Isle of Wight county, we the undersigned commissioners
have proceeded to divide the land of ^{Mr.} Darden
decd, & taking in consideration the value as well as
quantity have assigned to Elizabeth Darden the widow
of the deceased, 70 acres of land adjoining to, & con-
taining the mansion house, & other useful & necessa-
ry appendages thereto belonging as her dower for life,
and to ^{Mr.} H. Darden we have assigned lot No. 1. 80 acres,

and to Mills W. Darden ~~we have~~ lot No. 2. 109 acres,
and to Robert M. Darden lot No. 3. 117 acres, all of
which will appear more fully by referring to the annexed
plat. —

We have also divided the slaves belonging to sd. decd.
as follows, to wit, to Elizabeth Darden we have assigned
for her dower of sd. slaves, Cherry & Mary, to John H.
Darden slave Peter, and for him the said ~~John H. Darden~~
to pay to Mills W. Darden and Robert M. Darden the sum
of \$33³³/₁₀ each — To Mills W. Darden we have assigned
slave ~~Calfred~~ & for the said Mills to receive from John
\$33³³/₁₀, and to Robert M. Darden we have assigned slave
Charlotte & for the said Robert to receive from John the
sum of \$33³³/₁₀ — Which is respectfully reported to
Court —

Jonah Eley

Esq. O. Britt

