

1857-023

Chancery Causes: Benjamin H. Griffin VS John E. Adams, Sarah Edwards, widow of
Allen Edwards + al

Dale of Wight County

Griffin

Hayden

8

vs.

$\frac{2}{3}$ Cly. papers

Edwards vs.

1836.

Sept. rules Bill & copy
filed & dec. in miss.

Octo. Rules, Bill taken
for confessed & set for
hearing.

Octo. 2d. 1836. Dec. in for dec.
p. 92.

April 25th 1837. rept. of
com. Hayden filed.

May 16. 1837. Trial done
A B. p. 101.

Bill
Griffin } Ex Chancery
as
Edwards }

Sept. rules 1836. filed

Copy for 1837.

ant in accordance with the terms of his purchase as set forth in the defective conveyance aforesaid & that your complainant may have such further & other relief in the premises as to this Honorable Court may seem meet & the circumstances of this case may require,
Your complainant will ever pray &c &c
Hayden J^r -

complainant for the purchase of the said
land, a part of which is still unpaid, which
your complainant is willing to pay on the
execution to him of a proper conveyance for said
land - that the said widow is entitled to
dower in the said land purchased by your
complainant as aforesaid - your complain-
ant is informed & so charges, that he is enti-
tled to a free & uncumbered title to said
land, in accordance with the terms of the
conveyance aforesaid - that the said heirs
of the said Allen Edwards may be required
to compensate the said widow of the said
Edwards for her dower in your complainant's
purchase out of the other real estate of which
the said Edwards died seized & possessed -
in tender consideration whereof & for as much
as your complainant is without remedy at
law & can only be relieved by the aid of this
honorable court of chancery where matters
of this sort are cognizable; to this end your
complainant prays that the ^{said John Edwards} said Sarah
Edwards, widow as aforesaid, the said
L. B. Edwards, James L. Edwards, Texana
Edwards, Betty B. Edwards, Robert A. Edwards,
& Athene B. Edwards - — — — —

the last five infants by some person ap-
pointed their guardian ad litem may be
made parties defendant to this bill & be re-
quired to answer the same - that full dower
may be assigned the said widow out of
the other estate of her deceased husband
to the exclusion of your complainant's pur-
chase aforesaid & that a ~~free~~ ^{legal} title to the
said land may be decreed your complain-

appear last aforesaid, what the said Allen Edwards represented to your complainant to be a conveyance of the said Allen Edwards & Sarah his wife with general warranty, for the land purchased by your complainant of the said Edwards - that the said Edwards received of your complainant the bond aforesaid in satisfaction of his part of said agreement, ~~the~~ ^{and the payment of which he received by a check of \$1000} ~~and the payment of which he received by a check of \$1000~~ ^{on said land, conveying the same for that purpose.} ~~that said Edwards, who put your complainant~~ ^{to John E. Adams, a partner, a copy of which is} ~~in possession of the premises under the purchase~~ ^{Bond is with file as a part of this Bill.} ~~aforesaid, which possession your complainant~~ ^{has retained until the present time - that your} ~~complainant made encroachments on the said~~ ^{land & paid a part of the purchase money} ~~in part satisfaction of the Bond aforesaid as~~ ^{the same was demanded by the said Edwards} ~~your complainant never suspecting that~~ ^{he had not a free unincumbered title to the} ~~said land in conformity with the agreement~~ ^{of the said Edwards & his representations as} ~~to the character of the instrument executed~~ ^{by the said Edwards for your complainant - &} ~~your complainant was only informed of the~~ ^{defective execution of the conveyance of} ~~said land on calling at the clerk's office~~ ^{aforesaid for his deed from said Edwards} ~~wife for said land, when he learned to~~ ^{his surprise that although the deed presented} ~~on its face to be a conveyance to your complainant~~ ^{with general warranty to your complainant} ~~from the said Allen Edwards & Sarah~~ ^{his wife under their hands & seals for the land} ~~purchased by your complainant of the said~~ ^{Edwards, that the said Sarah had not executed}

Exhibit -

ceded the same & the said Edwards had not affixed his seal thereto - the original of said writing with the clerk's certificate of recordation on the acknowledgment of said Edwards in the clerk's office aforesaid annexed, marked A, is herewith filed as a part of this bill - that the said instrument in writing contains the terms of the said purchase in all respects, except the defective execution aforesaid & the consequent defect in your complainant's title to the said land purchased by him - that the said Allen Edwards departed this life intestate on the day of 1835, leaving his widow the aforesaid, Sarah, & six children, to wit, L. B. Edwards, James L. Edwards, Texana Edwards, Betty B. Edwards, Robert A. Edwards and Athens B. Edwards, - his heirs at law surviving - that the said James L., Texana, Betty B., Robert A. & Athens B. Edwards are infants under twenty one years of age - that the said Allen Edwards besides personal estate more than sufficient for the payment of his debts left several large tracts of land in the county aforesaid more than sufficient to endow his said widow, without granting her dower out of the tract aforesaid purchased by your complainant of the said Allen Edwards - that the defective execution of the conveyance aforesaid originated in mistake or inadvertence on the part of the said Allen Edwards who had no design to defraud your complainant - that the aforesaid L. B. Edwards qualified at the term of the county court of the county aforesaid as the administrator of the personal estate of the said Allen Edwards - that as such administrator he holds the Bond aforesaid executed by your

To the Honorable Richard H Baker, Judge
of the Circuit Court of Isle of Wight County
in Chancery sitting humbly complaining
sheweth to the court, your complainant,
Benjamin H Griffin of the county aforesaid
that one Allen Edwards of said county
being seized & possessed in fee simple of the
tract of land hereinafter described, in the
year 1853, in the lifetime of the said Allen Edwards,
he the said Edwards entered into a
treaty with your complainant for the absolute
purchase of the said land & appurtenances
with the exception of the reservation of the timber
trees growing thereon, hereinafter mentioned, your
complainant agreeing to give & the said Edwards
agreeing to take therefor the sum of \$50000—
the payment thereof to be secured by ^{as a deposit} ~~bonds for the land~~ ^{of \$10000} ~~the amount for the~~ ^{of \$10000} ~~afforded security,~~ in the execution
& delivery of which ~~by~~ ^{by} your complainant
to the said Edwards, he the said Edwards
agreed & promised to join with his wife Sarah
in a conveyance of a free & unincumbered
title of the said land to your complainant—
that in pursuance of said mutual agreement
of the said parties, your complainant executed
& delivered to the said Allen Edwards
^{five} ~~one~~ ^{of \$10000} ~~one~~ ^{one} hundred dollars each, ^{payable}
~~by bonds of the said Allen Edwards as a security~~
^{for the sum of \$50000} ~~for the sum of \$50000~~ ^{for the sum of \$50000}
~~for the sum of \$50000~~ ^{for the sum of \$50000}
~~for the sum of \$50000~~ ^{for the sum of \$50000}
to the said Allen Edwards bearing date,
November the 7th 1853, the date of the purchase
of said land on the terms aforesaid,
& the said Allen Edwards in execution
of the said agreement on his part, executed
& delivered & acknowledged in the clerk's
office of the county aforesaid, on the day

Gift - R. Brown

Wm. Allen

80

The answer of Sarah Edwards, widow of Allen Edwards dec'd to a bill
filed against her estate on the Circuit Court of Dist. of N.Y. by Benjamin H. Griffin
This respondent saying & excepting to: for answer to so much of said
Bill as she is advised it is material for her to answer, says that
she is the widow of the late Allen Edwards dec'd, and having never relinquished
her title to land in the land in the Bill mentioned, is entitled to and
claiming the same, or its equivalent. She has no wish to embarrass the complain-
ant, or the creditor; and is willing to accept her share in the land whereof
her late husband died seized, or line of the premises; and or she is willing
to receive out of the purchase money, a sum in full, equivalent to her share
in the premises - She is now 42 years of age - and having assumed
proper care &c.

Sarah T Edwards

Easton
as } In Chancery -
Edwards
et al.

In favor of the same

1773
Chancery

The joint & several Answers of James L Edwards,
Teresa Edwards - Betty B Edwards, Robert A Edwards
& Athens B Edwards, by K. P. Young their guardian
ad litem. These defendants answering say that -
they are infants of tender years & submit their interests
in the premises to the protection of this honorable
court, & having answered pray to be dismissed &c
Signed -

K. P. Young gov. ad
litem

Jan. 5th 1856. By authority of decree in this case
of Oct. term 1856. I have received of M. P. Gony all
of circuit court I sh of Wight the bond which was
filed in this cause. J. B. Leonard

Prothonotary
V. Leonard

Adm. Oliver

Wm. H. H. H.

The Answer of Lewis B. Edwards in his own right, and as admin of Allen Edwards decd: to a Bill filed against him & also by one Benjamin H. Griffin in the Circuit Court of the County of Loudoun in Chancery &c.:

This respondent having & accepting &c: for answer to so much of said Bill as he is advised it is material for him to answer, says that he has but little knowledge of the facts of said Bill, save what is furnished by the record deeds filed with the Complainant's Bill, and the bond hereafter mentioned which he found among the papers of his father and intestate, Allen Edwards decd: This respondent must regard the paper, purporting to be a deed, from Edwards to the complainant, for the land mentioned as a mere contract for the sale of the premises, and taken in connection with the deed of trust referred to, it is obvious that the complainant is not entitled to a deed, until the purchase money with interest remaining unpaid, is fully discharged and such must have been the understanding of the parties: This respondent files herewith four bonds executed by the complainant to the said Edwards, for the said land - each for the sum of one hundred dollars: payable respectively, on the 25th Decr, 1854, 1855, 1856 & 1857 - of which ^{two are now} only ~~one~~ is due, and the others are still to be paid. They all bear interest from their date - viz 7th Nov. 1853. That so far as he is concerned he has no objection to convey such title as may be proper, upon the payment of the bonds still unpaid, and he conceives that no such title can be made to any of the parties save upon the condition aforesaid; and if necessary, that the said land should be sold by the amount now due: This respondent believes that there will not be personal estate of his intestate sufficient to pay his debts; and must therefore leave the question if use to be decided by the Court, so far as a compliance with the prayer of Complainant's Bill may affect the rights of the creditor of the decedent.

And having answered says hence to be satisfied with his last will

L. B. Edwards Adm: &c

of A. Edwards decd & in his own right

B. H. Griffin

v. 3 Sund. in
3 May.

Sarah T. Edwards

To Acquaintance, civ. et.
1836.

Hayden p.p.

Counted by ordinary

True copy

(Hall M)

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU to summon *Sarah T. Edwards, widow of Allen Edwards*
decd, Lewis B. Edwards, James S. Edwards, Tessima Edwards,
Alice B. B. Edwards, Robert A. Edwards and A. Bascom Edwards
heirs at law of Allen Edwards decd.
to appear at the Rules at the Clerk's Office of the *Circuit* Court of *Isle of Wight*
County, on the first Monday in *August* next, to answer *a Bill in Chancery filed*
against them by Benjamin H. Griffin.

And have then there this writ.
Court, at the Courthouse, the
year of the Commonwealth.

Witness,

A. S. Young
23 day of *July*

Clerk of our said

185*6*, and in the *81st*

A. S. Young

Griffin } In
as } Chancery
Edwards }
& als — }

Report of C B Hayden
Special Commissioner

April 25th 1857 rept filed

To the Circuit Court
of Sole of Wight County;

Pursuant to the decree of
the court aforesaid, made at the Oct Term, 1857, in
a suit in chancery pending in said court between
Benj H Griffin as Plaintiff & L B Edwards, Adm^r
of Allen Edwards & others as Defendants, the
undersigned by said decree appointed special
commissioners for that purpose reports to the court
that, the said Benj H Griffin having paid off
the Bonds in the proceedings of said suit mention-
ed then due (which Bonds with the receipt of Allen
Edwards Adm^r thereon are herewith filed) he with
such commissioners, together with Sarah J Edwards
on the 8th day of Apr. 1857, executed & delivered to
the said Benj H Griffin a deed for the land in
the proceedings of said suit mentioned, in accord-
ance with the requirements of said decree at the
same time the said Benj H Griffin executed & de-
livered to the undersigned, a good & sufficient
deed conveying said land in trust to secure
the payment of the Bond still due given for the
purchase money of said land, both of which deeds
are duly recorded in the clerk's office of the county
court of Sole of Wight county.

All of which is respectfully submitted.

Apr 20th 1857 - -

Signed C. B. Hayden

Fee for drawing Two deeds - \$10.00

Tax on trust deed for recording

Same paid by C. B. Hayden 2.25

except such thereof as the said Benjamin Griffin may re-
 quire in building a dwelling house & ~~the necessary~~
 out houses & in repairing the same from time to time -
 which the said commissioner shall convey with general
 warranty as to the heirs of said Allen Edwards & ~~S. T.~~
 Edwards the widow of Allen Edwards having by her an-
 swer in this cause waived her dower in said land in con-
 sideration of compensation therefor out of the ^{other} lands of said
 Allen Edwards, the court doth further adjudge order & de-
 cree that the said S. T. Edwards shall join in said
 conveyance, but said conveyance shall not be delivered
 until the said B. H. Griffin shall execute & deliver to
 the said C. B. Hayden, a deed conveying said land
 in trust to secure the payment of such of the bonds in
 these proceedings mentioned given for the purchase of
 said land as on the date of the execution of said deeds
 may not be due. ~~And the court doth~~ The said commissioner
 shall report to court his proceedings under this decree.
 The clerk of this court shall deliver to L. B. Edwards & widow
 of Allen Edwards the Bonds filed by him with his answer in
 this cause on his filing his receipt therefor -

Griffin
 as
 the Clerk
 of the Court
 doth -

Rough decree
 Oct - Term 1834
 To be entered -

Allen B. B. B. B.

Griffin

Edwards

Admrs

This cause was tried on motion of the Plaintiff N. P. Young is assigned guardian ad litem to the infant defendants James L Edwards, ^{Edwards} Texana Edwards, Betty B Edwards, Robert A Edwards, Athens B, to defend their interests in this suit, & thereupon the said N. P. Young as such guardian filed his answer to the bill of the plaintiff & the defendants S. J. Edwards & B. Edwards, in his own right & as attorney of Allen Edwards by leave of the court filed their answers to the said bill, to which answers the plaintiff ^{replied} generally ~~definitely~~ & the cause coming on to be heard on the ^{taken for confessed as to the defendants John E. Adams, on whom} bill, said answers, general ~~replies~~ ^{replies} & exhibits & process has been duly served, & the still failing to appear was agreed by counsel, on consideration whereof the court doth adjudge order & decree that ~~S. J. Edwards~~ ^{E. B. Hazden} who is hereby appointed special commissioner for that purpose, do execute & deliver to the Plaintiff Benjamin H. Griffin, on his payment of such of the bonds given for the purchase of ~~said~~ land in these proceedings mentioned as may be due, a good & sufficient deed for a tract of land lying in the county of Isle of Wight containing by estimation 193 acres, bounded as follows, commencing at a green pine on the side of the fence which separates ^{said land} ~~it~~ from the lands of Thomas Hall, & Martha Marshall, then in a straight line, along the line which separates it from the land of Thomas Hall to Berks Swamp, then down said Swamp, which separates it from the lands of Shadrach & Solomon Bracy & Martha Turner, to the Black water road, then up said road to the beginning, being a part of the tract inherited by Allen Edwards deceased from Thomas Edwards the father of said Allen, saving & reserving to the personal representatives of said Allen Edwards the right for ten years from the 1st of November 1853 to cut from said land all the ~~great~~ ^{best} pine trees thereon

Griffin }
Edwards } In Charge
& also — }

Rough Record
May Term 1837

To be entered—

To be entered

R. H. Baker

Giffen }
as
Edwards }

This cause this day, came on ~~this day~~ to be
again heard on the papers & merits read & on the report
of C B Hayden special commissioner made pursuant
to a decree herein of Oct Term 1854, to which no excep-
tions were filed & was argued by counsel; on considera-
tion whereof the court ~~confirming~~ said report doth
adjudge & order decree that the defendant L. B. Edwards
as Admin of Allen Edwards do pay to the Plaintiff the
costs of this suit out of the proceeds of the purchase
money of the land in these proceedings mentioned &
that on the payment by the Plaintiff of the Bond
still due for the purchase of the land of the said
C B Hayden execute & deliver to the Pltff a deed
releasing the lien on the land of the said created
under the decree herein of Oct Term 1854. -

Brig. H. Griffin

To. 1/2 Trust
1/2 Paid

John & Adams Trustees
for Allen Edwards.

A. Copy

Griffin

To. 1/3 64

Edwards

1/3 64. paid in the Bill

This Deed Made the 7th day of November 1853 between Benjamin
H. Griffin of the one part, and John C. Adams of the other part, it is covenanted,
That the said Benjamin H. Griffin doth grant unto the said John C. Adams
with general warranty, the tract of land this day conveyed to the said
Benjamin H. Griffin by Allen Edwards and Sarah his wife, by a deed
which is duly recorded in the office of the Clerk of Sale of Wright County
to which due reference is here made for a more particular descrip-
tion of said land. In trust to secure the following debts, a bond ~~then~~
for one hundred dollars with interest from 7th day of Feb. 1853. Executed
on that day by Benjamin H. Griffin and payable to Allen Edwards
on the 25th day of Decr. 1854. A bond executed by said Benj^l H. Griffin
on the 7th Nov^r 1853. and payable to Allen Edwards on 25th Dec^r 1855.
for the sum of one hundred dollars with interest from date. A
bond due Allen Edwards executed by said Benj^l H. Griffin on
the 7th day of Nov^r 1853. for the sum of one hundred dollars with
interest from date & payable on the 25th Dec^r 1856. and a bond
due to Allen Edwards by said Benjamin H. Griffin dated 7th
day of Nov^r 1853. for the sum of one hundred dollars, with in-
terest from date & payable on the 25th day of Dec^r 1857. which bonds
are for part of the consideration given for the land above men-
tioned. Witness the following signatures and seals.

Benjamin H. Griffin ^{his} Seal
John C. Adams ^{made} Seal

In the Clerk's Office of Sale of Wright County Court, Nov^r 7th 1853.
The foregoing deed was acknowledged by Benjamin H. Griffin and
John C. Adams to be their act and deed and was admitted
to Record.

Teste.
A. copy

J. C. Satterlee

Teste J. C. Satterlee L. C.

Benjamin W. Griffin

to } Deed of trust

John E. Adams trustee
for William Edwards

Nov. 7th 1853 acknowledged
and admitted to record
at Danvers Vt

Recorded in D. 38
Page 488.

Exh. 1: 754

In the Clerk's office of Isle of Wight County Court Nov. 7th 1853.
The foregoing deed was acknowledged by Benjamin W. Griffin (and
John E. Adams to be their act and deed, and was admitted
to record

Teste

M. H. Young clk

This deed made the 7th day of November in the year 1853 between Benjamin H. Griffin of the one part and John E. Adams of the other part witnesseth that the said Benjamin H. Griffin with grant unto the said John E. Adams with general warranty the tract of land this day conveyed to the said Benjamin H. Griffin by Allen Edwards and Sarah B. his wife, by a deed which is duly recorded in the office of the Clerk of Isle of Wight County, to which deed reference is here made for a more particular description of said land. In trust to secure the following debts, a bond for one hundred and dollars with interest from 7th day of November 1853, executed on that day by Benjamin H. Griffin and payable to Allen Edwards on the 25th day of December 1854, a bond executed by said Benjamin H. Griffin on 7th day of November 1853 and payable to Allen Edwards on the 25th day of December 1855, for the sum of one hundred dollars with interest from date, a bond due to Allen Edwards executed by the said Benjamin H. Griffin on the 7th day of November 1853 for the sum of one hundred and dollars with interest from date, and payable on the 25th day of December 1856 and a bond due to Allen Edwards, by said Benjamin H. Griffin dated the 7th day of November 1853, for the sum of one hundred dollars with interest from date, and payable on the 25th day of December 1857, which bonds are for part of the consideration given for the land abovementioned. Witness the following signatures and seals.

Benjamin^{his} H. Griffin (Seal)
witness
John E. Adams

Allen Edwards wife

to my Deed

Henry. H. Griffin

Nov. 11th 1853. Acknowledged by
Allen Edwards and
~~Edwards~~ admitted to
record

Griffin
v. Edg. 1853.

Edwards & Co.

Sept. 11th 1856 file

Record in B. 38

Page 485

Oct 10 1856

And the Clerk's office of Salt Lake County Court Nov. 11th 1853.
the foregoing deed was acknowledged by Allen Edwards and
was admitted to record

Teste

J. H. Young co

This deed made the 7th day of November 1853 between
Allen Edwards and Sarah - his wife of the one part
and Benjamin H. Griffin of the second part do hereby
that in consideration of the sum of Five Hundred dollars the
said Allen Edwards and Sarah - Edwards his wife do
grant unto the said Benjamin H. Griffin, (living and re-
siding however, all the best pine trees thereon, which shall
be cut and removed therefrom within two years from the date
of this deed next ensuing, except so many as the said Benja-
min H. Griffin shall require and use in building a dwelling
house and the necessary outhouses, and in repairing the same
from time to time) all that tract of land situated in the
County of Isle of Wight in the State of Virginia, containing
by estimation 193 - - - - - acres and bounded and described as follows
commencing at a given point on the side of the fence which separates
it from the lands of Thomas Holt and Martha Marshall, then in
a straight line, along the line which separates it from the lands of
Thomas Holt, to Berks Swamp, then down said Swamp, which sepa-
rates it from the lands of Shadrach and Solomon Bracy, and Mar-
tha Turner, to the Blackwater road, then up said road to the
beginning, which land is a part of the tract inherited by said Allen
Edwards from his father Jonas Edwards.

And the said Allen Edwards covenants that he will warrant gen-
erally the property hereby conveyed.

Witness the following signatures and seals.

Allen Edwards

April 6th 57 - Received of Benj H Griffin the amount
of the within Bond in full -

I B Edwards Adm^r.
Allen Edwards

I have myself and heirs do pay to Allen Edwards, or assigns
on the 25th Day of December 1854, with Interest from the date hereof
the sum of One hundred dollars being part of the purchase money
of a tract of land purchased by me this day of said Allen Edwards
Witness my hand and seal this 7th Day of November 1853

Witness

H. C. Latimer

his
Benjamin H. Griffin Seal
notary

April 1st - 1857 - Received Payment of the within
Bond in full of B. H. Griffin

H. B. Edwards Adm.
(Allen Edwards)

April 6th 1837 - Received Payment of the within
Bond in full of B. H. Griffin -

W. B. Edwards adm.
Allen Edwards

April 6th - 1837 -
 Board in fuel

300	800	857	4	6
600	200	553	11	7
115-000		3	4.29	
607-5-000				
16				
366.51				

I bind myself and heirs to pay to Allen Edwards or assigns on
the 25th day of December 1853 with Interest from the date hereof, the
sum of one hundred dollars, being part of the purchase money of
a tract of land, purchased by me this day of said Allen Edwards
Witness my hand and seal this 7th day of November 1853

Witness

F. C. Satterlee

^{his}
Benja^x H. Griffin Seal
^{mark}

I bind myself and heirs to pay to Allen Edwards or assigns
on the 25th day of December 1856 with Interest from the date
hereof the sum of One hundred dollars being part of the pur-
chase money of a tract of land purchased by me this day of
said Allen Edwards. Witness my hand and seal this 7th
day of November 1853.

Witness

F. C. Satterlee

^{his}
Benja^x H. Griffin Seal
^{mark}