

1896-008 Chancery Causes: Virginus Darden vs William H. Darden, gen & d

Isl. of Wight County

other SURNAMES: Nelms

Virginia: In the Clerk's Office of the County Court of the County
of Isle of Wight.

I, N. O. Young, Clerk of the County Court of the County
of Isle of Wight, do hereby certify that on the 14th day of Sept. 1889,

duly qualified in my
said court as Executrix of Julius B. Dardeau dec. (no entry)
and gave bond as such according to law.

Given under my hand this 8th day of Sept. 1893.

N. O. Young Clerk.

Certificate of Clerk of Qualification

OF

Larry A. Darden
Esq. of J. C. Darden
as dect. -

~~it~~
Filed as Capt. D. in
sight of
J. Darden
m.

C. H. Darden et al
//

Commissaries Office, Isle of Wight
County, C. H. Feby. 18th: 1893.

To the County Court of said County.

Your commissaries reports to
the Court, that on the 5th day of
January 1893, William H. Darden
guardian of Virginia Darden and
Julia R. Darden, orphans of C. H.
Darden decd.; exhibited before your
commissaries statements of all the
moneys he had received, become
chargeable with, or had disbursed
during the periods in the foregoing
accounts. That your commissaries
included the said guardian in
the list of fiduciaries whose ac-
counts were before him for set-
tlement which was posted at the
court house door on the first
day of February term 1893, and on
the date of this report, ten days hav-
ing elapsed since said list was posted,
made up and completed the foregoing
accounts of the transactions of said
guardian, and on the 7th day
of December 1892, finds a balance
of \$449.14 due to said Virginia
Darden, and a balance of \$394.¹²
due to said Julia R. Darden from

said guardian. The disbursements
in said accounts are supported by
proper vouchers.

Given under my hand as com.
missioner of accounts of said Court, the
day & year first aforesaid.

A. P. Young Comr.
Judge of Wight County Court, the 1st day of
April 1893, this report having been filed
for our records & no exceptions being filed
thereunto, was confirmed & ordered to be recorded.

Teste, A. P. Young clk.

Acopy.

Teste, A. P. Young clk.

Harlow V.

vs. Z. M. Key.

Harlow vs. Z. M. Key.

Exhib. B. Filed with

Bill.

11.

Know All Men by These Presents:

THAT WE, *William H. Darden,*
George T. Helms and Julius B. Darden

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full
sum of *Five Thousand* DOLLARS,

to the payment whereof well and truly to be made to the said Commonwealth, we bind
ourselves, and each of us, our and each of our heirs, executors and administrators, jointly

and severally, firmly by these presents. Sealed with our seals, and dated this *14th*
day of *Decr.*, in the year one thousand eight hundred and ~~ninety~~ *eighty* over

and in the th year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound
William H. Darden who has been chosen
by *Jackson Darden and Thomas Darden* as their
guardian, and who has been appointed by
the County Court of Isle of Wight County as
the guardian of *Josiah Darden, Virginia*
Darden and Julia Darden, all orphans
of *Edwin H. Darden decd.*

shall faithfully discharge the duties of said office or trust then the above obligation to
be void, or else to remain in full force and virtue. We hereby waive the Homestead
Exemption as to this obligation, and we also waive any right, claim or privilege to
discharge any liability arising under said bond, or by virtue of said office or trust, with
any coupon detached from bonds issued by the State of Virginia.

W. H. Darden
George T. Helms
J. B. Darden

SEAL
SEAL
SEAL
SEAL
SEAL

IN ISLE OF WIGHT COUNTY COURT, *Decr. 14th*, 188*1*.

This bond was executed and acknowledged in open Court by the obligor to the
same, and ordered to be recorded.

Teste, A. O. Young CLERK.

a copy. Teste, A. O. Young CLK.

Hardee W.

n. $\frac{3}{3}$ In Clay,

Hardee W. H. Esq.
govt. et al.

//
Capt. B. filed
with the Bill.
//

Virginia: In the Clerk's Office of the County Court of the County
of Isle of Wight.

I, N. O. Young, Clerk of the County Court of the County
of Isle of Wight, do hereby certify that on the 4th day of Decr. 1884,
William H. Darden duly qualified in my

said court as guardian of Virginia Darden
and gave bond as such according to law. with George T. Nelson & J. C. Darden, Executors.

Given under my hand this 8th day of Sept. 1893.

N. O. Young Clerk.

Certificate of Clerk of Qualification

OF

Wm. H. Darden as gov:

of Virginia Darden,

as Filed as exbt.

At A. in suit of

Darden (Y.

or,

Darden Kate gov. &c.
or,

Darden Virginius

vs

Darden guardian et als.

This cause came on this day to be again heard on the papers ^{formerly} fully read and on the report of special commissioner reporting no sale but that the money has been paid to the plaintiff filed this day by leave of court, and was argued by counsel:

On consideration whereof the court confirming said said report to which there is no exception and all matters appearing to have been settled the court doth adjudge order and decree that this cause be stricken from the docket with leave to any party in interest within one year on good cause to reinstate the same.

Darden Virginius

vs

Darden guardian et als.

April 27th 1896.

D E C R E E .

To be entered

Robert D. Huntis

Entered #18

Virginus Darden

vs.

W.H.Darden guardian et als.

This cause came on this day to be again heard on the papers formerly read and on a written report of W.S.Holland attorney with papers filed therewith including the resignation of Geo. K.Nelms trustee and was argued by counsel:

On consideration whereof the court doth adjudge, order and decree that W.S.Holland who is hereby appointed a special commissioner for that purpose proceed, after first having advertized the time place and terms of the sale for at least one month by hand bills *to see* the lands embraced in the deed of trust filed as exhibit with the bill dated , it being the deed under which said trustee G.K.Nelms was ordered to proceed by a former decree *or so much thereof as may be necessary to raise, and* herein, for cash, sufficient to pay the balance due to Virginus Darden as shown by a decree herein of the Oct. term 1893 of this court, and the balance on such credits as the said W.H.Darden shall in writing direct, and that the bonds evidencing the said balance be filed with the papers in this case, that said cash payment include all costs of suit and sale, but the said money shall not be distributed till the further order of this court. The said special commissioner shall not execute this decree until he enter into bond in the penalty of \$ *1500* before the clerk of this court with surety by said clerk deemed sufficient, payable and conditioned according to law, and that said special commissioner make report to court of his proceedings, under this decree.

·Virginus Darden

vs

W.H.Darden guardian et als

Decree

To be entered/

C. H. H.

Apr 20, 1894

Entered #5

Darden

vs Darden et als.

This cause came on this day to be heard on the bill of complaint and exhibits filed, the defendants having been duly summoned to answer, and still failing to appear plead or demur and was argued by counsel, On consideration whereof

the court doth adjudge, order and decree that the defendant^s pay to the plaintiff the sum of four hundred and forty nine (449) dollars and fourteen (14) cents with interest thereon from the 7th day of December 1892 till paid, ^{and the costs of this suit} and that unless the same is paid

within sixty days from the 24th day of October 1893 then the said George K. Nelms trustee shall at ^{once} ~~once~~ on the request of the plaintiff

or his attorney proceed to sell in accordance with the terms of the deed of trust with the bill filed so much of the property ^{therein named} as

shall be sufficient to pay the said sum of money, the costs of ^{said sum of money & costs of suit} this suit and said sale, and shall pay the ~~same~~ to the plaintiff or

his attorney, and make report to court, and the court doth further

adjudge order and decree that said trustee shall before making said

sale enter into bond before the clerk of this court in the penalty

of \$ /500 payable to the commonwealth of Virginia and conditioned

for the faithful performance of his duties under this and all sub

sequent decrees herein ^{with surety by said bond}

^{deemed sufficient}

Darden et al

Deer

Do her enter
C not

Oct 24. 1893

Entered # 18

Darden Virginius

vs

Darden guardian et als.

Your commissioner has the honor to report to court that by a decree herein of October 24th 1893 Geo.K.Nelms trustee was ordered to sell certain property unless W.H.Darden guardian of Virginius Darden should pay within sixty days the sum of four hundred and forty nine dollars and fourteen cents with interest and the cost of the suit, but when called on said trustee declined to act and tendered his resignation and by another decree herein of April 20th 1894 the undersigned was appointed a special commissioner to sell said property. Your commissioner says he never sold said property or any part thereof for the reason that said W.H.Darden guardian paid the said plaintiff said sum of money and costs to date.

Respectfully Submitted

W. S. Hall Special commissioner.

Darden Virginius

vs

Darden guardian et als.

Report of ~~conveyance and~~

~~final distribution by~~

W.S.Holland Spe. Comr.

Filed by leave of court

April 27th 1896

Clerk.

Virginus Darden

vs

W.H.Darden guardian and others

The undersigned attorney for the plaintiff in this cause ~~begs~~ to state to the court that after trying very hard to collect the sum adjudged to be due under a decree herein of the October term 1893 of the Circuit Court of Isle of Wight county but without success he wrote to the trustee directing him to sell as ordered by said decree, and enclosed please find his reply, that later on the 5th day of March 1894 he met the said trustee who informed the attorney for the plaintiff that he should decline to act and asked that a paper be drawn and sent to him to sign, and later the resignation and declination herewith filed came by mail with the letter also filed.

The plaintiff in order to collect his money must have a sale & most respectfully asks the court to appoint a special commissioner to sell the property and pay the debt as the trustee was directed to do

Most Respectfully

W. S. Hall and

Virginus Darden

vs

W.H.Darden et als.

Report of plaintiff by
attorney

Windsor Station, Va.

To the Hon. C. W. Mill Judge of the Cir. Court of Isle of Wight

The undersigned one of the defendants in the chancery suit of
Virginus Darden vs W. H. ^{Gordon} Guardian and others now pending in your
court begs to tender my resignation as trustee. I was not intereste
in the cause except as a nominal party and did not know of the
provisions of the decree in said cause entered at the Oct 1893
term of your court till recently. Some of the parties are nearly
related to me and I feel constrained to ask and do most respect-
fully ask to be excused from executing the trust as directed by
the decree aforesaid.

Most Respectfully

Geo. H. Nelson

Trustee

*Smithfield Va.
Mar 8th 1894*

Smithfield Ct
Mar. 8th 1894

Mar. W. S. Holland;

Dr. Sir;

Dear

Communication duly
recd. and contents no-
ted, & herein return
said paper properly
signed and dated.

Please accept thanks
for your kindness

Very truly
(Sd.)

Geo. H. Adams

J. L. COWLING

—DEALER IN—

GENERAL MERCHANDISE

Smithfield, Va., Feb. 28th 1894

Mr. W. S. Holland,

Sr. Sir,
Yours

of the 26th inst just recd. with
papers relative to the Virginia
Garden vs. W. S. Garden matter
enclosed. I regret very much that
this duty falls on me.

I will go to the Gen. L. Garden
tomorrow if the weather permits
and then take steps as directed
and send you notices.

Very Respect,
J. L. Cowling

100 Hours Talk in Congress,
ON THE
Great National Issue,
THE FREE COINAGE OF SILVER.
AND INCIDENTALLY
National Banks *vs.* State Banks.

Old Party Lines Badly Broken and New Ones Forming.

Speeches Officially Reported in Full, of—

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" *Justin S. Morrill, of Vermont.*

" *John Sherman, of Ohio.*

" *Edward O. Wolcott, of Colorado.*

" *John M. Palmer, of Illinois.*

" *Jacob H. Gallinger, of New Hampshire.*

" *Burke Cockran of New York.*

" *Jerre Simpson, of Kansas.*

" *Lafe Pence, of Colorado.*

" *John J. Gardner, of New Jersey.*

Hon. George G. Vest, of Missouri.

" *William M. Stewart, of Nevada.*

" *David B. Hill, of New York.*

" *John B. Gordon, of Georgia.*

" *Zebulon B. Vance, of North Carolina.*

" *James K. Jones, of Arkansas.*

" *William J. Bryan, of Nebraska.*

" *Joseph W. Bailey, of Texas.*

" *John Dalzell of Pennsylvania.*

" *Benjamin F. Grady, of North Carolina.*

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PUBLISHED BY
J. VANCE LEWIS,
ATTORNEY-AT-LAW,
No. 614 F Street Northwest,
WASHINGTON, D. C.

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond Greeting:

WE COMMAND YOU, That you summon William H. Darden,

late guardian of Virginia Darden;
George Thomas Helms, Sucey A. Darden
executors of J. C. Darden decd.; and
George H. Helms Trustee,

to appear at the Clerk's Office of the Superior Court of the County of Isle of Wight
at the rules to be held for the said Court on the third Monday in September, 1893,
to answer a bill in Chancery, exhibited against them in our said court by

Virginia Darden

And have then there this writ. Witness, A. O. Spence Clerk of our said
Court, at the court-house, the 6th day of Sept., 1893, and in the 118th year
of the Commonwealth.

A. O. Spence Clk.

Executed this 9th day of Aug 1893
 by delivering a true copy of
 This process to Lucy Storden
 in person at St. James
 Sheriff

P. S. Storden
 vs.

SUBPENA
 IN
 CHANCERY.

P. S. Storden
 vs.

P. S. Storden
 vs.

To Deacon Whit,
 Rules,

1893, Court.
 Court.

Return to Court & Rules to 1893.
 and 1893.

The Commonwealth of Virginia,

To the Sheriff of the County of Danwick Greeting:

WE COMMAND YOU, That you summon

William H. Darden, late guardian
of Virginia Darden; George Thomas Helms,
Exec. A. Darden executor of J. C. Darden
and George H. Helms, trustee.

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight
at the rules to be held for the said Court on the third Monday in September, 1893,
to answer a bill in Chancery, exhibited against them in our said court by
Virginia Darden

And have then there this writ. Witness, A. O. Young Clerk of our said
Court, at the court-house, the 6th day of Sept., 1893, and in the 118th year
of the Commonwealth.

A. O. Young clerk

Warden Higgins

vs.

}

SUBPENA
IN
CHANCERY.

Warden W. H.
Cato & Co. et al.

W. S. Holland p q.

To record Sept. Rules,
1893, Circuit Court.

Excerted this 7th
day of September 1895
by delivering to Geo. J.
Belms a true copy of the
within writ in prison
in my county.

Edw. M. Stead
Shuffivon wick Co.

The Commonwealth of Virginia,

To the *Sheriff* of the *County* of *Isle of Wight* Greeting:

WE COMMAND YOU, That you summon *William H. Darden*

late guardian of Virginia Darden,
George Thomas Nelson, Lucy A. Darden
executrix of J. C. Darden decd., and George
K. Nelson trustee.

to appear at the Clerk's Office of the *Circuit* Court of the *County* of *Isle of Wight*
at the rules to be held for the said Court on the *third* Monday in *September*, 189 *3*,
to answer a bill in Chancery, exhibited against *them* in our said court by
Virginia Darden

And have then there this writ. Witness, *A. O. Young* Clerk of our said
Court, at the court-house, the *6th* day of *Sept*, 189 *3*, and in the *118* year
of the Commonwealth.

A. O. Young clk.

Executed by delivering a copy of the within
Summons to W^m H. Darden & Geo. R. Melrose
each a true copy. Sept 15th 1893.

Geo. A. Edwards
Sgt

Darden Virginia

SUBPOENA
IN
CHANCERY

Darden Geo. H. et al.

W. S. Hollands p q.

To second Sept. Rules,
1893, Circuit Court.

In the Cir. Court of Isle of Wight County:

2Sept. Rules 1893

Your orator Virginius Darden humbly complaining, represents to the court that on the 7th day of December 1881 William H. Darden qualified as the guardian of himself and other infant children of E.H. Darden deceased as will appear by an abstract from the records of the County Court of Isle of Wight county herewith filed marked "A" and asked to be taken as an exhibit and read as a part of this bill. And ^{it} as will also appear by said exhibit ~~that~~ said guardian gave bond in the penalty of five thousand dollars with J.C. Darden and George T. Nelms as his sureties, a copy of which bond is herewith filed as an exhibit marked "B" and asked to be read as a part of this bill.

Your orator says that upon a settlement of the accounts of said guardian before the Commissioner of Accounts of the county court of said Isle of Wight county it appears that said guardian owes him a balance of four hundred and sixty-nine (469) dollars and twenty-two (22) cents with interest thereon from the 7th day of December 1892 till paid which sum and interest is just due your orator. Your orator says that on the 14th day of January in the year 1893 he was twenty-one years old and requested said guardian to pay him the said sum of money and accrued interest, but said guardian failed and refused to pay the same or any part thereof and the same to pay, he, hath hitherto, wholly failed and refused and still fails and refuses to pay the same or ^{any} part thereof although often requested so to do. Your orator says that he is informed and believes that said Darden ^{owns no unimproved property} ~~is insolvent~~ and that said George T. Nelms owns no property except a farm in Isle of Wight county which by an order of this court in another cause has been or will be rented out to pay another

This bill marked "B" and filed to be read as a part of this bill

surety debt, and your orator says that said J.C.Darden departed this life sometime ago and that Lucy A.Darden has qualified as his executrix in the county court of said Isle of Wight county as will appear by an abstract from the record herewith filed as an exhibit ^{marked "D"} it and prayed to be read as apart of this bill and that the estate of said Darden is solvent being worht some sixty thousand dollars.

Your orator says that said William H.Darden by a certain deed of trust of record in the clerk,s office of said county court in in deed book No. 50 page 462 conveyed real and person estate in trust to George K.Nelms trustee to secure and save harmless said ~~sa~~ sureties on the said guardian bond above filed as am exhibit, a copy of which deed of trust is herewith filed as an exhibit marked "E" and prayed to be read as a part of this bill.

Forasmuch as your orator is remediless save in this honorable court where matters of this sort are alone and properly cognizable, he prays that said William H.Darden late guardian of your orator, George Thomas Nelms , & Lucy A.Darden executrix of said J.C.Darden deceased and said George K.Nelms ^{trustee} be made parties defendants to this bill, and required to answer the same, but an answer on oath is hereby waived as provided by statute, that said William H.Darden be required to pay to your orator the balance due him with interest and costs including a reasonable fee to the attorney for the plaintiff in this cause, that a writ of fieri facias be issued against Said William H.Darden and Geogere Thomas Nelms, and in case the same is not paid then, that said executrix of said J.C.Darden be required to pay the same, that said trustee be required to sell the property in said deed of trust embraced or a sufficient portion thereof and pay said costs and said debt to your orator direct, that all proper orders and decrees may be entered, that all such other further and general relief may be afforded your orator as to *equity* (over)

and good conscience may seem met. And he
will like you &c

W.S. Hall and p.p.

Darden, Virginia

rs.

Darden's guardian's

Bill of Complaint

Second Sept. Reels

1893. Bill filed. Sum

Exd & de: nisi.

First Octo. Reels 1893.

Bill taken for compl. &

set for recording.

Oct term 1893. Just. for pliff.

de to sell re.

April term 1894

de to sell re.

April term 1896

Final