1870-009
Nansemond Co (Suffolk)

Chancery Causes: Elisha H. Darden etc vs Clarissa Darden widow etc

Elenor

At a Circuit Court, held for Nansemond County the 13th. day of October 1868.

Elesha H. Warden and Nancy W. his wife, and Joseph L. Warden ..... Complainants

against } In Chancery.

Clarissa Warden (Widow) & Rd. B. C. H. Warden Wm. C Warden Justin Warden, Wm. J. Eleanor and Martha Jane his wife Henning S Warden, Edward B. Warden and Lydia Maria Warden, the last three, being under Twenty one years of age ..... Defendants.

This cause came on this day to be again heard on the papers, formerly read and on the reports of Peter B. Pruitt and Wm Eley Sheriff and Commissioner made pursuant to the Decree of the 14th. of October 1867 to which reports no exception has been filed and was argued by Counsel. On consideration whereof the Court doth confirm the said reports and doth adjudge order and decree, that Wm Eley Sheriff and Commissioner aforesaid, receive of the Clerk of this Court the Bonds of the purchasers of the real estate sold in said proceedings had in this cause, (who will deliver the the same to them on leaving a Receipt therefor) to wit. the three Bonds of J. L. Warden for Eleven Hundred and thirty eight Dollars and fifty one and a third cents. the bond of Lewis Warden and Elesha H. Warden, for Sixty-three Dollars and fifty two cents, and the Bond of Clarissa Warden and E. B. Britt, for One Hundred and forty one Dollars and thirty three cents, and proceed to collect the same, and when paid, make to the several purchasers, of the real Estate referred to, Deeds with Special-

warranty in the usual form, and that out of the proceeds of such collection, he pay any Costs, that may remain unpaid, and then pay to said Clarissa Dawson, the sum of Five hundred and Eighty two Dollars, and Seventy four Cents, in fee simple, in lieu of her Dower in the ~~land~~ Land sold, situated on Nansemond River, together with interest from the 14th day of September 1868 till paid; and in the Deed conveying such Farm she the said Clarissa Dawson is required to join, to convey more fully her Estate therein: and out of the proceeds that may then remain, pay and distribute the same as also any moneys he the said Eley as Sheriff and Committee of Edward H. Dawson deceased may have in his hands after paying all Debts, due by said deceased as follows. To Wm B. C. H. Dawson Wm B. Dawson, Jesse Dawson, Martha Jane Ellenor, wife of Wm J. Ellenor, Henning S. Dawson Edward B. Dawson and Lydia Dawson and Nancy W. wife of Elisha H. Dawson and Joseph L. Dawson, which payments are to be made to the said parties, who are adults and to the legal Guardian of the infants, and make report of such payments to Court.

A Copy

Teste:

Peter B. Prentis. Clerk

Issued Costs

Commr's Prentis ... $10.00

Elisha H. Dawson

To Co: Decree

Clarissa Dawson Def:

Dawson &c. vs. Dawson &al.

This cause came on this day to be again heard on the papers formerly read & on the Report of Edwin Smith, & Company Jones, & W.W. Dawson made pursuant to the decree of the 17th of April 1867; to which Report there is no exception, and was argued by Counsel: On Consideration whereof the Court doth confirm the said Report, and doth adjudge, order and decree that Wm. Eley, Sheriff of Nansemond County, who is appointed Comr. after the assignment of Dower as hereinafter provided for that purpose proceed to make sale of the Lands whereof said Edward H. Dawson died seized and possessed, before the Courthouse door of Nansemond County, on some Court day after having advertised the same by advertisement at the Courthouse door of Nansemond County and by printed handbills, and also in the "Christian Sun" a Newspaper published at Suffolk, once a week for four successive weeks, and also twice a week for three weeks in some Newspaper published in Norfolk — That is to say the farm on Nansemond River in Nansemond County, containing one hundred and fifty acres more or less adjoining the Lands of Wm. C. Coburn, Jas. H. Decamp and others, to which any Dower therein, the said Clarissa Dawson widow of said Decd. and, by writing marked X. filed in this cause consents to relinquish her Dower therein for an equivalent in money in fee simple — (2d.) a tract of Land in the

Upper Parish of Hammond County, containing one hundred and forty one acres more or less, and adjoining the lands of Edward B. Harden & others (subject to the Dower of Mrs. Clarissa Darden therein). — 3d. The Godwin Jones tract of land in the Upper Parish of Hammond County containing one hundred and twenty seven & a half acres, more or less, and adjoining the lands of Mrs. Wright, Isaac Lee and others — 4th. The Copeland tract" containing fifty five & a half acres, ~~and a half acres~~ more or less and adjoining Isaac Lee and others — (5th.) a tract of forty two & a half acres which said Edward H. Darden obtained by division of Mrs. Sally Dardens land (his mothers) adjoining the lands of Richard W. H. Dardin, Dempsey Darden & others; 6th) one undivided Eighth of land called the "Varnike tract" of but little value (these two last parcels described in said Comrs. report — That the said William Eley Comr. aforesaid, in making such sale, may sell in such parcels, as he may deem best for the interest of all parties, and shall in no case suffer the said lands to sell for a sum below a reasonable price — and that such sale shall be for a sum in cash sufficient to pay costs of sale, expenses of sale which he will pay to them

entitled thereto, and the Balance on a credit of six, twelve and Eighteen months with Interest from date, taking bond and good security from the purchasers, and retain the ~~title~~ title to said Lands till the further order of the Court,

And the Court doth further adjudge order and decree that a Comr of this Court ascertain what would be a fair Equivalent in money in fee simple in lieu of the Dower ~~therein~~, of Mrs. Clarissa Darden in the first aforesaid tract of Land on Nansemond River, and make report to Court, with any matter specially stated deemed pertinent by himself or that any of the parties may ~~be~~ require to be so stated.

And the Court doth further adjudge order & decree that Edwin Smith, Wm. W. Darden & Dempsey Day (~~he and they~~ who are hereby appointed Comrs for that purpose) proceed to set apart and assign unto Mrs Clarissa Darden, one third in value of the Lands wherein her husband Edward N. Darden died seized & possessed (except in the tract of Land on Nansemond River aforesaid) as and for her Dower therein, and make report to Court.

Darden &c.
vs.
Darden &c.

1867
Act. Ct. Decree

To be entered
R. H. Baker

Entered

Elisha A. Darden Exr &c } Chy: Suit pending in
vs } The Circuit Court of
Clarissa Darden (widow) &c } Nansemond County.

I, John R. Kilby, Complainants' Atty: in the above cause, do swear, that Ro: B.C. H. Darden, William C. Darden & Justin Darden, three of the Defendants in said cause, are, to the best of my knowledge & belief, non-residents of the State of Virginia.

(Signed) John R. Kilby p. q.

Sworn to before me, in my Office, This 5th: Day of Janry: 1869.

Peter B. Prentis: Clk

Elisha S. Darden
Dec'd.

Vs

Affidavit of non-residence

Clarissa Darden (widow)
Def.

Costs

| | |
|---|---|
| Clerk | £15:00 |
| Atty | 31:00 |
| Sheriff | 1.50 |
| Commissioners | 5:00 |
| Thomas Smith | |
| W.W. Dawson | 2.50 |
| Chesley Jones | 2.50 |
| Printer Virginian | 6.75 |
| | £64 25 |

6.75
2 9.45
36.2

392.57

11.07
41-

63.52
141.33
204.85

Costs

I, S. Hodges

The Virginian, a newspaper printed in the City of Norfolk, in the State of Virginia, do hereby certify that the order hereto annexed has been published once a week for four successive weeks in the newspaper aforesaid,

Given under my hand this 9th day of February A. D. 1867

S. Hodges

Cost of executing the said order, paid by the above-named plaintiff, $ 6.72

VIRGINIA.—At Rules held in the Clerk's office of the Circuit Court of Nansemond county, on Monday, the 7th day of January, 1867:

Elisha H. Darden and Nancy W. his wife, and Joseph L. Darden, complainant,

against

Clarissa Darden, widow, Ro. B. C. H. Darden, William C. Darden, Justin Darden, William T. Eleanor, and Martha Jane his wife, Henning S. Darden, Edward B. Darden and Lydia Maria Darden, the last three being under twonty-one years of axe, Defendants.

IN CHANCERY.

The object of this suit is to divide or sell the real estate, of which the late Edward H. Darden, died seized and possessed. Affidavit having been made that the defendants, Ro. B. C. H. Darden, William C. Darden, and Justin Darden, are not residents of the State of Virginia, they are hereby required to appear in the said Clerk's office, within one month after due publication hereof, and do what may be necessary to protect their interests.

A Copy—Teste:

PETER B. PRENTIS, Clerk.

JNO. R. KILBY, p. q. ja12—law4w

Elisha N. Darden d
wife dat:

Th ∫ certif: of Pat.

Clarissa Darden (widow)
dat:

filed 4th March 67

Virginia

At Rules held in the Clerk's Office of the Circuit Court of Nansemond County, on Monday, the 7th: day of January 1867.

Elisha H. Darden and Nancy W. his wife, and Joseph L. Darden. Complainants

against } In Chancery

Clarissa Darden (widow) Ro: B. C. H. Darden, William C. Darden, Justin Darden, William T. Eleanor and Martha Jane, his wife; Henning S. Darden, Edward B. Darden, and Lydia Maria Darden, the last three being under Twenty-one years of age. . . . . Defendants.

On the motion of the Complainants, by Counsel, Peter B. Prentis is appointed guardian ad litem, to defend the infant defendants in this suit; and it is ordered, that notice be given the said guardian of his appointment, by serving on him a copy of this order.

Teste,

Peter B. Prentis. Clk

1867. Jany: 7th: I acknowledge service of the forgoing order, and that I have received a copy thereof.

Peter B. Prentis

gdn: ad litem

Elisha H. Darden &
wife Val:

vs Sor: Affts: q Ds: ad Idem

Clarissa Darden (widow)
Val:

Virginia: At Rules Held in the Clerk's Office of the Circuit Court of Nansemond County, on Monday, the 7th. day of January 1867.

Elisha H. Darden and Nancy W. his wife, and Joseph L. Darden . . . . . Complainants.

Against } In Chancery

Clarissa Darden (widow) Ro: B. C. H. Darden, William C. Darden, Justin Darden, William T. Eleanor and Martha Jane, his wife, Kenning S. Darden, Edward B. Darden and Lydia Maria Darden: the last three being under Twenty-one years of age . . . . . Defendants.

The object of this Suit is to divide or sell the real estate of which the late Edward H. Darden died seized and possessed.

Affidavit having been made that the defendants Ro: B. C. H. Darden, William C. Darden and Justin Darden are not residents of the State of Virginia: they are hereby required to appear in the said Clerk's Office within one month after due publication hereof, and do what may be necessary to protect their interests.

Test.

Peter B. Prentis. Clerk.

Elisha H. Darden &
wf: del:

vs } Or: Pub:

Clarissa Darden (widow)
del:

Boundary of Mr. Beamans Anspley Farm to wit
by Deed from Tho. Gregorie & Mary, his wife, to Edward Wright
Dated 21st Dec: 1769 (the same) conveys 150 acres of Land more
or less and bounded as follows to wit: By Nanjemond river
on one side, by a creek between him (Gregorie) and David
Osheal on another, thence by Natural bounds up a branch
dividing it from the Land of Gresham Cosfield, Orphan of
Dan. Cosfield dec: according to the Meandrs of the said
Branch, then by two Marked trees to the end which is an
Oak standing near Lazs: Jones' house and upon the
main road, thence from the said Oak a line of Marked
trees, various courses between the said Land & Capt.
Miles Reynolds Land, to a Match, thence thro' that Match
to the said River; being the first Station —
The above Land was conveyed to Abra. Spencer by
Stephen Wright & by Deed the 10th Feby: 1781 (the same)
The Land described below was conveyed by Wright Exr: to Same
(Spencer) 11th Feby: 1782 a peice of Land containing by
estimation Six acres more or less; & bounded as follows
viz. Beginning at a red Oak, a marked tree between
said Wright & Abm. Spencer, thence to a small Gum
thence a straight course to a Mulberry post, and
from thence to a small Gum standing on the
main road, thence [redacted] as the road runs to the
end which is a corner tree, near Mary Jones' house
which land is a part of the Land purchased by Wright
of Manning &

Nathaniel Beamon Esqr.

by Lewis Ez

Keepy Hole
Nans. County

of Shield of the Lower
T Fastlys Land

E N Dalton
Land

# The Commonwealth of Virginia,

To the Sheriff of Nansemond County---Greeting.

YOU ARE HEREBY COMMANDED TO SUMMON Clarissa Darden (widow), R. B. A. Darden, Wm. C. Darden, Justin Darden, Wm. T. Eleanor and Martha Jane, his wife, Henning S. Darden, Edward B. Darden and Lydia Maria Darden, the last three being under twenty-one years of age,

to appear at the Clerk's Office of our Circuit Court for the County of Nansemond, on the first Monday in January next, 1867, being rule day, to answer a bill in chancery, exhibited against them by Elisha A. Darden and Nancy W. his wife, and Joseph L. Darden

and unless they shall answer the said bill by the next rule day thereafter, the Court will take said bill for confessed, and decree accordingly.

And have then and there this writ. *Witness*, PETER B. PRENTIS, Clerk of our said Court, at his Office, this 15th day of December 1866, and in the 91st year of the Commonwealth.

Peter B. Prentis *Clerk.*

☞ The Sheriff will, in his return, note the day on which this process is executed on each Defendant.

Executed Dec. 19th 1849. & a true Copy hereof delivered to Elmira Darden Wm. G. Eleanor and Mary Jane his wife, Ro. B. G. H. Darden Wm. C. Darden & Justin Darden are non Residents of my County

Wm Ray Sheff

Kelly P.q

Elisha H. Overton &
ux: Ad:
vs
Sim. Etc Cty
Ad:

Clarissa Overton (Widow)
Ad:

To Jany. Relat 1850

Ro: B. No: 1. Leaf 16

Cir: Co

Darden &c v Darden

This cause came on this day to be again heard on the papers formerly read & on the report of Wm Ely, Comr. this day filed & on paper marked "X" this day also filed & was argued by Counsel. On Consideration whereof the Court doth confirm the said Report, & doth adjudge, order & decree that unless the said M. L. Darden shall pay to the said Wm Ely Comr. the several sums as directed by the decree of the 13th Octo 1868, in ninety days from this day, that then and in that case the said Wm Ely Comr as aforesaid proceed to resell the Land as heretofore mentioned & by said M. L. Darden, & on the terms of the original sale; and it is further ordered that the said Wm Ely Comr as aforesaid instead of making a deed to M. L. Darden for the 183 acres of Land purchased by him, that he the said Wm Ely Comr as aforesaid convey the same ~~to said~~ Fleming J. Darden in his stead as substituted purchaser thereof & as agreed on by entering this day filed in this cause.

Daubert

v

Daubert

1869

Act of Decree

To be entered

C. J. Pitts

entered

To the Circuit Court of Hammond County

The Undersigned respectfully reports to Court that he has been unable to collect of J. L. Warden the three Bonds for $1138.51 each due by him for the purchase of Real estate made under proceedings had in the cause of Elisha N. Warden & wife vs. Clarissa Warden et al: and asks that such further order may be made in the cause as will enable him to close the matter.

That since the sale of the real estate in said cause Jno. L. Warden has agreed to allow Benning S. Warden ~~Edwd. B. Warden~~ to be substituted for him as the purchaser of the 183 acres referred to in the proceedings, as will appear by paper marked "J" filed herewith and the Court is asked to direct the deed to be made to the said substituted purchaser, he having paid the purchase money due for the same. Respectfully

Com'r of this Court

Darden &c
" } Report &
" } mm allowing
Darden &c &c.

/

Filed 11 Oct 1869
O.K.

To the Circuit Court of Nansemond County.

Whereas, at the Sale of the Lands of Edward B. Darden dec'd, by a decree of this Court in the said pending therein between Darden & Darden &c. W. L. Darden purchased a tract of Land in the Upper Parish of said County, containing one hundred & eighty three acres, more or less for five hundred and ten dollars — (and whereas since then I have consented to allow Henning S. Darden ~~& Edward B. Darden~~ to take the said Land at my bid & paying for the same — Now therefore I request said Court to substitute the said Henning S. ~~& Edward B. Darden~~ Darden as purchasers of said Land in my place and to direct the Deed to be made to them therefor. This arrangement is agreed to by myself (W. L. Darden) and by said Henning S. & Edw'd B. Darden, as evidenced by our signatures.

Given under our hands, this 13th day Feb 1869

Sept 6th 1865
Sept 6th 1865

Witness
Saml. A. Kilby

W. L. Darden Seal
H. S. Darden Seal
E. B. Darden Seal

Pardon de

"  "

Pardon de

convent de
publicité prochaine

"X"

At a Circuit Court held for Nansemond County, the 14th: day of October 1867.

Elisha H. Darden and Nancy W. his wife, and Joseph L. Darden. . . . . Complainants.

Against } In Chancery

Clarissa Darden (widow) Ro: B. C. H. Darden, Wm: C. Darden, Justin Darden, Wm: J. Eleanor and Martha Jane, his wife; Henning S. Darden, Edward B. Darden and Lydia Maria Darden: the last three being under twenty-one years of age. . . . . Defendants.

This Cause came on this day to be again heard on the papers formerly read, and on the Report of Edwin Smith, Dempsey Jones and Wm: W. Darden, made pursuant to the decree of the 17th: of April 1867, to which report there is no exception, and was argued by Counsel: on consideration whereof, the Court doth confirm the said report, and doth adjudge, order and decree, that William Eley, Sheriff of Nansemond County, who is appointed Commissioner for that purpose, proceed after the assignment of Dower as hereinafter provided, to make sale of the lands whereof said Edward H. Darden died seized and possessed, before the Court House Door of Nansemond County, on some Court day, after having advertised the same, by advertisement, at the Court House Door of Nansemond County and by printed hand-bills, and also in the "Christian Sun", a newspaper published at Suffolk, once a week for four successive weeks, and also twice a week for three weeks, in some newspaper published in Norfolk, that is to say: the farm on Nansemond River, in Nansemond County, containing

One Hundred and fifty acres, more or less, adjoining the lands of Jno: C. Cohoon, Jas: H. Decarnis and others, to be sold without any dower therein, the said Clarissa Darden, widow of said deceased, by writing marked X filed in this cause, consenting to relinquish her dower therein, for an equivalent in money, in fee-simple. (Second) a tract of land in the Upper parish of Nansemond County, containing one Hundred and forty-one acres, more or less, and adjoining the lands of Edward B. Hunter and others (subject to the dower of Mrs: Clarissa Darden therein) (Third) The "Godwin Jones" tract of land, in the Upper parish of Nansemond County, containing One Hundred and Twenty-seven and a half acres, more or less, and adjoining the lands of John Wright, Isaac Lee and others: Fourth the "Copeland Tract," containing Fifty-five and a half acres, more or less, and adjoining Isaac Lee and others: Fifth: a tract of Forty-two and a half acres, which said Edward H. Darden obtained by division of Mrs: Sally Darden's land (his mothers), adjoining the lands of Richard W. H. Darden, Dempsey Darden and others. (Sixth) One undivided Eighth of land, called the "Wainoke tract," of but little value. These two last parcels described in said Commissioners Report — That the said William Eley as Commissioner aforesaid, in making such sale, may sell in such parcels as he may deem best for the interest of all parties, and shall, in no case, suffer the said lands to sell for a sum below a reasonable price; and that such sale shall be for a sum in cash, sufficient to pay costs of suit and expenses of sale, which he will pay to those entitled thereto, and the balance on a credit of six, twelve and eighteen months, with interest from date, taking bond and good security from the purchasers, and retain the title to said

lands till the further order of the Court: And the Court doth further adjudge, order and decree, that a Commissioner of this Court ascertain what would be a fair equivalent, in money, in fee-simple, in lieu of the dower of Mrs: Clarissa Darden, in the first aforesaid tract of land, on Nansemond River, and make report to Court with any matters specially stated, deemed pertinent by himself or that any of the parties may require to be so stated. And the Court doth further adjudge, order and decree, that Edwin Smith, Wm: W. Darden, and Dempsey Jones (who are hereby appointed Commissioners for that purpose) proceed to set apart and assign unto Mrs: Clarissa Darden, one third, in value, of the lands, whereof her husband, Edward H. Darden died seized and possessed (except in the tract of land on Nansemond River as aforesaid) as and for her dower therein, and make report to Court.

A. Copy:

Teste,

Peter B. Prentis. Clerk

Elisha H. Darden & wife & al: X'mo

Tr & Co: Decree

Clarissa Darden (widow) & al:

p

Commissioner's Office.

Suffolk, Va: Septr: 15th: 1868

To the Circuit Court of Nansemond County:

Pursuant to a Decree of the Circuit Court of Nansemond County, rendered on the 14th: day of October 1867, in a suit in Chancery therein depending between Elisha H. Darden and Nancy W. his wife, and Joseph L. Darden, Complainants vs Clarissa Darden (widow) and Ro: B. C. H. Darden and others, Defendants: The undersigned, one of the Commissioners of said Court, to whom was referred to ascertain what would be a fair equivalent in money, in fee-simple, in lieu of the Dower of Mrs: Clarissa Darden, in the Farm on Nansemond River, containing One Hundred and Sixty-seven, more or less, reports to the Court, that he has ascertained the present money fee-simple value of the said Clarissa Darden's dower interest in the aforesaid Farm to be Five Hundred and Eighty-two dollars & seventy four cents Viz: . . Amount for which said Farm sold was . . $3000:00

Int: at 6 per cent per: annum on $3000

for one year is $180. 1/3 of which is $60.

The party, Clarissa Darden, has an Expectation of life of 15 years; and $60 discounted at Compound interest for 15 years, produces the sum of $582:74

The Commissioner herewith returns a copy of said Decree

Given under my hand, as Commissioner aforesaid, the day and year first aforesaid.

Peter B. Prentis

Commr

Commissioner's Fee $10 —

Elisha H. Darden & wife
& al:

vs

Comm[rs] Report of many
value of Dower &c in
River Farm

Clarissa Darden & al

1848. Septr: 18th filed.
ck

Darden & wife &c
vs Ch: Notes
Darden widow &c

1866. Decr: 15th: Sumd in chy: issued to Janry: Rules 1867.

1867. Janry: 7th: Bill filed

" " " Conditional decree vs defendants Clarissa Darden, & Wm T. Eleanor & Mary Jane, his wife.

" " " Peter B. Scruggs, appointed gdn: ad litem to the infant defendants, who filed their answer to which there was a general replication & cause set for hearing as to them.

" " " Proper affidavit having been made & filed as to the non-residence of the defendants Rs: B. C. N. Darden, Wm: C. Darden & Justin Darden, an order of publication is awarded as to them.

" Feby 5th: Conditional decree vs defts: Clarissa Darden & Wm T. Elenor & Mary Jane, his wife confirmed; cause set for hearing, as to them

" March 4th: Or: of Publication having been published & proved according to law, cause set for hearing on motion of Complts Counsel

1867. April 17th Decree for division &c

" Sept 5th: Report filed

" Octo: 14th: Decree for Sale, Dower &c

1868. Janry: 11th: Report of Dower filed

" Apl: 22nd Continued — 1868. Septr: 15th: Report of Sale filed

" Sept: 18th: Report & survey value of Dower in Rents Farm —

" Octo: 13th: Decree to Collect &c — (1869. Apl: 21st) Continued (Oct. 1870 & 71: & Nov

1869. Octo: 12th: Decree to re-sell unless the purchase pay in 90 days — also to substitute H. S Darden, as purchaser & the land sold to J. D. Darden & to make him a Deed

1870. April 20th. Continued

1870. Octo: 12th. Report Adv of Final Decree

Col. Hollett

Elisha H. Darden Surbe

vs.

Clarissa Darden &c.

This cause came on this day to be again heard on the papers formerly read & on the reports of Peter B. Prentiss & of Wm Eley Shff. & Comr. made pursuant to the decree of the 14th of October 1867 - to which reports no exception has been filed, & was argued by Counsel. In consideration whereof the Court doth confirm the said Reports and doth adjudge, order and decree that Wm Eley, Sheriff & Comr. aforesaid, receive of the Clerk of this Court the Bonds of the purchasers of the real estate sold under proceedings had in this cause, (who will deliver the same to him on leaving a Receipt therefor), to wit: the three Bonds of J. L Darden and others, each for $1138.57 1/3, the Bond of Lewis Darden & Elisha H. Darden for $63.57 & the Bond of Clarissa Darden and E. B. Bell for $141.33, and proceed to collect the same, and when paid make to the several purchasers of the Realestate referred to, Deeds with special warranty in the usual form, and that out of the proceeds of such collections he pay

any ents that may remain unpaid, and then pay to said Clarissa Darden the sum of $587.74 in fee simple in lieu of her dower in the Land sold, situated on Nansemond River, together with Interest from the 14th day of September 1865 till paid; and in the deed conveying such land she the said Clarissa Darden is required to join to convey unto fully her estate therein — and out of the proceeds that may then remain, pay and distribute the same, as also any money he the said Eley as Sheff. & Committee of Edward H. Darden, dec'd may have in his hands after paying all debts due by said deceased, as follows — To Rc. B. C. N. Darden, Wm C. Darden, Justin Darden, Martha Jane Ellenor wife of Wm J. Ellenor, Henning S. Darden, Edward B. Darden & Sydna Darden & Nancy V. wife of Elisha D. Darden & Joseph L. Darden, which payments are to be made to the said parties who are adults & to the legal guardian of the Infants, and make report of such payments to Court.

Warden &
N.

Warden Jac

1868

Oct. 6th. Decree

To be entered.

Rich. H. Bakes

Encl

## NEW ADVERTISEMENTS.

### VALUABLE LANDS FOR SALE
IN NANSEMOND COUNTY.

Pursuant to a Decree of the Circuit Court of Nansemond county, made on the 14th day of October 1867, in the Chancery cause therein pending, wherein Elisha H. Darden and others, are Complainants, and Clarissa Darden and others, are Defendants; I shall sell, on

MONDAY, THE 9TH DAY OF DECEMBER,

next, (being Court day) before the Court House door in Nansemond [illegible] or parcels of land, belonging to the Estate of Edward H. Darden, deceased, to wit:

1.—The Farm on Nansemond river, containing 150 acres more or less, and adjoining the lands of John C. Cohoon, James H. Decormis, and others.

2.—A Tract of 141 acres, more or less; adjoining the lands of Edward B. Hunter, and others.

3.—The "Godwin Jones" tract of 127½ acres more or less, adjoining the lands of John Wright Isaac Lee, and others.

4.—The "Copeland Tract" of 55½ acres, more or less; adjoining the lands of Isaac Lee and others.

5.—A Tract of 42½ acres, more or less; adjoining the lands of Richard W. H Darden, Dempsey Darden and others.

6.—One undivided Eighth of the Wainoke Tract.

All the above described lands, except the Farm on Nansemond river, are to be sold subject to the Dower right of Mrs. Clarissa Darden.

TERMS.—The costs and expenses will be cash. The balance on a credit of Six, Twelve and Eighteen months with interest from date; the purchasers to give bond and good security, and the title to be retained till the further order of the Court.

WM. ELEY,
no8-4t Sheriff and Commissioner.

### VALUABLE LANDS
WITH IMPROVEMENTS
FOR SALE.

Pursuant to a Decree of the Circuit Court of Nansemond county, made on the 12th day of October 1867, in the Chancery cause therein pending, wherein C. W. Lassiter, &c., is Plaintiff, and William Eley, Sheriff of Nansemond county and Committee of Milton Babb, dec'd and Willis W. Babb are Defendants, I shall sell on

MONDAY, THE 9TH DAY OF DECEMBER

next, (being Court day) before the Court House door of Nansemond county, a Tract of Land belonging to the Estate of said Milton Babb, dec'd, containing One Hundred Acres, more or less, and adjoining the lands of the late Thaddeus G Williams and others.

TERMS.—The costs and expenses will be Cash, the balance on Six months credit with interest from date; the purchaser to give bond and good security, and the title to be retained till the further order of the Court.

WILLIAM ELEY,
no8-4t Sheriff and Commissioner.

All Available Text Successfully Captured

I, S. Hodges & Co

The Virginian, a newspaper printed in the City of Norfolk, in the State of Virginia, do hereby certify that the order hereto annexed has been published once a week for four successive weeks in the newspaper aforesaid.

Given under my hand this 4th day of March A. D. 186 7

S. Hodges & Co

Cost of executing the said order, paid by the above-named plaintiff, $ 6.75

VIRGINIA.—At Rules held in the Clerk's office of the Circuit Court of Nansemond county, on Monday, the 7th day of January, 1867:

Elisha H. Darden and Nancy W., his wife, and Joseph L. Darden, complainant,

against

Clarissa Darden, widow, Ro. B. C. H. Darden, William C. Darden, Justin Darden, William T. Eleanor, and Martha Jane his wife, Henning S. Darden, Edward B. Darden and Lydia Maria Darden, the last three being under twenty-one years of age, Defendants,

IN CHANCERY.

The object of this suit is to divide or sell the real estate, of which the late Edward H. Darden, died seized and possessed. Affidavit having been made that the defendants, Ro. B. C. H. Darden, William C. Darden, and Justin Darden, are not residents of the State of Virginia, they are hereby required to appear in the said Clerk's office, within one month after due publication hereof, and do what may be necessary to protect their interests.

A Copy—Teste:

PETER B. PRENTIS, Clerk.

JNO. R. KILBY, p. q. ja12—1aw4w

Norfolk, Va., March 1867

Mr. John R. Kilby Suffolk

# To The Norfolk Virginian, Dr.

S. HODGES & CO.

To Advertising

| | | | |
|---|---|---|---|
| 1867 | | | |
| Jany 12 | Rules. Dawdew v. S. Dawdew 3 cgs Weekly 4 weeks | | $ 6.75 |

Rec'd Payment
S. Hodges & Co

John R Kirby
Suffolk
6, 7, 5

Norfolk, Va. Dec 24th 1867

Mr Wm Eley,

EVERY DESCRIPTION OF
**JOB PRINTING**
NEATLY EXECUTED.
Satisfaction Guaranteed.

To **NORFOLK VIRGINIAN**, Dr.

**Newspaper and Job Printing Office,**

**Nos. 23 & 25 MAIN STREET.**

1867

Nov 18th To 200 Valuable Land in Nansemond County 5 Lots 2 Acres 30 Rods. 16 25

Rec'd Payt

L. Hodges & Co

Suffolk, Dec. 17th, 1867.

William Eley, Sheriff & Com'r

1867. To W. B. Wellons, Ed. "C. Sen" Dr.

Nov. 8th To advertising sale of lands - Godwin

Jones & other tracts — 44 lines 5 times $13.20

Rec payment

W. B. Wellons

per. D. T. Whitley

Col. Wm Eley.

1868. To "Christian Sun" Suffolk, Va. Dr.

August 14th -- To adv. Land Sale (E.H. Darden)

31 lines 4 times $7.75

Received Payment Octo. 8th 1868.

J. J. Whitley.

" For "Sun"

At a Circuit Court held for Nansemond County the 11th day of October 1867.

Elisha H Warden and Nancy W his wife and Joseph L Warden — Complainants

against &c. In Chancery.

Martha Warden, (Widow) Ro. B. C. H. Warden, Wm C. Warden. Justin Warden Wm J Eleanor, and Martha Jane, his wife, Henning L. Warden, Edward B. Warden and Lydia Maria Warden; the last three, being under twenty one years of age. — Defendants.

This Cause, came on this day to be again heard on the papers formerly read and on the Report of Edwin Smith, Wempsey Jones, and Wm. W. Warden, made pursuant to the decree of the 17th of April 1867. to which report there is no exception, and was argued by Counsel, On Consideration whereof the Court doth confirm the said Report, and doth adjudge, order and decree that William Eley Sheriff of Nansemond County, who is appointed Commissioner for that purpose, proceed after the assignment of Dower as hereinafter provided, to make sale of the lands whereof said Edwards. H Warden died seized and possessed, before the Court house door of Nansemond County on some Court day, after having advertised the same by advertisement at the Court House door of Nansemond County, and by printed hand-bills, and also in the "Christian Sun" a Newspaper, published at Suffolk, once a week

for four successive weeks, and also once a week for three weeks, in some Newspaper published in Norfolk: that is to say, the farm on Nansemond River in Nansemond County containing one Hundred and fifty acres, more or less, adjoining the lands of Jno C. Cohoon Jas. H. Decormis and others, to be sold without any dower therein, the said Clarissa Warden, widow of said deceased, by writing marked X filed in this cause, consenting to relinquish her dower therein for an equivalent in money in fee simple. (Second,) a tract of land in the upper parish of Nansemond County containing one hundred and forty one acres, more or less, and adjoining the lands of Edward B. Hunter and others (subject to the dower of Mrs Clarissa Warden therein) (Third) the "Godwin Jones" tract of land, in the upper Parish of Nansemond County, containing one hundred and twenty seven and a half acres, more or less, and adjoining the lands of John Wright, Isaac Lee and others. Fourth, the "Copeland tract" containing fifty five and a half acres more or less and adjoining Isaac Lee and others. Fifth, a tract of forty two and a half acres, which said Edward H Warden obtained by division of Mrs Sally Wardens land, (his mothers) adjoining the lands of Richard W H Warden, Wampsey Warden and others. (Sixth) one undivided Eighth of land called the "Wainoke tract." of but little value. These two last parcels described in said Commissioners Report—

That the said William Eley as Commissioner

aforesaid in making such Sale, may sell in such parcels, as he may deem best for the interest of all parties, and shall in no case suffer the said Lands to sell for a sum below a reasonable price. and that such Sale, shall be for a sum in cash sufficient to pay costs of suit and expenses of sale, which he will pay to those entitled thereto and the Balance, on a credit of six, twelve and Eighteen months with interest from date, taking bond and good security from the purchasers and retain the title to said Lands till the further order of the Court. And the Court doth further adjudge order and decree that a Commissioner of this Court ascertain what would be a fair equivalent in money in fee simple in lieu of the dower of Mrs Clarissa Darden, in the first aforesaid tract of Land on Nansemond River, and make Report to Court, with any matters specially stated deemed pertinent by himself or that any of the parties may require to be so stated. And the Court doth further adjudge order and decree that Edwin Smith, Wm W. Darden and Dempsey Jones, (who are hereby appointed Commissioners for that purpose) proceed to set apart and assign unto Mrs Clarissa Darden, one third in value of the Lands, whereof her husband Edward H Darden died seized and possessed (except in the tract of Land on Nansemond River aforesaid) as and for her dower therein, and make report to Court.

A Copy:

Teste:

Peter, B. Prentis. Clerk

Elisha H. Darden & wife & al:

vs } Co: Decree

Clarissa Darden (widow) & al:

To The Circuit Court of Nansemond County.

The undersigned respectfully reports to Court, that pursuant to the annexed Decree of the Circuit Court of Nansemond County, pronounced on the 14th: day of October 1867, in the cause therein pending, wherein Elisha H. Darden and Nancy W. his wife, and Joseph L. Darden, are Complainants, and Clarissa Darden (widow) and Ro: B. C. H. Darden and others are Defendants, he proceeded to advertise the lands referred to in said Decree, in the manner therein directed, and did, on Monday, the 9th: day of December 1867 (being Court day) sell at auction a portion of the said lands, on the terms named in said Decree, when the following parcels were purchased as follows:

141 acres, more or less, adjoining the lands of Edward B. Hunter & others were purchased by Clarissa Darden for . . . . . $222:50

And 42 1/2 acres, more or less adjoining the lands of Richard W. H. Darden, Dempsey Darden and others were purchased by Lewis Darden for . . . . 100:00

making . . . $322:50

Carried forward.

Brot: forward . . . . . $322:50

The costs and expenses were received in cash from the purchasers, viz:ably, and paid out as follows:

So Peter B. Prentis. Clerk . $15:00 ✓
" John R. Kelly. Atty: &c 31:00 ✓
" Wm Eley Sheriff . . 1.50
" Edwin Smith. Commr: of Dower. 5:00 ✓
" Wm: W. Darden. do. do: 2.50 ✓
" Dempsey Jones " " 2.50
" Printers "Sun" & "Virginian" . 36:20 ✓
" R.H. Brinkley. Crier . . 2:50 ✓
" Commr: D 5 per Ct: on $300 . . 15:00
" do. " 2 do " $22.50 . . 45-
" " for two Deeds & Stamps . . 6.00 = $117:65-

$204:85-

for which the bond of Claiborne Darden and E.B. Britt, payable 12 months after date with interest from date has been taken for . . . $141:33

And the bond of Lewis Darden and Elisha H. Darden, payable as above has been taken for . . . $63:52 = $204:85

Your Commissioner further reports, that he deemed it impracticable to sell the other portions of said lands on that day (9th: Decr: 1867), and that

afterwards, he proceeded to advertise the same, in the manner directed, and did, on Monday the 14th. day of September 1868 (being Court day) sell the same at Auction (except One undivided Eighth of the Wainoke Tract) on the Terms named in said Decree, when the same were purchased, as follows:

150 acres of land, more or less, on Nansemond River, and adjoining the lands of John C. Cohoon, James H. Dennis & others, were purchased by Joseph L. Darden for . . . . . $3000:00

and 127½ acres, more or less (the Godwin Jones Tract) and 55½ acres, more or less (the Copeland Tract) were offered together and sold as one tract, when the same was purchased by Joseph L. Darden for . . . . . 510:00

making . . $3510:00

The additional expenses of sale to were then deducted as follows:

To Comm$^{rs}$. @ 2 per ct: on $3510:00 . . . $70:20

" Said "Sun" for advertising . . . . . 7.75

" do Wm H. McGuire, Crier . . . . . 10:00

" " Deed & Stamps . . . . . 6.50 $94:45

$3415:55

Carried forward.

Brot: forward . . . . . $3.415:55c

For which three seperate bonds were executed by Joseph L. Darden H.S. Darden, Martha J. Ellenor, Wm: J. Ellenor, Clarissa Darden, Elisha H. Darden and B. P. Baker, payable, respectively, in Six, Twelve and Eighteen Months after date, with interest from date, each dated the 14th: day of Septr: 1868 and each for the sum of $1138:51 2/3 . . . $3415:55c

All of which bonds, five in number together with the receipts for the cash payments are herewith filed.

Your Commissioner finding it altogether impracticable to sell the One undivided Eighth of the Womack Tract (the only bona fide bid being $1.00c) begs leave to report accordingly.

All of which is respectfully submitted.

Wm Eley Sheff: & Commr:

1868. Septr: 29th Rec'd of Wm: Eley, Sheff: & Commr: the sums respectively due us and set opposite our names, under the foregoing report:

| | |
|---|---|
| Peter B. Prentis. Clerk | $15.00 |
| John R Kelly attr | 31.00 |
| John R Kelly for Printing | 6.75 |
| Wm J McGuire | 10.00 |
| N.H. Brumley | 2.50 |
| Edwin Smith | 5.00 |
| Wm [illegible] Darden | 2.50 |
| Gempsy Jones | 2.50 |

Witness. P.B. Prentis, as To W.W.D

Elisha H. Warden & wife
Pal:

Report of Sale

Clarissa Warden Pal:

1868. Septr: 15th. Filed
M:

Darden &c. vs. Darden &al.

This cause, in which the plaintiffs have proceed against the said Ro. B. C. H. Darden, Wm. C. Darden and Justin Darden, in the mode prescribed by law against absent defendants came on to be heard this day on the Bill taken for confessed as to the other absent defendants, and the answer of the infant defendants by ~~Wm~~ P. B. Pentis, their guardian ad litem, with general replication to said answer, and was argued by Counsel: On Consideration whereof the Court doth adjudge, order and decree that Edwin Smith, Dempsey Jones (Holyrock), Wm. W. Darden, and Willis E. Colson, be and they are hereby appointed Commissioners for that purpose (any three of whom may act), to set apart and assign to Clarissa Darden, widow of said Edward H. Darden dec'd. one third in value of all the Land whereof said Edward H. Darden died seized and possessed of as an estate of Inheritance, as and for her Dower therein, and to that end may assign her the same in one parcel in any one or more tracts: And the said Commissioners, or such as may act were then proceed to divide the remainder of said Lands, equally in value among the other parties entitled thereto, to wit Joseph L. Darden, Ro. B. C. H. Darden Rench R. Darden, Wm. C. Darden, Justin Darden Henning S. Darden, Edward B. Darden, Martha Jane wife of Wm. D. Elems, Nancy W. wife of Thomas H. Darden, and Lydia M. Darden -

That in making such division the said Comrs. or such as may act may allot to any one or more parties such part or portions of said Land as they

may think proper and the parties agree to accept and pay therefor such sum as the other parties may be entitled to, or may assign such Lands to those who may prefer Lands, or to whom it may be best thus to assign, and assess a money value to be paid to others — But if such division be impracticable and not convenient to be made, and a sale would best promote the Interests of all parties, then and in that case, the said Comrs. will so report and their reason therefor — That in making any such division the said Comrs. may employ a Competent Surveyor to aid them — which Lands are described as follows —

1st a Farm in the Lower Parish of Hammond County & on the East side of and adjoining Hammond River, and also adjoining the Lands of Jno. C. Colvin, Jas. E. Decarmo & others & contains One hundred & fifty acres more or less —

2d. a Tract of Land in the Upper Parish of Hammond County Containing one hundred and forty nine acres, more or less and adjoining the Lands of Edward B. Hunter & others.

3d. The "Godwin Jones" tract of Land in the Upper Parish of Hammond County Containing 127½ acres more or less and adjoining the Lands of Jno. Wright, Isaac Lee & others,

4th The "Cleveland tract" adjoining the Lands of Isaac Lee & others and Contains 55½ acres more or less.

And the said Comrs. will report to Court,

Pardon &

y

Pardon &c.

1867

April 9th. Decree.

To be entered

R. H. Baker

Entered

To the Circuit Court of Nansemond County

The undersigned report to Court that pursuant to the Decrees of the ____ day of October 1868 and October ____ 1869 made in the cause wherein Elisha H Darden & wife & are plaintiffs and Clarissa Darden & Others Defendants he received of the Clerk of this County the three Bonds of Joseph L Darden of $1138.51 1/2 100 each & of Lewis Darden & Elisha H Darden of $43.32 & of Clarissa Darden of $141.33 and has collected the Same, and made to the Several purchasers of the real Estate Sold under proceedings had in Said Cause, Deeds with Special warranty in the usual form The following Statement and receipts will show how the said money has been paid out—

1870
April 14th By amount of 3 Bonds of Joseph L Darden & the Interest on the Same $ — 3740.49

Amount of the two Bonds Due by Lewis Darden & Clarissa Darden & Interest $ 233 69

" 3974.18

To paid Clarissa Darden fee Simple in Lieu of the Dower in the River farm as per Decree of Octo. Court 1868, $382.47 100 & Interest per receipts $ 431.71

Carried on $ 3342.47

1870

April 14th " By amo. brought on $3342.47

To pay Elisha H Pardue & Nancy W his wife 1/9 per rec.d " 371 38 3/9

" paid Joseph L Pardue $ 371 38 3/9

" paid Wm C. Pardue $ 371 38 3/9

" Wm Ely adm.r Justin R Pardue dec.d " 371 38 3/9

" Wm Ely adm.r Rijus R Pardue dec.d " 371 38 3/9

" paid Wm T Elmor & Martha Jane his wife $ 371 38 3/9

Retained by Wm Ely Assignee of Hinning L. Pardue $ 371 38 3/9

Retained by Wm Ely assignee of Edward B. Pardue $ 371 38 3/9

To paid Beverly P. Baker & Lydia Mariah his wife $ 371 38 3/9

$3342 47 3342.47

Respectfully Submitted

Wm Ely Com.r

1870

April 14th Received of Wm Ely Shff & Com.rs of Edw.d H Pardue Dec.d the Sum of Six Hundred and Thirty one Dollars and Seventy one cts. in fee simple as afore said of the above fund as my Shair of Ballance due on Settlement of Estate of Said Dec.d paid to me as his widow

Clarissa Pardue

1870 April 11th Received of Wm Ely Sheriff & Comth
of Edwd H Darden Dec'd the Sum of Three Hund-
-red and Seventy One Dollars and Thirty eight &
five ninths cts each being our respective
Shairs of above fund of Ballance due
on Settlement of Said Estate

Thos L Elsenor
Wm J. Eleanor
his X mark
Lydia M. Baker
Beverly Q. Baker
E. J. Darden
W. C. Dorden by W B Wellons Agt.
Nancy H Darden
Elisha H Darden

Darden &c

vs

Darden &al:

Report.

322
3510
3832

1870. Oct: 12th. Filed
clk:

Elisha N. Darden &c

v.

Clarissa Darden &al.

The Undersigned, Clarissa Darden the widow of Edmund H. Darden dec'd, hereby declares that she is willing to surrender her dower in the tract of land on Rawmond river, containing one hundred and fifty acres more or less: and will accept in lieu thereof such sum in money, in fee simple, as the Law will allow her, she now being 57 years of age. That as to the other Lands of which her said husband died possessed she desires, to have her Dower assigned her in kind in metes and bounds —

She now signs and executes this paper for the information of the Circuit Court of the County of Rawmond, to be acted on in the proceedings now pending in said Court in a Chancery suit wherein Elisha N. Darden &others are plaintiffs and Clarissa Darden &others are Defendants.

Given under my hand & seal this 12th day of October 1867.

Witness — Clarissa. Darden. (Seal)

Hennion. S. Darden

Elisha. H. Darden

Darbin &
Co
Warburtal:

(X)

To the Circuit Court of Nansemond County –

The undersigned, Commissioners appointed by the decree of said Court made on the 17th day of April 1867, in the cause therein pending wherein Elisha N. Darden & wife are plaintiffs and Clarisa Darden & others are Defendants respectfully report that they find on examination that a partition in kind of the Lands named in said decree of which the said Edward N. Darden died seized and possessed is not desirable, to promote the Interests of the parties, but would be to their detriment – There are so many lots and the parcels of Land of such unequal value, that such division in the opinion of your Commissioners ought not to be made – They therefore recommend that Dower to the said Clarisa Darden be assigned to her in Kind in all of said Lands, except the tract on Nansemond River, and that the tract on Nansemond River be sold and in lieu of her Dower therein payed a sum of money in fee simple, and that all the other Lands referred to be sold after assigning her Dower in the same, subject to

to her dower therein —

Your Commissioners further report that in addition to the lands referred to, the said Edward H. Darden died possessed of forty two & a half acres of land in Nansemond County which he derived from the death of his mother Mrs. Sally Darden & which adjoins Richard W. H. Darden, Dempsey Darden & others — and also one Eighth in a tract of land called the "Wainrde land" not of much value, but which they recommend also to be sold.

Respectfully submitted.

Edwin Smith
Wm W. Darden
Dempsey Jones
Comm's.

Chay'd,
W. Ed. Smith $5.70
W. W. Darden. 2.50
Dempsey Jones. 2.50

At a Circuit Court held for Nansemond County, on the 17th day of April, 1867:

Elisha H. Darden and Nancy W., his wife, and Joseph S. Darden . . . . . Complainants:

against &c In Chancery

Clarissa Darden (widow) Rs. B. C. H. Darden Wm. C. Darden, Justin Darden, Wm. T. Eleanor and Martha Jane, his wife, Henning S. Darden, Edward B. Darden and Lydia Maria Darden, the last three being under twenty one years of age . . . . . Defendants:

This cause, in which the plaintiffs have proceeded against the said Rs. B. C. H. Darden, Wm. C. Darden and Justin Darden, in the mode prescribed by Law against absent defendants, came on to be heard this day on the Bill taken for confessed as to the other adult defendants, and on the answer of the Infant Defendants by P. B. Prentis, their guardian ad litem, with general replication to said answer, and was argued by Counsel: On Consideration whereof the Court adjudge order and decree that Edwin Smith, Dempsey Jones (Holy Neck) Wm. W. Darden and Willis E. Cohoon, be and they are hereby appointed Commissioners for that purpose (any three of whom may act) to set apart and assign to Clarissa Darden, widow of said Edward H. Darden deceased, one third in value of all lands whereof said Edward H. Darden died seized and possessed of as an Estate of Inheritance, as and for her Dower therein, and to that end may assign her the same in one parcel in any one or more tracts; and the said Commissioners, or such as may act will then proceed to divide the remainder of said lands, equally in value, among the other parties entitled thereto, to wit: Joseph S. Darden, Rs. B. C. H. Darden, Risup R. Darden, Wm. C. Darden, Justin Darden, Henning S. Darden, Edward B.

Dardon, Martha Jane, wife of Wm. T. Elmer, Nancy W. Wife of Elisha H. Dardon and Lydia M. Dardon: That in making such division the said Commissioners, or such as may act, may allot to any one or more parties such part or portions of said lands as they may think proper, and the parties agree to accept and pay therefor such sum as the other parties may be entitled to, or may assign such lands to those who may prefer lands, or to whom it may be best thus to assign, and assess a money value to be paid to others: But if such division be impracticable and not convenient to be made, and a sale would best promote the interests of all parties, then and in that case, the said Commissioners will so report and their reason therefor: That in making any such division the said Commissioners may employ a competent surveyor to aid them; which lands are described as follows:

First: A farm in the lower parish of Nansemond County and on the East side of and adjoining Nansemond River, and also adjoining the lands of Jno. C. Cohoon, Jas. H. Decermis and others, and contains One hundred and fifty acres, more or less.

Second: A tract of land in the upper parish of Nansemond County, containing one hundred and forty one acres, more or less, and adjoining the lands of Edward B. Hunter and others.

Third: The "Godwin Jones" tract of land in the upper parish of Nansemond County, containing One hundred and twenty seven and one-half acres, more or less, and adjoining the lands of Jno. Wright, Isaac Lee and others.

Fourth: The "Copeland tract" adjoining the lands of Isaac Lee and others, and contains fifty five and one half acres more or less.

And the said Commissioners will report to Court:

A Copy:

Teste:

Peter B. Prentis. Clerk

xmd

Elisha H. Darden & wife

Ind:

65 ∫ Co: Deed

Clarissa Darden (widow)

Ind:

Darden &c
vs Report

Darden &al

Sept: 5th 1867 Filed

At a Circuit Court held for Nansemond County, the 14th. day of October 1867.

Elisha H. Darden and Nancy W. his wife, and Joseph L. Darden. . . . . Complainants.

Against } In Chancery

Clarissa Darden (Widow) Ro: B. C. H. Darden, Wm: C. Darden, Justin Darden, Wm: J. Eleanor and Martha Jane, his wife; Newning S. Darden, Edward B. Darden, and Lydia Maria Darden: the last three being under twenty-one years of age . . . . . Defendants.

This Cause came on this day to be again heard on the papers formerly read, and on the Report of Edwin Smith, Dempsey Jones and Wm: W. Darden, made pursuant to the decree of the 17th. of April 1867, to which report there is no exception, and was argued by Counsel, on consideration whereof, the Court doth confirm the said report, and doth adjudge, order and decree, that William Ely, Sheriff of Nansemond County, who is appointed Commissioner for that purpose, proceed after the assignment of Dower as hereinafter provided, to make sale of the lands whereof said Edward H. Darden died seized and possessed, before the Court House Door of Nansemond County, on some Court day, after having advertised the same, by advertisement at the Court House Door of Nansemond County, and by printed hand-bills, and also in the "Christian Sun", a newspaper published at Suffolk, once a week for four successive weeks, and also twice a week for three weeks, in some newspaper published in Norfolk, that is to say: the first

on Nansemond River, in Nansemond County, containing One Hundred and fifty acres, more or less, adjoining the lands of Jno: C. Cohoon, Jas: H. Decarnis and others, to be sold without any dower therein, the said Clarissa Darden, widow of said deceased, by writing marked X, filed in this cause, consenting to relinquish her dower therein for an equivalent in money, in fee-simple. (Second) A tract of land in the Upper Parish of Nansemond County, containing One Hundred and forty-one acres, more or less, and adjoining the lands of Edward B. Hunter and others (subject to the dower of Mrs: Clarissa Darden therein) (Third) The "Godwin Jones" tract of land, in the Upper Parish of Nansemond County, containing One Hundred and twenty-seven and a half acres, more or less, and adjoining the lands of John Wright, Isaac Lee and others: Fourth- The "Copeland tract," containing fifty-five and a half acres, more or less, and adjoining Isaac Lee and others. Fifth: a tract of Forty-Two and a half acres, which said Edward H. Darden obtained by division of Mrs: Sally Darden's land (his mother's) adjoining the lands of Richard W.H. Darden, Dempsey Darden and others. (Sixth) One undivided Eighth of land called the "Wainoke tract." of but little value. These two last parcels described in said Commissioners Report- That the said William Eley as Commissioner aforesaid, in making such sale, may sell in such parcels as he may deem best for the interest of all parties, and shall in no case suffer the said lands to sell for a sum below a reasonable price, and that such sale shall be for a sum in cash sufficient to pay costs of suit and expenses of sale, which he will pay to those entitled thereto, and the balance on a credit of six, twelve and eighteen months

with interest from date taking bond and good security from the purchasers, and retain the title to said lands till the further order of the Court. And the Court doth further adjudge, order and decree, that a Commissioner of this Court ascertain what would be a fair equivalent, in money, in fee-simple, in lieu of the dower of Mrs Clarissa Darden, in the fish aforesaid tract of land on Nansemond River, and make report to Court with any matters specially stated, deemed pertinent by himself or that any of the parties may require to be so stated. And the Court doth further adjudge, order and decree, that Edwin Smith, Wm: W. Darden and Dempsey Jones (who are hereby appointed Commissioners for that purpose) proceed to set apart and assign unto Mrs: Clarissa Darden, one third in value of the lands, whereof her husband, Edward H. Darden died seized and possessed (except in the tract of land on Nansemond River as aforesaid) as and for her dower therein, and make report to Court.

A. Copy:

Teste,

Peter B. Prentis. Clerk

Elisha H. Darden & wife X'mo Dal:

Ts & Ex. Decree

Clarissa Darden (widow) & al:

To the Circuit Court of Nansemond County.

The Undersigned, Commissioners appointed by a decree of said Court made on the 11th day of October 1867, in the cause therein pending wherein Elisha N. Darden and wife &c are plaintiffs and Clarissa Darden and others, Defendants, beg leave to report that they proceeded to set apart and assign unto the said Clarissa Darden, widow of Edward N. Darden and one third in like as Dower, in the Lands of said deceased (Except in the Tract on Nansemond River); and we assigned to her as such Dower the "Home Tract" in the Upper Parish of Nansemond County, Containing 140 acres, more or less valued at $350:00

That in order to get at the value of said Lands, we make the following valuation, to wit: The Tract of 140 acres, at $350:00
The Godwin Jno, tract of 127 " " 400.00
The Copeland Tract of 55 " " 150.00
The Spruce Tract of 42½ " " 100.00
Interest in the Wamoke Tract " " 50.00
$1050:00

The 140 acres, assigned, above being 1/3 is $350:00

Respectfully submitted
Jany. 11th 1868.

Edwin Smith
Comp. Jones
Wm M. Darden

Elisha H. Darden
vs:
n. & Legal.

Clarissa Darden
Petition

1868
Jany: 11th: Filed

Darden &c.

vs

Darden and &c

This cause came on this day to be again heard on the papers formerly read & on the Report of Wm Ely, made pursuant to the Decree of the October Term 1868 – to which report there is no exception manifested by Counsel. On Consideration whereof, the Court doth confirm the said Report and doth adjudge & decree that the proceedings had in this cause be confirmed & made final & binding between the parties, & that this cause be removed from the Docket.

Dawson
v.
Dawson

1870
Oct. Ct. Decree

To be entered.
Geo T Blount

The Joint and Separate answer of Henning S, Edward B and Lydia Maria Dowden, infants, by Peter B. Prentis, their guardian ad litem, to a Bill in Chancery exhibited against them and others, by Elisha H. Dowden & wife, and Joseph L. Dowden, in the Circuit Court of Nansemond County.

These Respondents say, that so far as they know or believe, the facts set forth in said Bill are true: but, as they are ignorant of their rights, being infants, they submit the same to the Court, and pray, that no order or decree may be made in the cause (to the prejudice of their interests.) And having answered &c

(Sgd)

Peter B. Prentis.

g.d: ad litem

Elisha A. Darden Dec'd

vs

Answer of infant defendants, by g'd ad litem

Clarissa Darden (widow) Dec'd

To the Hon: Richard H. Baker, Judge of the Circuit Court of Nansemond County.

Complaining, shew unto the Court, your Complainants, Elisha N. Darden and Nancy W. his wife and Joseph L. Darden.

Your Complainants respectfully represent to the Court and say, That Edward N. Darden of said County, died in the said County, Intestate, on the day of April 1865, leaving as his heirs at Law, his widow, named Clarissa, and Ten children to wit: Joseph L. Darden (one of your Complainants); Ro. B. C & L Darden, Risdp R. Darden, Wm C. Darden, Justin Darden, Hemingd. Darden, Edward B. Darden, Martha Jane ~~Darden~~, now wife of Wm J. Elenor, Nancy W. wife of your Complainant Elisha N. Darden, and Lydia M. Darden. —

That the said Hemingd; Edward B; & Lydia M. are under twenty one years of age —

That Risdp R. Darden, has died since his said father, never having married and left one child, leaving his mother and brothers & sisters above named as his heirs at Law — That Ro. B. C & L Darden and Justin Darden are non residents of Virginia, —

Your Complainants further represent and say That the said Edward N. Darden died seized and possessed of the following parcels of Land in Nansemond County, to wit (1st) a Farm in the Lower Parish of Nansemond County & on the East side of

and adjoining Nansemond River, and also adjoining the Lands of Jno. C. Cohoon, Jas. E. Decornis others, and containing one hundred and fifty ——— acres, more or less—

2d. A tract of Land in upper Parish of Nansemond County, containing one hundred and forty one acres, more or less, and adjoining the Lands of Edward B. Hunter others;

3d. The "Godwin Jones tract" of Land in the upper Parish of Nansemond County containing ——— 127 1/2 ——— acres more or less and adjoining the Lands of Jno. Wright, Isaac Lee others—

4th. The "Copeland tract" adjoining Isaac Lee & others and containing 85 1/2 ——— acres, more or less—

That the said Clarissa Darden widow of said Edward H. Darden dec'd. is entitled to Dower in said Lands, and your Complainants pray that the same may be assigned to her—

Your Complainants pray that partition of said Lands may be made among the several parties according to their rights, and that if partition cannot be conveniently made, the entire subject may be allotted to any one who will accept it, and pay therefor to the other parties such sums of money as their interest therein may entitle them to: or if, the Interests of those who are

entitled to said Lands, or the proceeds thereof, will be promoted by a sale of the same, (and as your Complainants charge will be the case) that in that case a sale of the same may be made and the proceeds divided among those entitled.

In consideration whereof, and as this Court has Jurisdiction to grant all proper relief— To the End your Complainants pray that Elanipa Darden (widow), Ro. B. G. Darden, Wm. C. Darden, Justin Darden, Wm. J. Elenor and Martha Jane his wife, Henning S. Darden, Edward B. Darden & Lydia Maria Darden — the last three being under twenty one years of age — may be made defendants hereto, and be required to answer the allegations herein — That the prayer of your Complainants may be granted and that such other and further relief may be granted, Consistent with Equity &c.

And your Complainants &c.

John R. Kilby p. q.

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Kilby p. o

Elisha N. Dardendale

to

Bill

Clarissa Dardendale.

Hancock Cir. Court.

1870.

Kirby p. v

Elisha N. Darden

Jas. C. } Chy

N. J } Chy

Clarissa Darden

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Nam. Cur. Ct