

1929-001 Chancery Causes: Alfred F. Darden v al vs Addie Darden v al, by v c v al
Isle of Wight - County

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Other SURNAMES: Spivey, Butler,
Gardner, Johnson, Doss, Holland,
Daughtrey, March, Reid, Saunders,
Bradshaw, [Holland - Jones Company]
Jones, Everett, [Holland Supply
Corporation]

A. F. Darden et als.....Complainants
vs. COMMISSIONER'S REPORT.
W. T. Darden et als.....Defendants.

The undersigned commissioners appointed by the decree entered in this cause on the 7th day of November, 1921, after being duly sworn, proceeded to execute the duties enjoined upon them by said decree, and make to the court the following report:

FIRST: Your commissioners are thoroughly familiar with the land referred to in said decree, it being a comparatively small tract of land situated in Isle of Wight County, Virginia, containing sixty acres, more or less, bounded by the lands of John M. Saunders, James Cutchins, Charlie Bradshaw and others.

SECOND: The said land can not be conveniently divided in kind between the several parties entitled to share therein, there being nine parties owning equal interests in said land, as shown by said decree. No party in interest will take the entire property and pay therefor to the other parties such sums of money as their interests therein may entitle them to and no parties in interest will agree to have their shares laid off in kind, separately or together.

THIRD: The said land, as suggested above, is a comparatively small tract of land and for that reason, among others, is not susceptible of division in kind among nine heirs. Your commissioners believe that the interest of those who are entitled to the said property or its proceeds will be promoted by a sale of the entire property.

FOURTH: The fee simple value of the said property is \$2000.00, and the annual value is \$120⁰⁰.

Your commissioners, therefore, recommend that the said property be sold and the proceeds divided among the parties entitled thereto.

Respectfully submitted,

R. B. White
Gavin Rawls
J. J. Saunders

STATE OF VIRGINIA,

COUNTY OF ISLE OF WIGHT, To-wit:

This day, ~~Dr. C. J. Bradshaw~~, Dr. Gavin Rawls, R. B. White, and ~~Sam Saunders~~, Commissioners appointed by a decree of the Circuit Court of Isle of Wight County, on the 7th day of November, 1921, personally appeared before me, John F. Duke, Justice of the Peace, for said County, and made oath that they will truly and justly perform their duties as directed in said decree.

Given under my hand this 25 day of November, 1921.

John F. Duke
Justice of the Peace.

My term of office expires the 31 day of Dec, 1923.

Report of Commissioner

Returns & fees
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Jest. R. G. Evans.
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The depositions of James Holland and others, taken on the 28th day of February, 1921, before me, Ray Lavine, a Notary Public for the City of Suffolk, in the State of Virginia, by agreement of counsel, at the office of Saunders and Hutton, in the City of Suffolk and State of Virginia, between the hours of ten o'clock A. M., and five o'clock P. M., to be read in evidence in a suit or action in which A. F. Darden and others are plaintiffs, and W. T. Darden and others are defendants, pending in the Circuit Court of Isle of Wight County, Virginia.

Present: S. E. Everett, counsel for W. T. Darden and Sarah C. Darden, his wife; William S. Holland, guardian ad litem for the infant defendants; John K. Hutton, guardian ad litem for the insane defendant; and Saunders and Hutton and E. L. Beale, counsel for all other parties.

James Holland, being duly sworn, deposes as follows:

By Mr. Hutton:

Q. State your name, age, residence and occupation.

A. Names, James Holland; age, fifty-five years; residence, Nansemond County; occupation, farmer.

Q. Mr. Holland did you know Mrs. Eliza A. Darden who died in July, 1919, and whose residence was in Isle of Wight County near Nansemond County line?

A. Yes, I knew her.

Q. How long had you known her?

A. About as long as I knew anything. Knew her all my life - thirty-five or forty years.

Q. How far did you reside from her home?

A. At her death?

Q. Yes.

A. About four miles at the time she died. I lived fourteen years within a mile of her.

Q. How far were you living from her in September, 1917?

A. About four miles. I moved away from up there close this year.

Q. How long at that time had it been since you moved a few miles further?

A. I think it was the first or second year. I won't be positive, either one or two years.

Q. Did you have occasion to see her frequently?

A. Not after I left up there near her home. I never saw her but once after I moved.

Q. State the occasion on which you last saw her.

A. I went over to Mrs. Johnson's and the old lady was there. I did not know she was there. Mary was out in the lot sowing her peanuts.

Q. Did you have a conversation with Mrs. Darden on this occasion?

A. To some extent. I asked her how she was getting along - something of the sort - spoke to her first, and she said she could not see me. Mary told her who it was. I asked her how she was getting along and her answer was to me: "I ain't here for long". That was the only answer she would give to me.

Q. Did the conversation you had with her on that occasion make any impression on you as to her mental condition.

A. She did not make a good answer of what I said to her. She was hysterical there for years before that. The last thing she said was

right; the last parties she talked to was the right one. That had been that way five, six or seven years.

Q. Had you been seeing her from time to time five or six years ago previous to that?

A. Up until that year I used to see her every week or so.

Q. What do you think of her mental condition from what you saw of her during the six or seven years that you referred to?

A. There was times that she was all right. and there was times when she was perfectly all wrong.

Q. Could you state any particular time at which you think her mind began to get wrong?

A. No, she continued to get worse long as she lived. She was more unbalanced the last time I ever saw her than she ever was.

Q. About how long before her death was it that you began to notice that her mind was getting bad?

A. Well, I don't really know - kind of a queer old person any way, always was to some extent. I never took much notice.

Q. Do you think that from what you saw she was mentally capable the last few years of her life of transacting her business?

A. At times she was capable of doing business and at times she was not. If it was only five or six minutes she would be capable of doing any kind of business that five minutes.

Q. Did she impress you on these times you saw her of having enough mental capacity of transacting any business?

A. No.

CROSS EXAMINATION.

By Mr. Everett.

Q. Mr. Holland, you say that you have been knowing her about forty or forty-five years?

A. About thirty-five or forty years.

Q. Was she not looked on by you and people in the neighborhood as being very strong minded and ~~xx~~ will powered?

A. I don't know that she was.

Q. Did she own the property or was the property in her husband's name?

A. I think the property belonged to her; would not swear to it because I don't know.

Q. Whether the property was in her name or not, didn't she generally attend to the business?

A. She and Mary. Mary did it for her; Mary tended all her business since I moved around there.

Q. Even when her husband was living wasn't she the manager?

A. I think so.

Q. You said just now she was always queer ever since you knew her.

A. Yes, I say so now.

Q. When she made up her mind a certain way she had her way about it.

A. Yes, for a certain length of time, she thought that if she made up her mind that was right.

Q. She was a woman of strong prejudice, that is of strong dislike if they did not do what she wanted.

A. Yes, she was.

Q. When she got that way about anybody she did not have anything to do with them much.

A. Not at all.

Q. And she did not do anything for them while she was worried.

A. No, she did not do that.

Q. Didn't she have trouble at times with her family and fall out with them?

A. Yes, and they are the only ones she ever had trouble with as far as I know.

Q. And when one of the members of the family had just done something she disliked she was ready to

A. That was the size of it.

Q. On the last day that you saw her as I understand it, she said to you that she was not long for this world and that was the only thing that she did say to you to make you think that she was not herself on this day, was it not?

A. I asked her "how you getting along about Mary" and she said "I ain't long for this world" and began crying. Never did say anything else. She never said anything more to me.

Q. Was crying the reason you thought that she was not exactly herself this morning?

A. No, oh, no.

Q. Did you speak of this to any one in the neighborhood just after you had this conversation with her?

A. No one except home people.

Q. What did you tell your home people?

A. I don't recollect.

Q. Did you hear it talked in the neighborhood that Mrs. Darden had lost her mind?

A. Mrs. Darden wasn't in that neighborhood when I saw her last. Hardly ever heard her name mentioned except about Mary.

Q.. At this time that you had the conversation with Mrs. Darden, she was over to see her daughter about four miles from where she lived originally, in the neighborhood where you lived.

A. Yes, sir.

Q. You had moved away from that neighborhood about a year or more before you saw Mrs. Darden at her daughter Mary's?

A. Yes.

Q. Before you moved away from that neighborhood did you hear people talk around about the condition of Mrs. Darden's mind?

A.. People did not talk much about each other around there. They knew her; they were good folks; they did not take time talking about people; they did not bother themselves about that at all.

Q. What year was it and what time of the year was it that you met her at her daughter's house?

A. I think it was in December '17 or '18 or '19, or some where about there.

Q. This was the last time you ever saw Mrs. Darden?

A. Yes, that was the last time I ever saw her.

Q. Mr. Holland, can't you trace it back and tell exactly what year it was?

A. Of course I can, I haven't made any note of it.

Q. Please tell me what year it was.

A. I was in 1917 I think. It was in December. She died in the coming summer.

Q. Anyway, it was in December before she died the next year.

A. Yes, sir, because she never came down there again.

RE-DIRECT EXAMINATION.

By Mr. Hutton.

Q. Mr. Holland, something was said in your cross-examination about Mrs. Darden's having been rather strong-minded. Please state, when you said that she was strong-minded, whether you referred to her earlier days or whether you referred to the last few years of her life?

A. To the last days.

Q. Do you think she was easily influenced in the last days of her life?

A. I know she was.

Q. What do you mean when you say strong-minded?

A. I should think a strong-minded person you could not sway either way - stuck to what he was.

Q. Did I understand you to say in your cross-examination that whoever talked to her last was right?

A. The one what done the last talking was the one who did the right talking every time.

Q. You are now talking about the last few years of her life?

A. Yes, about the last years of her life.

Q. Was she as easily influenced as this in her earlier days?

A. I could not tell you in her earlier ~~days~~. She was getting along in years before I moved up there by her.

Q. If the last one that talked to her was right, she would change her position pretty easily, would she not?

A. She would take sides with the last one that talked to her.

Q. State then whether or not you think in the last years of her life she was easily swayed from side to side?

A. I done answered that once - she was.

Q. State whether or not you think she was mentally weak in 1917 or mentally unsound.

A. She was mentally unbalanced in 1917. Of course you hardly find many in her age that won't.

Q. Do you mean by that she was mentally weak?

A. Yes.

Q. State whether or not it was generally known in the neighborhood that her business was being transacted by some one else in the last years of her life?

A. Every one in the neighborhood knew that Mary tended her business up until the time she was married, she did not tend to it any more.

Q. Who tended to it then?

A. I could not tell you.

Q. At the time Mary tended to her business, do you think she was capable of tending to it?

A. No, she was not and then at sometimes probably she was.

Q. State whether or not it was generally understood in the neighborhood that she was not capable of transacting her business?

A. The people knew that she was not capable when she could not see. She could not see who anybody was she said.

Q. State whether or not it was generally understood in the neighborhood that she was in as good mental condition as she was.

A. I don't think I ever heard it mentioned in the neighborhood. As I told you before, people didn't talk about each other.

RE-CROSS EXAMINATION.

By Mr. Everett.

Q. Mr. Holland, when Miss Mary attended to her business she was blind and old and feeble.

A. Yes, sir, she was old and blind and she said she could not see good enough to tell people when she saw them.

Q. Did you ever hear the condition of her mind discussed by anybody until she made this deed in 1917? giving her property to two of her grandchildren?

A.

A. I never heard it discussed since she made the deed or neither did I hear it before,

Q. You have heard it today.

A. I heard it today since I have been in here.

And further this deponent saith not.

JASPER DAUGHTREY, being duly sworn, deposes as follows:

By Mr. Hutton:

Q. State your name, age, residence and occupation.

A. Name, Jasper Holland; age, 53 years; residence, Nansemond County, Virginia; occupation, farmer.

Q. Did you know Eliza A. Darden before her death?

A. Yes, sir.

Q. How long had you known her?

A. I reckon you might say all my life. She lived in three miles.

Q. Did you have any conversation with her at any time in the last two years of her life?

A. No.

Q. Do you remember when you last had a conversation with her?

A. It was some time in the spring, possibly in February, 1917.

Q. Where were you when you had this conversation?

A. In the road at her house - in fact did not have any conversation with her, she just came out in the road.

Q. Did she do any talking in your presence?

A. Yes.

Q. How did her conversation and her action impress you as to her mental state?

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A. In order for me to answer that question I will have to say Miss Mary had sent for me to see a sick cow and while I was there they turned the cow out of the stable and Mrs. Darden came out. I left it and went over to where she sat. She was just talking more or less as a child about the cow or something else, I never knew what she said.

Q. Did what she say seem to be in any connected fashion or was it sort of disconnected?

A. It was not connected, I could not tell anything about what she was talking about.

Q. How were you then impressed as to her mental condition?

A. I knew from her age and general condition that she was old and childish.

Q. State whether or not she impressed you as a person of normal mind or impressed you as having the mind of a child.

A. That was it exactly. That was the impression she made on me. She was old and childish and just like a child.

Q. What age child did her conversation remind you of?

A. Anything three or four, five years. Just as likely to ask you any question and to ask you over and over again.

Q. Do you think at that time she was mentally capable of transacting business?

A. No, sir, judging from that I would not.

Q. Do you think she was mentally capable of legally disposing of her property?

A. I should not have thought so.

Q. State whether or not you think that a strong mind could have at that time easily influenced her to any particular action.

A. I don't know anything about that at all.

Q.

CROSS-EXAMINATION.

By Mr. Everett.

Q. Mr. Daughtrey, she came to my office on the 26th day of September, 1917. Now if she came to that office and told me that she had two grandchildren, one named after her husband and one named after her favorite son, and stated clearly that she wanted a deed written giving them certain interest in her property, that she had made some arrangements to leave it ~~xxx~~ in some other way and had changed her mind about it and wanted it drawn in the way the deed here is written; if you had been a stranger sitting there at the time, would you have thought she knew what she was talking about?

OBJECTION (By Mr. Hutton): The question and any answer thereto is objected to on the ground that witness is not qualified

as a medical expert and is simply a layman, whereas the question is hypothetical in its nature, the witness not being called to give his opinion in the premises.

A. I never saw Mrs. Darden after that day the time I was there. I never saw her to speak to her any more after I was there.

Q. If you had been in my office and heard the conversation that I had just related, would you say that sounded old and childish?

A. No, sir, I would not if I had been a stranger.

Q. Mr. Darden, don't you find old people as old as she was and feeble that there are times when you think they could not dispose of property and then again that they could?

A. Mr. Everett, I haven't had so many dealings with people that age, I don't know.

Q. She was very old and blind, was she not?

A. Yes.

And further this deponent saith not

Mr. D. H. MARCH, being duly sworn, deposes as follows:

By Mr. Saunders.

Q. Please state your name, age, residence and occupation.

A. D. H. March; age, 39 years; residence, Mansemond County, Virginia; occupation, farmer.

Q. Were you acquainted with Mrs. Eliza Darden?

A. Yes, sir.

Q. How long had you known her?

A. About ten years.

Q. How far did you live from her?

A. About a mile.

Q. About how often did you see her?

A. I reckon about once or twice a month, then it would be four or five months before I would see her.

Q. Did you know her and see her during the year 1917?

A. Yes.

Q. Did you see her in 1916 and 18, along there?

A. Yes, sir, I saw her every year from the time I moved up there.

Q. Did you during that time have any talk with her?

A. Yes.

Q. From your observation and conversation with Mrs. Darden who did she impress you with reference to her mental condition?

A. She seemed to be old and childish like most old people are.

Q. Do you remember the time that Miss Mary was attending to her affairs for her?

A. Yes.

Q. During that time could you say whether or not Mrs. Darden was capable of attending to her affairs?

A. I don't think so.

Q. When you say you don't think so do you mean that you don't think she had mental capacity enough to attend to them?

A. She was old, childish and blind and seemed to have her mind torn all to pieces about something--go there to see her and she would talk about Rufus, first one thing and then another.

Q. Which one is Rufus?

A. The one that died.

Q. Was her conversation connected like the conversation of an ordinary normal person or was it disconnected or broken up so you could not make heads or tails out of it?

A. You could tell what she was speaking about but she could not put it together.

Q. Did you think that was from an impediment in her speech or from the lack of sufficient mental capacity to put it together?

A. I don't think she had mind enough to put it together the time she was speaking of things.

Q. From your observation and conversation with her, do you think she could or could not be easily influenced by others?

A. She seemed to talk/first one of the children that would have conversation with her was the one she liked best.
like

Q. Do you mean that the last one who talked to her could do what they wanted?

A. It seemed so.

Q. Is that the way she impressed you?

A. Yes, sir.

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Q. Would you say that that was her condition during the year 1917?

A. Yes.

Q. You say you had known her about ten years?

A. Yes.

Q. From the time you knew her up until the time of death, did her mind improve or grow worse?

A. Grew worse.

Q. Was her mental condition better when you first knew her?

A. Yes, better than it was in the last days.

Q. Was it like the mental condition of the ^{average} normal person when you knew her?

A. She was in right good shape until her son died and then it looked like she got torn all to pieces.

Q. Do you recall when he died?

A. About two or three years after I moved around there.

Q. From the time her son died up until her death you say her mind grew worse and worse?

A. Yes.

Q. Do you know whether or not there had been any insanity in her family?

A. I don't know.

CROSS-EXAMINATION.

By Mr. Everett.

Q. Mr. March, you lived near Mrs. Eliza A. Darden, did you not, in the year 1917?

A. Yes, sir.

Q. How far?

A. About a mile.

Q. Did you ever hear any one discuss the condition of her mind?

A. No body but me and my wife.

Q. Do you mean to say that there were no times at which Mrs. Darden could instruct anybody what to do about her business?

A. I don't think so. I don't think she was capable of attending to her business. She told me Mary tended all her business for her. She could not see and did not have any mind for nothing. She lost Rufus and he was her whole dependence for a living.

Q. If you had heard her say that she had wanted a deed written conveying ~~xxx~~ her property to ~~xxxx~~ Moses Darden and Rufus Darden, her

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grandchildren, reserving a life right in it, and wanted \$300.00 paid to Addie Darden, child of Mary A. Darden, what would you have thought of her.

OBJECTION (By Mr. Hutton) Question and answer thereto objected to as the question is a

MR. EVERETT: Counsel for defense states that the opinions of all witnesses are based on what they have heard and seen and this is one of the acts of Mrs. Darden and I am asking him this act with any others that he saw.

MR. HUTTON: The questions calling for the opinions of the witnesses hereto have called for their opinions based upon their own observations and not upon a question hypothetically stated.

A. I don't know, I didn't see her at the time.

Q. I have understood though that you said she could not attend to her business or direct it during the year 1917.

A. Yes, sir. I said she could not tend to her business. She was blind.

Q. Mr. March, don't you think there were times in 1917 that she had mind enough to direct certain things to be done?

A. I don't think so.

Q. If that be true, how could she instruct me to write the deed that has been referred to and marked "Exhibit A"?

A. Somebody might have dictated it for her.

Q. If no one did dictate it for her and she dictated for herself, what would you think?

A. Well, if she dictated for herself, it looks like she was capable of attending to it.

And further this deponent saith not.

J. M. REID, being duly sworn, deposes as follows:

By Mr. Hutton.

Q. Please state your name, age, residence and occupation.

A. Name, J. M. Reid; age, 46; residence, Hansemond County; occupation, farmer.

Q. Mr. Reid, were you acquainted with Eliza A. Darden?

A. Yes.

Q. How long did you know her?

A. Something like twenty-five years, may be more or less, not much less though, somewhere around that.

Q. State whether or not you saw her frequently during the last few years of her life and up to her death.

A. Yes.

Q. State whether or not you had frequent conversation from time to time during this period with her.

A. Just once in a while as neighbors do. We visited back and forwards.

Q. Did she often come to your house during the year 1917?

A. She came once in a while, yes, sir.

Q. Did you see anything of her in the month of September, 1917?

A. I can't recall that, I don't recall, I reckon---I don't know.

Q. Did you see her at Holland, Virginia, in a little case before Mr. Walter Daughtrey, Justice of the Peace, in December, 1917?

A. Yes, I was in the case.

Q. Had you seen her within the sixty days previous thereto?

A. Yes, sir.

Q. From your conversation with her during and about this time, and from your observation of her as a neighbor, please state what you think of her mental condition.

A. I don't think that was good.

Q. Do you think she was mentally capable of transacting any business?

✓ A. I don't think so.

Q. State whether or not you think she had sufficient mind to gather together in her mind at one time the nature and extent of all her property and all those who would naturally be the object of her bounty and decide from that knowledge rationally what she wanted to do with her property.

A. I think not.

Q. About how long from your observation had her mind been growing weak?

A. I think ever since her son died - Rufus.

Q. State whether or not it was generally understood in the neighborhood she was of weak mentality at that time.

A. They knew there was something wrong with her.

Q. State whether or not you think from your observation of her she could have been easily influenced by any person close to her who desired to do so.

A. I do.

Q. Do you know ~~wh~~ how old she was?

A. I do not.

Q. She looked extremely old, did she not?

A. She looked old, but I don't know how old.

Q. You know Mr. Jim Holland who testified in this case, do you not?

A. Yes, sir.

Q. Is he connected in any way with the Darden family?

A. Mr. Tobe Darden married his sister, that is all.

CROSS-EXAMINATION

By Mr. Everett.

Q. The trial that you referred to at Holland was action brought before the Justice by Mrs. Darden against her daughter Mary for a cart and horse and some other things, was it not?

A. I don't know there was any other object in view or not. I know it was the cart wheels and horse. I don't know whether there was any other thing or not. I think not.

Q. How was the warrant gotten out, was the complaint made by Mrs. ~~Dex~~ Darden?

A. I think so.

Q. Up to that time you never heard anything about the condition of her mind, did you?

A. Yes, sir.

Q. But she was the plaintiff in this action and the warrant was issued because she asked it to be issued.

A. I think so.

Q. Did the justice think then she knew what she was doing?

A. He must have.

Q. Then were there not times, from what you know of Mrs. Darden, that she could instruct any one as to what she wanted done with her property?

A. It seemed like in a conversation she never could get anything together, never could tell just what she wanted.

Q. She told you and Mr. Daughtrey in this case what she wanted.

A. She told Mr. Daughtrey, she did not tell me.

Q. Didn't she testify to questions?

A. I think not. She was not allowed.

Q. Why was she not allowed?

A. I don't know.

Q. At that time she was mad with her daughter Mary.

A. I think so.

Q. Why did she fall out with her?

A. I think she fell out with her on account of her marriage.

Q. And when Miss Mary ~~was~~ left she claimed Miss Mary took part of the things with her.

A. I think so.

Q. And she brought this action to recover the things.

A. Yes.

Q. Do you remember why Mrs. Darden was not allowed to testify in this case?

A. I do not.

RE-DIRECT EXAMINATION.

By Mr. Hutton.

Q. How far from Mrs Darden did you live?

A. Something like a half mile.

Q. Were you present when the warrant referred to by Mr. Everett was sworn out?

A. No, sir.

Q. Do you know of your own knowledge on whose complaint it was issued?

A. I do not.

Q. Do you know whether or not Tobe Darden was present when that warrant was issued?

A. I do not.

Q. In other words the answers you have made to Mr. Everett's questions in regard to the issuing of that warrant were not made upon any knowledge you possessed in the matter.

A. The first knowledge I had was when the warrant was brought to me.

Q. You just took charge of the warrant ~~and~~ as an officer and executed it.

A. Yes.

Q. Who brought the warrant to you?

A. Mr. Tobe Darden.

RE-CROSS EXAMINATION

By Mr. Everett.

Q. Mr. Reid, did not Mrs. Hattie Butler have anything to say at this trial in Holland?

A. I think so.

Q. She testified?

A. Yes, sir.

Q. Did you hear any of the heirs or children of Mrs. Darden ever talk about the condition of her mind until they discovered that she had given the land to little Moses and Rufus?

A. I haven't heard anything before or since.

Q. You lived in the neighborhood and you never heard one of her children say anything about the condition of their mother's mind?

A. No.

RE-DIRECT EXAMINATION (CONTINUED)

By Mr. Hutton:

Q. Do you know whether or not Mr. Tobe Darden prior to say the marriage of Mary Johnson, spend very much time over at Mrs. Darden's place or had much to do with her one way or the other.

A. Didn't have anything to do with her.

Q. Was she a visitor, frequent or otherwise, to Mr. Tobe Darden's place.

A. Not at that time.

Q. RE-CROSS EXAMINATION (CONTINUED).

By Mr. Everett.

Q. Mr. Reid, it was a question among the children of Mrs. Darden as to who would get the property of Mrs. Darden, was it not?

A. Possibly so.

Q. Those that were cut out would think she was crazy and those who ~~that~~ got their share think she was very strong minded.

A. Sure.

RE-DIRECT EXAMINATION (CONTINUED)

By Mr. Hutton.

Q. You are inclined to agree with those who were cut out as to the question of her mind?

A. Yes, sir.

Q. You think it would be possible for the one who got control of the property to think the mind was perfectly sound?

A. Yes.

RE-CROSS EXAMINATION (CONTINUED)

By Mr. Everett:

Q. Mr. Reid, she was pretty crazy at this time?

A. I could not say she was, I could not say.

Q. Were there not times when she was pretty ~~level~~ headed?

A. She might have been but those were times when I did not meet her.

Q. Mr. Reid, you lived near there and you knew the condition of her mind and she was easily influenced, was she not?

A. Seemed to be.

Q. You knew Tobe Darden?

A. Yes.

Q. He is a man of great deal of influence, is he not?

A. He is all right.

Q. Do you believe that Tobe Darden could sit down and tell his mother what he wanted her to do with her property and take her in the buggy and ride fifteen or twenty miles to Suffolk, and from those instructions that he had given her that she could come in my office and tell me exactly what Tobe had told her to do?

A. Well, that would have been perfectly natural for her to have done it.

RE-DIRECT EXAMINATION (CONTINUED).

By Mr. Hutton:

Q. State whether or not you think that if Tobe was with her at the time it would have been more natural for her to have done it?

A. It looks so to me.

RE-CROSS EXAMINATION (CONTINUED).

Mr. Everett.

Q. Do you think that she could sit down in my office and in the presence of myself and Miss Virginia Jones and tell me exactly what she wanted done without Tobe's every now and then telling her how to do it?

A. With your help she could.

Q. But suppose I did not know what she wanted and no one told me what she wanted except herself, how then would you account for it?

A. I don't know.

And further this deponent saith not.

MR. W. F. DAUGHTREY, being duly sworn, deposes as follows:

By Mr. Saunders:

Q. Please state your name, age, residence and occupation.

A. W. F. Daughtrey; age, 42; residence, Nansemond County.

Q. Did you know Eliza A. Darden during her life time?

A. I knew of her, Mr. Saunders.

Q. Did she at any time appear at your house and request you to issue a warrant of any kind for her and if so about when was that?

A. Now I think it was in the latter part of December '17 that she came to my house, that is my yard, with her son, W. T. Darden, and seemed to be in a great deal of trouble, began to talk and I could not get at really what she wanted at first.

Q. How did you finally get at what she wanted?

A. Well she began to tell her troubles through and by and I listened for a while and asked her what was it she wished me to do for her and I think by the aid of her son I got at it.

Q. ~~Mr.~~ Mr. Daughtrey, was your failure to get at what she was trying to say due to the fact that her sentences were so broken and disconnected that you could not find out what she was talking about?

A. They were pretty badly disconnected - her general conversation.

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Q. Her sentences being so disconnected that you could not tell what she was talking about, you then applied to her son, Tobe Darden, who was there with her, for the necessary information on which the warrant was issued, is that correct, sir?

A. I think I asked Tobe really what she wanted me to do, and from them both as near as I could get it, she wanted to get back her house and cart that Mary had carried away.

Q. I understood you to say that her language and sentences at that time were very disconnected and broken.

A. Yes, sir.

Q. You did not know of any impediment in her speech, that is she could speak her ~~own~~ words.

A. Yes.

CROSS EXAMINATION

By Mr. Everett:

Q. You were a justice at that time, Mr. Daughtrey?

A. Yes, sir/

Q. You issued a warrant in debtinue.

A. I did issue it in her name.

Q. You did not think when you issued a warrant in her name that she was unbalanced.

A. Now I never gave it much thought. She just talked at random and seemed to be troubled about Mary marrying Ernest. I had to call attention at times to know what she wanted.

Q. Mr. Daughtrey, as an officer, when they apply to you don't you often find it difficult for a long time to find out what they ~~want~~ do want?

A. They some time ask my advice.

Q. Of course she did not know and neither did her son know that a warrant would be a warrant in debtinue.

A. I don't know that either of them knew what kind of a warrant to be issued.

Q. You issued the proper warrant?

A. I think so.

Q. That is not uncommon, is it, for people when they come to you not to know what kind of a warrant they really want?

A. No, people without ~~experience~~ experience often ask my advice.

Q. You had never heard of her mind being questioned before this time?

A. No, I don't think so.

Q. You lived how far from her?

A. I think it is about two miles.

Q. Do you remember whether she testified at the trial or not?

A. I don't think she did. In regards to the testifying, I don't think she made any statement. I am now under the impression she did not testify.

RE-DIRECT EXAMINATION.

By Mr. Saunders.

Q. Mr. Daughtrey, didn't you live within about two miles of Mrs. Darden?

A. Yes, sir.

Q. You had no intimate acquaintance with Mrs. Darden herself, did you?

A. I don't think I ever had a conversation with her before, and if I saw her it was at a distance, seldom saw her at all.

Q. Then, at that time, from what you had known of her, you would not consider yourself in ~~position~~ possession of sufficient knowledge to talk about her mental condition one way or the other, would you?

A. From her general conversation at that time and the only time, I don't think she was in position to give anybody any satisfaction so far as getting at any question.

And further this deponent saith not.

MR. W. W. GARDNER, being duly sworn, deposes as follows:

By Mr. Hutton:

Q. State your name, age, residence and occupation.

A. Name, W. W. Gardner; age, sixty-five years; residence, Nansemond County, Virginia; occupation, farmer.

Q. Mr. Gardner, you were acquainted with Eliza A. Darden, were you not?

A. Yes, sir.

Q. How long have you been knowing her?

A. A long time, I don't know how long - many years.

Q. Did you see her frequently during the last few years of her life?

A. Not very frequently, I saw her some times oftener than some

months. She sent for me to come over on one or two occasions and do a little work ~~for~~ around for her.

Q. Do you remember the last occasion you were over there?

A. I don't recalle exactly the time but it was just before she moved up to Mr. Darden's, her son's.

Q. What Darden do you refer to?

A. Her son, Mr. Tobe Darden.

Q. Was this the occasion after the marriage of Mary Johnson?

A. I think it was. As well as I recall, I won't be certain about it, but it was about that time, whether before or after, I don't know which. I recollect it was just before. ~~xxxxxx~~ Her son he ~~move~~ never moved up there after she moved.

Q. What seemed to be her mental condition on the occasion you have just referred to?

A. She was old and feeble I suppose, and broken down - didn't have any mind to amount to anything at some times.

Q. Do you remember any part of the conversation you had with her?

A. No, sir, not particularly. Only she was telling about her children getting separated about, first one place then another. It seemed to bother her right much. She was talking about that most of her conversation. She told me that she would go out of one house into another and she would forget before she got out of one room into another what she went into there after.

Q. You had occasion to talk to her several times, did you not, along about that time?

A. Yes, sir. That occasion specially I recollect what she told me. I had been over one or two times and found her about the same.

Q. From what you saw of her and from your conversation with her, would you judge that she was mentally capable of transacting any business whatever?

A. I don't think so to trust to my judgment.

Q. Did you think that she was mentally capable of disposing of her property rationally?

A. No, sir, not in every sense I should not.

Q. Do you think she was mentally capable of disposing of it at all?

A. Well, she might have thought so but was wasn't.

Q. State whether or not her mental state was such that she could be easily influenced?

A. Yes, sir, any one in that condition, I suppose.

CROSS EXAMINATION.

By Mr. Everett:

Q. Mrs. Darden was very old, was she not?

A. Yes, sir, she was eighty some, I don't recollect how old she was to the day.

Q. You stated that when you went over there she talked a great deal about her children being separated from place to place.

A. Yes, sir.

Q. Wasn't that the most natural thing of an old lady?

A. Yes, sir, I suppose so, she being weak minded specially.

Q. Then if she had a strong mind, according to your opinion, and you are somewhat of an expert in this case, she would not talk about her children, would she?

A. No, sir, she was speaking about them because she was bothered about them, I suppose.

Q. Well, I asked you if that was not natural for a mother to talk that way.

A. Yes, sir, I suppose so.

Q. You have stated that she told you that if she started out from one room to the other she would forget some times what she started after.

A. Yes, sir.

Q. Isn't it a very common thing to hear old people say these things?

A. Yes, sir.

Q. Then what unnatural thing did she do that any other woman of her age would not have done when you saw her?

A. I don't know so particularly that I can make mention of any.

And further this deponent saith not.

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DR. JOB G. HOLLAND, being duly sworn, deposes as follows:

By Mr. Hutton.

Q. State your name, age, residence and occupation.

A. Name, Job G. Holland; age, fifty-nine; residence, Nansemond County; occupation, physician.

Q. You are a physician, are you not, Dr. Holland?

A. Yes, sir.

Q. Are you in the active practice of medicine?

A

A. Yes, sir.

Q. How long have you been a practicing physician?

A. About thirty-four years.

Q. Did you know Eliza A. Darden?

A. Yes, sir, I knew her about ten or fifteen years before she died, may be more.

Q. State whether or not you ever attended her as a physician.

A. Yes, sir, at frequent times.

Q. What period of time did that cover?

A. Well, some times it would be once a month and some times once or twice a year.

Q. Over what period of years?

A. I reckon ten or fifteen years, I am not sure.

Q. Were you her family physician in the year 1917?

A. I think so, yes.

Q. Did you have occasion to see her at any time or times during that year?

A. I think ~~so~~ I saw her occasionally. She was somewhat of a nervous condition and somewhat hysterical and had a little temperature and they would send for me. They would run into each other.

Q. Do you remember when there was a certain trial at Holland, Virginia, before Justice Daughtrey, at which Mrs. Darden attended?

A. Yes, sir, I remember when that came up.

Q. How long had it been at that time since you had seen her last?

A. I remember seeing her on that date, I don't recollect how long I had seen her before that - that was 1917.

Q. Do you remember whether you saw her in the fall of 1917?

A. I haven't the record and her daughter Mary looked after her business and closed up the accounts. I had certain memoranda which I closed up after the accounts were closed.

Q. What was her condition along about that time?

A. Well, she was getting more feeble, of course, getting older, and might say that she was getting slightly more mentally weak - mentally and physically.

Q. Was she suffering from any physical disease?

A. Yes, sir, she was ~~tubercular~~ tubercular.

Q. Do you mean that she had tuberculosis of the lung?

A. Yes, sir, and some little other trouble also.

Q. At what stage, speaking generally, had her tubercular condition reached?

A. She had some cavities and should say spots in her lung and it would run a temperature of the evening, sometime a temperature for a week or two, and would rest in bed.

Q. Would you say she had gone beyond the incipient stage of tuberculosis?

A. Yes, sir, it was chronic.

Q. How long had she had this disease, Doctor?

A. I reckon ever since I had practiced in the vicinity; about twenty years I should say, just a chronic condition.

Q. State whether or not she was under more or less constant attention and advice from you as a physician because of that physical condition?

A. Yes.

Q. Did she often run a temperature?

A. Yes.

Q. What would be her mental condition during these times when her temperature was mounting?

A. Her mental condition was not good under any temperature at all. One degree would get her off and would make her talk and she was naturally more nervous. Of course she had more than that some times.

Q. You found her of a nervous temperament from the beginning of your treatment of the case of tuberculosis?

A. Yes.

Q. State whether or not as she grew older and as time went on these nervous conditions of mind grew in degree?

A. Well, I think her mental condition was not so good as she grew older, especially if she were running a temperature she would be mentally weak.

Q. When you began to treat her for this disease several years ago state whether or not at that time she would often by reason of temperature get in such condition that she was not really mentally competent.

A. Yes, sir, especially if something would turn up in the family. I don't mean many times - something that would not turn out like she thought it was she would be all to pieces.

Q. Do you think that during these periods of time that she was mentally capable of rationally disposing of her property?

A. Not during these attacks.

Q. Did I understand you to state that as time went on these attacks grew worse and more frequent?

A. They would under any excitement or temperature.

Q. State whether or not in cases of tuberculoses, and particularly advanced tuberculosis, any excitement of any sort would tend to produce temperature.

A. I think it might, especially if she were on her feet getting about. That would bring on temperature - trying to do any work.

Q. State whether or not in your opinion, at any time or times, she might happen to be running a temperature it would be wise to rely upon her to make a will or a deed.

A. No, I don't think so.

Q. Knowing her physical and mental condition as you did, state whether or not in your judgment, if she were to undertake to dispose of her property and at that time labored under any feeling caused by some family disturbances that her mental condition would be so disturbed that she would not be capable of making a deed of a will.

A. As I have just said, under condition of excitement and temperature, I don't think she would if she had been mentally disturbed or some disturbance had upset her mind. I don't think she could make one if she had temperature at the time.

Q. Did you see her shortly after Mary Johnson married?

A. I think I saw her the next time I was passing the road. ~~and~~ Had been to a neighbor and passed me a stopped.

Q. Did you have any conversation with her?

A. She seemed to be all to pieces because of her daughter getting married - marrying Mr. Johnson - but she was all to pieces. I don't think she could have done anything at that time and any kind of a will or deed - I think her mind was in such condition that she could not have made it.

Q. Was it apparent to you that that fact had disturbed her mind as to put her in that mental condition?

A. Yes, that would be sufficient, she being of a nervous and hysterical condition. A person running a temperature those nervous attacks would last longer, would not wear off. She had been having those nervous attacks oftener as she became older and would disturb her more or less often, would not get off her mind so quick.

Q. Do you know what disposition if any she had made of her property just before this incident occurred?

A. She made two wills as well as I can remember, and gave something to all her children and perhaps some of her grandchildren. She gave her farm to Mary but she remembered all her children under the two wills that I wrote.

Q. Do you remember about when the last will was written, generally speaking?

A. I am not sure but I think it was six months before her ~~daughter~~ daughter was married, as well as I remember. I have no record to go by except memory.

Q. Did anybody come to you to get that will after the daughter's marriage?

A. Yes, her son. I think the next day or two after the daughter's marriage ~~he~~ -- I had the will in the bank in the vault. He came back in a day or two after that time. He came back each time and I could not get it. The next day I brought it to the office and he came for it.

Q. To which son do you refer?

A. W. T., or Tobe Darden.

Q. Suppose, Doctor, that ten days thereafter, W. T. Darden carried his mother, Eliza A. Darden, to Suffolk, and there in the office ~~x~~ of a lawyer, a deed was written by which she conveyed all of her property to the two children of Tobe Darden with a contingent allowance for the child of Mary Johnson, and supposing that W. T. Darden had kept before her mind the marriage of Mary Johnson, the fact which so disturbed her on the occasion you have referred to above, would you say that ~~that~~ would have been sufficient to have produced in her the same mental condition obtained on the day you saw her just after the marriage of Mary Johnson?

A. It could ~~have~~ prolong the condition I think in her weak condition. Perhaps she could have been influenced. The influence could have lasted for days. Whether it did or not I do not know.

Q. You would not hesitate to say, Doctor, if she was in the same mental condition on the day the deed was made that she was on the day you talked to her that she was not in a condition to make a deed.

A. I don't think so, no, sir, if she was in the same condition.

Q. Doctor, ^{between} would you say that her mental condition in the interim between the attacks in 1917 was as good as it was in similar periods when you first began to attend Mrs. Darden for that disease?

A. No so good.

Q. State whether you think that during the periods between attacks brought on by this disease her mental condition was such that her mind and her will could have been easily swayed by any person in whom she reposed confidence.

A. I think so.

Q. Do you think, Doctor, knowing her condition as you do, that a strong will, particularly provided the will was ~~exercised~~ exercised by one in whom she reposed confidence could have controlled or rather dominated her mind?

A. I think it is possible.

Q. Doctor, if at this period ~~the~~ of time about which we have been talking, Tobe Darden tried very much to have her make a deed to this property to his children, and endeavored to control her mind to that extent, do you think that her ~~mind~~ mind was sufficiently weak that she would have yielded to his wishes in his presence even if he had nothing to say?

A. Possibly.

Q. Doctor, you do not think much of her strength of mind at that time?

A. Well, if everything was normal, if everything was normal and she was normal mentally at her age, it is possible that she could have dictated what she wanted done.

Q. Do you think that by reason of the ravages of her disease she was a normal person mentally for her age?

A. No, not on account of her disease. If she had no disease, perhaps her mind ~~might~~ would have been better.

Q. Doctor, at the stage of tuberculosis she had reached, would getting up and coming to Suffolk on the mission she came on have a tendency to produce temperature above normal.

A. It would be apt to after she got through. After she got home she would be apt to have a temperature and would have to go to bed.

Q. Is it true, Doctor, that the condition of mental excitement you refer to in tubercular patients is very easy to be produced?

A. I think so.

CROSS-EXAMINATION.

By Mr. Everett.

Q. Do you know, Doctor, how old Mrs. Darden was when she died?

A. I don't know exactly, I think eighty, somewhere about that, perhaps a little more.

Q. Leaving a professional opinion out of it entirely, it would be what is generally known about the community as dying of ~~a~~ old age, dying at that age.

A. As a rule.

Q. There will always be some special trouble with the old that brings on death but if they are very old it is spoken of as old age that caused that death.

A. I think so.

Q. From Mrs. Darden's appearance and her actions, etc., at that age, would a layman ever have thought that she was affected as you stated.

A. Hardly, unless some one told him.

Q. You stated, Doctor, that you wrote a will for Mrs. Darden about six months before her daughter Mary was married.

A. Yes, sir, I wrote two, rewrote it the last time about six months before her daughter married.

Q. At that time she was affected with the same trouble that she was affected with when her daughter was married.

A. Yes.

Q. And also the same trouble existed when she destroyed the wills and made the deed conveying her property to her grandchildren, etc.

A. Yes.

Q. Do you think, Doctor, that she was any more competent to destroy a will that she had signed and executed than she was to have a paper rewritten disposing of her property?

A. No, I don't think she was.

Q. You are satisfied in your mind when you wrote the will that she then understood what she was doing.

A. I think she did. She told me while I was at her house and made a copy of it.

Q. Did she tell you the day after you saw her just after her daughter's marriage that she was not going to let Mary have anything.

A. Yes, as I remember she did say she was going to disinherit her.

Q. Did you see her any more after the 14th of September, 1917?

A. I saw her on the 15th, the next day after she was married, I am not sure, I think it was the day after, I was passing on the road. Was not calling. I did not see her then in some little time. I don't know whether I saw her any more after that day until she fell and broke her hip. It was some little time, I don't know how long it was. I am not certain I saw her any more until then.

Q. You knew Mrs. Darden sometime before you really treated her.

A. I knew her since childhood. Her children and I went to school together.

Q. Until she got very old and blind. wasn't she the general manager of her estate even when her husband was living?

A. I think so, especially after the property was in her name. I don't think it was in her name all the time. It seems to me it was conveyed to her.

Q. You said at times she was nervous and possibly would run some temperature. Would you find that especially noticeable in the morning or afternoon?

A. Generally after 11 or 12 in the day, in the afternoon. She would be quiet in the morning and her temperature would go down. She would feel good in the morning as a rule unless she got out and exercised too far.

Q. Would you think, Doctor, from what you know of her, ~~would she~~ if she should have come to Suffolk, would she have picked her best times or would she have undertaken to have done it when she --have ~~come~~ come in one of her worse spells?

A. I imagine she would come in the morning when she felt better, but under mental excitement a person would do most anything.

Q. On the 15th you said that she told you that she was going to disinherit Mary. Was it after that that she sent after the old will?

A. I think it was the following day or very soon, only a very short time. I think it was the following day or night.

Q. If Tobe Darden and no one else had disturbed her about this marriage and she told you that she was going to disinherit Mary and on the 26th day of September, 1917, she came to my office and acted as calm as any person on oath, and told me that she wanted to give her two grandsons, one named Moses after her husband and one named Rufus Darden after her favorite sone, and that she wanted me to write a deed giving her land to these two grandchildren ~~xx~~ reserving a life right with the understanding that they were to pay \$300.00 to Addie Darden, child of Mary E. Darden and that I wrote the deed which I hand you a copy herewith marked "Exhibit A" and she ~~xxxxx~~ acknowledged it in the presence of myself and other witnesses, and ~~that she~~ said that was exactly what she wanted and no one had to prompt her, would you think, and the time was around ten o'clock in the morning, would you think from this action and conduct of hers that she was then at her best, mentally and physically?

A. I think so.

Q. From the facts that I have stated to you, Doctor, and from what you know of her, do you believe then that she was in condition to execute a deed.

A. It is impossible, not having seen in perhaps two or three months, or ten days, it would be impossible to state her exact condition. A person that has a chronic disease would be hard to state the condition without seeing the patient to give a positive answer.

Q. But I am asking you if she acted as calmly as any person that I ever saw and was as pointed in telling me what she wanted done as any person could be, ~~what~~ would you think then that she understood how to dispose of her property?

A. I would think she was normal unless under this influence being exerted over her.

Q. In other words, if there was no undue influence then you would think that the deed that she executed would be good?

A. Under normal conditions.

Q. There was no excitement about her when she signed either one of the wills you wrote?

A. I think no, generally she was not.

Q. When she was normal, Doctor, was she very calm and exercised very good judgment, did she not?

A. As a rule.

RE-DIRECT EXAMINATION.

By Mr. Hutton:

Q. Doctor, what caused Mrs. Darden's death, do you know?

A. Well, it was generally speaking from the tubercular condition

and the fracture of the hip that she never got over. She was nervous and did not keep in one position and would tear the bandages off, at lease she would try to do it.

Q. In the conversation you had with Mrs. Darden, she did not say she was going to disinherit all her children, did she?

A. I don't think she named any one but Mary.

Q. I understood you to say a few minutes ago you did not think at the time she made the statement about Mary that she was in mental condition necessary to dispose of her property rationally one way or the other.

A. No, I don't think she could have done anything rationally at that time.

Q. If she was ~~in~~ no more rational than when she told you she was going to disinherit Mary at the time the deed was written, then she was certainly not capable of executing a deed.

A. No, if she was in the same mental condition.

Q. Doctor, something was said in the cross examination about Mrs. Darden making this deed without prompting of any kind. I will read you a part of the provision of this deed: "The said \$300.00, part of the consideration of this deed, is to be paid to Addie Darden, the child of Mary E. Darden, who is now the wife of Ernest Johnson, when said Addie Darden becomes twenty-one years of age, and if she dies under age without issue, then the said \$300.00 goes to the said Moses Darden and Rufus Darden." Do you think that her mental condition was such at that time that she would likely have dictated such terms as that without prompting from any body?

A. It looks like that some one had made a suggestion or something.

RE-CROSS EXAMINATION.

By Mr. Everett.

Q. Was the will, or either one of the wills that you wrote, any more complicated than this deed?

A. No, sir, was not as complicated - very simple.

Q. Do you consider that this deed is complicated.

A. I can not say that is, that is, what has been read.

Q. Mrs. Darden, ever since you have known her, was a woman of very strong prejudice, was she not?

A. I might say she was if she became prejudiced against a thing under excitement or got her mind disturbed.

Q. When she made up her mind she generally had her way with her family.

A. I think she did. As to her property she dictated what she wanted done. For the last few years she asked the advice of Mary. Mary was general manager for several years. I don't remember how long.

She left everything to Mary - settle her bills, buy fertilizer and pay bills. Was general manager for some time - left everything to her.

Q. On the morning of the 15th of September you think she was excited and troubled over the marriage?

A. Yes, sir.

Q. I know a man who had a daughter who married against his wishes and he was excited so that he walked up and down the road and cursed for a day or two. He was a man that owned a great deal of property. Would you have thought that he was acting in the manner that he could not make a conveyance of his property?

A. It would depend on his capacity, but I would consider that he was slightly unbalanced.

By. W. S. Holland.

Q. Doctor, what time was her hip broken?

A. It was March 31, 1919.

Q. You said that on the 15th you met her on the County Road, who was with her at that time?

A. No one I don't think. She was crossing and I was passing down the road.

Q. Was she walking or riding?

A. Walking.

Q. How far was she then from her home?

A. About two hundred ~~xxx~~ yards and had been a hundred yards further to a neighbor and had walked about four hundred yards.

Q. Your conclusions based on the question as to her mental condition - are they influenced by the fact that she failed to leave her property to her children?

A. That would not influence me. I was not interested one way or the other.

Q. I mean by my question, Doctor Holland, if Mrs. Darden had left her property to her children equally could you have then said she was in a normal condition.

A. I don't think that would be necessary because very few people that make a will do that - based on other wills.

Q. I mean by these questions I am asking ~~wh~~ would your conclusion and testimony as to her mental condition be the same if she left her property to these other children or her grandchildren?

A. By her changing her will so different it might make me think she was influenced.

Q. Do you mean that it was changed by undue influence or that she was mentally unbalanced?

A. Well, it might be both?

RE-DIRECT EXAMINATION (continued)

By Mr. Hutton:

Q. When you referred to her being able to dictate how her property should be managed, did you then refer to the last few years of her life or did you refer to the former years?

A. That was while Miss Mary was general manager for her.

Q. Who actually managed the property in the last three or four years of her life, Mrs. Darden or Mary?

A. Mary managed it. Up until that time she dictated.

RE-CROSS EXAMINATION (continued).

Q. Was it after Mrs. Darden's eye sight got bad that Miss Mary had to look after it?

A. I think that had something to do with it.

RE-DIRECT EXAMINATION (continued).

By Mr. Hutton:

Q. Did you know Rufus Darden before he died?

A. Yes, sir.

Q. Isn't it a fact that Rufus Darden practically managed it a little while before Mary took hold of it?

A.

Q. Doctor, what what you know of the mental condition of Algernon Darden, one of the Darden boys.

A. He is at the asylum, has been in there for years.

RE-CROSS EXAMINATION (continued).

By Mr. Everett:

Q. He ran himself crazy working night and day.

A. He was a hard worker.

And further this deponent saith not.

Continued by consent to March 7, 1921. at the office of
Saunders and Hutton, Suffolk, Va.

Mr. J. M. Saunders, being duly sworn, deposes as follows:

By Mr. Saunders:

Q. Please state your name, age, residence and occupation, and if you were acquainted with Eliza A. Darden.

A. Name, J. M. Saunders; age, seventy-three years; residence, Isle of Wight County; occupation, retired farmer; yes, I knew Mrs. Darden.

Q. How long have you known her?

A. All my life, lived in sight of her, our farms join.

Q. How long prior to her death had you been living on adjoining farms to her?

A. All the time, lived there all my life.

Q. Did you know Mr. Tobe Darden?

A. Yes, sir.

Q. Prior to the last few months of Mrs. Darden's life was she visited by Tobe Darden?

A. They say not. They say he did not go there at all. It was said around the neighborhood that he did not speak to his mother.

OBJECTION (By Mr. Everett) Question objected to as hearsay.

Q. Did he have anything to do with her in the last few months of her life?

A. That was hearsay. I did not visit them, we were on good terms.

Q. Do you know whether or not she went to live with Tobe Darden during the last few months of her life?

A. Yes, sir. He would pass there every day or two - Tobe Darden. He or some of the family told me that he had ~~wanted~~ moved his mother over to his house. I asked him how his mother was getting along and he said she was mighty feeble - helpless as a child. I could not say for how long she lived but several months, three or four months after that, I don't recall, it being something light that; not many months.

Q. Did you see her and have any conversation with her during the last year of her life?

A. Yes, sir, I saw her several times. Met her on the road several times near her home and talked to her. She asked me if that was me. I told her it was and she said "I thought it was you by your voice." I asked her how she was and she told me she did not know how she was, says "I have lost my mind". I said "What's the trouble, Mrs. Darden". She said "My children have given me so much trouble". I didn't ask her which one. Then she talked at random and then asked me again how I was, and I reckon she asked me about four times how I was.

Q. Was her conversation connected like the conversation of a normal person?

A. No, sir.

Q. Do you feel that you had an opportunity to observe Mrs. Darden frequently while you were living near her in the last year of her life?

A. Not so frequently, sir, by several times.

Q. On that day that you met her about how long was that prior to the time she went to live at Tobes's?

A. Just a short time before that she went to live there, I can't tell how long, just a short time; that was the last time I ever spoke to her.

Q. On the day you saw her, from your conversation with her and your observation of her, do you think she would have been in any shape to have made a deed or will to her property?

A. No.

Q. From what you saw of her during the last year of her life, do you think she was in any mental shape to make a deed or will disposing of her property?

A. I did not see her or talk with her but about three times in the twelve months before she died, and I found in her conversation that she was as childish as she could be twelve ~~month~~ months before she died, and the last time I talked with her she was still worse. I went home and told my wife that she wasn't fit to be let out of home by herself, and my wife asked me why and I told her that she was as childish as any body I had ever seen.

Q. Do you think she had mental capacity enough to know the extent of her property and her house and what she ought to do with her property?

A. No, I don't think she did. She made a will about a year before she died ~~and~~, I won't say how long, and asked me to witness it. She said "I am going to give everything I got to Mary." That Mary had done more for her than any other child she had.

Q. Who attended to her business affairs for her within the last few years of her life?

A. Her daughter Mary.

Q. Did you consider the old lady competent of transacting her business affairs?

A. No, and she did not do it either.

CROSS-EXAMINATION.

By Mr. Everett:

Q. Mr. Saunders, did you ever hear any one talking about Mrs. Darden's being unbalanced until this suit was instituted?

A. I could not tell you the names of the people, but a lot of my neighbors.

Q. That was after she was dead when you heard that. was it not?

A.

A. About her being childish and crazy - that was twelve months before she died. I don't know how long, fully twelve months or more.

Q. You heard neighbors talking about her being insane about twelve months before she died?

A. Yes, sir, I heard the neighbors talking about her being childish. I did not hear my neighbors say she was crazy, but they spoke ~~her~~ of her being childish. I really thought myself she was half crazy. I didn't say so to my neighbors but I thought so from the way she talked.

Q. She was getting very old, was she not?

A. Yes, sir, over eighty years old, I don't know how much.

Q. When people get that old, isn't it a very common thing for them to ask you two or three times about your health, etc?

A. With some people it is and some it is not.

Q. Do you know of any one thing, Mr. Saunders, that she did that would impress you or any one else that she did not know what she was doing?

A. Nothing, sir, except her conversation.

Q. And that conversation you have related?

A. Yes, sir.

Q. Do you know whether or not she got mad with her daughter Mary because she married?

A. Yes, sir, that was hearsay - heard it by the neighbors all around that she did and put her out.

Q. Did she tell you when you saw her that she was worried over what Mary done?

A. She said her children had about run her crazy and did not know what she was doing half time.

Q. When Mrs. Darden was in good health she attended to her own affairs even when her husband was living?

A. No, sir, her husband tended right many before she did and when he was living he looked after the business.

Q. Wasn't Mrs. Darden looked on by the community as a woman of very strong will power.

A. Well, she was up to a good many years ago, but in late years she wasn't. She began to fail after her husband died. I could see that all along. She was living right there in sight of me.

And further this deponent saith not.

DR. C. J. BRADSHAW, being duly sworn, deposes as follows:

By Mr. Hutton:

Q. State your name, age, residence and occupation.

A. Name, C. J. Bradshaw; age, fifty-two years; occupation, retired physician.

Q. Were you acquainted with Mrs. Eliza A. Darden?

A. Yes.

Q. How long had you known her before her death?

A. Practically all my life.

Q. Did you ever attend her as a physician?

A. Yes, sir.

Q. How long ago has that been?

A. Must have been something over fifteen years ago.

Q. I understand that you have not attended her as a physician in the last fifteen years certainly.

A. No.

Q. State whether or not you had occasion to see Eliza Darden at any time or times in the year 1917.

A. Yes, I saw her occasionally.

Q. Were these occasions before or after the marriage of Mary Darden?

A. Both before and after.

Q. Did you notice anything unusual about her mental state on any of these occasions?

A. Yes, sir.

Q. Give us some idea of your impressions?

A. Well, I recall seeing her just shortly after Mary's marriage, I don't recall just how, soon after her marriage. Her mental condition was very bad. She would go from weeping to laughing without any special reason for so doing and would become extremely nervous on speaking of Mary's marriage, and would repeat the same thing.

Q. Did you have this sort of experience with her on more than one occasion?

A. Yes, sir, but I can't recall how many occasions.

Q. Was there more than one occasion since Mary's marriage that you saw her?

A. Yes, two or more.

Q. State whether or not she seemed to be in the same sort of mental condition on all of these occasions you refer to.

A. Yes, except that she seemed to be growing weaker mentally - memory was poorer.

Q. State whether or not in your opinion from your observation of her she had sufficient mental capacity to carry on an average intelligent connected conversation on the occasions which you have referred to.

A. No, sir.

Q. Do you think at those times she was mentally capable of disposing of her property by will or deed?

A. No, sir.

Q. Doctor, what subject seemed to be disturbing her mind at that time?

A. Mary's Marriage.

Q. Did the same subject seem to be disturbing her mind on both occasions you just referred to when you saw her?

A. Yes, sir.

Q. Did she appear any saner or more composed on the second occasion that you saw her than you saw on the first?

A. Not so much so.

Q. State whether or not in your opinion she was disturbed on these occasions by this trouble or other troubles or both.

A. This subject seemed to be uppermost in her mind on each occasion I saw her.

Q. Do you remember approximately how much time elapsed between these two occasions you saw her?

A. No, sir, I could not say. As well as I recall it was several days, possible weeks between time.

Q. Doctor, you practised medicine actively for a good many years, did you not?

A. Yes, sir.

Q. It was testified heretofore by Dr. Job Holland as follows: That Eliza Darden was, something like fifteen or twenty years before her death, afflicted with tuberculosis of the lung, that the deceased had reached the advanced state; that she was given to the attacks of fever during which times she would become mentally unbalanced; that any form of exercise, either mental or physical, and particularly any disturbing subject that would excite her at all, would tend to produce such a fever attack, at which time she would become as aforesaid mentally unbalanced. Please state whether or not in your opinion as a physician that statement would be a natural conclusion.

A. I should say it would. I would say further that it would not be limited to tuberculosis. A person with tuberculosis would likely have a rise of temperature from excitement or exercise either mental

or physical.

Q. Please state whether or not from your observation of her on the occasions just testified to by you, taken together with the statement made by me in the last question asked you, this particular subject matter, namely the marriage of Mary, her daughter, would tend materially to produce such mental excitement and such fever attacks.

A. I should think it would.

Q. Please state whether or not in your opinion from your observation of Mrs. Darden if this subject of Mary's marriage were kept before her mind for a period of several days - say two or three weeks, it would tend to keep her in a mentally unbalanced condition.

A. I should think it would.

CROSS-EXAMINATION.

By Mr. Everett:

Q. How long was it after Miss Mary's marriage before you saw Mrs. Darden the first time?

A. I can not remember Mr. Everett.

Q. Could you give ~~me~~ any idea?

A. I should say not over two weeks.

Q. From what you have said, Doctor, is it your idea that any time after you saw Mrs. Darden after the marriage that you would think she was not capable of making a deed or a will disposing of her property?

A. Mr. Everett, I would not have been willing to have paid out money for property purchased ~~and~~ over her signature at any time after the marriage. I want to say right here, Mr. Everett, that I am an unwilling witness in this case.

Q. Suppose, Doctor, that Mrs. Darden had gone in a lawyer's office about two weeks after the marriage of her daughter and told the attorney clearly exactly how she wanted to dispose of her property and the paper was drawn in accordance with her instructions and she signed it and nothing was said by her about the marriage or the condition of her mind or her health, would you have thought that she on that day was capable of executing the deed or not?

A. I could only answer as to her condition when I saw her. I can not answer as to her condition when I did not see her.

Q. If you never had seen Mrs. Darden or she was some other person acting in the way I have just related, would you think ~~that~~ her unbalanced mentally or not?

A. I would think that was the conduct of a sane person if she acted in that way.

Q. Did you know, Doctor, that she made a will about six months before you saw her just after the marriage giving her property to Miss Mary?

A. ~~E~~ I didn't know that she ever made a will, Mr. Everett.

Q. Did she tell you in these conversations that she had given her property to Miss Mary?

A. She told me in a previous conversation that everything there was Mary's.

Q. That was before the marriage?

A. Yes, sir, that was a year may-be, I would not say how long.

Q. When you saw her after the marriage did she tell you that she was not going to give Mary anything?

A. Yes, sir.

Q. Did she tell you how she was going to dispose of her property?

A. No, sir.

Q. Did she tell you that she had disposed of it?

A. No, sir, she did not seem to have any definite idea as to what she was going to do with her property. As before stated, she would repeat the same thing a number of time; would ask the same questions repeatedly; for most part would ask me how I felt perhaps a half dozen times in a fifteen minute conversation.

RE-DIRECT EXAMINATION.

By Mr. Hutton:

Q. You know Mr. Tobe Darden, do you not, Doctor?

A. Yes, sir.

Q. Do you know the relationship between Mr. Tobe Darden and Mrs. Eliza A. Darden?

A. He was her son.

Q. Do you know where Mrs. Darden lived from the time of Mary's marriage until her death?

A. I do not except as others have told me.

Q. With reference to the possible conduct of Mrs. Darden in having a deed written in a lawyer's office conveying her property as suggested by Mr. Everett a minute ago, I will ask you this question: Supposing that Tobe Darden, taking into consideration his mental strength and the mental capacity of Mrs. E. A. Darden as well as her enfeebled condition generally, had desired to influence her to convey her property to his two children and in pursuance of such desire had kept before her mind the subject of Mary's marriage and had endeavored to have her dispose of her property as aforesaid, and while keeping such subject of Mary's marriage before her mind and had brought her to a lawyer's office at Suffolk and had the transaction in question in this suit consummated in his presence, whether or not in your opinion it was not likely that she was mentally unbalanced as to that subject matter, namely, the subject matter of disposing of her property then that she was not unbalanced.

A. I do not believe that undue influence was necessarily limited to W. T. Darden. That under circumstances related as having existed in the case of Mr. Darden, I believe other members of the family could have exercised the same influence to have caused her to have made different disposition of her property, having kept the subject of Mary's marriage frequently before her and they have exercised this influence she might have been taken to a lawyer's office and have had written a will or deed without having attracted special attention to her weakend mental condition to a lawyer who did not know her well.

Q. Do you believe, then, Doctor, that her mind was in such condition as to have been easily swayed by any of her children by keeping certainly the subject of Mary's marriage before her?

A. I think Mrs. Darden, or any person in the condition of Mrs. Darden when I saw her could be easily influenced.

Q. Do you think that under such circumstances her act would be the result of arguments presented to her reason and rationally acted upon by her, or the result of a dominating will over a weaker mind under those circumstances?

A. I should think that it would be the result of a stronger mind - a dominating mind over a weaker mind.

RE-CROSS EXAMINATION.

By.Mr. Everett:

Q. Doctor, granted that this influence was brought to bear on her mind that we have referred to, do you think she was in the condition to go in an office and dictate exactly what she wanted without any assistance?

A. Unless her condition had changed from the time I saw her. She was not capable of reasoning then at all. It is possible.

Q. In other words, she could have agreed out in the country with Tobe Darden what she wanted to do and then could have come here and would not have been able to have told me what she wanted done.

A. I doubt that unless her condition had changed from what it was when I saw her.

Q. Doctor, I am giving you a copy of the deed executed ~~which was~~ by Mrs. Darden September 26, 1917. You can read this deed for yourself but which gives the farm to Moses Darden and Rufus Darden and life right to Mrs. Darden and also \$300.00 as part of the consideration to be paid to Addie Darden, the child of Mary E. Darden, who is the wife of Ernest Johnson, when the said Addie Darden becomes twenty-one years of age, and if she dies before becoming twenty-one years of age, and if she dies under age with out issue then the said \$300.00 goes to the said Moses Darden and Rufus Darden. If she had agreed in the country with W. T. Darden that she would give a deed as I have stated, do you believe that she could have carried that in her mind long enough to come to my office and tell me to write it as I have read it and this deed is written?

A. Not at the time I saw her.

And further this deponent saith not.

MR. J. L. DOSS, being duly sworn, deposes as follows:

Mr. Mr. Saunders:

Q. Please state your name, age, residence and occupation.

A. Name, J. L. Doss; age, forty years; residence, West Norfolk, Virginia; occupation, clerk.

Q. Did you know Eliza Darden in her life time?

A. I have been knowing her about twenty years.

Q. You married one of her daughters, did you not?

A. Yes, sir.

Q. Mr. Doss, in the last few years of Mrs. Darden's life did you observe any change in her mental condition?

A. Well, in the last seven or eight years I noted considerable change. The time that I mentioned was from the time of the death of her son Rufus was the first of my noticing it seriously; ~~that~~ is, consulting it with my family, my wife at least.

Q. About how long prior to her death did Rufus die?

A. I don't know the exact date but something like seven or eight years. I don't know the exact date.

Q. Was it or not known in the family at that time that her mental condition was bad.

A. Well, I never consulted it with any one except my wife and some members of the family.

Q. How did the family at or about the time of the death of Rufus' regard her mental condition?

A. She was getting worse all the time mentally.

Q. Was that known to Tobe Darden at that time?

A. I am unable to answer that question. I never consulted him about it.

Q. From the time you noticed her condition did any one at or about that time take charge of the management of her affairs?

A. Her daughter Mary taken charge of her affairs after his death.

Q. Why did Mary take charge of them?

A. Because she was unable to attend to her affairs herself. Her mental condition was such that she was unable to attend to them.

Q. Did you later notice any change in her mental condition?

A. Well, I only saw her at various intervals, possibly once a month, and every time that I seen her I noticed her condition was worse each time.

Q. You saw her during the last year or two of her life, did you?

A. Yes, sir, during the year of 1917 I recall and incident. She

came to our house after the marriage of her daughter Mary and my wife approached her on the subject of disposing of her property which she had ~~given~~ gained information that she had given to Tobe Darden. Tobe Darden told her that the property was fixed and no one can lay hand on it and on this occasion she was visiting my wife and myself. My wife approached her in regards to the disposition of the property. She denied that she had made any disposition whatever, producing tax receipts to show that she had paid the taxes on the property in her name and nobody had any claim to it whatever, and that she was going to see that all her children shared alike.

Q. About how long was that after the deed was supposed to have been written.

A. That was during the year 1917, I don't know the date exactly, after the deed was made in September, 1917.

Q. Did you have an opportunity at other times during the year 1917 to observe her general condition?

A. Yes, sir, on several occasions I was down there at her home.

Q. From your observation and conversation with Mrs. Darden do you think that she could have at any time during the year 1917, made a deed or will for her property.

A. Not unless her mind was very difference from what I was in conversation with her.

Q. How were those conversations?

A. Her conversation was very much broken and disconnected and at variance. She would not confine her mind one one thing or one question long enough at a time to reach any conclusion of what she was talking about, or that you could reach any conclusion as to get any sense as to what she was talking about.

Q. How was she regarded in the family, that is, did or did not the family feel that she had or had not sufficient mental capacity to transact her business or make a deed or will for the property?

A. All that I consulted with said that she was not mentally capable of transacting her business.

Q. Did you consider that Mrs. Darden within the last year of her life knew of the extent of her property and her house and what she ought to do with it?

A. No, sir, I did not - not for the last four or five years of her life.

Q. At the time she visited you in Norfolk and discussed with you the property that she had and told you that she had not made a deed for her property and produced the tax receipt and stated that all of her children would share alike, do you think at that time that she knew that she had made a deed for her property?

A. From the statement that she had made that she denied that she had made any disposition of it, that she had not made any disposition of it.

Q. Do you think she knew that she had made disposition of it at that time?

A. She must not have by that statement.

Q. Didn't you tell her that she had?

A. No, sir, I did not.

Q. Did your wife?

A. My wife approached her telling her that Tobe Darden had told my wife that the deed was made and was all fixed. She still denied it.

Q. Did you wife look into the question outside of what Tobe told her?

A. No, sir, that is not so far as going into the records. She consulted other members of the family.

Q. Outside of forgetting that she had disposed of it, she talked mighty seriously, did she not?

A. No, sir, she talked at variance practically all the time. She was worked up in a very sensitive mood.

Q. Didn't you think that it would be mighty nice in the mother to say that they would all share alike, that would be serious, would it not?

A. If the disposition of the property had been true, it would have been.

Q. That is not what I asked you. Don't you think that any mother that talked to her daughter who was your wife, that she wanted all to **share equally in her** property that such conversation would be a very serious conversation?

A. It would not tend to show to me so.

Q. Why?

A. Simply because if she had made disposition of the property and then denied it, or being absent minded or in such mental condition that she would not remember it, it shows that there is something wrong.

Q. You don't know ~~xx~~ of anything peculiar about her conversation on this occasion except that she forgot she conveyed the property.

A. My wife's sister lived next door. My wife approached her as to why she did not spend a night with her other daughter and her reply was that "I forgot it", and she lived next door. Forgot to spend a night with her daughter.

Q. You knew at this time, did you not, that she had brought an action against her daughter Mary for a horse, cart and wheels, etc?

A. I knew the suit was pending.

Q. You were in favor of pushing that suit, were you not?

A. She asked me to attend to it for her.

Q. And you followed out her instructions.

A. I came to Suffolk on one occasion to attend to it and another side of those involved in the suit were present.

Q. You thought then she knew what she was doing, did you not?

A. Her daughter Hattie wrote me a letter to attend to it for her. She did not have anything to say concerning it at all. Her daughter Hattie asked me to attend to it for her.

Q. You were trying to ~~press~~ push that case to a trial were you not, and yet she was the plaintiff.

A. No, sir. I did not try to push it for her. I only acted on request of her daughter to attend the case as best I could.

Q. And at that time when you were trying to get that to a trial you knew that your mother-in-law did not know what she was doing.

A. I knew that her mind was in bad condition at that time.

Q. Didn't you urge her to push this suit?

A. No, sir, I did not.

Q. Didn't you address letters to me stating to push that case to a trial and appeal the case?

A. I possibly might have. I believe I did write you a letter or possibly a couple letters concerning the case.

Q. When you wrote these letters was Mrs. Darden with you then?

A. No, sir.

Q. How long did she stay there with you before she came back to Tobe Darden's?

A. As well as I can remember it was something like three or four days.

Q. Was she down there just on a visit?

A. I don't know of anything else. I don't know of any thing.

Q. Did she go along?

A. I think one of Mrs. Butler's boys came with her.

Q. Did she return to Tobe Darden's alone?

A. I don't know where she went from my house. She went back with the boy.

Q. How old was this boy who brought her there?

A. I don't know, I judge about twelve years of age.

Q. He came along with her because she was blind.

A. I judge so - protection.

And further this deponent saith not.

STATE OF VIRGINIA,

City of Suffolk,

I, Ray Lavine, a Notary Public, for the City of Suffolk, in the State of Virginia, do hereby certify that the foregoing depositions were duly taken, and reduced to writing before me, the signatures of witnesses having been waived, by agreement of counsel.

In witness whereof I have hereunto set my hand this 1st day of September, 1921.


Notary Public

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A. F. Darden et als

v. DEPOSITIONS

W. T. Darden et als.

Nov. 7th 1921

Filed.

Teste A. Edwards.
ch

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA.

A. F. Darden et als Complainants

Vs) In Chancery

W. T. Darden et als Defendants

This cause came on this day to be again heard upon the papers formerly read and upon the report of John K. Hutton, and S. E. Everett, Special Commissioners, this day filed, and it appearing to the Court from said report that A.F. Darden the purchaser of the real estate heretofore sold, in the proceedings, and which sale was confirmed to him by a decree entered herein on the 30th day of December, 1921, has failed and refused to comply with the terms of sale, it is ordered that the said A.F. Darden be served with a copy of this decree, fifteen days before the second day of January 1923, on which day he shall appear and show cause to the Court why he should not be compelled to comply with his purchase of the land so directed to be sold and so purchased by the said A.F. Darden, from said Special Commissioners, and upon his failure to do so, why the said land should not be resold at his risk.

A Copy,

Teste, R. H. Edmunds Clerk

presented on the 26th day of December 1923, within the
County of Norfolk, by delivering a true copy of the within summons, in writing, to
W. F. Darden

A. A. Wendell
Sheriff of Norfolk County,

Per

Patric L. Pomphrey
Deputy Sheriff

W. F. Darden has

43 ? More

W. F. Darden at 18.

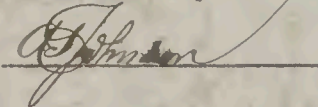
W. F. Darden
26th Dec 1923

COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF THE COUNTY OF NANSEMOND, GREETING:

We command you that you summon W. T. Darden, Sarah C. Darden, Mildred Ann Doss, J. L. Doss, James Algernon Darden, Sarah J. Darden, Addie Darden, Rufus Darden, Moses Darden, the last three being infants under the age of twenty one years, to appear at the Clerk's Office of the Circuit Court for our County of Isle of Wight, at the rules to be holden therefor on the third Monday in February, 1920, to answer a bill in chancery filed against them by A. F. Darden, Naomi Darden, Jennie W. Spivey, G. L. Spivey, John M. Darden, Hattie L. Butler, Ida V. Gardner, J. F. Gardner, Mary Ann Johnson, and E. O. Johnson. And have then and there this writ.

Witness, A. S. Johnson, Clerk of said Court, at the Courthouse of said County, this 24th day of December, 1919.

 Clerk.

E. I. Beale and Saunders & Hutton, p.g.

2-6

A. F. Darden et als.

vs. Chancery No. 320

W. T. Darden et als.

Subpoena Issued 12/24/19
Returnable 2nd February
Rules, 1920.

Executed within process ^{on Sarah C. Darden} {
serving a true copy of said this
12th day of February, 1920
on Sarah C. Darden in person
in Nausemon County, Virginia
and W. T. Darden, who being
found at his usual place
of abode, { delivering a true
copy of said process and giving
information of its purport
to his wife at said
usual place of abode.
in Nausemon County, Virginia,
this 12th day of February,
1920

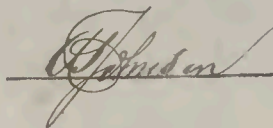
E. B. Rawles Sheriff
of Nausemon County, Va.

COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF THE COUNTY OF HANSEMOND, GREETING:

We command you that you summon W. T. Darden, Sarah C. Darden, Mildred Ann Doss, J. L. Doss, James Algernon Darden, Sarah J. Darden, Addie Darden, Rufus Darden, Moses Darden, the last three being infants under the age of twenty one years, to appear at the Clerk's Office of the Circuit Court for our County of Isle of Wight, at the rules to be holden therefor on the third Monday in February, 1920, to answer a bill in chancery filed against them by A. F. Darden, Naomi Darden, Jennie W. Spivey, G. L. Spivey, John M. Darden, Hattie L. Butler, Ida V. Gardner, J. F. Gardner, Mary Ann Johnson, and E. O. Johnson. And have then and there this writ.

Witness, A. S. Johnson, Clerk of said Court, at the Courthouse of said County, this 24th day of December, 1919.



Clerk.

E. L. Beale and Saunders & Hutton, p.q.

200
Darden et al
N.Y. City No 320
Darden et al

Legal and sufficient
Service of
summons is
being accepted this
Feb 26th 1920.

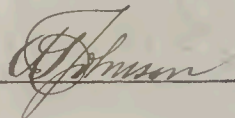
Joseph J. Darden
& Samuel H. Hutter
For acceptance

COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF THE COUNTY OF NORFOLK.....GREETING:

We command you that you summon W. T. Darden, Sarah C. Darden, Mildred Ann Doss, J. L. Doss, James Algernon Darden, Sarah J. Darden, Addie Darden, Rufus Darden, Moses Darden, the last three being infants under the age of twenty one years, to appear at the Clerk's Office of the Circuit Court for our County of Isle of Wight, at the rules to be holden therefor on the third Monday in February, 1920, to answer a bill in chancery filed against them by A. F. Darden, Naomi Darden, Jennie W. Spivey, G. L. Spivey, John M. Darden, Hattie L. Butler, Ida V. Gardner, J. F. Gardner, Mary Ann Johnson, and E. O. Johnson. And have then and there this writ.

Witness, A. S. Johnson, Clerk of said Court, at the Courthouse of said County, this 24th day of December, 1919.



Clerk.

E. L. Beale and Saunders & Hutton, p.q.

21
A. F. Darden et als.

vs. Chancery No. 320.

W. T. Darden et als.

Subpoena Issued 12/24/19
Returnable 2nd February
Rules, 1920.

Executed in the County of Norfolk, Va.,
this the 5 day of Feb. 1920 by
serving a Copy hereof on

Mildred Agnes Doss

IN PERSON.

W. C. Wendel
Sheriff County of Norfolk, Va.

By G. B. Smith Deput

Not finding J. L. Doss
at his usual place of abode I executed
the within in the County of Norfolk, Va.
this 5 day of Feb. 1920 by deliver-
ing a copy hereof to

Mrs. J. L. Doss

she being then there, a MEMBER
of the FAMILY and over the age of 18
years, and giving information of her
purport to her

W. C. Wendel
Sheriff County, of Norfolk, Va.

By G. B. Smith Deput

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA.

A. F. Darden et als.....Complainants

v.

ANSWER.

W. T. Darden et als.....Defendants.

The answer of Sarah I. Darden to a bill of complaint filed against her by A. F. Darden and others in the Circuit Court of Isle of Wight County, Virginia.

This respondent, reserving to herself the benefit of all just exceptions to the said bill of complaint, for answer thereto answers and says:

This respondent states that she is the wife of James Alger-non Darden, who was duly declared insane and is now an inmate of one of the asylums of the State of Virginia.

This respondent believes that the allegations made in the bill of complaint filed in this cause are true, and she joins with the complainants in the prayer contained in said bill asking that the deed executed by Eliza A. Darden, conveying the property described in said bill to Moses and Rufus Darde, the infant children of W. T. Darden, subject to an estate for her life therein, be set aside and that the said property be partitioned among the heirs at law of the said Eliza A. Darden.

This respondent further states that in her opinion the said real estate is not susceptible of division in kind among the parties and that the same should be sold and the proceeds divided among the parties entitled thereto according to their respective rights.

And now, having fully answered the complainant's bill, this respondent prays to be hence dismissed with her reasonable costs by her in this behalf expended.

Sarah J. Darden
Respondent
by *Amos S. Whitten* her attorneys.

A. F. Darden ch als

v.

W. F. Darden ch als

Receiver of

Sarah J. Darden

Licia

11/7/21

Sarah J. Darden

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA.

A. F. Darden et als.....Complainants

v.

ANSWER

W. T. Darden et als.....Defendants.

The answer of James Algernon Darden, an insane person, by John K. Hutton (a discreet and competent attorney at law) his guardian ad litem assigned to defend him in this suit, and the answer of the said John K. Hutton, guardian ad litem of the said insane defendant, to a bill of complaint exhibited against the said insane defendant and others by A. F. Darden and others in the Circuit Court of Isle of Wight County.

For answer to the said bill, the said insane defendant, by his guardian ad litem, answers and says that the allegations made in the bill of complaint filed in this cause are true.

That the said insane defendant, by his guardian ad litem, concurs in the prayer of the bill. And the said guardian ad litem of the said insane defendant for answer to the said bill answers and says that he believes that the said Eliza A. Darden, at the time of executing the deed complained of in said bill of complaint was incompetent to execute said deed, she being of unsound mind, and that she was unduly influenced by W. T. Darden, one of the defendants in this suit, to execute the same, and that the said deed should be set aside. And the said guardian ad litem prays on behalf of the said insane defendant that the said land be sold and the proceeds divided among the heirs at law of the said Eliza A. Darden as they are respectively entitled.

And now, having fully answered, this defendant prays to be hence dismissed with his costs by him in this behalf expended.

James Algernon Darden

By

Guardian ad Litem

Guardian ad litem of insane defendant.

11

Receiver of
James Ceprean
Baron, his son
Refused to
John K. K. K.
his guardian ad litem

Filed 11/7/21

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA.

A. F. Darden et als.....Complainants
v.

W. T. Darden et als.....Defendants.

The joint and separate answer of W. T. Darden and Sarah C. Darden, his wife, to a bill of complaint filed against them and others by A. F. Darden and others in the Circuit Court of Isle of Wight County, Virginia.

These respondents, reserving to themselves the benefit of all just exceptions to the said bill of complaint, for answer thereto, answer and say:

That they are the parents of the infant children, Moses Darden and Rufus Darden, to whom the land which is the subject of this suit was conveyed by Eliza A. Darden; that they did not know at the time said deed was made that the said Eliza A. Darden was mentally incompetent to execute the same, but on the contrary, believed that she fully understood and realized what she was doing; that they, however, have since been advised that she was not mentally competent to make said deed; that it is far from the desire of your respondents to take unfair advantage of the heirs at law of Eliza A. Darden, and, for this reason, if there is any doubt as to her mental competency to make said deed, your respondents prefer that same be set aside. If this be done, your respondents think that the land could be sold and the proceeds divided among the parties entitled thereto.

And now, having fully answered the complainants' bill, your respondents pray to be hence dismissed with their reasonable costs by them in this behalf expended.

W. T. Darden
Sarah C. Darden
Respondents.

Handwritten signature and date
11/1/21

A. F. Darden et als.
ANSWERS
W. T. Darden et als.

Filed 11/2/21

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA.

A. F. Darden et als.....Complainants.

v. *W. F. Darden et als* ANSWER

W. F. Darden et als.....Defendants.

2 *120 de. returned to A*
The answer of Moses Darden, Rufus Darden and Addie Darden, infants under the age of twenty-one years, by William S. Holland (a discreet and competent attorney at law), their guardian ad litem assigned to defend them in this suit, and the answer of the said William S. Holland, guardian ad litem of the said infant defendants, to a bill of complaint exhibited against the said infants and others by A. ~~F.~~ Darden and others in the Circuit Court of Isle of Wight County, Virginia.

For answer to the said bill the said infant defendants by their said guardian ad litem answer and say that being of tender years they do not know what their true interests are in relation to the subject-matter of the said bill, nor do they know whether the statements therein contained are true or not. They confide the protection of their interests therein to the care of the court. And the said guardian ad litem of the said infant defendants for answer to the said bill answers and says that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the infant defendants. And now, having fully answered, these defendants pray to be hence dismissed, with their costs by them in this behalf expended.

Moses Darden

Rufus Darden

Addie Darden

By William S. Holland
Guardian ad Litem.

William S. Holland guardian ad litem of the said infants.

AT Quercus chals

0.

WS Quercus chals

Quercus 2 Lufmh
 Infendauts 2
 Quercus artilen

Feia
 11/2/21

11/2/21

11/2/21

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA.

A. F. Darden et als.....Complainants

v.

ANSWERS

H. L. Darden et als.....Defendants.

The joint and separate answer of Mildred Ann Doss and J. L. Doss, her husband, to a bill of complaint filed against them by A. F. Darden and others in the Circuit Court of Isle of Wight County, Virginia.

These respondents, reserving to themselves the benefit of all just exceptions to the said bill of complaint, for answer thereto answer and say:

These respondents believe that the allegations made in the bill of complaint filed in this cause are true, and they join with the complainants in the prayer contained in said bill asking that the deed executed by Eliza A. Darden, conveying the property described in said bill to Moses and Rufus Darden, the infant children of W. T. Darden, subject to an estate for her life therein, be set aside and that the said property be partitioned among the heirs at law of the said Eliza A. Darden.

These respondents further state that in their opinion the said real estate is not susceptible of division in kind among the parties and that the same should be sold and the proceeds divided among the parties entitled thereto according to their respective rights.

And now, having fully answered the complainant's bill, these respondents pray to be hence dismissed with their reasonable costs by them in this behalf expended.

Mildred Ann Doss

J. L. Doss

Respondents.

by Squiers & Strickland
their Attorneys

Answer of
 Michael Ann Weiss
 and
 J. L. Weiss.

Lucia
 11/7/21

Michael Ann Weiss
 Lucia Weiss
 J. L. Weiss

A. F. Darden et als.

Complainants.

vs.

IN CHANCERY

W. T. Darden et als.

Defendants.

TO THE HONORABLE B.D. WHITE, JUDE OF THE CIRCUIT COURT OF
ISLE OF WIGHT COUNTY, VIRGINIA;

Humbly complaining, your complainants, A. F. Darden, Naomi Darden, Jennie W. Spivey, G. L. Spivey, John M. Darden, Hattie L. Butler, Ida V. Gardner, J. W. Gardner, Mary Ann Johnson and E. O. Johnson, show unto the Court:

1. That Eliza A. Darden, of Isle of Wight County, Virginia, departed this life on or about the 19th. day of July 1919, leaving the following as her heirs at law:

A. F. Darden, whose wife is Naomi Darden; Jennie W. Spivey, whose husband is G. L. Spivey; John M. Darden; Hattie L. Butler; Ida V. Gardner, whose husband is J. F. Gardner; Mary Ann Johnson, whose husband is E. O. Johnson; W. T. Darden, whose wife is Sarah C. Darden; Mildred Ann Doss, whose husband is J. L. Doss; James Algernon Darden, who is insane and is now in an asylum for the insane and whose wife is Sarah J. Darden.

2. That the said Eliza A. Darden was during her life time seized and possessed of a certain tract of land situated in Isle of Wight County, Virginia, briefly described as follows: Containing sixty acres, more or less, bounded by the lands of John M. Saunders, James Cutchins, Charlie Bradshaw and others.

3. That while seized and possessed of said land as aforesaid the said Eliza A. Darden became very old and feeble and almost totally blind and became of unsound mind and incompetent to transact any business or to make and execute a deed and that this condition existed for a period of about eight years next preceding her death.

4. That your complainants have been informed recently

that W. T. Darden, a son of said Eliza A. Darden and one of the defendants, who lived near the said Eliza A. Darden, prevailed upon the said Eliza A. Darden to execute a deed conveying the above described property, after reserving to herself an estate for her life in said property, to Moses Darden and Rufus Darden infant children of said W. T. Darden and of tender years, a copy of which deed is hereto annexed, marked "Exhibit A", and prayed to be read as a part of this bill; that said deed was executed on or about September 26, 1917.

5. That said W. T. Darden has been in possession of said land and has reaped the benefits therefrom since the death of said Eliza A. Darden.

6. That said Eliza A. Darden was of unsound mind and incompetent to execute a deed at the time of the making of the aforesaid instrument, and was unduly influenced by the said W. T. Darden to execute the same and that this being true, the said deed is void and the same should be set aside and the said property should be partitioned among the aforesaid heirs at law of said Eliza A. Darden as provided by law. And your complainants further state that the said real estate is, as they believe, susceptible of partition among the parties entitled thereto; but if it can not be so divided, then your complainants desire that the same may be sold and the proceeds divided among the parties according to their respective rights. Should the property not be divisible in kind, the complainants believe, and here state that the interest of those who are entitled to the said real estate or its proceeds, will be promoted by a sale of the whole of the same or by an allotment of part and sale of the residue.

Forasmuch, therefore, as your complainants are remediless in the premises, save by the aid of a court of equity, they pray that the said Addie Darden, Moses Darden and Rufus Darden, infants under the age of twenty-one years, and W. T. Darden, Sarah C. Darden, Mildred Ann Doss, J. L. Doss, James Algernon Darden, who is insane, and Sarah J. Darden, adults, be made parties defendant to this bill and required to answer the same; the infants by their guardian ad litem to be assigned them; the insane defendant by guardian ad litem to be assigned him and the adults in proper person, though not under oath, which is hereby waived; that proper process issue; that the deed to the aforesaid Rufus Darden and Moses Darden be declared void and set aside and the said W. T. Darden be required to account to your complainants and the other heirs at law of the decedent for the rents and profits derived from the said property since the death of the said Eliza A. Darden and that the said real estate be divided among the parties entitled thereto; or in case it be indivisible in kind that it be sold and the proceeds divided; that all proper orders and decrees may be made, accounts taken and enquiries directed, and that all such other, further and general relief in the premises as may be just and right may be granted, and your complainants will ever pray, etc.

E. L. Beale,
Saunders & Hutton.

A. F. Darden
Naomi Darden
Jennie W. Spivey
G. L. Spivey
John M. Darden
Hattie L. Butler
Ida V. Gardner
J. F. Gardner
Mary Ann Johnson
E. O. Johnson

p.q.

By E. L. Beale, Saunders & Hutton.

Counsel.

Copy.

A. F. Darden et als.....Complainants

vs. IN CHANCERY

W. T. Darden et als.....Defendants.

TO THE HONORABLE B. D. WHITE, JUDGE OF THE CIRCUIT COURT OF
ISLE OF WIGHT COUNTY, VIRGINIA:

Humbly complaining, your complainants, A. F. Darden,
Naomi Darden, Jennie W. Spivey, G. L. Spivey, John M. Darden,
Hattie L. Butler, Ida V. Gardner, J. F. Gardner, Mary Ann
Johnson and E. C. Johnson, show unto the Court:

1. That Eliza A. Darden, of Isle of Wight County, Vir-
ginia, departed this life on or about the 19th day of July, 1919,
leaving the following as her heirs at law:

A. F. Darden, whose wife is Naomi Darden; Jennie W.
Spivey, whose husband is G. L. Spivey; John M. Darden; Hattie
L. Butler; Ida V. Gardner, whose husband is J. F. Gardner; Mary
Ann Johnson, whose husband is E. C. Johnson; W. T. Darden, whose
wife is Sarah C. Darden; Mildred Ann Doss, whose husband is J.
L. Doss; James Algernon Darden, who is insane and is now in an
asylum for the insane and whose wife is Sarah J. Darden.

2. That the said Eliza A. Darden was during her life
time seized and possessed of a certain tract of land situated in
Isle of Wight County, Virginia, briefly described as follows:
Containing sixty acres, more or less, bounded by the lands of
John M. Saunders, James Cutchins, Charlie Bradshaw and others.

3. That while seized and possessed of said land as
aforesaid the said Eliza A. Darden became very old and feeble
and almost totally blind and became of unsound mind and incompet-
ent to transact any business or to make and execute a deed and
that this condition existed for a period of about eight years
next preceding her death.

4. That your complainants have been informed recently

that W. T. Darden, a son of said Eliza A. Darden and one of the defendants, who lived near the said Eliza A. Darden, prevailed upon the said Eliza A. Darden to execute a deed conveying the above described property, after reserving to herself an estate for her life in said property, to Moses Darden and Rufus Darden, infant children of said W. T. Darden and of tender years, a copy of which deed is hereto annexed, marked "Exhibit A", and prayed to be read as a part of this bill; that said deed was executed on or about September 26, 1917.

5. That said W. T. Darden has been in possession of said land and has reaped the benefits therefrom since the death of said Eliza A. Darden.

6. That said Eliza A. Darden was of unsound mind and incompetent to execute a deed at the time of the making of the aforesaid instrument, and was unduly influenced by the said W. T. Darden to execute the same and that this being true, the said deed is void and the same should be set aside and the said property should be partitioned among the aforesaid heirs at law of said Eliza A. Darden as provided by law. And your complainants further state that the said real estate is, as they believe, susceptible of partition among the parties entitled thereto; but if it can not be so divided, then your complainants desire that the same may be sold and the proceeds divided among the parties according to their respective rights. Should the property not be divisible in kind, the complainants believe, and here state that the interest of those who are entitled to the said real estate or its proceeds, will be promoted by a sale of the whole of the same or by an allotment of part and sale of the residue.

Forasmuch, therefore, as your complainants are remediless in the premises, save by the aid of a court of equity, they pray that the said Addie Darden, Moses Darden and Rufus Darden, infants under the age of twenty-one years, and W. T. Darden, Sarah C. Darden, Mildred Ann Doss, J. L. Doss, James Algernon Darden, who is insane, and Sarah J. Darden, adults, be made parties defendant to this bill and required to answer the same; the infants by their guardian ad litem to be assigned them; the insane defendant by guardian ad litem to be assigned him and the adults in proper person, though not under oath, which is hereby waived; that proper process issue; that the deed to the aforesaid Rufus Darden and Moses Darden be declared void and set aside and the said W. T. Darden be required to account to your complainants and the other heirs at law of the decedent for the rents and profits derived from the said property since the death of the said Eliza A. Darden and that the said real estate be divided among the parties entitled thereto, or in case it be indivisible in kind that it be sold and the proceeds divided; that all proper orders and decrees may be made, accounts taken and enquiries directed, and that all such other, further and general relief in the premises as may be just and right may be granted, and your complainants will ever pray, etc.

A. F. Darden
 Naomi Darden
 Jennie W. Spivey
 G. L. Spivey
 John M. Darden
 Hattie L. Butler
 Ida V. Gardner
 J. F. Gardner
 Mary Ann Johnson
 E. O. Johnson

By

Ed Beale and Samuel Hutton
Decreed

Ed Beale
Samuel Hutton
K.P.

A. F. Darden et als.

v. BILL Cy. No 370

W. T. Darden et als.

Second February Rules 1970
Process returned executed.
Bill filed - decess nisi

14th March Rules 1970
Defendants not appear-
ing re. Cause set down
for hearing

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.

J. R. SAUNDERS

JOHN K. HUTTON

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.

February 28th, 1925.

Mr. R. A. Edwards, Clerk,
Isle of Wight Courthouse,
Isle of Wight County, Va.

Dear Sir:

We are returning you herewith the original papers in the chancery suit of A. F. Darden and others Vs. Tobe Darden and others. We will thank you to make up your bill of costs and let us have it at your earliest convenience.

Thanking you, we are,

Yours very truly,

Saunders & Hutton
By R.

JKH/P.

Ev. Huberts 1-C.

No.

Know all Men by These Presents: That we John K. Hutton and S.E. Everett

principal ,

and

The Fidelity and Deposit Co. of Maryland surety ,

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Two Thousand

Dollars to the payment whereof well and truly to be made we bind ourselves and each of us, our and each of our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

And as to this bond we hereby severally waive the benefit of our Homestead Exemption, and also any right, claim or privilege to discharge any liability arising hereunder to the said Commonwealth, or by virtue of the said office or trust for which this bond is given, with coupons detached from the bonds of this State.

IN TESTIMONY WHEREOF, the said John K. Hutton and S.E. Everett

principal ,

has hereto set his hand and affixed his seal;

and the said

The Fidelity and Deposit Co. of Maryland

surety ,

by

J. T. Withers

, its duly authorized

agent and attorney in fact, has caused its corporate name and seal to be hereunto affixed, the said seal to be attested

by the signature of the said

J. T. Withers

, its said agent and attorney

in fact, this, the

3rd

day of

December

A. D. 19 21

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound John K. Hutton and S.E.

Everett, Special Commissioners in the suit of Darden et als vs Darden et als

shall faithfully discharge the duties of his office or trust as such Special Commissioners

, then the above obligation to be void, or else to remain in full force and virtue.

S.E. Everett [SEAL]

John K. Hutton

The Fidelity and Deposit Co. of Maryland
By J.T. Withers

Its duly authorized agent and attorney in fact.

Attest: _____

Agent and attorney in fact.

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 3rd

day of Dec

1921 this bond was duly executed and acknowledged by the obligors to the same

and ordered to be recorded.

R.A. Edwards Clerk.

At Copy

Teste, R.A. Edwards Clerk
le

Darden et al

vs } Bond # 320

Darden et alFiled Dec. 3-1921.

VIRGINIA; Circuit Court Of The County Of Isle Of Wight, February 24th,

~~February~~xxxxxxxxxxxxxxxx1921xxxxxxxxxxxxxxxxxxxxxx

Darden et als.

Vs. Chancery. No. 320

Darden et als.

Upon the motion of the complainants, by Counsel, Wm. S. Holland, a discreet and competent attorney at law, practicing in this Court, is assigned guardian ad litem for the infant defendants, Addie Darden, Moses Darden, and Rufus Darden, the infant defendants herein, and in which A. F. Darden, Naomi Darden, Jennie W. Spivey, G. L. Spivey, John M. Darden, Hattie L. Butler, Ida V. Gardner, J. F. Gardner, Mary Ann Johnson, and E. O. Johnson, are the complainants, and W. T. Darden, Sarah C. Darden, Mildred Ann Doss, J. L. Doss, James Algernon Darden, (an Insane person) Sarah J. Darden, Addie Darden, Moses Darden, Rufus Darden, the last three being infants under the age of twenty one years, are the defendants.

A Copy.

Teste R. A. Edmunds Clerk

Handwritten notes and signatures at the bottom of the page, including names like "Darden", "Spivey", "Gardner", and "Johnson", along with dates and other illegible markings.

Darden
r Chauncy 320
Darden
appt-
Gurdon ad
Litem
for default depts.
2/24/21

11.9.21

VIRGINIA: Circuit Court Of The County Of Isle Of Wight, February 24th.

XXXXXXXXXXXX1921XXXXXXXXXXXX

Darden et als

Vs. Chancery No. 320

Darden et als.

Upon the motion of the complainants, by Counsel, John K. Hutton, a discreet and competent attorney at law, practicing in this Court, is assigned Guardian ad litem for the insane defendant, James Algernon Darden, herein named, and in which A. F. Darden, Naomi Darden, Jennie W. Spivey, John M. Darden, Hattie L. Butler, Ida V. Gardner, J. F. Gardner, Mary Ann Johnson, E. O. Johnson, G. L. Spivey, are the complainants, and W. T. Darden, Sarah C. Darden, Mildred Ann Doss, J. L. Doss, James Algernon Darden, (an insane person) Sarah J. Darden, Addie Darden, Moses Darden, Rufus Darden, the last three named being infants under the age of twenty-one years, are the defendants.

A Copy.

Teste, R. A. Edmunds: Ak

⁴
Dordun

43 Chancery 320

Dordun

Ppt.

Inv. dion a d leten
for Lucas Def. dt.

Eliza A. Darden

To)

Moses Darden et al

THIS DEED. Made this 26th day of September, 1917, between Eliza A. Darden of Isle of Wight County, Virginia, party of the first part, and Moses Darden and Rufus Darden of Nansemond County, Virginia, parties of the second part:

WITNESSETH: That in consideration of the natural love and affection that the said Eliza A. Darden has for the said Moses Darden and Rufus Darden, (the grand children of the said Eliza A. Darden) and also in consideration of three hundred (\$300.00) dollars, to be paid as hereinafter set out, the said Eliza A. Darden reserving to herself a life interest in the said land, doth grant to the said Moses Darden and Rufus Darden with General Warranty, all the following real estate, to-wit: All that certain tract of land in Isle of Wight County, Virginia, containing sisty acres, more or less, and bounded by the lands of John M. Saunders, James Cutchins, Clinton Bradshaw and others, and being the same land now occupied by the said Eliza A. Darden. The said three hundred (\$300.00) dollars (part of the consideration of this deed) is to be paid to Addie Darden, the child of Mary E. Darden, who, is now the wife of Ernest Johnson, when the said Addie Darden becomes twenty one years of age, and if she dies under age without issue then the said three hundred (\$300) dollars goes to the said Moses Darden and Rufus Darden.

The said Eliza A. Darden covenants that she has the right to convey the said land to the grantees, that she has done no act to encumber the said land; that the grantees shall have quiet possession of the said land, free from all encumbrances, and that she, the said party of the first part will execute such further assurances of the said land as may be requisite.

Witness the following signature and seal:

Eliza A. ^{her}X Darden (SEAL)
mark

Witness

S.E. Everett

Virginia Jones.

State of Virginia,

City of Suffolk, to-wit:

I, S.E. Everett, a Notary Public for the City aforesaid, in the State of Virginia, do certify that Eliza A. Darden whose name is signed to the writing hereto annexed, bearing date the 26th day of September, 1917, has acknowledged the same before me in my city aforesaid.

Given under my hand this 26th day of September, 1917.

S.E. Everett
Notary Public

My commission expires October 11, 1917.

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight, October 29th, 1917, at 9 o'clock A.M. this deed was received and with the certificate annexed, admitted to record.

Teste, A.S. Johnson, Clerk.

A Copy,

Teste, Clerk.

R. A. Edmunds.

Deed Book 87, page 211

2/24/21

7
Jarden

Lo3 B & S.

Jarden

Exhibit - a

Suit No 320

Fica
11/7/21

Made 11/24/21

RAE

cek

TO A. S. JOHNSON, ESQUIRE, CLERK OF THE CIRCUIT COURT OF
ISLE OF WIGHT COUNTY, VIRGINIA.

A. F. Darden, Naomi Darden, Jennie W. Spivey,
G. L. Spivey, John M. Darden, Hattie L. Butler,
Ida V. Gardner, J. F. Gardner, Mary Ann Johnson,
and E. O. Johnson.....Complainants.

vs. IN CHANCERY

W. T. Darden, Sarah C. Darden, Mildred Ann Doss,
J. L. Doss, James Algernon Darden (an insane per-
son), Sarah J. Darden, Addie Darden, Moses Darden,
Rufus Darden, the last three being infants under
the age of twenty-one years.....Defendants.

Issue summons to the SECOND FEBRUARY RULES, 1920.

E. A. Beale
Samuel H. Hutton J. G. H.

1

Darden et als

24 Cy No 370

Darden et als

Memo

Ille d'Alcane 21, 1919

In the Circuit Court of Dale of Bright County.

A. F. Darden et al. } Complainants.
W. P. Darden et al. } Defendants.

This cause came on this day to be again heard upon the papers formerly read and upon the report of special Commissioner this day filed and it appearing from said report that the purchaser of the real estate sold in these proceedings, A. F. Darden, and which sale was confirmed to him, by a decree entered herein on the 30th day of December, 1924, has failed and refused to comply with the terms of said sale, It is ordered that a rule be issued against the said A. F. Darden returnable before this to show cause why judgment shall not be entered against him for any amount which the Court may ascertain to be due from the said A. F. Darden, said rule to be returnable to this Court on the 30th day of January, 1925.

In the Circuit Court of the County of

A. T. Darden et al. 3 Complainant.

W. P. Darden et al. 3 Defendants.

This cause came on this day to be again heard upon the papers formerly read and upon the report of John H. Katten and S. E. Forrester, Special Commissioners, the day, place, and it appearing to the Court from said report that the purchaser of the real estate heretofore sold in these proceedings, and which sale was confirmed to him by a decree entered herein on the 20th day of December 1921, has failed and refused to comply with the terms of sale. It is ordered that the said A. T. Darden be served with a copy of this decree, fifteen days before the Second day of January 1923, on which day he shall appear and show cause to the Court why he should not be compelled to comply with his purchase of the land so directed to be sold and so purchased by the said A. T. Darden, from said Special Commissioners, and upon his failure to do so, why the said land should not be resold at his risk.

A. J. Dardano
 11 3 inches
 W. J. Dardano

Dress

1922
 Dec 11.
 Entry
 B. D. W.

E. & V.

To A. J. Dardano
 W. J. Dardano
 11 3 inches

Chancery order Book 8
 page 131

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

A. F. Darden et als.) Complainants.

vs.

)

IN CHANCERY.

W. T. Darden et als.) Defendants.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of Special Commissioners John K. Nutton and S. E. Everett, this day filed, and to which no exception has been taken, and it appearing that said Special Commissioners advertised the property sold in these proceedings in the manner as heretofore directed, that the same was sold on the 22d, day of December, 1921, at Carrsville, in this County,, at which sale the said property was bid in by Alfred F. Darden at the price of \$2135.00, that said sum is a good and sufficient price for said property and said sale is recommended by said Commissioners, and that the purchaser desires to pay cash for the said property: On consideration whereof, the Court doth confirm the said sale and said report,||and doth direct said Special Commissioners to convey, by deed, with covenant of special warranty, to said Alfred F. Darden, the following property, All that tract of land in Isle of Wight County, Virginia, in Windsor Magisterial District, the same containing Sixty acres, more or less, and bounded by the lands of John M. Saunders, James Cutchins, Charlie Bradshaw and others, it being the land directed to be sold in these proceedings, and out of the proceeds of sale said Commissioners are directed to pay the costs of this/ suit to the final decree, and report ~~their~~ proceedings hereunder, together with the parties entitled to the proceeds and their respective interests and amounts therein.

18
A. F. Darden et al
vs F. Kelly:
v. G. Darden et al.

Dress

1921

Dec. 30th

Enter this.

B. D. W.

C. D. Book 8

Page 99.

EXAMINED AND VERIFIED

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

A. F. Darden et als.....Complainants

vs. DECREE

W. T. Darden et als.....Defendants

This cause came on again this day to be heard on the papers formerly read and on the report of R. B. White, Gavin Rawls and S. T. Saunders, Commissioners appointed by a decree entered the 7th day of November, 1921, said report being filed this day, to which report there is no exception and was argued by counsel.

On consideration whereof, it appearing to the Court from the said report of the said Commissioners, R. B. White, *after having fully sworn written on said land and that* Gavin Rawls and S. T. Saunders, that a division of the said property cannot be conveniently made in any of the modes prescribed by the Code of Virginia, the Court doth adjudge, order and decree that the said report be confirmed, and that John ^HHutton and S. E. Everett, who are hereby appointed Special Commissioners for the purpose, either one of whom may act, do, after having advertised the time, place and terms of sale for fifteen days, by posting notices *at ten* *more* ~~numerous~~ public places in Isle of Wight County and Nansemond County, Virginia, proceed to sell before the front door of R. B. White's store, in Carrsville, Isle of Wight County, Virginia, the following described property:

All that small tract of land, situated in Isle of Wight County, Virginia, containing Sixty (60) acres, more or less, bounded by the lands of John M. Saunders, James Gutchins, Charlie Bradshaw and others.

The said John ^HHutton and S. E. Everett, Special

or the one qualifying
 Commissioners, shall sell said land on the following terms,
 To-wit: One-half cash, and the remainder payable one year
 from the date of said sale, with interest on the deferred
 payment from date of sale, title to said property to be
 retained until the purchase money is paid in full and con-
 veyance directed by the Court, or, if the purchaser, or
 purchasers, should elect to do so, he, or they, may pay the

whole of the purchase money in cash: *proceeding of said prop-
 erty to be given January 1st 1882*

or the one qualifying
 The said John Hutton and S. E. Everett, Special
 Commissioners, shall make a full report to the Court of
 their proceedings hereunder, taking the bond of the
 purchaser, or purchasers, for the credit installment, bear-
 ing interest from the date of sale, and returning said

or one of them
 bond with ~~this~~ *the* report to the Court, but the said Commiss-
 ioners shall not proceed to act under this decree until they
 shall enter into bond with security in the Clerk's office of
 this Court, payable to the Commonwealth of Virginia, in the

penalty
 amount of \$ 2000.00, conditioned upon the faithful
 discharge of their duties hereunder, or under any further
 decrees in this cause.

14 #320

A. F. Darden et als

vs DECREE

W. T. Darden et als

Enter this 3 day of Dec.
Bd., 1921.

Entered in Chancery

Order Book, No. 8,

Page No. 94,

We consent,

W. T. Darden

Atty for W. T. Darden et als

Samuel H. Stuten

and
E. L. Beale

attorneys for the above parties
defendants

John H. Stuten, Treasurer
admitted for the same
defendants

A. F. Darden et als.....Complainants

v.

DECREE

W. T. Darden et als.....Defendants.

This cause came on this day to be heard on the bill of the complainants, A. F. Darden, Naomi Darden, Jennie W. Spivey, G. L. Spivey, John M. Darden, Hattie L. Butler, Ida V. Gardner, J. F. Gardner, Mary Ann Johnson and E. O. Johnson, and on the answers of the adult defendants, W. T. Darden, Sarah C. Darden, Mildred Ann Doss, J. L. Doss and Sarah J. Darden, the answer of James Algernon Darden, the insane defendant, by John K. Hutton, guardian ad litem, and the answers of Addie Darden, Moses Darden and Rufus Darden, the infant defendants, by William S. Holland, their guardian ad litem, with general replications thereto by the plaintiffs, exhibits and examinations of witness and was argued by counsel.

On consideration whereof, it appearing to the court that Eliza A. Darden was mentally incompetent to execute the deed mentioned in said bill, dated September 26, 1917, and duly recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, whereby she conveyed the property therein described, subject to her life estate, to Moses Darden and Rufus Darden, the infant children of W. T. Darden, the court doth adjudge, order and decree that said deed be, and the same is, hereby set aside and declared null and void.

And it further appearing to the court that the heirs at law of Eliza A. Darden are parties to this suit and desire partition of the said land, the court doth further adjudge, order and decree that Doctor C. J. Bradshaw, Doctor Gavin Rawles, John F. Duke, R. B. White and Sam Saunders, who are hereby appointed commissioners for the purpose, any three or more of whom may act, having been first duly sworn, do proceed to lay off and divide the real estate mentioned in the bill in these proceedings, it being the land of which Eliza A.

Darden died seized and possessed, into nine equal parts, giving one part each to the heirs at law of Eliza A. Darden, deceased, namely: John M. Darden, Jennie W. Spivey, Mary Ann Johnson, Ida V. Gardner, Hattie L. Butler, Mildred Ann Doss, A. F. Darden, James Algernon Darden and W. T. Darden, but if the said commissioners find that the real property in the bill mentioned can not be conveniently divided in kind between the several parties entitled to share therein; that no party in interest will take the entire property and pay therefor to the other parties such sums of money as their interest therein may entitle them to; and that the interest of those who are entitled to the said property or its proceeds will be promoted by a sale of the entire property or by the allotment of part and sale of the residue, they are required to report the facts upon which their opinion is based to the court and also what in their opinion is the annual and fee simple value of the said real estate.

And the said commissioners shall report their proceedings hereunder to the court.

A. F. Darden et als.

DECREE

W. T. Darden et als.

C. D. B. #8 page 93

1/9/71

Mar 7.

Ent...

1/11/71

We consent:

W. S. Hollander

Guardian ad litem

of all infants heirs

W. G. Vandere

Barry G. Vandere

by Vandere their

Attys.

John H. Hutton for in-

some defendants

Samuel Hutton and

Ed. Beck for all other

parties

My dear Mr. Mott.

You can send the driver back.
Clark, who can put any date on
the back of the driver you desire, & make
the same.

Truly
Yours,
J. D. White.

Accomack Co.

Dec. 10 '21.

Entered
June 5, 1923

IN THE CIRCUIT COURT OF ISLE WIGHT COUNTY.

A.F.Darden et als.) Complainants.

Vs.

IN CHANCERY.

W.T.Darden et als.) Defendants.

This cause came on this day to be again heard on the papers formerly read, and on the report of the Special Commissioners, John K. Hutton and S.E. Everett, this day filed, to which report there is no exception and was argued by counsel.

On consideration whereof, it appearing that the said Commissioners after having advertised the time, place, and terms of sale in accordance with the decree entered in this cause on the 23rd day of March, 1923, proceeded to sell at public auction the property described in the bill at Carnsville, Virginia, on the 17th day of March, 1923, at three (3) o'clock P.M., at which sale the same was struck off to Mary A. Johnson, for the sum of EIGHTEEN HUNDRED AND FIFTY (\$1850.00) DOLLARS, she being the highest bidder; that the said sale is recommended by the said Commissioners and that the purchaser desires to pay cash; the Court doth confirm the said report and the sale therein mentioned, and doth direct said Special Commissioners upon the payment to them of the said sum to convey, with special warranty to said Mary A. Johnson that certain tract of land in Isle of Wight County, Virginia, in Windsor Magisterial District, the same containing Sixty acres, more or less and bounded by the lands of John M. Saunders, James Cutchins, Charlie Bradshaw, and others, it being the land directed to be sold in these proceedings; and, out of the proceeds of the sale, the said Commissioners are directed to pay the costs of this suit to the final decree and report their proceedings hereunder, together with the parties entitled to the proceeds and their respective interest and amounts therein.

Entered June 5th, 1923

A.F.Darden et als.....Complainants.

Vs.

REPORT

W.J.Darden et als.....Defendants.

TO THE HONORABLE B.D. WHITE, JUDGE OF THE CIRCUIT COURT OF ISLE OF
WIGHT COUNTY, VIRGINIA.

The undersigned Special Commissioners respectfully report that on the 17th day of March, 1923, at three (3) o'clock P.M. at Carrsville, Virginia, the said Commissioners after having advertised the time, place and terms of sale in accordance with the decree entered in this cause on the 23rd day of February, 1923, proceeded to sell the property described in the bill in the said cause at public auction, and the same was struck off to Mary A. Johnson for the sum of EIGHTEEN HUNDRED AND FIFTY (\$1850.00) DOLLARS, she being the highest bidder. Your Commissioners recommend that this sale be confirmed on the ground that the price to be paid represents the full value of the property at this time. The sale was well advertised and the attendance was good.

Respectfully submitted,

Special Commissioners.

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101
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301

1800
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—
230

IN THE CIRCUIT COURT OF ISLE WIGHT COUNTY.

A.F.Darden et als.) Complainants.

Vs.

IN CHANCERY.

W.T.Darden et als.) Defendants.

This cause came on this day to be again heard on the papers formerly read, and on the report of the Special Commissioners, John K. Hutton and S.E.Everett, this day filed, to which report there is no exception and was argued by counsel.

On consideration whereof, it appearing that the said Commissioners after having advertised the time, place, and terms of sale in accordance with the decree entered in this cause on the 23rd day of March, 1923, proceeded to sell at public auction the property described in the bill at Carrsville, Virginia, on the 17th day of March, 1923, at three (3) o'clock P.M., at which sale the same was struck off to Mary A. Johnson, for the sum of EIGHTEEN HUNDRED AND FIFTY (\$1850.00) DOLLARS, she being the highest bidder; that the said sale is recommended by the said Commissioners and that the purchaser desires to pay cash; the Court doth confirm the said report and the sale therein mentioned, and doth direct said Special Commissioners upon the payment to them of the said sum to convey, with special warranty, to said Mary A. Johnson that certain tract of land in Isle of Wight County, Virginia, in Windsor Magisterial District, the same containing Sixty acres, more or less and bounded by the lands of John M. Saunders, James Cutchins, Charlie Bradshaw, and others, it being the land directed to be sold in these proceedings; and, out of the proceeds of the sale, the said Commissioners are directed to pay the costs of this suit to the final decree and report their proceedings hereunder, together with the parties entitled to the proceeds and their respective interest and amounts therein.

22
- 320 -

A.F.Darden et als,
Vs. Decree.
W.T.Darden et als.

1923 June
May 11
Interhis
P.D.W.

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10

Book 8

page 147

A. F. Darden and others.....Complainants

vs. DECREE

W. T. Darden.....Defendants.

This cause came on again this day to be heard on the papers formerly read and the report of S. E. Everett and John K. Hutton, Special Commissioners, this day filed, to which report there is no exception and was argued by counsel.

On consideration whereof, it appearing from the said report that the sum of ONE THOUSAND, EIGHT HUNDRED AND FIFTY (\$1,850.00) DOLLARS, which remained in the hands of the special commissioners after the payment of the costs of this suit, has been properly disbursed in accordance with the decree entered herein on the 31st day of March, 1925, the Court doth approve and confirm said report, and there remaining nothing further to be done in this cause, the same is ordered stricken from the docket.

A. F. Darden and others,
Complainants,

Vs. DECREE # 320

W. T. Darden and others,
Defendants.

1929
Jan 6
Entered
B.D.W.

Cham, Book 8

page 488.

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

A. F. Darden and others.....Complainants.

Vs. DECREE

W. T. Darden and others.....Defendants.

This cause came on this day to be heard on the papers formerly read, and on the report of S. E. Everett and John K. Hutton, Special Commissioners, this day filed, to which report there is no exception and was argued by counsel.

On consideration whereof, and by consent of all parties interested, by counsel, it appearing from said report that said Special Commissioners in accordance with the decree entered herein on 5th day of June, 1923, upon payment to them of the sum of One Thousand, Eight Hundred and Fifty (\$1,850.00) Dollars by Mary A. Johnson, conveyed to the said Mary A. Johnson with Special Warranty, the land described in said decree and paid the cost of this suit, as follows:

R. A. Edwards, Clerk.....	\$ 29.10
G. E. Bunting, Clerk of Circuit Court of Nansemond County for subpoenas.....	2.50
West & Withers, premiums on bond...	20.00
Herald Printing Corporation, handbills.....	4.75
D. S. Phlegar, taking depositions..	15.75
A. S. Johnson, examination of record.....	10.00
War stamp on deed.....	2.00
Reserved for fiduciary taxes.....	3.80
Total cost.....	\$ 87.90

And it also appearing from said report that the existing liens are as follows:

Delinquent taxes (1920, 1921, 1922).....	\$ 95.40
Judgment against E. A. Darden, in favor Holland-Jones Company, including interest and taxes.....	116.59
Funeral expenses incident to burial of E. A. Darden.....	111.00
Job G. Holland, medical expenses.....	60.00
Mary Ann Johnson for guano bill paid for E. A. Darden to P. L. Everett (1920).....	33.50
Total liens.....	\$ 416.49

And it further appearing that after payment of the aforesaid liens there will remain in the commissioner's hands for distribu-

tion the sum of \$1,345.61 and that there is a judgment against Hattie L. Butler, one of the heirs at law, in favor of Holland Supply Corporation, for the sum of \$335.63, with interest from July 1, 1921, and \$7.55 cost, the court doth approve and confirm said report and doth adjudge, order and decree that the said ^{the aforesaid heirs be paid out of that} \$1,345.61 to which the heirs at law of E. A. Darden, deceased, are

entitled, be paid as follows:

W. T. Darden.....	\$ 149.51
A. F. Darden.....	149.51
Jennie W. Spivey.....	149.51
John W. Darden.....	149.51
Holland Supply Corporation (the share of Hattie L. Butler) to be applied on the aforesaid judgment.....	149.51
Ida V. Gardner.....	149.51
Mary Ann Johnson.....	149.51
Mildred Ann Doss.....	149.52
Sarah J. Darden, wife of James Algernon Darden, the insane de- fendant, to be used for his benefit.....	149.52

It is further ordered that a receipt in conformity with Section 6143a of the Code, 1919, be furnished the Clerk of the Circuit Court of Isle of Wight County, by said Sarah J. Darden, to whom the insane defendant's share is directed to be paid; and the said special commissioners shall report their proceedings hereunder, exhibiting, with vouchers for their disbursements, a certified copy of the aforesaid Clerk's receipt.

A. F. Darden, et als,
Complainants.

Vs. DECREE

W. T. Darden, et als,
Defendants.

1925
Mar. 31
Entered
B.W.

We consent:

W: T. Darden

By

His Attorney

James Algernon Darden, in-
sane defendant,

By

John K. Hutton
Guardian ad Litem.

All other adult parties.

By

Their attorneys.

Book 8
page 267

DELINQUENT TAX RECEIPT

Received this 7 day of January 1929, from J. H. Hutton S.C.
the sum of one hundred Eleven & 80/100 - (\$111.80), the same
being in settlement of a delinquent tax assessed by the Commissioner of
Revenue and returned delinquent by the Treasurer of the County of Isle
of Wight, on a tract of 60 acres in Hamlin District, Isle of
Wight County, and standing in the name of Eliza A. Darden
on the delinquent tax records of said County, for years 1920-21-22.

Given under my hand this 7 day of Jan. 1929.

N. A. Eaves
Clerk of Circuit Court.

State Tax

Interest from

County Tax

Interest from

Clerk's Fee

111.80

Total

\$

(14)

Suffolk, Virginia,

S. E. Everett

April 20th, 1925.

Received of John K. Hutton, Special Commissioner in the
chancery suit of A. F. Darden and others, complainants, against
W. T. Darden, and others, defendants, pending in the Circuit Court
of Isle of Wight County, Virginia, the sum of \$ 116⁵⁹.

For judgment

v. Edw. W. Darden and others.

Harold Jones to
By W. J. Harold

(3)

January 4th, 1926.

Received of John K. Hutton and S. E. Everett, Special Commissioners in the chancery suit pending in the Circuit Court of Isle of Wight County, Virginia, under the style of A. F. Darden et als, vs. W. T. Darden, et als, the sum of ONE HUNDRED AND ELEVEN (\$111.00) DO LARS for the funeral expenses of Eliza A. Darden, deceased.

S. W. Holland

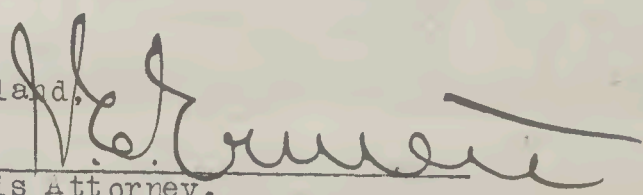
(4)

January 4th, 1926.

Received of John K. Hutton and S. E. Everett, Special
Commissioner in the chancery suit pending in the Circuit
Court of Isle of Wight County, under the style of A. F.
Darden, et als, vs. T. W. Darden, et als, the sum of SIXTY
(\$60.00) DOLLARS for medicinal attention for Eliza A. Darden,
deceased.

Job G. Holland,

By


His Attorney.

(5)

Suffolk, Virginia,

April _____, 1925.

S. E. Everett and

Received of/ John K. Hutton, Special Commissioners in the
chancery suit of A. F. Darden and others, complainants, against
W. T. Darden, and others, defendants, pending in the Circuit Court
of Isle of Wight County, Virginia, the sum of \$ 33⁵⁰.

For Harvard.

John K. Hutton

(6)

January 4th , 1926.

Received of S. E. Everett and John K. Hutton, Special Commissioners in the chancery suit pending in the Circuit Court of Isle of Wight County, Virginia, under the style of A. F. Darden, et als, against W. T. Darden, et als, the sum of ONE HUNDRED AND FORTY-NINE DOLLARS AND FIFTY - ONE CENTS (\$149.51) for share of the land sold in the said proceedings.

Witness!
Sue W. Riddick, *W. T. Darden*
W. T. Darden

(7)

Suffolk, Virginia,

S. E. Everett and April _____, 1925.

Received of/John K. Hutton, Special Commissioners in the
chancery suit of A. F. Darden and others, complainants, against
W. T. Darden, and others, defendants, pending in the Circuit Court
of Isle of Wight County, Virginia, the sum of \$ 149 ⁵¹.
For _____.

A. F. Darden

April 21st, 1926.

(S) Received of John K. Hutton, Special Commissioner in the
chancery suit styled A. F. Darden and others, complain-
ants, against W. T. Darden, and others, defendants, pending
in the Circuit Court of Isle of Wight County, Virginia,
the sum of One hundred forty nine & 5/100 DOLLARS
For _____.

Jessie W. Spivey

(10)

January 4th, 1926.

Received of John K. Hutton and S. E. Everett, Special Commissioners, in the chancery suit pending in the Circuit Court of Isle of Wight County styled A. F. Darden et als against W. T. Darden, et als, the sum of ONE HUNDRED AND FORTY-NINE DOLLARS AND FIFTY - ONE CENTS (\$149.51) to be applied to the judgment of Holland-Supply Corporation against Hattie L. Butler for the sum of THREE HUNDRED AND THIRTY-FIVE AND SIXTY THREE CENTS (\$335.63) with interest from July 1st, 1921 and \$7.65 cost.

Holland-Supply Corporation,

By

J. I. Rowles

(11)

Suffolk, Virginia,

April 20th, 1925.

S. E. Everett and

Received/of John K. Hutton, Special Commissioners in the
chancery suit of A. F. Darden and others, complainants, against
W. T. Darden, and others, defendants, pending in the Circuit Court
of Isle of Wight County, Virginia, the sum of \$149⁵¹.
For _____.

John V. Gurnea

Suffolk, Virginia,

April____, 1925.

(12)
S. E. Everett and
Received of/ John K. Hutton, Special Commissioners in the

chancery suit of A. F. Darden and others, complainants, against
W. T. Darden, and others, defendants, pending in the Circuit Court
of Isle of Wight County, Virginia, the sum of \$ 149⁵¹_____.

For_____.

Mary A. Johnson_____.

(14)

Received of R. A. Edwards, Clerk of the Circuit Court of Isle of Wight County, Virginia, this 15th day of August, 1925, the sum of ONE HUNDRED AND FORTY-NINE DOLLARS AND FIFTY-TWO CENTS (\$149.52) to be used and expended for the use and benefit of James Algernon Darden, which said sum is the amount to which James Algernon Darden is entitled out of the proceeds of the sale of certain land sold in the chancery proceedings pending in the Circuit Court of Isle of Wight County, Virginia, styled A. F. Darden and others against W. T. Darden and others, the purchase price of said land having been paid to S. E. Everett and John K. Hutton, Special Commissioners in the said suit.

Sarah J. Darden.

STATE OF VIRGINIA,

City of Suffolk, to-wit:

I, Evelyn Palmer, a Notary Public for the City aforesaid, in the State of Virginia, do certify that Sarah J. Darden, whose name is signed to the foregoing writing, bearing date the 15th day of August, 1925, has acknowledged the same before me in my City aforesaid.

Given under my hand this the 15th day of August, 1925.

My commission expires on the 23rd day of May, 1927.

Evelyn Palmer
Notary Public.

(14)

15
Suffolk, Virginia,

April _____, 1925.

S. E. Everett and

Received of/ John K. Hutton, Special Commissioners in the
chancery suit of A. F. Darden and others, complainants, against
W. T. Darden, and others, defendants, pending in the Circuit Court
of Isle of Wight County, Virginia, the sum of \$ 149.52.

For share of land sold in said proceedings.

Mildred Ann Ross.

by Saunders & Hutton her attorneys

(16)
Suffolk, Virginia.

S. E. Everett and

April____, 1925.

Received of/John K. Hutton, Special Commissioners in the
chancery suit of A. F. Darden and others, complainants, against
W. T. Darden, and others, defendants, pending in the Circuit Court
of Isle of Wight County, Virginia, the sum of \$ 149.51.

For share of land sold in said proceedings.

Wm Darden
By Samuel Hutton
his attorney

SAUNDERS & HUTTON

Attorneys at Law
Suffolk, Va.

January 2nd, 1929.

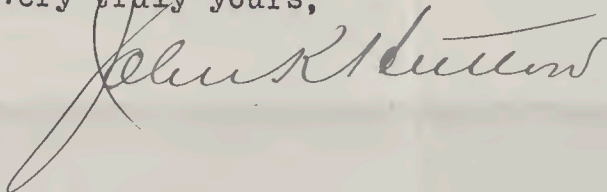
Mr. R. A. Edwards, Clerk
of the Circuit Court of Isle
of Wight County,
Isle of Wight, Virginia.

In Re: Darden vs. Darden.

Dear Mr. Edwards:

I have your letter dated December 27th, 1928, showing a balance due of \$54.34 on delinquent taxes. This balance is based upon delinquent taxes for 1920-1921-1922 and 1923, whereas the delinquent taxes which I am to pay as special commissioner under decree entered in this cause include only the years 1920-1921 and 1922, the principal amount of which is \$95.40, that being the amount of the check originally sent you. When I left the papers with you I left also your memorandum which you sent me when you first calculated these taxes. In other words, I am not to pay taxes for 1923 under this decree. Please let me have statement of balance due exclusive of the year 1923 and I will forward you check immediately.

Very truly yours,



JKH/P.

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.

January 5th, 1929.

Mr. R. A. Edwards, Clerk
of the Circuit Court of
Isle of Wight County,
Isle of Wight, Virginia.

In Re: Darden vs. Darden.

Dear Mr. Edwards:

We have just received your letter of the 3rd instant with statement showing balance due on delinquent taxes for 1920-1921 and 1922 in the above matter to be \$16.40.

We are herewith enclosing our check for that sum and will appreciate very much your having decree entered at the earliest possible moment. We will need a certified copy of the final decree to present to the bonding company.

Yours very truly,

John K. Hutton

JKH/P.

SAUNDERS & HUTTON

Attorneys at Law
Suffolk, Va.

January 11th, 1929.

Mr. R. A. Edwards, Clerk of
the Circuit Court of Isle of
Wight County, Virginia,
Isle of Wight, Virginia.

Dear Mr. Edwards:

I notice from your letter of the 8th instant that
you are unable to find the original papers in the
suit of Darden vs. Darden.

We have not had the original papers for quite a long
while, perhaps two years or more.

You will remember that I left with you my report and
the decree to be entered, together with vouchers. In
drawing this report and decree I used an office copy
of the last decree entered in the cause. You will
find that the last decree entered in your chancery
order book in this cause is the decree that directs
the payment of the amounts for which vouchers were
left with you. I would suggest that you check over
the vouchers with the decree as recorded in the chan-
cery order book. You can then forward the decree to
Judge White for his signature as he suggested.

Very truly yours,

John K. Hutton

*I appreciate very much your
helping me out.*

JKH/P.

JKH

Sanders T.
Hutton.

December 27th, 1928.

Messrs Saunders & Hutton, Atty's,
Suffolk, Virginia.

Gentlemen-,

Re Delinquent taxes Eliza A. Darden tract.

After carefully considering this matter I have come to the conclusion that under the circumstances the County and State both should be satisfied with the amount of taxes as per statement rendered you on the 16th day of May 1925, the only difference being a little interest, and therefore I have decided to accept that amount in settlement provided in event I did have any trouble over it then you might be depended upon to stand behind me-the only thing that could happen would be a demand for additional interest to be made but I have no idea that will ever happen.

According to my statement to you under the above date there was due for the years of 1920-21-22 and 23 the sum of \$149.24 with a credit by you of \$95.40 leaving a balance of \$53.84, with a clerks fee of fifty cents added making a total balance of \$ 54.34 and upon receipt of your check for that amount I will immediately credit the full four years taxes, making at the same time and attaching to the papers a receipt covering the same and will then on January 7th next present your decree with all the vouchers and report to the Judge and try and get the matter out of the way.

Trusting that this plan meets with your approval, I remain Very Truly Yours,

P.S. Will write you a letter as soon as the decree has been entered.

R.A.E.

SAUNDERS & HUTTON

Attorneys at Law
Suffolk, Va.

November 28th, 1928.

Mr. R. A. Edwards, Clerk
of the Circuit Court of Isle
of Wight County, Virginia.

Isle of Wight, Virginia.

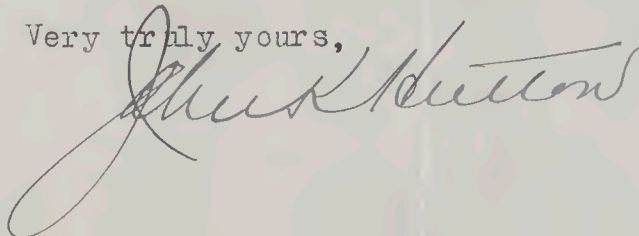
Dear Sir:

You will remember that some time ago I left with you final decree with vouchers in the suit of A. F. Darden and others vs. W. T. Darden and others, with the understanding that you would present the decree to Judge White for me when he should next come to Isle of Wight. All of the vouchers were with the papers except your receipt for delinquent taxes. You had theretofore received our check for \$90.00, or thereabout, and it was understood that you would let me know right away the amount of the balance on these taxes so that we could forward check for same.

We are very anxious to have this final decree entered at the very first possible moment on account of the premiums on the bond. Some premiums have accumulated which we would probably be relieved of if we could furnish certified copy of the final decree right away.

Thanking you for your prompt attention to this matter,
I am,

Very truly yours,



JKH/P.

A. F. Darden and others.....Complainants

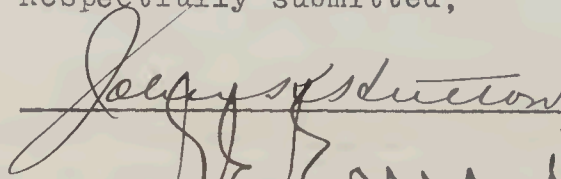
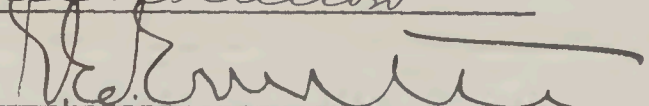
Vs. REPORT

W. T. Darden and others.....Defendants.

TO THE HONORABLE B. D. WHITE, JUDGE OF THE CIRCUIT COURT OF ISLE
OF WIGHT COUNTY, VIRGINIA:

The undersigned special commissioners, S. E. Everett
and John K. Hutton, respectfully report that they have disbursed
the sum of ONE THOUSAND, EIGHT HUNDRED AND FIFTY (\$1,850.00) DOL-
LARS which remained in their hands after the payment of the costs
of this suit, as provided by the decree entered herein on the 31st-
day of March, 1925, as will appear by vouchers
herewith exhibited.

Respectfully submitted,



Special Commissioners.

A. F. Darden and others,
Complainants

Vs. REPORT

W. T. Darden and others,
Defendants.

M

50 11.

ISLE OF WIGHT, VA.,

3/7

192 ✓

Dram & Darden

ye mnd

TO R. A. EDWARDS, DR.
 CLERK OF THE CIRCUIT COURT
 Of Isle Of Wight County

Prompt settlements of accounts rendered insures prompt attention to future work.

N. J.

clly
 5 aft
 City

Lin Dup

150
 2860
 200
 1500

 4410
 750
 36.60

Dup & Notations not inc -

1925

M

Saurus & Hutton's allys

In re G. F. Pardon it also is the same thing.

TO R. A. EDWARDS, DR.
CLERK OF THE CIRCUIT COURT
Of Isle Of Wight County

Prompt settlements of accounts rendered insures prompt attention to future work.

Do writ-tax	150
" Clerk's cert. to include, more up to Dec	2560
5th's fee	200
Tax'd atty's fee	<u>1500</u>
	4410

connected to this suit - while a.s. Johnson
was clerk I find the following
125 991 Bal -

7.50
\$ 36.60

I have not included any thing for witnesses or cost of taking depositions - and maybe you have paid ship's fees?

pd
 15
 750

$$\begin{array}{r}
 19 \\
 12 \\
 \hline
 38 \\
 19 \\
 \hline
 2.28
 \end{array}$$

SAUNDERS AND HUTTON
Suffolk, Virginia



NATIONAL BANK OF SUFFOLK

68-124

SUFFOLK, VA.

April 1 19 21

No.

DAY
TO THE
ORDER OF

H. S. Phlegas

\$

15-⁷⁵

Fifteen & ⁷⁵/₁₀₀

DOLLARS

FOR

Warden's

Pay to the order of
By J. Saunders

PAY TO ORDER
 NORFOLK NATIONAL BANK
 NORFOLK, VIRGINIA.
 PALEGAR & TIGHMAN.

ALL BANKERS Banker of Trust Co.
 63-123 H. M. HOLLAND, Cashier.
 A. F. H. 1921
 SUFFOLK, VA.
 GUARANTEED

PAY TO THE
 My Bank, Bank
 THE NORFOLK BANK
 APR 14
 63-37 NORFOLK, VA.
 J. B. DRY, JR., Cashier

No. 1115

Raffaello, Va. June 28th 1923

Received of Mr. John H. Kuttan N. E. Consett & Co.
Agent, Dardony & Dardony
Ten and 00/100 100 Dollars

100

For

Paid by John H. Kuttan

\$10⁰⁰

By Loet & Kuttan
inc.

928

TERMS---CASH

SUFFOLK, VA.,

Jan. 1st

192 4

Masses

John N. Hutton & A. E. Everett, Spec. Comm.

Dec.

Oct 4

TO WEST & WITHERS, DR.

*Fire, Life, Marine, Accident, Health, Workmens Compensation,
Steam Boiler Insurance and Surety Bonds*

P. O. BOX 103

(oM 11-2 23

OFFICE No. 117 N. MAIN STREET

PHONE No. 10

[illegible]

August 20th, 1924.

Received of Saunders & Hutton the sum of \$4.75, it
being cost of advertising bills in the case of Darden Vs.
Darden pending in the Circuit Court of Isle of Wight County.

By

Herald Thorpe
H. H. Hester
ceper

*This balance
is for 24 1/2 cts
total amount of fees
are included.*

*44.10
15.00
29.10*

Received of S. E. Everett and John K. Hutton, Special Commissioners in the chancery suit pending in the Circuit Court of Isle of Wight County, Virginia, under the style of A. F. Darden and others, complainants, against W T. Darden and others, the sum of FORTY-FOUR DOLLARS AND TEN CENTS (\$44.10) for Clerk's costs, writ tax, and taxed atty fees -

March 18th, 1925.

N. A. Edwards D. Clk.

*Less atty fees 15.00
" Dep. of 7.50
22.50*

MR Saunders & Hutton, Attys.
TO G. E. BUNTING, CLERK CIRCUIT COURT
OF NANSEMOND COUNTY
SUFFOLK. VA..

192

	TAX, \$	TRANSFER, \$	FEE, \$			
	RECORDING		DEED FORM			
		TO				
			Issuing Two originals and sixteen wts.subp'n			2.50
	(A.F.Darden et als	V.W.T.Darden et als)				
	Paid <i>Mar. 30,</i>	192 <i>5</i> ~ <i>W.D. Embury</i>			Clerk	

Clinton Bradshaw
Bud Baker
George A. Hedgepeth
C. J. Bradshaw
J. M. Saunders
Dr. Gavin Rawles

March 31, 1925.

Received of John K. Hutton and S. E. Everett, Special
Commissioners in the chancery suit now pending in the Circuit
Court of Isle of Wight County, Virginia, under the style of
A. F. Darden and others, complainants, Vs. W. T. Darden and
others, defendants, the sum of \$ Ten DOLLARS,
for Examination of Records

Johnson Stephens

March _____, 1925.

Received of John K. Hutton and S. E. Everett, Special
Commissioners in the chancery suit now pending in the Circuit
Court of Isle of Wight County, Virginia, under the style of
A. F. Darden and others, complainants, Vs. W. T. Darden and
others, defendants, the sum of \$ _____ DOLLARS,
for _____

A. F. Darden and others.....Complainants

Vs. REPORT

W. T. Darden and others.....Defendants.

TO HONORABLE B. D. WHITE, JUDGE OF THE CIRCUIT COURT OF ISLE
OF WIGHT COUNTY, VIRGINIA:

The undersigned Special Commissioners, S. E. Everett and
John K. Hutton, respectfully report that in accordance with the
decree entered herein on the 5th day of June, 1923, said com-
missioners, upon payment to them by Mary A. Johnson of the sum
of ONE THOUSAND, EIGHT HUNDRED AND FIFTY (\$1,850.00) DOLLARS,
conveyed to the said Mary A. Johnson the land described in said
decree and have paid the cost of the suit, vouchers for which
are herewith exhibited, as follows:

R. A. Edwards, Clerk.....	\$ 29.10 ✓
G. E. Bunting, Clerk of Cir- cuit Court for Nansemond County for subpoenas.....	2.50 ✓
West & Withers, premiums on bond.....	20.00 ✓
Herald Printing Corporation, handbills.....	4.75 ✓
D. A. Phlegar, taking depositions....	15.75 ✓
A. S. Johnson, examination of record.....	10.00 ✓
War stamp on deed.....	2.00 ✓
Reserved for Fiduciary taxes.....	3.80
Total cost.....	<u>\$87.90</u>

87.90
416.49
504.39
850.00
504.39
345.61

Said commissioners report that the liens to be paid are
as follows:

Delinquent taxes (1920, 1921, 1922).....	\$ 95.40
Judgment against E. A. Darden in favor Holland-Jones Company, including interest and taxes.....	116.59
Funeral expenses incident to burial of E. A. Darden.....	111.00
Job G. Holland, medical expenses.....	60.00
Mary Ann Johnson for guano bill paid for E. A. Darden to P. L. Everett (1920).....	33.50
Total liens.....	<u>\$416.49</u>

The remainder for disbursement after
payment of cost and liens is.....\$1,345.61

This amount should be distributed among the
heirs at law of E. A. Darden in equal pro-
portion as follows:

A. F. Darden.....	\$ 149.51
Jennie W. Spivey.....	149.51
John W. Darden.....	149.51
Hattie L. Butler.....	149.51
	<u>\$ 598.04</u>
	\$1,345.61

Amount brought forward.....\$ 598.04.....\$1,345.61

Ida V. Gardner..... 149.51

Mary Ann Johnson..... 149.51

W. T. Darden..... 149.51

Mildred Ann Doss..... 149.52

James Algernon Darden..... 149.52

\$1,345.61

\$1,345.61

Your commissioners report that the share of Hattie L. Butler

should be applied to the payment of a judgment against her in favor of Holland Supply Company, which judgment, duly docketed in the Clerk's Office of the Circuit Court of Isle of Wight County, is for Three Hundred and Thirty-five Dollars and Sixty-three Cents (\$335.63) with interest from July 1, 1921, and Seven Dollars and Fifty-five Cents (\$7.55) cost.

Your commissioners request that they be directed to pay the share of James Algernon Darden, insane defendant, to his wife, Sarah J. Darden, to be expended for his benefit.

Respectfully submitted,

[Signature]

John K. Hutton
Special Commissioners.

A. F. Darden, et als,
Complainants,

Vs. REPORT

W. T. Darden, et als,
Defendants.

A.F.Darden et als.....Complainants.

Vs.

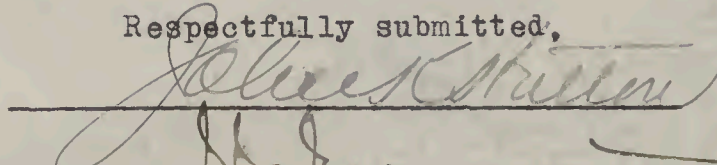
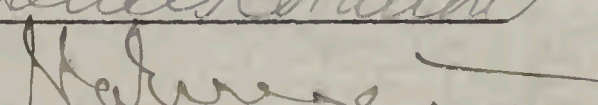
REPORT

W.T.Darden et als.....Defendants.

TO THE HONORABLE B.D. WHITE, JUDGE OF THE CIRCUIT COURT OF ISLE OF
WIGHT COUNTY, VIRGINIA.

The undersigned Special Commissioners respectfully report that on the 17th day of March, 1923, at three (3) o'clock P.M. at Carrsville, Virginia, the said Commissioners after having advertised the time, place and terms of sale in accordance with the decree entered in this cause on the 23rd day of February, 1923, proceeded to sell the property described in the bill in the said cause at public auction, and the same was struck off to Mary A. Johnson for the sum of EIGHTEEN HUNDRED AND FIFTY (\$1850.00) DOLLARS, she being the highest bidder. Your Commissioners recommend that this sale be confirmed on the ground that the price to be paid represents the full value of the property at this time. The sale was well advertised and the attendance was good.

Respectfully submitted,



Special Commissioners.

Report of Special
Commissioners.

A.F.Darden et als,

Vs.

W.T.Darden et als.

SAUNDERS & HUTTON

Attorneys at Law
Suffolk, Va.

February 15, 1923.

To the Circuit Court
of Isle of Wight County,
Isle of Wight, Virginia.

I am writing this letter to advise the court and all parties interested in the chancery suit pending in the Circuit Court of Isle of Wight County, under the style of A. F. Darden and others against W. T. Darden and others, that I was the purchaser of the land sold by the order of the court in these proceedings at Carrsville, Virginia, which sale was confirmed later by the court, and that I am unable to comply with the terms of said sale and the order of confirmation. I hereby relinquish any and all rights that I may have as purchaser at said sale and agree that an order shall be entered in the said suit directing a resale of the said land.

Yours very truly,

*File this in books of
suit of Darden v Darden.
H*RD*

A. F. Darden.

Darwin

vs

Darwin

Letter of refusal
to take property of

A. F. Darwin

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA.

A. F. Darden et als.....Complainants
vs. REPORT OF SPECIAL COMMISSIONERS.
W. T. Darden et als.....Defendants.

The undersigned, Special Commissioners, John K. Hutton
and S. E. Everett, respectfully submit the following report:

As directed by the decree entered in this cause on the
30th day of December, 1921, your Commissioners called upon Alfred
F. Darden, the purchaser of the land sold in these proceedings
on the 22nd day of December, 1921, at Carrsville, Virginia, for
the sum of TWENTY-ONE HUNDRED THIRTY-FIVE (\$2135.00) DOLLARS for
the payment of the purchase price of said land and at the same
time tendered the said Alfred F. Darden a good and sufficient deed
of bargain and sale conveying the said land to him with Special
Warranty of title, and the said Alfred F. Darden refused to pay
the said purchase price of any part thereof, and still refuses
so to do. Your Commissioners recommend that the said land be
advertised and sold at the earliest possible date. Approximately
eleven months have elapsed since said sale.

Respectfully submitted,

John K. Hutton
S. E. Everett
Special Commissioners

A. F. Darden et als
v. REPORT OF SPEC COM.
W. T. Darden et als.

1922
Dec. 11,
Filed

TO THE HONORABLE B. D. WHITE, JUDGE OF THE CIRCUIT COURT OF
ISLE OF WIGHT COUNTY, VIRGINIA:

A. F. Darden et als.....Complainants
vs. REPORT
W. T. Darden et als.....Defendants

Your Commissioners, John K. Hutton and S. E. Everett,
appointed by your Honor, in the above-entitled cause, on the
3rd day of December, 1921, to make sale of certain property
mentioned in the bill and proceedings in said cause, respect-
fully submit the following report:

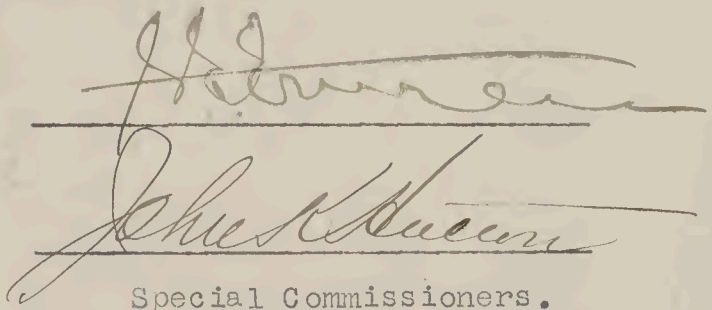
Having executed the required bond, your Commissioners,
in accordance with said decree, entered on the 3rd day of December,
1921, advertised the said property for sale. On the 22nd day of
December, 1921, at 12 o'clock, M., in front of the store of R. B.
White, Carrsville, Virginia, the said property was put up at
public auction and was struck off to Alfred F. Darden for the
sum of \$2,135.00, the said Alfred F. Darden being the highest
bidder at said sale.

The said purchaser desires to pay the whole purchase
price in cash as soon as the deed is ready for delivery.

Considering the depression in business at this time,
your Commissioners believe that the price is a good one and ask
your Honor to confirm the said sale as reported herein and to
direct your said Commissioners to make a proper deed conveying
the said property to the said Alfred F. Darden. Since the said

sale, your Commissioners have made inquiry among influential men as to what they thought of the sale and it seems to be the unanimous opinion that the property brought its worth.

Respectfully submitted:



Special Commissioners.

A. F. Darden et als

vs. REPORT

W. T. Darden et als

Dec. 30, 20,

Filed

R. A. Edwards.
eev