

1844-050

Chancery Causes: John H. Darden + Mary Frances Darden, by v c vs Mills W. Darden

Isle of Wight County

other SURNAMES: Phillips,
Phillips

To the County Court of W. of N. H. in chancery
sitting - humbly complaining - shew unto your
worships, your complainant John H. Barden
and Mary Francis Barden, the last an
infant being by ^{the late P. Phillips} ~~the late John H. Barden~~ his
next friend - that one John Barden late of
the said County was intestate, about the year
of our Lord one thousand, eight hundred
and - leaving a widow, named
Elizabeth Barden and 3 children to wit, your
complainant John H. Barden, Middy W. Barden
and one Robert Barden - the said Robert
is dead intestate leaving as his heir and
distribute one child your complot. Mary
Francis, entitled to all his rights of property
- soon after the death of the said John
Barden, the same estate of the widow
was set apart to her consisting of 71 acres
of land in said County of W. of N. H.,
bounded &c.

and slaves - The said slaves now living
and the increase of the females, they are
an Cherry, Mary and Alfred - The widow
is dead and the life estate having terminated
- the said same interest revert to
your complainant and the said Middy
W. Barden, to be divided into 3 equal
shares - and your complainant by
law - to state that the said slaves are
now in the possession of the said Middy W.
Barden and although they have often
petitioned to him for a division of the said
estate they have not been able to obtain
a division thereof - they are advised
and believe it to be true that as the
share of each party will be less than 300
and a division in kind be against
the interest of all parties, they pray
that your worships will order that the same

slaves be sold and the proceeds divided
equally between your couple. & the said
Mills Warden - that the said Mills W
Warden be compelled to answer this
bill fully and satisfactorily and that
you will grant the said prayer & any
other decree which to your own self
may appear proper and is in equity
bound to grant pray d.

J. H. Darden
N. P. Phillips, Guardian to
Mary Francis Darden

Ante. Altham
p. 9

The separate answer of Mills W. Darden to
the bill of complaint against him in
the County Court of Guilf. Wight exhibited
by John R. Darden &c.

This separate answer & transcript
for answer say, it is true that the statute
in the bill of complaint is correct - that the
he of property therein accused to, ought to
be sold and divided into equal
shares, whereof the said p[ar]ties are entitled
- the to 2 parts and the rest to the
other part thereof - and he consents
to the decree prayed for d.

(Signed,
Mills W. Darden

John R. Darden and Mary Francis
Darden, the last an infant wife by
N. P. Phillips husband &c. the next p[ar]t.

Mills W. Darden

This came on this day by consent
of parties, to be heard on the bill and answer
filed and was agreed by consent
on consideration whereof the court
with advice, order and decree that
Thomas de Washille, who is for that
purpose appointed a Comr. after first
public notice of the time and place
of sale by advertisement posted at the
doors of the Court Room of this County,
also at the Court Room door in
Suffolk that such other things as
may seem proper ^{for the best interest of the parties} shall be done to the right
bidder on a credit of nine months
(except for so much as will pay the
expenses of this suit & of the sale, which
will be for cash, the land in the County
of Guilf. Wight and the slaves, also which
were held by Elizabeth Darden decd.
as widow of John Darden decd. for her life,
and which are in the bill mentioned.
that of the purchase money to be taken honor with
good security payable for the share of each
of the p[ar]ties and the rest; and pay one 1/3
to John R. Darden, 1/3 to the legally qua-
-lified son of the infant p[ar]ty Mary Francis
Darden & the other 1/3 to the wife. that the Comr.
make a deed to the purchaser, without mannan-
-ty and make up to the Ct. in order to a
final decree

Bairden L.

3rd Pile L.
Bairden

for Geo. Co. of
1876

October 3rd 1830 Pile L.
Ans^d filed, and interlo^d
decre^d

May 1st 1837 report
returned to court

Feb^y: Aug 1844 (rept. conf.)
1st final decre^d.

ALL:

Pursuant to the annexed decree of the County Court of
 Isle of Wight made October Court 1836 & the undersigned com-
 missioner named in said decree for that purpose after giving
 due and public notice as directed by the decree have on the
 24th day of October 1836 sold ^{the} land and negroes named
 in said decree, the land to Jesse B Bound who was the
 highest bidder for three hundred and twenty dollars and money
 to Nathl Pruden for seven hundred and twenty five dollars
 and a half to Nathl Pruden for three hundred and
 forty five dollars and Cherry to John H Darden for
 twenty three dollars and fifty Cents which amounts to
 fourteen hundred and thirtyn dollars and fifty Cents and
 after deducting the sum of fifty two dollars and twenty
 seven Cents for the cost of the suit and expense of
 the sale have divided the net amount of sales which
 is thirtyn hundred and sixty one dollars and twenty
 three Cents into three equal shares and for each of
 said share have taken bond with good security on
 for the sum of four hundred & fifty three dollars and
 seventy four $\frac{1}{3}$ Cents payable to Mills W Darden and one
 for sum of four hundred and thirty dollars and twenty
 four $\frac{1}{3}$ Cents payable to John H. Darden and the negro
 woman Cherry he purchased at twenty three dollars and
 fifty cents making four hundred and fifty three dollars &
 seventy four $\frac{1}{3}$ Cents & one for the sum of four hundred
 and fifty three dollars & seventy four $\frac{1}{3}$ Cents payable to
 Nathaniel P. Phillips guardian of Mary S. Darden and
 orphan of Robert Darden dec^d which bonds are payable
 in nine months directed by the Court as aforesaid, Given un-
 der my hand this 3^d day April 1837

The^s Thos. Dashiell Commissioner
 3

Isle of Wight County October Court 1836

John H. Darden and Mary Frances Darden, the last an
 infant suing by Nathl P. Phillips her next friend . . . 3 Plaintiffs

against
 Mills W. Darden . . . Defendant in Chancery

This cause came on this day by consent of parties, to be
 heard on the bill and answer filed, and was argued by counsel, in consideration
 whereof the court doth as judge, order & decree, that Thomas M. Dashiell (who is for
 that purpose appointed a commissioner) after giving public notice of the time
 and place of sale by advertisements posted at the door of the court house of this
 county, also at the court house door in Suffolk & at such other places as may
 seem proper for at least twenty days sell to the highest bidder on a credit of
 nine months (except for so much as will pay the expenses of the suit & of the
 sale, which will be for cash) the land in the county of Isle of Wight and the
 slaves also, which were held by Elizabeth Darden dec^d as widow of John Darden
 dec^d for her life; and which are in the bill mentioned. that of the purchases
 he take bonds with good security payable for the share of each of the
 plaintiffs and the defendant, and pay over one third to John H. Darden, one third
 to the legally authorized guardian of the infant plaintiff Mary Frances
 Darden & the other one third to the defendant. that the commissioner
 make a deed to the purchasers without warranty, and make report to the
 court in order to a final decree.

Clk's fee \$4.00
 att^y . 10.00
 \$14.00

Aleopy Teste Nathl Young Clk

Land sold for \$520.00
 Mary " " 725.00
 Alfred " " 345.00
 Cherry " " 23.50

\$1413.50

One Bond to John H. Darden \$430.24 1/3
 Cherry he purchased 23.50

one Bond to Mills W \$453.74 1/3

one Bond to Mills W Darden 453.74 1/3

one to Nathl. P. Phillips 453.74 1/3

Commissions 37.27

\$1413.50

Darden 40
 10. Copy
 Darden 3 Interlocutory
 3 decrees

May 1st 1837. Report
 returned & continued