

1841-017

Chancery Causes: Mills E. Lawrence vs John H. Darden

Isle of Wight County

other SURNAMES: Browne

Mills E. Laurence

2. $\frac{3}{4}$ Bill to

John H. Darden

Day & Hodges

August 5th 1839 Bill &
exhibit filed - Rule for Aust.

May 6th 1840 ^{page 92} - leave given to
file an aut. within 3 months -

Octo. 7th 1840. Leave given to
amend the bill. p. 94.

Nov. 1840. Sp. to. Aust.
- am d. Bill.

Dec. 1840. Sp. to. Aust. amend.

Bill amend. ~~premeditated~~

May Term 1841. p. 97. Desisted.

Deceased & Sup. Co. the

said bond as lost as aforesaid; but in consequence
of his want of sufficient evidence to estab-
lish his claim according to the rules by which
such cases are governed in a court of law, he
was induced to dismiss the said suit with
the purpose of resorting to a court of equity
where he could obtain more adequate re-
lief. In consideration whereof, and for as
much as your order is without remedy in
the premises save by the assistance of a court
of equity where matters of this kind are pro-
perly and peculiarly cognizable - to the end
therefore that the said John H. Darden may
be made a party hereto, and may be required
upon his corporate oath to make true and
perfect answer ~~to~~ to the allegation here-
in contained, and that as fully as if the same
were here again repeated; that he may be
required to answer distinctly and unequivoco-
cally whether he executed the bond as afore-
said, when and to whom and for what sum
he executed the same, and whether the
sum alleged herein to be due ~~and~~ is not
in fact still due and unpaid; and that your
Honor will decree to your Honor the payment
of the sum due to him on the said bond, as
well as such other & further relief as may be
right and proper under the circumstances
of the case - may it please the

Day Olden, Jg.

People of Wright County, to wit:

This day Mills E. Lawrence made oath
to the truth of the foregoing facts, according to
the best of his knowledge & belief, before me
a justice of the peace for the said County.
August 1st 1839.

Jordan Parrott

To the Honorable Richard H. Baker,
Judge of the Circuit Superior Court of Law
and Chancery for the County of Lee of Miss:

Humbly complaining, sheweth unto
your Honor your Orator Mills E. Lawrence, that
sometime on or about the day of
in the year , a certain John H. Darden
of the said County executed his bond to
Mills E. Lawrence for the sum of two hundred
dollars, payable on the 2^d day of November
in the year 1829, which was afterwards as-
signed to your Orator, by whom it was after-
wards, to wit, on the day of in
the year assigned to a certain Orris A.
Picoune, exhibiting then a balance due
thereon of ~~one~~ one hundred and forty one
dollar. Your Orator further shews that the
said Orris A. Picoune, whilst holding the
said bond, and before he received the sum
due thereon as aforesaid, by accident lost
or mislaid ^{it}, as your Orator has reason to
believe, so that he was unable afterwards
to recover the possession of it; and after-
wards, by a writing dated the 16th day of
July, in the year 1833, assigned all his in-
terest in the said bond, to your Orator with-
out recourse to himself for the payment of
the whole or any part ^{of the sum due on the said bond} ~~thereof~~ in case your
Orator should fail to receive the same from
the said John H. Darden, as will more
fully appear by reference to the said writ-
ting hereunto filed and prayed to be
taken as a part of this Ple. Your Orator fur-
ther shews that sometime in the year
he instituted suit against the said John
H. Darden in the Circuit Superior Court of
Law for the County of Southampton on the

and that the same ought to be
dismissed and file this his decision
and pray to be dismissed with costs.

A. Atkinson per
opponent



Laurence

and J. Lawrence

Laurence

Laurence

Laurence

and

Laurence

Laurence

Laurence

et. al.

Laurence 1840

To the Judge of the Circuit Superior
Court of Law and Chy: for the County
of Shelby Wright -

The Return of John H. Pearson
to the bill of complaint in the said
Court exhibited against him by
Mills & Laurence.

And the said defendant John H.
Pearson by petition do saith
that the bill of the complainant
and the matters therein contained
in manner and form as the same
are therein set out and stated,
are not sufficient to enable the
complainant to maintain his
suit against the defendant
and that he is not bound to answer
the said bill of complaint. And
the said Pearson further states
that the said bill is imperfect,
uncertain ~~and~~ insufficient,
and informal so much so, as
to render it impossible and unnecessary
for him to answer it; and he
says he is not bound to answer
thereunto - And the defendant
further states that the bill of
the complainant is a bill of discovery
and of relief, and yet there is not
sworn to the bill an affidavit
of the loss of the bond attempted to
be recovered in the complainant's
bill of complaint - wherefore for
want of a sufficient bill and
of an affidavit of loss as aforesaid,
and for other imperfections and
irregularities in said bill, the said
defendant is not bound to answer thereto.

Lawrence

is:

3 Spd. in Chy.

Darden.

Day & Hodge
P. 9.

S. C. B.

One out of
25th July 1839 at Ballantray

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Isle of Wight ——— County, GREETING:
WE COMMAND YOU to summon *John H. Darden*

to appear before the Judge of the Circuit Superior Court of Law and Chancery for the County of Isle of Wight,
at the Court House of said County, on the first Monday in *August* ——— next,
being Rule day, to answer a bill in Chancery in the said Court exhibited against *him* by *Miles*
C. Lawrence

and if *he* shall fail to answer the Bill within four months thereafter, the Court will take the said Bill
for confessed, and proceed to decree the matter thereof accordingly. And have then there this Writ.—Witness
NATHANIEL YOUNG, Clerk of our said Court at the Court House, the *2^d* day of *July*
183*9*, in the *83^d* . . . year of the Commonwealth.

Nathl. Young es:
[Signature]

Corrected by leaving a true copy with
the defunct. November 30th 1846
James F. Thwing, Esq
for Gay. Carroll. Esq

James

Mr. Thwing in City.

Dear Sir

To Decr. 1846.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of *Isle of Wight* County, GREETING:

WE COMMAND YOU to summon *John R. Darden*

to appear before the Judge of the Circuit Superior Court of Law and Chancery for the County of Isle of Wight,
at the Court House of said County, on the first Monday in *December* next,
being ^{*an amended*} Rule day, to answer a bill in Chancery in the said Court exhibited against *him* by *Mills*
E. Lawrence.

and if *he* shall fail to answer the Bill within ^{*two*} ~~three~~ months thereafter, the Court will take the said Bill
for confessed, and proceed to decree the matter thereof accordingly. And have then there this Writ.—Witness
NATHANIEL YOUNG, Clerk of our said Court at the Court House, the *7th* day *November*
18*40* in the *6th* year of the Commonwealth.

Nathl. Young

Brown
to J. A. Brown
Lawrence

This bond was
for \$200 due
2nd day of ^{Nov} April
1829 -

Exhibit filed
with P. & B. Bill

Miles P. Lawrence assigned to me in the year 1831 -
a bond, against John H. Darden, with a balance due
thereof of about one hundred and forty dollars, which
bond I have lost. I hereby assign to the said Miles
& Lawrence all my interest in the said bond
but in no way am I to be responsible for the
same or any part thereof.

Chris A. Boone
July 16th 1833
