1889-002
Nansemond Co. (Suffolk)

Chancery Causes: Exrs of George Willis Darden vs Lowell Glover, infant et al

Bernard, Andrews, Tynes, Kilby, Riddick, Davidson

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Lonell Glover (infant) Annie Bernard (infant) Ernest Andrews (infant) — Andrews (infant), Robert H. Tynes, Henry L. Tynes, Jr. Wallace Kelly and Maggie J. his wife, Richard J. Riddick, Henry Taylor Riddick (infant) and Elizabeth Taylor Riddick (infant)

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in March *next to answer a Bill in Chancery, exhibited against them in the said Court by* William H. Darden and Julius C. Darden, Executors of George W. Darden, deceased.

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 26th *day of* February *1883, in the* 107th *year of the Commonwealth.*

Teste: Peter B. Prentis, *Clerk.*

Executed a copy of the within & annexed writ of Summons to each of the within named Juntes

March 3rd 1883 S. H. Hufham Sh'ff

Gittens & Prentis. p.q

William H. Darden and Julius C. Darden, Exors: of George W. Darden, decd.

vs

Summons in Chy.

Lovell Glover (infant) &al.

To March Rules, 1883

Pro: B. Ms: 1. page
Cir: Co:

Virginia:

At Rules, in the Clerk's Office of the Circuit Court of Nansemond County, on Monday, the 5th. day of March, 1883.

William H. Darden and Julius C. Darden, Executors of George W. Darden, deceased. . . Complainants.

Against } In Chancery

Lowell Glover (infant) Annie Bernard (infant), Ernest Andrews (infant) —— Andrews (infant) Robert H. Tynes, Henry L. Tynes, Jr; Wallace Kelly and Maggie H. his wife; Richard J. Riddick, Henry Taylor Riddick (infant), and Elizabeth Taylor Riddick (infant). . . . Defendants.

On the Motion of the Complainants, by Counsel, Peter B. Prentis is appointed guardian ad litem to the infant defendants, in this suit, and it is ordered, that the said guardian be notified of his appointment, by serving upon him a copy of this order.

Teste:

Peter B. Prentis, Clerk

1883. March 5th: I acknowledge service of the foregoing order, and that I have received a copy thereof.

Peter B. Prentis,
Gdn: ad litem

Geo: W. Darden's Exrs.

" " } order applying proceeds
of slaves to infants

Lowell Glover Exr. of Wal

The Commonwealth of Virginia.

To the Sheriff of Isle of Wight County, Greeting:

Whereas William H. Darden and Julius C. Darden, Executors of George W. Darden, deceased, heretofore exhibited to our Circuit Court of Nansemond County their bill of complaint against Lowell Gleaves, an infant, and others, Whereupon sundry proceedings have been had, as appears from the records and files of said Court; but, before a final decree in the said suit could be pronounced, the said Lowell Gleaves has intermarried with W. F. Davidson: And the said William H. Darden and Julius C. Darden, Executors of George W. Darden, deceased, having supplicated us for a remedy in this behalf, and we being willing that what is right and just should be done:

Therefore, We Command You, that you make Known to the said W. F. Davidson, that he be before the Judge of our Circuit Court, at the Court House, on the first day of the next term, to show, if any thing he have or know to say, why the said suit should not be proceeded on to a final decree against him, in his character aforesaid, and be in all things in the same plight and condition, as it was at the time of the intermarriage of the said Lowell Gleaves, and further to do and receive what our said Court shall, in that part consider.

And have then there this writ.

Witness Peter B. Prentis, Clerk of our said Court, at his Office, the 21st day of September, 1888, in the 113th year of the Commonwealth.

Peter B. Prentis, Clerk

Copy for
Davidson

The Commonwealth of Virginia

To The Sergeant of the City of Richmond Greeting:

Whereas William H. Darden and Julius C. Darden, Executors of George H. Darden, deceased heretofore exhibited to our Circuit Court of Nansemond County their Bill of Complaint against Lonell Glover (infant) Annie Bernard (infant), Ernest Andrews (infant) —— Andrews (infant) Robert H. Fynes, Henry A. Fynes Jr. Wallace Kilby and Maggie T. his wife, Richard J. Riddick Henry Taylor Riddick (infant) and Elizabeth Taylor Riddick (infant) whereupon sundry proceedings have been had, as appears from the Records and files of the said Court: but before a final decree in the said suit could be pronounced, the said Lonell Glover has intermarried with one W. J. Davidson and the said William H. Darden and Julius C. Darden, Executors of George H. Darden, deceased, having supplicated us for a remedy in this behalf and we being willing that what is right and just should be done, therefore we command you that you make known to the said W. J. Davidson and Lonell Davidson his wife, that they be before the Judge of our Circuit Court, at the Court House, on the first day of the next term, to show if any thing they have or know to say, why the said suit should not be proceeded

into a final decree against them in their character aforesaid, and be in all things in the same plight and condition as it was at the time of the marriage of the said Lonell Glover with the said W. J. Davidson and further, to do and receive what our said Court shall in that part consider.

And have then there this writ. Witness Peter B. Prentis Clerk of our said Court, at his office, this 23rd day of January 1889, in the 113th year of the Commonwealth.

Teste.

Peter B. Prentis. Clerk.

Ro: R. Rentzel p.q

Yco W. Dearden's Exors.
vs
Lonell Glover &al.

To Chas'l Jan, 1889.
Nansemond Cir: Ct.

$1.00 fee enclosed

Recd Jan 29/89

Executed the 28th day of Jan 1889 by delivering a true copy of the within & 97 Declaration & Ca: Ka: issued in the Cir: & City of Nansemond to Wm. Dearden Exor of Yco W. Dearden dec'd. Wm. Dearden Exor of Yco W. Dearden dec'd. Executed on the same day & date last above mentioned within

Phil. N. Lee S.C.

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County, Greeting:

Whereas William H. Darden and Julius C. Darden, Executors of George W. Darden, deceased, heretofore exhibited to our Circuit Court of Nansemond County their bill of Complaint against Lonell Glover, an infant, and others, whereupon sundry proceedings have been had, as appears from the records and files of said Court; but, before a final decree in the said suit could be pronounced, the said Lonell Glover has intermarried with W. F. Davidson. And the said William H. Darden and Julius C. Darden, Executors of George W. Darden, deceased, having supplicated us for a remedy in this behalf, and we being willing that what is right and just should be done, Therefore, We Command You, that You make known to the said W. F. Davidson, that he be, before the Judge of our Circuit Court, at the Court House, on the first day of the next term, to show, if any they he have or know to say, why the said suit should not be proceeded in to a final decree against him, in his character aforesaid, and be in all things in the same plight and condition, as it was, at the time of the intermarriage of the said Lonell Glover, and further to do and receive what our said Court shall in that part consider. And have then there this writ.

Witness, Peter B. Prentis, Clerk of our said Court, at his Office, the 21st day of September, 1888, in the 113th Year of the Commonwealth.

Peter B. Prentis. Clerk.

XIII

Geo: W. Davidson's Exors.

Vs

Scire Facias To — David

Lowell Glover Debtors

To 1st. day Oct: Term, 1888.

Nansemond Cir: Co:

I will pay your fee

Rob. R Pruden

21 Sept 1888

Noh in my Co. Lift for

Richmond about 2 o'clock

Pp Ro. A. Ellyson Sh.

Cir: Co:

William H. Darden and Julius C. Darden Executors of the last will and testament of George Willis Darden deceased. -

Lowell ~~Davidson~~ Davidson and W. T. Davidson ~~her~~ her husband ~~(infant)~~, Annie Bernard (infants), Ernest Andrews (infants). — Andrews (infant) Robert H. Tynes Henry L. Tynes Jr. Wallace Kilby and Maggie T. his wife, Richard Taylor Riddick, Henry Taylor Riddick (infant) and Elizabeth Taylor Riddick (infants). -

This cause which has been regularly matured and set for hearing at rules according to law came on this day to be heard on the bill taken for confessed as to the adult defendants ~~Lowelle Davidson and W. T. Davidson~~ and wife Robert H. Tynes Henry L. Tynes Jr. Wallace Kilby and Maggie T. his wife and Richard Taylor Riddick, on whom process had been duly served and ~~they~~ still failing to appear and plead, answer or demur to the said bill: on the exhibits therewith filed, on the answer of the infant defendants, ~~Peter B. Prentis~~ by Peter B. Prentis their guardian ad litem duly assigned to defend them in this suit, heretofore filed at rules, with general replication to the said answer and was argued by counsel. -

On consideration whereof the Court is of opinion and doth decide that by virtue of the deed of bargain and sale from Wm H. Darden, Trustee, dated

the 24 day of October 1868 and duly recorded the complainants testator George Willis Darden acquired a perfectly good and indefeasible fee simple title to the house and lot on Main Street in the village of Churchland ~~in the said deed described~~ supposed to contain one and one half acres. therefore it is adjudged ordered and decreed that the said Lonell ~~Davidson~~ Annie Bernard, Ernest Andrews, — Andrews, Robert H. Tynes, Henry L. Tynes Jr. Wallace Kilby and Maggie T. his wife, Richard Taylor Riddick, Henry Taylor Riddick and Elizabeth Taylor Riddick, their heirs, executors, personal representatives and assigns, be and they are hereby forever enjoined and restrained from asserting any title or claim whatever to real estate aforesaid or to any part thereof.

And the object of this suit having been accomplished it is ordered to be stricken from the docket.

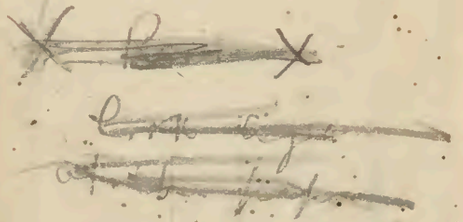
Gloff. Dardens Exrs

v. DECREE

Lowell Glover & others.

This entered at
Chs Oct Term 1869
upon the Chancellors
Minutes by his order

C W Dale



George W. Darden's Executors

v.

Louella Glover and others. —

This cause came on this day to be heard upon the bill and the exhibits therewith filed, and upon the Scire facias against Louella Davidson and and W. F. Davidson her husband ~~and~~ duly executed according to law, and was argued by counsel. — On consideration whereof and it being suggested by the complainants that the defendant Louella Glover has attained the age of twenty-one years and has intermarried with the said W. F. Davidson, the Court doth therefore adjudge order and decree that this cause be revived and hereafter proceeded with against the said Louella Davidson and W. F. Davidson her husband as defendants. —

G. W. Darden's Exrs

v. Decree

Reviving Cause

Londle Glover (now Davidson) & others.

Entered 18. April 1889

C. Watts

Entered
Chancery Order
Book No. 2 p. 270.

Louella Glover
married on
Dr. Davidson
a dentist of
Smithfield

Ina

R. R. Quinones

Dawsons Exr

vs

Lowell Glover & als -

By reference to the Deed made in Dece 1865, between Henry L. Tyree of the one part, Geo. A. Glover, of another part, & Wm. H. Dawson of the other part - it will be observed that the property was conveyed to Wm H. Dawson Trustee" for the sole sep-arate and exclusive use & benefit of Nannie Glover, during her natural life", and "in no manner who liable or subject to the debts of said Geo A. Glover except is hereinafter mentioned". The exception follows im-mediately and is found in that provision of the same Deed, which conveys the remainder in-terest in said property to Geo A. Glover, the hus-band of Nannie Glover, provided he should survive her. But the fact is that Geo A. Glover died before his said wife, and that provision of the Deed failed. Geo A Glover could have no inter-est in said land, according to the express terms of the Deed, except upon the terms named therein, that he should survive his said wife. The complainants in the Bill have no title except through that part of the Deed, in which Geo A. Glover undertakes to con-vey his remainder interest in said land, an in-terest which, we contend, was defeated by the death of said Glover prior to the death of his wife.

Under this view of the case we submit, whether the land in question is not the property of Lowell Glover

now Lowell Davidson, as the sole heir of Nannie Glover -

Respectfully submitted

Jno. A. Wright

Atty for Lowell Davidson -

Davidson Estate

to

Lowell Glover &c -

Note for Counsel for Lowell Glover.

G. W. Darden's Ex'rs.

v.

Lonell Glover, (who has married W. F. Davidson) — and others. —

Note by Counsel for G. W. Darden's Executors. —

1. It will be observed by the Court that none of the defendants have filed answers to the bill. —

2. Certain it is, that Mrs. Davidson (who was Lonell Glover) can have no interest as the heir at law of her mother Nannie Glover because her mother the said Nannie Glover by the express terms of the deed in question took only a "life estate" in the land which ceased at her death. —

3. The deed in question, at the top of the second page, having in the previous part of the deed conveyed a life estate to Nannie Glover, conveys the "remainder interest" in the house and lot in question to Wm. F. Darden,

Trustee, to secure the debts of certain creditors. - And after the expiration of Nannie Glover's life estate, the said Trustee sold the said real estate to the complainants testator George W. Darden. -

4. If the trust deed on the remainder interest has failed the property reverts to the grantor Tynes, but this cannot be, because Tynes conveyed with general warranty, and there cannot be anything to revert. - If there was anything to revert he conveyed it to Wm. H. Darden, Trustee, under whom the complainants' claim. -

Respectfully submitted,

Robt. A. Lewis,
Counsel for complainants.

Darden's Exors.

N. Note of
Pltffs' Counsel

Glover P.

William A. Darden and Julius C. Darden Executors of the last will and testament of George Willis Darden, deceased.

v.

Lonell Davidson and W. F. Davidson her husband, Annie Bernard (infant) Ernest Andrews (infant) — Andrews (infant) Robert A. Tynes, Henry L. Tynes Jr. Wallace Kilby and Maggie T. his wife, Richard Taylor Riddick, Henry Taylor Riddick (infant) and Elizabeth Taylor Riddick (infant)

The death of Peter B. Prentis, Guardian ad litem of the infant defendants is suggested and W. J. Kilby Esquire, attorney at law, is assigned guardian ad litem of the infant defendants Annie Bernard, Ernest Andrews, — Andrews, Henry Taylor Riddick and Elizabeth Taylor Riddick, and the said guardian ad litem thereupon filed his answer to the complainants bill, to which the complainants replied generally. and thereupon this cause which has been regularly matured and set for hearing according to law came on this day to be heard on the bill taken for confessed as to the adult defendants Lonell Davidson and W. F. Davidson, Robert A. Tynes, Henry L. Tynes Jr., Wallace Kilby and Maggie T.,

his wife and Richard Taylor Riddick, on whom process had been duly served and they still failing to appear and plead, answer or demur to the said bill; on the exhibits therewith filed, the answer of the infant defendants by W. J. Kilby their guardian ad litem, with general replication thereto, and was argued by counsel. -

On consideration whereof the Court is of opinion and doth decide that by virtue of the deed of bargain and sale from Wm. H. Darden, Trustee, dated the 24th. day of October 1868, and duly recorded, the complainants' testator George Willis Darden acquired a perfectly good and indefeasible fee simple title to the house and lot on Main Street in the village of Chuckatuck Nansemond County, Virginia, in the said deed described, supposed to contain one and one half acres; therefore it is adjudged, ordered and decreed that the said Lonell Davidson and W. J. Davidson Annie Bernard Ernest Andrews, Andrews, Robert H. Ingles, Henry L. Ingles Jr., Wallace Kilby and Maggie J. his wife, Richard Taylor Riddick, Henry

Taylor Riddick and Elizabeth Taylor Riddick, their heirs, executors, personal representatives and assigns be and they are hereby forever enjoined and restrained from asserting any title or claim whatever to the real estate aforesaid or any part or parcel thereof.

And the object of this suit having been accomplished it is ordered to be stricken from the docket.

~~Hon. H.~~

Geo. W. Darden's Exrs.

v. Decree

Lowell Davidson
(formerly Glover) & others.

Enter 10th. Octo. 1884

The Sheriffs return is to be amended by inserting the date on which the summons was executed.

Entered Chancery
Order Book No:
2 Page 280.

George W. Darden's Exors

vs

Lowell Glover infant & als:

The joint and several answers of Lowell Glover, Annie Bernard, Ernest and ___ Andrews, Henry Taylor Roddick and Elizabeth Taylor Roddick, infants, under twenty-one years of age, by Peter B. Scudder, their guardian ad litem, to the Bill of the Complainants, exhibited against them, in the Circuit Court of Nansemond County, of George W. Darden's Exors:

These Respondents answer and say, that so far as they know, the allegations and statements contained in the said Bill of Complaint, may be true; but, being infants, and ignorant of their rights and interests in the premises, they submit the same to the Keeping of the Court, and pray, that no order or decree may be made herein, inconsistent with their rights.

(Signed)

Peter B. Scudder.

G'd'n. ad litem

Geo: W. Darden's Exors:

vs

Answer of
Infants

Lovell Glover (infant) &c.

The joint and several answers of Annie Bernard Ernest Andrews — Andrews, Henry Taylor Riddick and Elizabeth Taylor Riddick, infants under twenty-one years of age, by W. J. Kilby, Esquire, attorney at law, their guardian ad litem, to the Bill of complaint exhibited against them in the Circuit Court of Nansemond County by George W. Darden's Executors. —

These Respondents answer and say that they are infants, ignorant of their rights and by reason of their infancy incapable of defending their rights and interests in this cause, and they therefore submit the same to the keeping of the Court, and pray that no order or decree may be entered in this cause which will be prejudicial to their interests

Wilbur J. Kilby
Guardian ad litem
for infant defendants

G. W. Dardens Ex.

v.

Answer of infants by W. J. Kilby Gdn. ad. litem.

Lonell Davidson (formerly Glover) and others.

This Deed, made this 24th day of Oct 1868 between
Wm H Darden Trustee of the first part, and George W Darden
Purchaser, of the second part, Witnesseth: that whereas
Henry L Tynes, George A Glover & Nannie his wife,
did on the 20th day of December 1865. Convey to the
said Wm H Darden Trustee of the 1st part of this deed the
House & lot with the houses on said lot in the village of
Churchstreet Nansemond Co Virginia, wherein Elizabeth
Pinner lives, bounded on the South by the main street
in the village, East by Capt Brock's lot, West by M J.
Whitneys lot and on the North by Mrs Jane Godwins
property; to have & to hold the same supposed to contain
one and one half acres (1½) to him the said Wm H Darden
as Trustee for the sole benefit of the said Mrs Nannie
Glover during her natural life, And then to go to the
said Geo A Glover, and whereas the said Geo A Glover, did
in the same deed, Convey his interest which embraced
the house & lot aforesaid to the said Wm H Darden, and
to which the said Tynes does actually Convey the same
to the said W H Darden for certain purposes therein
named; Now the said W H Darden Trustee for George A
Glover, after having been legally notified by the said Geo
A Glover & other interested parties to make sale of all his
property, including the aforesaid house & lot according
to law & apply the proceeds according to the instructions in
the deed, and in conformity to said Notice; I the said
Wm H Darden did after legal Notice, expose the said
Glovers property, conveyed to me as Trustee in said

deed, including the aforesaid House & lot at public auction on the 24th day October 1878 when the said George W Darden being the highest bidder became the legal purchaser. Now at the death of the said Mrs Nannie Glover, I Wm A Darden (Trustee) have granted, bargained & sold to the said George W Darden a full right & title to the aforesaid House & lot in the village of Churchland, supposed to contain one one half acres, it being the same lot conveyed to Wm A. Darden (Trustee) for the sole right of Mrs Nannie Glover during her natural life, by His Said Deed of Trust. The said G W Darden to have & to hold the same after the death of Mrs Nannie Glover, to him and his heirs, forever,

Witness the following signature and seal this 24th day of Oct 1878.

Wm A Darden Trustee (Seal)

In the Clerks Office of Nansemond County Court, the 22nd day of December 1879. This Deed was acknowledged by Wm A Darden Trustee, and thereupon admitted to record.

Teste

Peter B Prentis Clerk

A Copy

Teste:

Peter B. Prentis. Clerk

2nd

Wm. H. Darden,
Trustee
To
George W. Darden

Copy
Deed

"Exhibit No. 2
with bill of
Dardens Exrs.
v.
Glover et al.

This deed made this 20th day of December 1865
Between Henry L. Tynes of the one part George A. Glover of one
part, Nannie Glover wife of the said George A. Glover of another
part and Wm H Darden of the other part. The said Henry L.
Tynes for and in consideration of the Sum of $2000,00
does hereby grant bargain Sell & convey unto the said William
H. Darden trustee with general warranty. The following property Viz
The house & lot with the houses on said lot in the Village of
Chuckatuck Nansemond County Va. wherein Elizabeth Pinner
resides & bounded on the South by the main Street in said Village
East by Capt Hicks lot west by Merit J. Whitneys lot & on the
North by Mrs Janet Godwins property To have & to hold
said Houses & lot supposed to contain one and a half
acres to him the said Wm H Darden as trustee for the
following objects and trust for the Sole Seperate & exclusive
use & benefit of the said Nannie Glover during her Natural
life. The said Houses & lot in no manner to be liable or
Subject to the debts of said Glover (Geo. A) Except as is
herein after mentioned. But if the said George A. Glover
should Survive his said wife then the said Estate or houses
& lot to go to him. And this deed farther Witnesseth that the
said George A. Glover does hereby convey unto the said
William H Darden trustee for the Sole Seperate & exclusive
use of Nannie Glover his wife free & exempt from his said
Glovers debts & liabilities now existing or hereafter contracted.
The following property Viz The chamber furniture in his said
Wifes chamber Bed & Stead & furniture (carpets) Wash Stand
bureau wash basin & indeed all the furniture used in said
chamber for and during the natural life of said Nannie Glover
and Subject only to Such liabilities as is herein after mentioned
And the said George A. Glover being especially desirous of
Securing the payment of his debts

does hereby farther convey unto the said William H. Darden trustee the following property Viz The remainder interest in the property herein given to Nannie Glover during her natural life. Including the remainder interest in the said house & lot to which and as effect the said Tyms does convey the same. Also all of his Glovers crops of all kinds 2 Horses one a bay called Charley and Belmont & Iron Grey Filly Household & Kitchen furniture of every discription. Except that as heretofore given as aforesaid to his said wife. 2 Red Milch cows an Ayrshire heifer an ox (crumpled horn) and the increase of the same also his said Glovers Medical Books & Library Buggy & harness accounts Bonds & Books farming utensils one ox cart one tumbrel ditto a rider or rail hauler 3 (five) beds, steads & clothing & furniture Carpets & hogs of every discription and the said George R. Glover does hereby farther convey unto the said William H. Darden trustee all of his (Glovers) interest & title in & to his said wife Nannie all portion or share in her late fathers estate and in her brothers Dr. W.P. Jordons estate. All of which as well as the property heretofore mentioned or the interest therein not herein conveyed to his the said Glovers wife. The said William H. Darden is to have & to hold as trustee for the payment of the debts or to secure the following creditors without preforance viz. Robert M Darden George W. Darden and William H Darden. I have not mentioned the amounts due to the above named creditors as the opportunity or means of doing so is not at hand or cannot at this time be conveniently ascertained. It is farther understood that the said trustee is permitted to allow the said Glover to remain in quiet posion of said property until such time as it. any or all may be required for the objects or trusts of this deed. And it is farther understood that any of the property herein conveyed may be sold by said Trustee with the approbation & consent of said Glover

or exchanged for other property and the proceeds of sale of such as may be sold or that for which any thereof may be exchanged or bought with said proceeds shall be held by the said trustee in like manner and subject to the same trusts as the property so sold or exchanged was held under this deed. In testimony we affix our Signatures & Seals this day & year above mentioned.

H. L. Tyree Seal
Geo. A. Glover Seal
Wm. H. Carden Seal
Seal

Nansemond County to Wit.

I Cornelius Hall a justice of the peace of the County aforesaid State of Va. do certify that Henry L. Tyree & Geo. A. Glover whose names are signed to the writing hereto annexed bearing date the 20th day of December in the year 1865 personally appeared before me in the said County and acknowledged the same before me in my said County. Given under my hand this 2nd day of May 1866

C. Hall J. P.

Henry L. Tynes

To

Deed

Wm H. Darden, Trustee
for Mrs: Nannie Glover
~~Widow~~ wife of Geo: A. Glover
&.

1866
May 8th: Received in the
Clerk's certified & acknowd
and by Wm H. Darden,
Trustee &AR.

Recorded Deed Book No 1-K-70

State & County	$5.00
State Tax	1.00
Recd: fee	1.25
	$7.25 clk

In The Clerk's Office of Nansemond County Court: The 8th: day of May 1866.

This Deed was acknowledged by Wm: H. Darden; and with the certificate written thereon admitted to record. (The requisite Stamps of $5.00 having been affixed and cancelled)

Test

Peter B. Peebles. Clerk

This Deed made this 20th day of December 1865 between Henry L Tynes of the one part, George A Glover of one part, Nannie Glover wife of the said George A Glover of another part, and Wm A Darden of the other part, The said Henry L. Tynes for and in consideration of the sum of $1200.00 &c does hereby grant, bargain sell & convey unto the said William A Darden Trustee, with general warranty, the following property, viz: The house & lot with the houses on said lot in the village of Chuckatuck Nansemond County Va. whereon Elizabeth Pinner resides & bounded on the South by the main street in said village, East by Capt. Peck's lot, West by Mrs. J. Whitney's lot & on the North by Mrs Jonet Godwin's property, To have & to hold said Houses & lot, supposed to contain one and a half acres to him the said Wm. A Darden as trustee for the following objects and trust, for the sole, separate & exclusive use & benefit of the said Nannie Glover during her natural life. The said Houses & lot in no manner to be liable or subject to the debts of said Glover (Geo A) except as is hereinafter mentioned. But if the said George A Glover shall survive his said wife, then the said Estate or houses & lot to go to him. And this deed further witnesseth that the said George A. Glover does hereby convey unto the said William A Darden trustee for the sole, separate & exclusive use of Nannie Glover his wife, free & exempt from his said Glover's debts & liabilities, now existing or hereafter contracted, the following property, viz. The chamber furniture in his said wife's Chamber Bed & Stead & furniture (Carpets) wash stand bureau, wash basin & ondes all the furniture

3

7. Pleas
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used in said Chamber for and during the Natural Life of said Hannie Glover and subject only to such liabilities as is hereinafter mentioned and the said George A Glover being especially desirous of securing the payment of his debts does hereby further convey unto the said William N Darden trustee the following property, Viz: The remainder interest in the property herein given to Hannie Glover during her natural life, Including the remainder interest in the said Home & lot to which and as effect the said Tyus does convey the same. Also all his, Glovers crops of all Kinds 2 Horses one a bay called Charley and Belmont & Iron Gray folly, House hold & Kitchen furniture of every description, Except that as heretofore given as aforesaid to his said wife, 2 Red milch cows one Yearling heifer one (unsampled Horn) and the increase of the same also his said Glovers Medical Books & Library, Buggy & harness accounts, Bonds & Books, farming utensils one ox cart. one tumbril ditto a reader or rail hauler 5 (five) beds, steads & clothing & furniture, carpets & hogs of every description, and the said George A Glover does hereby further convey unto the said William N Darden trustee all of his (Glovers) interest & title in & to his said wife Hannie all portion or share in her late father's estate and in her brother's Dr W. P Jordan's estate. All of which as well as the property hereinfore mentioned or the interest therein not herein conveyed to his the said Glovers, wife. The said William N Darden is to have & to hold as trustee for the payment of the debts or to secure the following creditors without preference Viz. Robert M Darden. George W Darden

and Trustee A Darden, I have not mentioned the amounts due to the above named creditors as the opportunity or means of doing so is not at hand or cannot at this time be conveniently ascertained. It is further understood that the said trustee is permitted to allow the said Glover to remain in quiet possession of said property until such time as it or any or all may be required for the objects or trusts of this deed, and it is further understood that any of the property herein conveyed may be sold by said Trustee with the approbation & consent of said Glover, or exchanged for other property and the proceeds of sale of such as may be sold or that for which any thereof may be exchanged or bought with said proceeds shall be held by the said Trustee in like manner and subject to the same trusts as the property so sold or exchanged was held under this deed. In testimony we affix our signatures & seals this day & year above mentioned

W L Gynes (Seal)
Geo A Glover (Seal)
Jno A Darden (Seal)

Amherst County, to wit:
I. Cornelius Hall a justice of the peace of this County aforesaid State of Va. do certify that Wm L Gynes, Geo A Glover whose names are signed to the writing hereto annexed bearing date the 20th day of December in the year 1865, personally appeared before me in the said County and acknowledged the same before me in my said County.
Given under my hand this 2nd day of May 1866.

C Hall J.P.

In the Clerk's Office of Nansemond County Court the 8th day of May 1866

This Deed was acknowledged by Wm H Darden, and with the certificate written thereon, admitted to record. (The requisite Stamp of $5.00 having been affixed and cancelled

Teste.

Peter B Prentis Clerk

A Copy

Teste:

Peter B. Prentis' Clerk

Henry L. Syred
T. E. Copy Teste
W.H. Darden, Trustee &c

"Exhibit No. 1
with bill of
Darden's Exor
v.
Glover & als.

William H. Darden and Julius C. Darden Executors of the last will and testament of George Willis Darden deceased. -

v.

Lowell Glover (infant), Annie Bernard (infant), Ernest Andrews (infant) Andrews (infant), Robert H. Tynes, Henry L Tynes Jr, Wallace Kelly and Maggie T. his wife, Richard Taylor Riddick, Henry Taylor Riddick (infant) and Elizabeth Taylor Riddick (infant)

To the Honorable George Blow Judge of the Circuit Court of Nansemond County.

Humbly complaining your orators William H. Darden and Julius C. Darden Executors of the last will and testament of George Willis Darden deceased, residents of Isle of Wight County Virginia, respectfully represent

That on the 20th day of December 1850 a certain Henry L. Tynes executed and delivered ~~a deed~~ a certain deed conveying to William H. Darden Trustee with general warranty the real estate described in the said deed as follows: "The "house and lot with the houses on said lot in the "village of Chuckatuck Nansemond County Va. "whereon Elizabeth Pinner resides and bounded on the "South by the Main Street in said village, East by "Capt. Wicks lot, West by Merit J. Whitney's lot, and on

"the North by Mrs Janet Godwins property. To have
"and to hold the said Houses and lot, supposed to
"contain one and a half acres to him the said Wm
"H. Darden as Trustee for the following objects and trust,
"for the sole separate & exclusive use and benefit
"of the said Nannie Glover during her natural
"life. The said Houses and lot in no manner to
"be liable or subject to the debts of said Glover
"(Geo. A.) except as is hereinafter mentioned. But
"if the said George A. Glover should survive his said
"wife, then the said estate or houses and lot to go
"to him" After conveying certain personal property
the said deed goes on to provide "and the said
"George A. Glover being especially desirous of
"securing the payment of his debts does hereby
"further convey unto the said William H. Darden
"trustee the following property, viz, the remainder
"interest in the property herein given to Nannie
"Glover during her natural life, including the remain-
"der interest in the said House & lot to which
"and as effect the said Tynes does convey the
"same. - And further on in the said deed the
following language is used, 'All of which as well
"as the property heretofore mentioned or the interest
"therein not herein conveyed to his the said Glover's
"wife the said William H. Darden is to have & to
"hold as trustee for the payment of the debts or
"to secure the following creditors without preference"

etc. The said deed is signed by the said Henry L. Tynes, George A. Glover and Wm. H. Darden and was duly admitted to record in the Clerk's Office of Nansemond County Court on the 8. Day of May 1865. A copy thereof is herewith filed marked "Exhibit No. 1" and your orators pray that it may be read as a part of this bill.

That the said George A. Glover died before his wife the said Nannie Glover to wit on the Day of 18 . His heirs at law are Lowell Glover a daughter ~~of~~ by his said wife Nannie Glover and Annie Bernard his grand-daughter a child of Glover deceased who married Thomas Bernard; Ernest Andrews and — Andrews his grandchildren who are children of Glover deceased who intermarried with one Andrews. All of the said heirs at law of George A. Glover deceased are infants under the age of twenty one years.

That by virtue and authority of the said deed of trust the said William H. Darden on the 21st Day of October 1868 sold the said House and lots (subject to Mrs. Nannie Glover's life estate therein) at public auction. At the said sale your orators testator the said George Willis Darden who was the largest creditor named in the said deed of trust became the purchaser. And the said William H. Darden Trustee afterwards

executed and delivered to him a proper deed conveying the said real estate to him. The said deed is dated the 24 Day of October 1868 and was duly admitted to record in the Clerk's Office of Nansemond County Court on the 22 Day of December 1879. A copy of the same is herewith filed marked "Exhibit No 2", and your orators pray that the same may be read as a part of this bill.

That the said Nannie Glover departed this life on the Day of 18, and since her death the said real estate has been in the possession of the said George Willis Darden, and since his death in the possession of your orators as his Executors.

That the above named Lonell Glover is the heir at law of the said Nannie Glover.

That the said Henry L Tynes, the grantor in the said deed of trust, has been dead for several years. His heirs at law are, Robert H. Tynes, Henry L. Tynes Jr, Maggie T. Kilby the wife of Wallace Kilby and the children of a deceased daughter viz, Henry Taylor Riddick and Elizabeth Taylor Riddick who are infants under the age of twenty one years.

Your orators claim that by virtue of the deed from William H Darden Trustee in the said deed of trust, ~~to the said George Willis Darden~~ conveying the said real estate to ~~the~~ your orators'

testator George Willis Darden deceased he the said George Willis Darden became seised of a perfectly good and indefeasible fee simple title to the said real estate which cannot be successfully assailed either at law or in equity. And your orators in execution of their duties under the said George Willis Dardens will are anxious to make sale of the said houses and lot. But the market value of the said real estate has been almost if not entirely destroyed by reason of certain rumors which have been industriously circulated in the neighborhood to the effect that the title of your orators' testator is fatally defective. It has been said that the title thereto is in the heirs of George A. Glover, and again that it is in the heir of Mrs. Nannie Glover, and still again that the property has reverted to the heirs of the grantor in the said deed of trust, Henry L. Tynes dec'd. The parties interested have consulted counsel, but no suit has been instituted and no definite claim asserted. Meanwhile the value of the property is destroyed and the estate of your orators' testator suffers.

Forasmuch therefore as your orators are without remedy save in a Court of equity where such matters are properly cognizable and relievable, they pray that Lovell Glover

(infant), Annie Barnard (infant) Ernest Andrews (infant) — Andrews (infant) Robert H. Tynes, Henry L. Tynes Jr. Wallace Kilby and Maggie J. his wife, Richard Taylor Riddick Henry Taylor Riddick (infant) and Elizabeth Taylor Riddick (infant) may be made parties defendants to this bill and required to answer the same on oath, that Guardians ad litem may be assigned by the Court to the infant defendants in order to defend them in this suit, that the said defendants may be required to assert in this cause any claim they may have to the said real estate, that a decree may be pronounced which will forever quiet the title to the said real estate, and declare that ~~your orators as Executors of the last will and testament of George Willis Darden deceased~~ the said George Willis Darden at the time of his death had a perfectly good and indefeasible title thereto, and for such other, further and general relief as the nature of their cause may require and the principles of equity justify.

And your orators will ever pray &c.

Let a Subpoena go &c.

Winfree & Prentis.

D. G.

Witness Pruitt.

Geo. W. Dardis Exrs

v.

Bill &
2 Exhibits. –

Lowell Glover Witness

George W. Darden's Exors:

vs Chy: Notes

Lowell Glover & others

1883. Feby: 26th: Summ: in Chy: issued to March Rules, 1883.

" March 5th: Bill & 2 Exhibits filed - Decree Nisi vs adult defts.

" " " Peter B. Pruden's apptd 9th: as Guard: to infant defts. who filed their answer to which there was a gen: replen:

" 8th: 2nd: Decree Nisi confirmed & cause set for hearing on Mo: of Pltffs Counsel.

Chy: Notes