

1857-002

Chancery Causes: John Aris + ux + al VS John Darden's admr

Del of Wight County

To the County Court of Isle of Wight in Chancery
sitting, humbly complaining sheweth to the court
your complainants John & his Magdalena his
wife late Warden, Mary Warden, Barbara War-
den, John W Warden, Henry G. Warden, Richard
J. Warden, & Thomas W Warden, the last four infants
suing by Merit E Warden their next friend, that on or
about the day of 1834 John Warden of John
departed this life in the county aforesaid intestate, leaving
among other personal property the following slaves, to wit:
Elijah, Takuu, Joe, Wells, Mith, Jacob, Richmond -
White, Jemmy & Elizabeth

That Merit E Warden at the term 1834 of the County
Court aforesaid qualified as administrator of the said
John Warden & took possession of his personal estate
including said negroes & administered the same - That
the said Administrator has paid off the debts of said
estate & it is unnecessary for him to longer hold the
said slaves - That the said intestate left no widow
but seven children, to wit your aforesaid complainants
his sole distributees at law, who are entitled to have
the said slaves equally divided between them, but owing
to the infancy of some of the parties aforesaid they can-
not make division of said slaves themselves, in tender
consideration whereof & for as much as your complainants
are without remedy at law & can only be relieved by
the order of this honorable court of Chancery where mat-
ters of this sort are cognizable, to this end your complain-
ants pray that the said Merit E Warden Administrator
of John Warden be made a party defendant to this
Bill, & be required to answer the same & that by a decree of
this honorable court Commissioners may be appointed
to divide said slaves among your complainants among your
complainants according to their respective rights
your complainants will ever pray.

Warden for

Am. miscell.
in the Library

In the Library

Dec. 3^d. 1833. Bill & filed
& inty: decr.

March 1857 (rept.)
of division &

June 1. 1857 final
decree

To the County Court of Sole of Wight County in Chancery
Sitting. The Answer of Meist E Garden & Administrator
of John Warden died to the Bill of Complaint in said
Court exhibited by John his wife & others against him.

This Defendant now & all times hereafter saving re-
serving unto himself all benefit & advantage of excep-
tion which can or may be had or taken to the many errors
uncertainties & other imperfections in complainant's said
Bill of Complaints contained, for answer thereto, or unto
so much & such parts thereof as this defendant is or are
material or necessary for him to make answer unto, this
defendant answering saith, that he is as in said bill
charged Administrator of John Warden died & has
the slaves in said bill mentioned, that they are not need-
ed for the payment of debts or other purposes of administra-
tion & he has no objection to delivering them up for division
among the parties provided he can obtain a funding bond
according to law, & prays hence to be dismissed with his
costs and unreasonably expensed in this behalf -

Signed - Wm E Garden

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asetale
In. Dandis Schale }

Stefen dants Arnen

Henry G Darden has drawn one man will
 valued at \$1050.00 Said M C Darden his Guar:
 has paid in cash to Polley Darden \$7.14 leaving
 him one equal 1/2 part
 Richard S Darden has drawn one man Elgar valued
 at \$700.00 Said M C Darden his Guar: has rec^d
 from Barbara Darden \$257.14 and also from Geo
 re Darden \$85.72 in all making one equal 1/2
 part
 Thomas M Darden has drawn two Negroes Joshua
 & White valued at \$1050.00 Said M C Darden
 his Guar: paid Polley Darden \$7.14 leaving his
 one equal 1/2 part

William E Barnes
 M D Martin
 J. S. Connell

Ann
 2 Sept
 Darden

In obedience to a decree pronounced in the County
Court of Suffolk bearing date December the 3rd
1855. and to us directed, we the Commissioners after
having due regard to quality and quantity the
whole number of negroes was valued at \$7300.00
we have allotted to each heir of John Darden
decd (Towil) John Avis and Magdalena his
wife has drawn one negro man Richmond
valued at \$1000.00 and ~~John E. Darden~~
Guardian for John Lee Darden has paid said
John Avis & Magdalena his wife in Cash
\$42.86 making an equal $\frac{1}{2}$ part \$1042.86
Mary Darden has drawn one negro man Joe
valued at \$1000.00 Munt E Darden Guardian
for John Lee Darden has paid her in Cash \$28.56
also Munt E. Darden Guar: for Thomas^m Darden has
paid in Cash \$7.14 and said Munt E Darden Guar
for Henry G. Darden in Cash \$7.14 the several amts:
making in all one equal $\frac{1}{2}$ part \$1042.85
Barbara Darden has drawn two negroes
Elizabeth & Jacob valued at thirteen
hundred dollars she has paid Munt E Darden
Guar: for Richard Darden \$257.14 leaving her
one equal $\frac{1}{2}$ part which is 1042.85
John Lee Darden has drawn two negroes
Smith & Jimmy valued at \$1200.00 the said
Munt E. Darden his Guar: has paid John
avis & Magdalena his wife \$42.86 also said
Munt E. Darden has paid cash to Polly
Darden \$28.56 making ~~also said Darden Guar:~~
~~for Richard Darden~~ ^{Richard} paid cash \$85.72
leaving his one equal $\frac{1}{2}$ part

His wife
et als
vs Tho Warden
Admrs

This day came the Plaintiffs filed their bill
& the Defendant filed his answer, to which answer
the Plaintiffs replied generally, & the cause came on
to be heard on the bill, the said answer, & the repli-
cations thereto was argued by counsel; on consideration
whereof the court doth a d d that William E Barnes
J. W. Council, M H Watkins, James Carr, or any
three of them, who are hereby appointed special com-
missioners for that purpose proceed to divide the
slaves in the Plaintiffs Bill mentioned belonging to
the estate of John Warden decd, to wit, Elijah, Joshua
Joe, Wells, Smith, Jacob, White, Richmond, Tenney &
Elizabeth, into seven equal parts having regard to
quantity & quality; & allot one equal seventh part to
John his Margilolena his wife late Warden, one 1/7th to
Mary Warden, 1/7th part to Barbara Warden, 1/7th part
to John W Warden, 1/7th to Henry S Warden 1/7th part
to Richard W Warden, & 1/7th part to Thomas W Warden.
Make report thereof to court. But before the said
parties shall have the benefit of this decree the said
parties by themselves & the infant parties by some one
for them shall execute refunding bonds ^{payable} ~~in full~~
^{the said Admrs} sufficient to secure in a penalty equal to double the value
of the property respectively received by them, conditioned
to refund therein respective proportions of any debts or de-
mands that may hereafter appear against the said
John Warden together with the costs attending the recovery
of the same

His wife
et als -

as
Mrs. Sanders }
Schmidt -

Tough beane
See Ten - 1833-

To be entered -

J. M. S. London P. L.

In the County Court of Isle of Wight County.

December 3rd. 1855.

John Avis and Magdalena his wife, who was Darden, Henry
G. Darden, Mary Darden, Barbara Darden, John W.
Darden, Richard D. Darden and Thomas M. Darden. Plf.
against $\frac{3}{4}$ In Chancery.

Ment E. Darden Administrator of John Darden decd. Def.

This day came the plaintiffs and filed their Bills,
and the Defendant filed his answer, to which answer, the
plaintiffs replied generally; and the cause coming on to
be heard on the Bill, the said answer, general replications
therein & was argued by Counsel; On consideration whereof
the Court doth adjudge, order and decree that William
E. Barnes, Jesse D. Council, Meredith H. Watkins and
Camm Carr, or any three of them, who are hereby appointed
special Commissioners for that purpose, proceed to divide
the slaves in the plaintiffs' bill mentioned, belonging to
the estate of John Darden decd. to wit: Elijah, Joshua, Joe,
Wells, Smith, Jacob, White, Richmond, Lemmy & Elizabeth, into
seven equal parts, having regard to quality and quantity,
and allot an equal seventh part to John Avis and
Magdalena his wife, late Darden, $\frac{1}{7}$ th. to Mary Darden, $\frac{1}{7}$ th.
part to Barbara Darden, $\frac{1}{7}$ th. part to John W. Darden, $\frac{1}{7}$ th.
to Henry G. Darden, $\frac{1}{7}$ th. part to Richard D. Darden, and
 $\frac{1}{7}$ th. part to Thomas M. Darden and make report thereof to
Court. But before the said parties shall have the benefit
of this decree, the adult parties by themselves, and the
infant parties by some one for them, shall execute refunding
bonds, payable to the said administrator, with sufficient
security, in a sum equal to double the value of the property
respectively received by them, conditioned to refund their respective
proportions of any debt or demand that may hereafter
appear against the said John Darden, together with the
costs attending the recovery of the same.

A Copy Test

N. J. Young & Co.

John Avis & Wife v.als.

v. 3 In Chy.
3 Copy Decree

John Dardens' admr.

March term 1837
rept. of dismissed

Admission { In
21-
John Sanders } Chancery
Scholar }

Rough brace

June Term 1837

To be entered -

Geo. W. Benson

John His wife
& als vs
John Sanders
Admr

This cause this day came on
to be again heard on the papers formerly read
& on the report of Mr E Barnes, Mr H. Watkins
& J. C. Courcille three of the commissioners for
division of negroes, appointed by a decree here-
in of Vlec. Term 1835, & was argued by counsel
on consideration whereof the court confirming
said report to which no exception was filed, and
doth adjudge order & decree that said report be
confirmed & that the parties respecting be
perpetually bound by the same & hold the slaves
respecting allotted them according thereto &
that said parties contribute mutually to the
costs of this suit.