

1816-0-10

SOUTHAMPTON COUNTY
CHANCERY PAPERS

JOHNSON et als vs. GLOVER et al

10/1816

Judgments

other surnames : Darden,
Gardner, Lawrence,
Lawrence

Shannon &
Bice
Glover &

Sept. 19th 1815 Deared & Mrs.

Ent^{le}

William Gardner
James Carr
Anthony Carr
William Moore

May 3

To the worshipful Court of Southampton County in Chancery sitting -
Humbly complaining shew unto your worships your orator Martha
Johnson, widow & executrix of Nathan Johnson dec'd, late Martha Darden,
your infant orator Jesse ~~Gardner~~ Darden, by Jesse Gardner, his
guardian and next friend, and your orator and oratrix Robert
Glover and Julia Glover, that on the day of
a certain Robert Darden departed this life in the County
of Southampton intestate, leaving a widow, Honour Darden,
and three children, to wit, your oratrix Martha, David Darden,
and Peggy Gardner, wife of Joshua Gardner, late Peggy Darden -
that the said Robert Darden left five grand children, to wit,
your infant orator Jesse, a son of Betsey Darden, a daughter
of the said Robert, and ~~your orator Robert Glover & Julia Glover~~
~~and John Glover, and Henry Glover, children of John Glover and~~
~~Polly Glover, now dec'd, late Polly Darden, a daughter of the~~
said Robert - that after the death of the said Robert Darden, the
real estate, of which he died seized, was, one third part thereof,
allotted to the said Honour Darden, as her dower therein,
and the remaining two third parts thereof, divided by a decree
of this Court, between the aforesaid children and grandchildren
of the said Robert Darden dec'd, in the manner and in the
proportions required by Law - that the said Honour Darden, widow
& executrix of the said Robert Darden dec'd, is now dead - that, during
the lifetime of the said Honour Darden, to whom one hundred
& twenty acres of the land, of which the said Robert Darden died seized,
were allotted as her dower therein, the said David Darden
and Joshua Gardner & Peggy his wife, by their deed of Bargain
Sale, sold all their right, title, interest & estate, of in and to the said
one hundred and twenty acres, allotted to the said Honour Darden

as he doer as aforesaid, to a certain Farr Darden, who after
wards by his Deed of Bargain Sale, sold all the right, title, interest
estate, of the said David Darden and Joshua Gardner and
Peggy his wife, ^{which had been conveyed to him,} to ~~the said~~ Nathan Johnson, late husband
of your oration, as will fully appear by attested copies of
the said Deeds of Bargain Sale from the said David Darden
and Joshua Gardner and Peggy his wife, to the said Farr Darden, and from
the said Farr Darden, to the said Nathan Johnson, all of which
have been duly admitted to Record in the County Court of Southampton,
hereto annexed, & to which your worships are referred as
a part of this bill - that the said Nathan Johnson shortly after
after died having first duly made & published his last will &
testament in writing, in which he devised as follows - "I lend
to my dearly beloved wife, Patsy Johnson, all my land, one negro boy
& Mares, one horse, bridle & saddle, all my moveable property, growing Rent,
during her natural life, and after her death, one half of the said property
I give to my sister Lemmy Hollander & her heirs for ever - the other
half to my said wife, to be disposed of as she may think proper
to her and her heirs for ever", as will fully appear by
an attested copy of the said last will & testament
hereto annexed & to which your worships are also
referred as a part of this bill - so that your oration
Martha Johnson (Patsy Johnson) is now Entitled, to one fifth part of
the said 120 acres of land, allotted to the said Honour Darden
as he doer as aforesaid, ^{in fee,} in her own right, as one of the children
of the said Robert Darden dec'd, and to two fifth parts thereof,
as Devisee of her late husband, the said Nathan Johnson dec'd -

Nevertheless the same cannot be reduced into possession, without
the aid of a Court of Equity, where matters of this sort
are properly cognizable - to the end therefore, that the said
John Glover and Henry Glover, infant children of the said
John Glover & Polly Glover dec'd, by their Guardian ad litem,
may be made Defendants to this bill & be compelled
to answer all singular the allegations of the same, &
that as fully as if the same, ~~was~~ were here in again repeated,
they thereunto particularly interrogated - that your worships
will thereupon decree, that the aforesaid 120 acres of land be
divided into 5 equal parts, that one equal 5th part be allotted to
your oration Martha, in her own right, & that 2 equal 5th parts
be allotted to her, for the term of her natural life, as Devisee
of her late husband Nathan Johnson dec'd, that another equal
5th part thereof be allotted to your infant orator John Darden,
in right of his ~~deceased~~ deceased mother Patsy Darden, and that the
remaining 5th be sold at public auction, ^{on such credit as your worships may approve} and the money equally
divided between your orator Robert, Glover, your oration Julia
Glover, and the aforesaid John Glover & Henry Glover, ~~in~~ in
right of their mother Polly Glover dec'd - that any other decree
be rendered, & any other General relief granted in the pre-
mises, consistent with Equity and good Conscience - May it please
your worships to grant the form movant's writ of Subpoena, com-
mending &c, and as in duty bound, your oration &c, will
ever pray &c

Still for prompt

The Joint Separate answer of John Glover and Henry Glover, infant
 children of John Glover, and Polly Glover dec'd, ~~to the foregoing bill~~
 by Carr Darden their guardian specially appointed to defend
 them in this behalf, to the foregoing bill of complaint exhibited
 against them by Martha Johnson, widow & relict of Nathan Johnson
 dec'd, ~~Lepe Gardner~~ an infant, under the age of twenty one years
 of John Gardner, his guardian & next friend, and Robert Glover
 and Julia Glover. The said defendants, by their said
 Guardian ad litem, saving & reserving &c for answer
 thereto say - That the allegations in the said bill contained
 are true, & that they ^{will} submit to such decree in the premises,
 as the wisdom of this Court may approve - and they pray
 to be hence dismissed &c

(Signed) Carr Darden

1873-3

Wm. L. Brown
 James Brown
 Henry Brown
 William Brown

Wm. L. Brown

Sept 19th 1875 Docketed

Johnson &c
 vs
 Glover &c
 Bill -

Martha Johnson, widow and relict of Nathan Johnson dec'd,
Jesse Darden, an infant under the age of twenty one years,
by Jesse Gardner, his guardian and next friend, Robert
Glover and Julia Glover ————— Compls
against

John Glover and Henry Glover, infant children of
John Glover and Polly Glover deceased, by Carr Darden,
their guardian, specially appointed to defend them — Defs

This cause was this day docketed by the consent of the parties, and the assent
of the Court, and was heard upon the bill and the answer of the
defendants, and was argued by Counsel, whereupon the
Court doth adjudge, order and decree, that Ethelred Gardner, James
Carr, Arthur Carr, and Littleton Moore, or any three of them,
attended by the Surveyor of Southampton County, do divide a por-
tion of land, in the said County, containing 120 acres, heretofore allotted
to the late Honour Darden, widow & relict of Robert Darden deceased,
as her dower, into 5 equal parts, having due regard as well
to quality as quantity — that they allot one of the said ~~equal~~ parts to
the complainant Martha Johnson, to be held by her in fee simple, as one
of the children of the said Robert Darden deceased, and two other of
the said parts to the said Martha Johnson, to be held by her, for the term
of her natural life, as devisee of her late husband Nathan Johnson dec'd;
that they allot another of the said parts to the complainant Jesse ~~Gardner~~
to be delivered to the aforesaid Jesse Gardner, his guardian, &
that they sell the remaining fifth part at public auction, on a
credit of 12 months, giving at least two weeks ~~previous~~
that they convey the same without warranty to the purchaser from whom they are to require bond with good security,
public notice of the time and place ^{of sale} and divide the proceeds
of the said sale equally between the complainants Robert
Glover, Julia ^{Glover}, and the defendants John Glover and Henry Glover,
in right of their late mother, Polly Glover deceased: taking

case to pay over the proportions of the ~~said~~ ~~infant~~ dependants John
Glover and Henry Glover, to the aforesaid Carr Darden, their guar-
dian appointed to defend them in their behalf, to be held by him as Trustee
for their benefit until the further order of this Court. His further
ordered that the said Commissioners make a report of their acting
doings in this behalf to the Court, in order to a final decree.

Schusau V^o
(vs)
Glover V^o } Decree

February 1816

Rept. ret. & Decree
Lencil

At a Court held for Southampton County September 19th 1815

Martha Johnson, widow and relict of Nathan Johnson deceased, Jesse Darden, an infant under the age of twenty one years, by Jesse Garsener, his Guardian and next friend Robert Glover and Julia Glover - Complainants

Against

John Glover and Henry Glover, infant children of John Glover and Polly Glover deceased, by Carr Darden their Guardian specially appointed to defend them ----- Defendants

John L. Hanchey

This Cause was this day docketed by Consent of the parties and the Assent of the Court, and was heard upon the bill and the answer of the Defendants, and was argued by Counsel, Whereupon the Court with adjudge, orders and decree, that Whitered Garsener, James Carr, Arthur Carr and Leuticus Moore, or any three of them Attended by the Surveyor of Southampton County, do divide a parcel of land, in the said County containing one hundred and Twenty Acres, heretofore allotted to the late Honour Darden, widow and relict of Robert Darden, deceased as her dower into five equal parts having due regard as well to quality as quantity that they allot one of the said parts to the Complainant Martha Johnson to be held by her in fee simple as one of the children of the said Robert Darden deceased, and two three of the said parts to the said Martha Johnson to be held by her for the term of her natural life, as devisee of her late husband Nathan Johnson deceased That they allot another of the said parts to the Complainant Jesse Darden to be delivered to the aforesaid Jesse

Garsner, his Guarantors that they sell the remaining fifth part at public auction on a credit of twelve months giving at least two weeks previous public notice of the time and place of sale that they convey the same without warranty to the purchaser from whom they are to require bond with good security and divide the proceeds of the said Sale equally between the Complainants Robert Glover, Julia Glover and the defendants John Glover and Henry Glover in right of their late mother, Polly Glover deceased, taking care to pay over the proportion of the said defendants John Glover and Henry Glover, to the aforesaid Carr Darsen, their guarantors appointed to defend them in this behalf, to be held by him as trustee for their benefit untill the further order of this Court It is further ordered that the said Commissioners make a report of their actings and doings in this behalf to the Court in order to a final Decree &c

A Copy
Jesse Rochelle &c.

Report of the division
of the Dowed lands
of Widow ^{Dar Dene}
Ded _____

OCT. 21st 1856 Rep. Rec.
I Deere final by Consent

Agruables to an Order of the County Court of
Sampton to its dated bearing date Court
181 We the Undersigned have gone on the
lands where the Widow Thomas Garden formerly
lived attended with the County Surveyor as by
the Order we were required and have run
out and divided the same in manner and
form following (to wit) to lot n^o 1 containing
25 acres drawn by Jesse Garden being his
Proportionable part in the S^d lands to
also lot n^o 2 20 acres drawn by Thomas Lawrence
in fee simple right of his Wife — also lot
n^o 3 containing 25 acres drawn by Thomas
Lawrence Otherwise. also lot n^o 4. 25 acres
drawn by July Glover. her Proportionable part
in the S^d lands; and also lot n^o 5
25 acres drawn again by Thomas Lawrence
which makes his respective rights and titles in
all the S^d lands. Which will more fully
appear by having reference to the Plat
Annexed to this report — Given
Under our hands this 21st day of August 1816

Thos^d Garden

Lucy

Commissioner's
Report

Agreeable to a decree of the County court
of Southampton to us directed to copy
whereof is here Annexed We the Subscribers
have Divided the lands of Honour Darden
deceased into five equal parts (Viz)
(Number one), containing twenty five
Acres Adjoining the lands of Patience
Darden & Joshua Gardner thence a straight
line across the plantation to the Indian
Branch we have allotted to Jesse Darden
(Number two), containing twenty Acres
Adjoining number one we have allotted
to Martha Laurence (formerly Johnson),
as her fee Simple in the said Lands
Number three & four ^{containing twenty five Acres each} as her right
agreeable to the Will of her late husband
Nathan Johnson deceased & Number
four which was allotted to the Heirs of
John Glover containing twenty five Acres
we have set up at public Auction
& Sold to Thomas Laurence beame

The Purchaser for the Sum of Seventy
five Dollars who gave Bonds According
to the direction of the said decree given
under our hands this 19th day of
February 1816

Orlando Gordon
James Carr
Arthur Carr

At a Court held for Santhampton County the 16th of October 1809

This Indenture was proved by the oaths of Will^m Truiper and James Carr two of the witnesses thereto and continued And at a Court held for said County the 15th day of October 1870 This Indenture was further proved by the oath of Jordan Williams another witness thereto and ordered to be recorded.

Teste Samuel Kello Es

A Copy

Siste

James Rochelle Es

Darsen }
to } Deed
Darsen } a Copy

Costs 70 Cents

This Indenture made this 4th day of March One thousand Eight hundred
and nine Between David Darsen of the one part and Carr Darsen of Southampton
County Virginia of the other part Witnesseth that the said David Darsen for and
in consideration of the sum of fifty Dollars, to him in hand paid before
the executing and delivery of these presents, the receipt whereof he doth hereby
acknowledge and himself to be therewith fully satisfied contented and paid
hath granted bargained sold alliened enfeoffed and confirmed and by these
presents, doth grant bargain sell allien enfeoff and confirm unto him the
said Carr Darsen all the said David Darsens ~~right~~ title and interest in
and to a Certain tract or parcel of land containing one hundred and twenty
Acres, now in possess of his mother Honour Darsen widow of Robert Darsen
deceased it being the dott assigned to her (under a decree of the County Court
of Southampton) as her dower in the lands of which the said Robert Darsen
died seized and ~~possessed~~ as appears by the report of the Commissioners filed
in the Clerks office of the said County Court To have and to hold the said
bargained premises to him the said Carr Darsen his heirs and assigns
from and after the death of her the said Honour Darsen together with all
and singular the appurtenances, profits and emoluments, and he the said
David Darsen for himself his heirs executors and administrators doth and will
warrant and defend the said bargained premises to the same belonging
against the lawful claims or demands of all and every person whatsoever
to him the said Carr Darsen his heirs and assigns forever In witness here
said David Darsen hath hereunto set his hand and affixed his seal this
day and date / above written

Signed Sealed and delivered in
presence Wells Mumper, James Carr.

Jordan Williams

David Darsen 

At a Court held for Southampton County the 20th day of August 1810

This Instrument was acknowledged by Joshua Bacon and Peggy his
wife, ^{parties hereto} she having been first privately examined as the law directs and ordered
to be recorded

Teste

Lam, Kello &

A Copy

Teste

James Rochelle &

Garner

to

Darden

} Deed

} a Copy

Certs 70 cents

This Indenture made this 16th day of March One Thousand Eight hundred and
Ten, between Joshua Gardner and Peggy his wife ^{of the one part} and Carr Darden of Southampton
County Virginia of the other part, Witnesseth that the said Joshua Gardner and
Peggy his wife, for and in Consideration of the Sum of Sixty one dollars to them in
hand paid before the sealing and delivery of these presents the receipt whereof
they do hereby acknowledge and themselves to be therewith fully satisfied
Contented and paid Back granted bargained and aliened and Confirmed
and by these presents do grant bargain sell alien and Confirm unto him the said
Carr Darden all the said Joshua Gardner and Peggy his wife, all their right
title and interest in and to a certain tract or parcel of land containing one
hundred and twenty Acres now in possession of Honour Darden, widow of
Robert Darden deceased It being the lot assigned to her (under a decree of the
County Court of Southampton) as her dower in the lands of which the said
Robert Darden was seized and possessed, as appears by the report of the
Commissioners filed in the clerk's office of the said County Court To have
and to hold the said bargained premises to him the said Carr Darden,
his heirs and assigns forever, from and after the death of her the said
Honour Darden, together with all and singular the appurtenances profits
and emoluments, to the same in any manner belonging - In Witness whereof
they the said Joshua Gardner and Peggy his wife hath hereunto set their
hands and affixed their seals this date and day above written

Signed, sealed and delivered

in presence of, Richard Darden

John ^{his} Gardner, Depe ^{his} Gardner
mark mark

Joshua ^{his} Gardner ^{read}
mark
Peggy ^{her} Gardner ^{read}
mark

At a Court held for Southampton County the 20th day of September 1813

This Indenture was acknowledged by Larr Darsen and Lucy his wife she having been first privately examined as the law directs and ordered to be recorded

Teste

Samuel Kille &
(#)

A Copy

Teste

James Rochelle &
(#)

Darsen }
to } Drrd
Johnson } a Copy

Cost 70 cents

This Indenture made this 4th day of March One thousand Eight hundred and Thirteen, between Carr Darden and Lucy his wife of the one part and Nathan Johnson of Southampton County Virginia of the other part

Witnesseth that the said Carr Darden and Lucy his wife for and in consideration of the Sum of Two hundred and twenty dollars to them in hand paid before the executing and delivery of these presents the receipt whereof they do hereby acknowledge and themselves to be therewith fully satisfied Contented and paid have granted bargained sold aliened and Confirmed and by these presents do grant bargain sell alien and Confirm unto him the said Nathan Johnson all the said Carr Darden and Lucy his wife, right, title and interest in and to a certain tract or parcel of land containing one hundred and twenty Acres now in possession of Honour Darden widow of Robert Darden deceased It being the lot assigned to her (under a decree of the County Court of Southampton as her dower in the lands of which the said Robert Darden died seized and possessed as appears by the report of the Commissioners filed in the Clerks office of the said County Court

To have and to hold the said bargained premises to him the said Nathan Johnson his heirs and assigns forever from and after the death of her the said Honour Darden together with all and singular the appurtenances profits and Emoluments to the Same in any manner belonging In witness Whereof they the said Carr Darden and Lucy his wife hath hereunto set their hands and affixed their seals this day and date above written

Signed Sealed and delivered
in presence of, Eliz^a ^{her} Hart
Eliz^a ^{her} X Now, Edwin G. Hart,
mark

Carr Darden *Read*
Lucy Darden *Read*