1863-005 SOUTHAMPTON COUNTY CHANCERY PAPERS DARDEN et al VS. DARDEN et al

9/1863

other surnames: Austin

Dandenwalls

vs 3

Dandenwalls

Bill. in com vs Deam

1862 Nov. Decree as pld

1863 Aug. Rept.

Exc. & Confm

To the worshipful County Court of Southampton in chancery sitting

Humbly complaining your orators John W Dardan, Jacob Austin and Emeline his wife who before her marriage was Dardan, shew unto your worships that John B Watkins their guardian has now in his possession as such five negroes to wit Man Dick Girl Lucy and woman Mariah & two children belonging to them and to Mary J Dardan, Walter S Dardan and to the estate of Anne M Dardan an infant lately deceased all five infant children of Wilson Dardan dec'd and as such his heirs at law, one of your Orators John W Dardan has lately come of age and another Emeline has married and they desire a division of the said slaves either in kind or that they may be sold so they may receive their portion, your orators think it would be to the interest of all that the slaves should be sold as they cannot be divided equally in value into five shares and they moreover think a sale as soon as possible advisable as the said slaves are near the lines of the federal army and all may be lost, In Tender Consideration whereof and inasmuch as your orators are without remedy at law and only entitled to relief in a court of equity where such matters are peculiarly cognizable they therefore pray that Mary J Dardan and Walter S Dardan two infants by some fit and proper person their guardian ad litem appointed for that purpose may be made parties defendant to this bill and compelled to answer as full and perfect answer make to the allegations therein contained as they had been thereunto more fully and specially interrogated, and that your worships would decree a sale of the slaves aforesaid and a division of the money arising therefrom according to their

rights of the parties and that the court would grant such other and general relief the premises considered as equity may dictate and the nature of this case require and as in duty bound your orator will ever pray &c

Chands p.q.

The answer of Mary J Darden and Walter S Darden two infants by John B Jenkins their guardian ad litem to a bill in chancery by John W Darden exr &c this

This defendant for answer to the said bill or as much thereof as he is advised it is material for him to answer answering says that he believes it would be to the interest of his wards to sell the slaves mentioned and distribute the money and having fully answered prays hence to be dismissed with his costs

Chands for dfts

Dardens exr &c
vs
Dardens exr &c

By consent of parties this day this cause came on to be heard on the bill answer and general replication thereto and was argued by counsel on the hearing whereupon the court doth adjudge order and decree that John B Jenkins Robert S Barnes and Thomas Worrell who are hereby appointed special commissioners for that purpose and any two of whom may act, shall after notice by public advertisement proceed to sell at Jonesville or such other place as at the time may be deemed best at public auction to the highest bidder for cash the five slaves mentioned in the bill to wit man Dick girl Lucy, Mariah and two children and after paying the costs of this suit and expenses of sale divide the residue of the purchase money into five shares and allot one share to John W Darden, one share to Jacob Austin and Emeline his wife, one share to the lawful guardian of Mary J Darden, one share to the lawful guardian of Walter S Darden, and one share to the administrator of Anne M Darden dec'd and report to court in order to a further decree, But the said John B Jenkins Robert S Barnes and Thomas Worrell shall not proceed to act under this decree until they or some one for them shall have entered in the clerks office of this court a bond with sufficient security in the penalty of $8000 for a faithful performance of this decree

Dardin

v 3 Copy Decree

Dardins c

1863 Aug Rest.

Ferspard

Southampton County November Court 1862.

John W Darden, Jacob Austin & Emeline his wife who before her marriage was Darden. Plffs

against } In Chancery

Mary I Darden & Walter S Darden infants by John B. Jenkins their guardian ad litem. Defts

By consent of parties this day this cause came on the bill answer and general replication thereto and was argued by Counsel On the hearing whereof the Court doth adjudge order and decree that John B Jenkins Robert S Barnes, and Thomas Worrell who are hereby appointed Special Commissioners for that purpose, any two of whom may act, Shall after notice by Public advertisement proceed to sell at Jerusalem or such other place at the time may be deemed best, at Public auction to the highest bidder for cash the five Slaves mentioned in the bill viz. man Dick, girl Lucy, Mariah and two children and after Paying the costs of this Suit and expenses of Sale divide the residue of the Purchase money into five Shares and allot one Share to John W Darden, one Share to Jacob Austin & Emeline his wife, one Share to the lawful guardian of Mary I. Darden, one Share to the lawful of Walter S Darden and one Share to the administrator of Anne W Darden dec'd and report to Court in order to a further decree. But the said John B Jenkins, Robert S Barnes and Thomas B Worrell Shall not Proceed to act under this decree until they or some one for them Shall have executed in the Clerks Office of this Court a bond with Sufficient Security in the Penalty of $8.000 for a faithful Performance of this decree.

Clk's fee $5.

A Copy

Teste

L R Edwards Clk

Agreeably to a decree of the County Court of Southampton dated November Court 1862, we Robt. S. Barnes and Thos. B. Worrell, two of the commissioners mentioned in said decree. do hereby report to the Court an account of the sale of five Negroes (Slaves) belonging to the children of Wilson H. Darden decd. — the expenses attending the sale, and the distribution of the net amt. of sales as follows

Negro man Dick			$1100	00
" Woman Lucy			1210	00
" boy Lewis			1005	00
" Woman Mariah and Child			1600	00
Amount of sales			4915	00
To pd. C.C. Burton for selling girl Lucy and boy Lewis in Petersburg	$55	37		
" paid Benj. E Worrell expenses to Petersburg with four Negroes & selling Woman Mariah & Child	52	50		
" Paid Jim. E. Langston for bringing man Dick out of the federal lines and delivering him to Jno. B. Jenkins	30	00		
" pd. Jno. B. Jenkins expenses to Richmond to sell Dick	21	30		
" " Comms. to Stokes to Sell Dick in Richmond and two days board	24	00		
" Paid Miles Daughtrey for carrying Negroes to Depot	5	00		
" " Wm. B. Shands attorney	25	00		
" Clerks [illegible]	5	00		
" Commissions on $4915.00 5 pr. cent on $300.	107	30	325	47
2 pr. cent on the residue			$4589	53
By balance in hand for distribution				

Amount brought over

By amt. in hand for distribution			$	4589.53
1863 Jan. 14th Paid Jno. B. Jenkins Guard. for Mary J. Darden her proportion --	$ 917	90		
1863 Jan. 14th Paid Jno. B. Jenkins Guard. for Walter S. Darden his proportion ---	917	90		
1863 Jan. 14th Paid Wm. B. Shands Admr. of Anne W. Darden her proportion ----	917	90		
1863 Feb. 26th Paid Jno. B. Jenkins on Jno. W. Darden's order, his proportion ---	917	90		
1863 July 3d Paid Jacob Austin in right of his wife Emeline, her proportion ------	917	90		
	$ 4589	50	$ 4589	53

The foregoing receipts, with Statements of accounts Sales of said Slaves, and other receipts mentioned in the foregoing Apet. are herewith returned to the Court — and we further state to the Court that Mr. Jno. B. Jenkins claimed Twenty two dollars ($22.) of our comms. for selling man Dick in Richmond, which we paid him as will appear by his receipt within, returned to Court

Respectfully Submitted
to the Court —

Robt S. Barnes Comrs
Thos B. Worrell Comr.

Jenkins I.B.

2.50

John B Jenkins Com.

1862 To Clerk Southampton County Ct D.

Nov. Bill, answer, decree &c to sell Dardens Slaves 2 50

GR Edwards Cl

~~Jno. D. Jenkins~~

~~Recpt~~

J. E. Langston

Recp.

Received of Jno B. Jenkins Guardian
for Wilson & Dardens heirs Thirty Dol-
-lars for Taking & Securing Negro
man Dick within the County limits
November the 6th 1862

J. E. Langston

E. A. Stokes
Prest.

Richmond Nov 11/62

39/ Account Sales of Slave by E. H. Stokes
for a/c Mr. John B. Jenkins Guard.

Man Dick 1100

Charges

Board 2.00

Coms 2 % 22.00 24

Nett Proceeds 1076

Dear Sir

We found a buyer today for Dick at the limit you left with me and hope will be satisfactory – The money is ready & when you send for it, please send inclosed bill of Sale Signed according to the facts of the Case – No material change since yesterday in prices of negroes –

Yrs truly
E. H. Stokes
by W Hill

account of Sale
of a Negro man
Dick belonging to
Wilson & Darden heirs

The heirs of Wilson H. Darden

1862 In account with J B Jennings

Nov 11	Cash from Sale of Negro Dick		$1076.00
	Expenses to Richmond	$21.30	
	paid J E Langston	30 00	57.30
	Bal due the heirs Cash		$1024 70

Apel: for
Sale of Negroes

Account Sales of Negroes Lucy & Agnes
By Col Buntin auctioneer as acted by
Capt B. E. Worsley agt for the commissioners
July 7th 1863

To one girl Lucy W.P. Lewis $1210.00
" one boy Lewis " " 1005.00

$2215.00

Less cummins 2½ pr ct 55.37

$2159.63

Amt cash 2159.63

Col Buntin auctioneer

B. E. Worrell
Rcpt.

Rec'd. of Thos. B. Worrell & Robt. S. Barnes
commissioners to Sell the Slaves of Wilson
H. Darden dec'd. Fifty two 50/100 Dollars it
being the expenses on four Negroes to Peters-
burg & Selling woman Mariah & Child

Jan. 7th 1863

Benj. Ellorrell

Miles Daughtery
Recpt

1862. Robert S. Barnes and Thos. B. Worrell Commrs to sell the Negroes belonging to Wilson Darden's legatees.

To Miles Daughtry . . Dr

Janry 5th & 6th. To my Services with Horse & Cart nearly 2 days Carrying said Negroes to Newsom's Depot. — $5.00

1863 Janry 13th. Received payment in full.

his
Miles + Daughtry
mark

Jno. B. Jenkins
Rec'd.

Jany 14th 1863 Rec'd from Thomas Wornell and Robert Barnes Comm $22 for selling man Dick in Richmond

John B Jenkins

Jany 14th 1863 Receivs from Thomas Worrell & Robt Baines commissioners to sell slaves belonging Wilson H Dardens children the sum of nine hundred and seventeen dollars and ninety cents ($917.90cts) for Mary J Darden my ward and the like sum of ($917.90ct) nine hundred and seventeen dollars and ninety cents for my ward Walter S Darden the sums respectively due them under the said decree. John B Jenkins Guard

Jany 14th 1863 Recivd from Thomas Worrell and Robt Baines Commissioners to sell the slaves belonging to Wilson H Dardens children the sum of nine hundred and seventeen dollars and ninety cents ($917.90cts) in full of Ann M Dardens share in money arising from said sales

Wm B Shands admr of
Ann M Darden Decd

Jany 14th 1863 Receivs from Thomas Worrell Comr $25- in full of fee for decree to sell negros belonging to Orphans of Wilson Darden

Wm B. Shands atty

1863 July 3th Received from Thos B. Worrell and Robt S. Barnes Commrs to sell Slaves belonging to Wilson H. Darden's children, the sum of Nine hundred and Seventeen dollars and ninety cents $917.90 in full of my & my wife Emeline's share of the money arriseng from the sale of said Slaves.

Witness.
J. E. Langston

Jacob + his Austin
mark

Received February 26th 1863 from Thomas B Worrell one of the within named Commissioners the sum of nine hundred and seventeen dollars ninety cents ($917.90) in full of the within named John W Gardner's share of the money referred to in the within order

John B Jenkins

Camp near Fredericksburg Va February 1863

To Robert. S. Barnes and Thomas B Worrell
Commissioners appointed by a Decree of the
County Court of Southampton County Va
(dated November Court 1862) to sell Slaves
belonging to The Children of Wilson H Dardin
dec'd

You will please pay my share of the
money arising from the sale of said Slaves
to Mr Jno B Jenkins of the said County of
Southampton. And his receipt for the Same
on this my order shall always be good
against me and my heirs. And all other
persons whatsoever for my share of the money
aforesaid

Witness
Wm H Doughty.

John W. Dardin

Know all men by these presents that we ~~John B Jenkins~~, Thomas B Worrell & Robt S Barnes & John B Jenkins

are held and firmly bound unto the Commonwealth of Virginia in the just and full Sum of Eight thousand Dollars current money of Virginia, to the payment whereof well and truly to be made, we bind ourselves our heirs Executors and administrators jointly and severally, firmly by these Presents. Sealed with our Seals and dated this 15 day of December A D 1862.

The Condition of the above Obligation is such that if the above bound Thomas B Worrell & Robt S Barnes two of the Commissioners appointed by a decree of the County Court of Southampton County made at November Term 1862 in the suit of Darden &c against Darden &c

shall faithfully discharge the duties of this said Office or trust according to law then the above Obligation to be void, or else to remain in full force and virtue.

Signed Sealed and delivered in the presence of the Court

Thos B Worrell (Seal)
Robt S Barnes (Seal)
John B Jenkins (Seal)
(Seal)