

1868-008 Chancery Causes: Eldridge Atkinson, gdn of Elliott D. Atkinson vs Nathaniel M. Pouden,

Isle of Wight County

Algernon S. Darden & al

Other surnames: Godwin,
Nelms, Phillips, Dashiell

It is not

this case

To the Hon. Richd. H Baker judge of the Circuit Court of
the of Aught County, in Chancery, sitting humbly complaining, sheweth
unto your honor, your orator ^{Elliott S. Atkinson}, who lives as well in his own right
as Guardian to Elliott S. Atkinson his infant son. That your
orator intermarried with one Mary F. Barden, in the year 1844,
and by her had only one child, the said Elliott; That his said wife
inherited a small tract of land from her father Wm. Barden, containing
about 117 acres and supposed to be worth between \$300 & \$500: & is located
in the said County. That the said Mary F., your orator wife departed this
life in the year 1846, leaving as heir, the said Elliott S. Atkinson who
from his said mother, inherited the said parcel of land, subject to your
orator right as tenant by the curtesy. That your orator believes that the
interest of his son & ward, will be promoted by the sale of the said
tract, and that he is willing to unite in the sale out & out - The land
is woodland, or the greater part thereof, & there is no timber on it, nor has
there been for many years, & therefore has yielded no income at all, and
your orator is not able, nor has been to put such improvements as would
induce any one to rent it - even if the premises were worth the outlay:
And your orator is informed, that it has been, and continues to be filled
up - & your orator removed from the state of Virginia, to Alabama,
where he now lives. Some 10 years ago, and took with his child - & neither
expect to return to Virginia, so that the land as it now is, is worthless
to either of them - and they conceive that at least the annual interest on
the purchase money, would be some advantage to them and he therefore
prays that the said land be sold out & out. The said Elliott S. Atkinson
is now fourteen years of age, but under twenty one. He has no other
estate of any kind save the aforementioned parcel of land - His heirs
on the part of his mother as to this land should be die before he attains
his majority, are ^{Nathaniel M. Barden, Louisa M. Barden, & Elizabeth Barden} ~~Louisa wife of Wm. Barden, Elizabeth Barden, Adeline~~
wife of James Godwin, Algernon S. Barden, Martha S. Barden John B. Barden
Joseph Barden & Mills Barden, ^{Eliza M. Barden} Adeline T. wife of George T. Helms, Margaret E.
wife of Wm. H. Barden ~~Wm. H. Barden & Hensley R. Barden~~ & of whom Elizabeth
^{Nathaniel M. Barden, Louisa M. Barden, Eliza M. Barden} ~~Barden & Mills M.~~ Joseph, Mrs. R. & Martha S. Barden are infants under 21 years of age -
To the End therefore & he prays. & your orator is without adequate

remedy save in this Hon. Court.

To the End therefore he prays, that ~~the said~~ ^{Not. M. & Sovereign Power} ~~James Gordon & Adeline his wife, Elizabeth Gordon~~
~~Alexander S. Darden, Charles S. Darden, Geo R. Darden, Hugh Darden,~~ ^{Eugene}
~~W. Darden, Geo. J. Nelson, & Adeline his wife. W. H. Darden & Margaret his wife~~
~~& Henning R. Darden his wife, & the said Elliot & Atkinson, be made~~
parties defendant to this Bill & be compelled to answer the same.

That your Honor will grant a decree for the sale of
the said Land. & all other & further relief which may be meet
& fit in the premises.

C. D. Atkinson (C)

C. C. Atkinson (C)

City of Montgomery, Alabama

Clonides C. Atkinson ^{C. D. Atkinson} appeared before me, a justice
of the peace for the said City & County, & State of Ala-
bama, and made oath that the facts as set forth
in the above Bill are true to the best of Knowledge &
belief. & sworn under my hand this 12th day of
February 1861 Daniel H. Woodman (J)

Atkinson's Bill
10

Darden's Bill
Apr. Rules 1861. Bill
to filed of inty. deems
gov. ad return of p.
to conf. trans. filed &
copy.

May Act 1861. Let
for hearing.
May Court 1861. cond.

May 1861. Cor. d.

Act. 1861. Cor. d.

May 1867. Cond.

Oct. " cond.

May 1868. cond.

Act. " cond.

The joint & separate answer of Elizabeth Pender, Nathaniel ^{or C. & Atkinson} Pender, Louisa W. Pender & Mills W. Joseph, Jas R. & Martha S. Garden ^{or James M. Garden} vs. N. P. Young their Guardian as set in to a Bill filed against them vs. Eldridge Atkinson & to Elliott & Atkinson in the Circuit Court of the County

These respondents, by N. P. Young their said Guardian, for answer to so much of said Bill as they are advised it is material for them to answer, answering, say, that as they are minors under twenty one years of age they beg leave to submit their respective interests in the premising ^{to the protection} of this Court: and having answered pray them to be dismissed.

N. P. Young

E. Atkinson 90

ff. Infants ans

London 1815.

To the Hon: Rich^d. H. Baker judge of the Circuit Court
of Isle of Wight County:

The Answer of Elliott D. Atkinson, to a bill filed against
him & other, in this Hon: Court, by Eldridge Atkinson, his legal Guardian
is.

This respondent, saving & excepting as for answer to
so much of said Bill as he is advised it is material for
him to answer; answering, says, that he is informed
that he is entitled to a tract of land, in the County Court
of Isle of Wight, & in the bill mentioned. which, he acquires
by descent from his deceased mother: and that the object of said
Bill is to cause the same to be sold. He, ^{is now 14 years of age,} verily believes
from all that he can learn from, in regard to the Land
that his interests will be promoted by the sale asked for: and
has no objection to a decree for that purpose, as, ^{under it,}
from all the circumstances of the case, it will never do
him any good as it is: & having answered prayeth -

E. D. Atkinson

City of Montgomery, State of Ala:

Elliott D. Atkinson personally appeared before me a Justice
of the peace for the City of said State & made oath that the facts as
set forth in his Answer, above, are true so far as he knows
or believes: Given under my hand this 12th day of February
1861

Daniel H. Workman J.P.

Answer of Elliott &
A. H. Munson —

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY,—GREETING:

WE COMMAND YOU TO SUMMON *Nathaniel M. & Lorenzina Webb*

Pruden (infants of *Amira Pruden* dec'd. *James & Corine* & *Adeline*

his wife, Elizabeth Pruden, Algernon S. Darden, Caroline Hale & Martha

his wife, Mrs. R. Darden, Joseph Darden, Eugene M. Darden & Henry R. Darden

to appear at the Clerk's Office of our *Circuit* Court of Isle of Wight County, at rules to

be holden for the said Court, on the first Monday in *April* next, to answer *the*

Bill in chancery of Eldridge E. Athinson, who sues as well
in his own right as guardian to Elliott D. Athinson

~~of a plea of~~

~~damages~~

and have then there this writ. WITNESS, NATHL. P. YOUNG, Clerk of our said Court, at the Court
House, this *23^d* day of *March* in the year 186/, in the *85th*

year of the Commonwealth.

N. P. Young

March 1861. We acknowledge receipt
of the within Ennumeration.

A. S. Darden

J. E. Godwin

W. A. Godwin

C. Hall

W. S. Hall

H. K. Warden

E. C. Atkinson

3 Sum. in
ss. chg.

Darden folo.

20 Ap. miles 1861.

leis. lost

W. S. Godwin

March 1861. We acknowledge legal services
of this summons. A. J. Darden

A. E. Darden's wife being dead.

change the bill from M. E. Darden &
wife, to Nathl. M. Darden & Louanna
W Darden. children of Louisa Darden (wife

of N. E. Darden

Wm. Bot.

To M. A. Darden

Darden & Co.

Wm. Bot.

C. E. Darden & Co.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY,—GREETING:

WE COMMAND YOU TO SUMMON *N. P. Pender, his wife, James Gordon*
Adeline his wife, Elizabeth Pender, Algeson S. Darden, his wife
Martha S. Darden,
Mr. R. Darden, Joseph Darden, Eugene M. Darden, and Henry K. Darden

to appear at the Clerk's Office of our *Circuit* Court of Isle of Wight County, at rules to
be holden for the said Court, on the first Monday in *April* next, to answer..... *this*.....

Bill in Chancery of Eldridge E. Atkinson, who
sues as well in his own right as guardian
of *the* ~~the~~ *Elston S. Atkinson*

~~damages,~~.....

and have then there this writ. WITNESS, NATHL. P. YOUNG, Clerk of our said Court, at the Court
House, this..... *23rd* day of..... *March* in the year 1861, in the..... *85th*
year of the Commonwealth.

N. P. Young

Executed on Wm Darden & wife March
28th 1861 And on the 30th of the same
month I delivered a true copy of the
within notice to G. S. Kelms & wife

James Darden Esq
For Sheriff Clements
Shff

E. B. Altman on 289,

08: 3 Pm. is
3 Pm.

Darden do.

St. Pl. Dec. 1861.

Per. Ct.

Wm Darden

D

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY,—GREETING:

WE COMMAND YOU TO SUMMON *George T. Helms and Alfina his*
wife, William H. Darden and Margaret his wife and
Ellison D. Atkinson

to appear at the Clerk's Office of our *Circuit* Court of Isle of Wight County, at rules to
be holden for the said Court, on the first Monday in *April* next, to answer *the*
Bill in chancery of Ellison D. Atkinson who claims
in his own right as son of Ellison D. Atkinson
of a plea of

~~damages~~
and have then there this writ. WITNESS, NATHL. P. YOUNG, Clerk of our said Court, at the Court
House, this *23^d* day of *March* in the year 1861, in the *85th*
year of the Commonwealth.

N. P. Young, Jr.

The following interrogators were agreed to be submitted
to the following ~~interrogators~~ by Rev. White

The guardian ad litem appointed to defend Elliott
& A. A. A. in a suit brought by Elvira A. A. in his
1st against him & als. in the Circuit Court of Isle of Wight at
forests; and the answers thereto to be made as evidence
in the aforementioned suit.

The deposition of N. P. Phillips who having been
duly sworn on the Holy Evangelist depose, as follows.

Quest: 1st Are you acquainted with land belonging
to Elliott & A. A. which he inherited from
his mother, Mary F., formerly Mary F. Darden -
If so state whether you believe the interests
of the said Elliott & A. A. could be
promoted by a sale of the said land or not -
your answer

Ans. I believe his interests could be promoted
by a sale - It is woodland except a little spot,
no rent has been received for a long time from it -
except a barrel or two of corn. There is no house on it,
and the party is not able to build one - It has been
of no use or benefit except as above. and further they
deponent say the said -
N. P. Phillips

The foregoing deposition of N. P. Phillips was taken &
sworn to before me this day a justice of the peace for said
county: in the presence of Rev. White - Given under my
hand this 16 May 1861 -

Wm. E. Darnes Jp

- The above interrogations have been submitted to
Mr. W. J. J. & Son on Gay, they having been previously
sworn, and filed the deposition of N. P. Phillips as containing

their own: and further their Depositions together with.

W. W. Boyner
S. M. Gay

The foregoing Depositions of W. W. Boyner & S. M. Gay were taken ^{before} to & sworn to before me a Justice of the Peace for the County, on the 18th day of May 1867

Given under my hand this day & year last named

Wm. E. Barnes J. P.

The foregoing Interrogatories were agreed to be submitted to be answered by witnesses to their Depositions to be read as evidence in the next proceeding.

Robert L. White

Thos M. Dashiell

