

1883-011

Nansemond Co. (Suffolk) Chancery Causes: George W. Singleton vs Admr of Georgetta Darden et al

Prentiss, Copeland, Farmers Bank of Nansemond I, Baker

Virginia

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

George W Longleton

Complainant

Against } In Chancery

Peter B Prentiss, Trustee, John L Fulgham

Sheriff of Hanseman County Court and

as such, Administrator of Georgetta

Darden, deceased, Hugh K Darden George

Brooker Darden, Charlotte Darden and

Anna Darden, the last three of whom

are infants, under the age of twenty one

years, The Farmers Bank of Hanseman

and John R Copeland Trustee

Defendants.

On the motion of the complainant, by counsel, Peter
B Prentiss is appointed guardian ad litem to the infant
defendants in this suit; and it is ordered the said guardian
be notified of his appointment by serving upon him, a
Copy of this order

Teste.

Peter B. Prentiss. Clerk

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

Peter B. Prentiss,

Guardian ad litem

Geo. W. Singleton

Order of the
11
25 } ~~Answer of Singleton~~
by ~~Singleton~~

Georgetta Darden's, Adm'r &c

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY GREETING:
YOU ARE HEREBY COMMANDED TO SUMMON *Peter B. Prentis, Trustee, John L. Fulgham, Sheriff of Nansemond County and as such Administrator of Gergetta Warden, deceased, Hugh K. Warden, George Crocker Warden, Charlotte Warden and Anna Warden, the last three of whom are infants, under the age of twenty-one years. The Farmers Bank of Nansemond, and John R. Copeland, Trustee,*

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in *February* next to answer a
Bill in Chancery, exhibited against them,
in the said Court by *George W. Singleton*

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this *22nd* day of *January* 1883, in the *107th* year of the Commonwealth.

Teste:

Peter B. Prentis Clerk.

1883. February 1st Executed and a true copy hereof delivered to
Peter B. Prentiss Trustee, Hugh M. Darden, Thomas W. Smith Presidents
of the Farmers Bank of Harrison and John R. Copeland Trustee
each.

F. W. Rawls Dg for
J. L. Fulgham Sff.

1883. Feb: 1st: Legal & sufficient service of this process is hereby acknowledged
by me.

Stff: sh

Harrison County, and as such,
admon: of Gessetta Warden, decd

Withers & Prentiss, b. 9

George W. Singleton

vs { Samuel Chy.

Peter B. Prentiss, Trustee Sal.

To February Rules, 1883.

Pro. B. No. 1, page

Cir. Co.

To

Peter B. Prentis Trustee, John L. Fulgham Sheriff of
Nausemond County and as such Administrator
of Gergetta Darden deceased, Hugh K. Darden,
George Crocker Darden, Charlotte Darden, and
Anna Darden, the last three of whom are
infants under the age of twenty one years,
The Farmers Bank of Nausemond, and John R.
Copeland Trustee. -

You are hereby notified that on Friday
the 9. day of March 1883 at the law office of
Withers Prentis in Suffolk Virginia, between the
hours of Nine O'Clock A.M. and Six O'Clock
P.M. of that day I shall proceed to take the
depositions of John R. Copeland Peter B. Prentis
and others, to be read as evidence in my behalf,
in a certain suit in equity depending in the
Circuit Court of Nausemond County, wherein I
am plaintiff, and you are Defendants, and if
from any cause the taking of the said depositions
be not commenced, or if commenced be not
concluded on that day, the taking thereof
will be adjourned from time to time at the
same place and between the same hours
until the same shall be completed. -

George W. Singleton
by Counsel

Withers Prentis

We acknowledge legal and sufficient service of
the within notice. -

Peter B. Prentiss. Trustee

Peter B. Prentiss. Adm'r ad litem for
infants defendants

John R. Copland Justice

J L Fulgham Shff & Adm'r

Executed as to The Farmers Bank of Nausemond by delivering
a true copy hereof to J. W. Smith President of the said
Bank, in the County of Nausemond, he the said Smith being
as resident of the said County, and as to Hugh R. Darden
by delivering a copy hereof to him in person this 1. day of
March 1883. -

J H Rawls Dy for
J L Fulgham Shff

Geo. W. Singleton

Noticed to take
Depositions -

Darden & others

9. March 1883.

The depositions of George W. Singleton, John R. Copeland and Peter B. Prentiss taken before me E. E. Holland, a Notary Public for the County of Hansemond, pursuant to the notice hereto annexed, at the law office of Withers Prentiss in Suffolk Virginia, on the 9 day of March 1883, between the hours of Nine O'Clock A.M. and Six O'Clock P.M., to be read as evidence in behalf of George W. Singleton in a certain suit in Equity depending in the Circuit Court of the County of Hansemond wherein George W. Singleton is Complainant and John L. Fulgham Sheriff of Hansemond County and as such Administrator of Gergetta Darden Decd. and others are Defendants: -

Presents: Robt. B. Prentiss of counsel for Complainant.

The witness John R. Copeland being first duly sworn in answer to questions deposes and says:

1. Ques: What is your age, where do you ^{what is your occupation,} reside, and do you know the parties to this suit?

Ans: Seventy-one years of age. - Residence Suffolk. - Occupation. until the 1. February 1883 I was Cashier of the Farmers Bank of Hansemond. I am still employed in the said Bank, and I know the parties to this suit. -

2. Q. What amount of money is now due the Farmers Bank of Hansemond by virtue of the deed of trust from G. W. Singleton dated 19 September 1877? -

Ans. Seventeen Hundred Dollars principal now due. -

3. Q. What has been paid and by whom? -

Ans. Three Hundred Dollars on account of the principal has been paid by George W. Singleton. - He has also paid the interest on the debt at intervals of sixty days, ever since the note was executed. -

4. Ques. Who does the Bank regard as ~~the~~ primarily responsible for the said debt? -

Ans. Capt. Geo. W. Singleton. We look to him and no one else.

5. Ques. Has P. B. Prentiss, trustee, or Misses Georgetown Darden, or Mrs. L. Fulghum, Admins of Misses Georgetown Darden. Ever at any time paid any part of said debt, principal or interest? -

Ans. They have not, and never offered to pay any.

6. Ques. How long since Misses Georgetown Darden died?

Ans. I cannot give the date exactly, but over two years I think.

7. Ques. And for this deposition sworn to by -

Signed - John N. Carpenter

Capt. Geo. W. Singleton, another witness, being duly sworn, deposes and says as follows:

1st Ques. Stole & was all, accumulation, and even and taken
is your connection with this suit.
Ans. 60 yrs.; manufacturer of shell lime and oyster
pecker; reside in Suffolk, Va.; and am plain
liff in this suit.

2nd Ques. Did your daughter, Georgetta Dorden, or any one
else, ever pay you the sum of \$1500 or any
part thereof, known as a part of the consid-

Ans. ration in the deed from you to her, dated Mar 1st
A.D. 1879?

Ans. No, Sir, not one cent.

3rd Ques. Did your daughter, Georgetta Dorden, or P. B.
Pruitt, trustee, or Jas L. Fulghum, her Admin.,
ever pay any part of the debt of \$2000
due to the Farmers Bank of Hansemond, or
any ^{way} relieve you of said indebtedness?

Ans. No, Sir, they never paid any thing nor assu-
med the debt.

4th Ques. Did Georgetta Dorden, or any one for her, pro-
vide and care for your physical wants and
necessities after the execution of the, deed, da-
ted Mar 1st A.D. 1879?

Ans. No, Sir, they did not. I can only say that she be-
came afflicted soon after the deed was made
and I had to care for her and her family. They
have been on my hands ever since.

5th Ques. When did Georgetta Dorden die?

Ans. I think she died in the Spring of 1880.

Qth Ques. How long was she sick before her death?

Ans. I suppose 3 months before she died.

7th Ques. Did George the Darden have any property?

Ans. No, Sir, nothing.

8th Ques. Have you supported, educated and maintained her children since her death?

Ans. I have supported the children there two with me and I am boarding and schooling one at the Messrs Timmings.

9th Ques. Is the property conveyed by the deed of Marth 18th Oct. 1879, in good condition?

Ans. The house is in good condition and has been kept so by me. The wharf is in bad condition and will require money to fix it up.

10th Ques. Why have you not kept the wharf in repair?

Ans. I was not able without borrowing money, and the title was in such condition I could not borrow money on it.

11th Ques. Is the wharf property so deteriorating for lack of repairs?

Ans. So much so that the tenant, Mr. Dangley, has put his tin on another wharf. This was rented out now.

And further this Deposition with not
Signed

G. W. Singleton

Peter B. Prentiss another witness being first duly

Sworn, in answer to questions deposes and says:

1. Q. What is your age, residence, occupation and do you know the parties to this suit?

Ans. I am sixty three years old lacking a few days, reside in Suffolk, am Clerk of the Courts, and know the parties to the suit.

2. Q. Are you the person named as Trustee in the deed from G. W. Singleton dated ~~the~~ 1st day of March 1879? - And if so have you ever paid off the debt due the Farmers Bank of Mansumond described in the said deed?

Ans. I am the Trustee therein named - I have not nor any part of it -

3. Q. Have you ever been furnished with any money for that purpose by Mrs. Georgetta Darden or by any one for her? -

Ans. I have not.

4. Q. When did Georgetta Darden die?

Ans. On the 18th day of June 1880.

5. Q. Did she care for the physical wants and necessities of G. W. Singleton up to her death?

Ans. Not in any way or shape whatever. She was bedridden for some time before her death. - George W. Singleton himself was taking care of herself and family. -

6. Q. Did Georgetta Darden leave any property?

Ans. No she left no property. -

That this deponent saith not.
Peter B. Prentiss.

State of Virginia,
County of Hansemond, to wit:

I, E. E. Holland, a Notary Public in and
for the County of Hansemond in the State of
Virginia do certify that the foregoing depositions
of John R. Copeland, E. M. Singleton and Peter B.
Prentiss were taken, sworn to and subscribed
before me at the time and place mentioned
in the caption hereto. —

Given under my hand this 9. day of March 1883.
E. E. Holland N. O.

Geo. H. Singleton

v. Complainants'
Depositions -

Georgetta Darden's Adm.
v.

1883. March 22nd. Filed.
ck.



At a Circuit Court continued and held for Nansemond County, the
13th day of April, 1883.

George W. Singleton Plaintiff.

Against } In Chancery

Peter B. Prentiss, Trustee, John L. Fulgham,
Sheriff of Nansemond County, and as such,
Administrator of Georgetta Warden, dec'd;
Hugh K. Warden, George Crocker Warden,
Charlotte Warden and Anna Warden, the last
three of whom are infants, under the age of
twenty-one years, The Farmers Bank of
Nansemond, and John R. Copeland, Trustee. . . . Defendants.

This Cause, which has been regularly matured and set for hearing
at Rules, according to Law, came on this day to be heard on the bill taken
for confessed as to the adult defendants, Peter B. Prentiss, Trustee, John L.
Fulgham, Sheriff of Nansemond County, and as such, Administrator of
Georgetta Warden, dec'd, Hugh K. Warden, the Farmers Bank of Nanse-
mond and John R. Copeland, Trustee, on whom process had been duly
served, they still failing to appear and plead, answer or demur to
the said bill. The answer of the infant defendants, George Crocker Warden,
Charlotte Warden and Anna Warden, by Peter B. Prentiss, their guardian
ad litem assigned to defend them in this suit, heretofore filed at
Rules, with general replication thereto, on the exhibits filed with the
bill, and the depositions of witnesses, and was argued by Counsel:-

On consideration whereof, the Court doth pronounce the deed executed
by George W. Singleton to Peter B. Prentiss, Trustee, dated the 1 day of March,
1879, and duly recorded in the Clerk's Office of Nansemond County
Court on the 22 day of March, 1879, absolutely null and void by

reason of the total failure of the consideration upon which the same was executed. And the Court doth further adjudge, order and decree, that the said Peter B. Prentiss, Trustee, who is also hereby appointed a Special Commissioner for the purpose, do convey the Real Estate described in the said Deed to the said George W. Singleton, by Deed with Special warranty, so as to vest in the said Singleton the same title thereto of which he was seised and possessed before the execution of the said deed, dated the 1 day of March, 1879.

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

A Copy:

Teste:

Peter B. Prentiss, Clerk.

Kind

George W. Singleton

vs
Copy Deed.

Peter B. Prentiss, Trustee, vs

George W. Singleton

Peter B. Prentiss, Trustee, John L. Fulgham Sheriff of Wausemond County and as such Administrator of Georgetta Darden dec'd, Hugh K. Darden, George Crocker Darden, Charlotte Darden and Anna Darden, the last three of whom are infants under the age of twenty-one years, The Farmers Bank of Wausemond and John R. Copeland, Trustee.

This cause which has been regularly matured and set for hearing at rules; according to law, came on this day to be heard on the bill taken for confessed as to the adult defendants Peter B. Prentiss, Trustee, John L. Fulgham Sheriff of Wausemond County and as such Administrator of Georgetta Darden dec'd, Hugh K. Darden The Farmers Bank of Wausemond and John R. Copeland, Trustee, on whom process had been duly served, they still failing to appear and plead answer or demurr to the said bill, the answer of ^{the infant defendants} George Crocker Darden, Charlotte Darden and Anna Darden by Peter B. Prentiss then guardian ad litem assigned to defend them in this suit, heretofore filed at rules, with general replication thereto, on the exhibits filed with the bill, and the depositions of witnesses and was argued by counsel.

On consideration whereof the Court doth pronounce

the deed ~~is~~ executed by George W. Singleton to Peter B. Prentiss Trustee dated the 1. day of March 1879 and duly recorded in the Clerk's Office of Nansemond County Court on the 22. day of March 1879 absolutely null and void by reason of the total failure of the considerations upon which the same was executed. - And the Court doth further adjudge order and decree that the said Peter B. Prentiss Trustee who is also hereby appointed a Special Commissioner for the purpose do convey the real estate described in the said deed to the said George W. Singleton by deed with special warranty so as to vest in the said Singleton the same title thereto of which he was seised and possessed before the execution of the said deed dated the 1. day of March 1879. -

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

Geo. W. Singleton

N. J. Dickey

Georgetta Darden's Am

April 13th Term 1883

To be entered

Geo. W. Singleton

copy

Entered 083 No 1 page 602

Singleton

v.s

Complainant

Peter B Prentiss Trustee ad litem.

Defendants.

The joint and several answers of Hugh Crocker Darden
Charlotte Darden and Anna Darden, infants under
twenty one years of age by Peter B Prentiss their guardian
ad litem, to the Bill of Complainant, exhibited against
them in the Circuit Court of Nansemond County by
George W Singleton.

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

(Signed)

Peter B. Prentiss.

Guard. ad litem

Geo. W. Singleton

Answer of Infants
25 { ~~and right Singleton~~

Georgette Warden's Adm^r: &c

This Deed,

Made this 19th _____ day
of September, in the year ~~one thousand eight hundred and seventy~~ 1877

between George W. Singleton _____ and

Charlotte Singleton _____ his wife, of the county of Hanseman, in

~~the~~ State of Virginia, of the one part, and Jno. R. Cleland, Trustee for The

Farmers Bank of Hanseman, of the County of Hanseman and

~~State of Virginia~~
~~chosen as trustee for the purposes herein named~~, of the other part, Witnesseth:

That the said George W. Singleton _____ and

Charlotte _____ his wife, do grant, with general warrant

unto the said Jno. R. Cleland, _____

trustee as aforesaid, the following property, to wit: All that tract, piece or parcel of land
situate, lying and being in the County of Hanseman _____ in the State of

Virginia, and bounded and described as follows: A parcel of land in the Town of

Suffolk & bounded N. by Hanseman River, E. by Main Street, S. by the

lots of Jacob Rowe & Jno. P. Johnson & W. by the "Mason lot" now owned

by A. P. Morse &c: 2^d Forty-eight acres more or less, purchased

by said Singleton from Thos. Baker & wife, by deed dated Decr. 20th, 1869

& duly recorded, adjoining the lands of Abner Holland, Wm. Jaynes &

Wm. B. Whitehead & situated in Hanseman County, near the Town of

Suffolk: 3^d a tract of land, at the junction of Meade's & Echoan's Creeks,

containing 76 2/3 acres, more or less, & which was conveyed to said

Singleton by Peter B. Bientis, Trustee, by deed, dated September 10th,

1877, and duly recorded: a portion of the property hereby conveyed

being now subject to certain trusts, on record, which the said Singleton

agrees to discharge before this deed takes effect & the said Singleton

further covenants to pay all taxes & keep the buildings insured, during

the continuance of this trust,

improvements and
together with all and singular the appurtenances belonging to the same.

In Trust, to secure to The Farmers Bank of Hanesmond
of the County of Hanesmond in the State of Virginia the
payment of the sum of a Negotiable Note, made by the said George W. Singleton evidenced by
dated the 19th day of September, 1877 ^{Sum of Ten thousand (\$2000).} of even date with this Deed, and payable to the said
Geo. W. Singleton or order, sixty days after its date, being for the ^{and it is covenanted and agreed}
between the parties aforesaid, that in case of a sale the same shall be made after first
advertising the time, place and terms thereof for fifteen days, and upon such terms
as the said Trustee shall direct, and after paying the expenses of executing this trust, of
then unpaid, including a commission of per cent to the said Trustee, then to dis-
charge the amount of money, principal and interest, then due and unpaid of the said
debt; and the residue, if any, pay as the law directs. It is also covenanted and agreed, that
this Deed of Trust shall secure any note or notes given in renewal or curtail of the
aforementioned note. In the event of default in the payment of said note, then in whole or in part or if
default in the payment of any note or notes given in renewal thereof, when it becomes due, sale shall be made.
In all other respects this Deed shall be executed according to the law governing trust
sales.

Witness the following signatures and seals:

G. W. Singleton (SEAL.)

Charlotte X Singleton (SEAL.)
^{her mark}

State of Virginia,
County of Hanesmond County

} To wit:

I, Jno. H. Wright, a Notary Public, in and for the county aforesaid,
in the State of Virginia, do certify that Charlotte Singleton,
the wife of Geo. W. Singleton whose names are signed to
the writing above, bearing date the 19th day of September
1877, has personally appeared before me in my county aforesaid, and being duly
examined by me privily and apart from her husband, and having the writing afore-
said fully explained to her, she the said Charlotte Singleton
acknowledged the said writing to be her act, and
declared that she had willingly executed the same, and does not wish to retract it.
Given under my hand this 19th day of September, 1877
eighteen hundred and seventy

Jno. H. Wright
Notary Public

Virginia:
County of Hanesmond County } To wit:

I, Jno. H. Wright, a Notary Public, in and for
the said county, in the State of Virginia, do certify that Geo. W. Singleton
whose name is signed to the
writing above, bearing date the 19th day of September
1877, has acknowledged the same before me in my county aforesaid.
Given under my hand this 19th day of September 1877.

Jno. H. Wright
Notary Public

In The Clerk's Office of Hanesmond County Court, the 19th day
of September, 1877.
This Deed of Trust was received and with the Certificate
annexed, admitted to record.

Teste: Peter B. Prentiss, Clerk

A Copy: Teste: Peter B. Prentiss, Clerk

(Copy)
DEED of TRUST.

George W. Singleton -
Trustee

To

Jno. R. Cohelan,
Trustee for
The Farmers Bank of House -
Michigan

Exhibit No. 2.

with Bill of
G. W. Singleton

v.
Georgetta Dardens and P.

This Deed, made this 1st day of March, 1849, between
George W. Singleton of the Town of Suffolk, in the
County of Hanover, State of Virginia, of the
one part and Peter B. Preulis, chosen trustee for the
purposes herein set forth, to wit: for the use, benefit
and advantage of Mrs. Georgetta Darden, wife of
Hugh K. Darden, free from the claims of her
said husband, and to be held free and clear
from any debt of her said husband, heretofore
made or hereafter to be contracted, of the other
part witnesseth: That the said George W. Sin-
gleton, in consideration of the sum of ~~Fifteen~~
Hundred Dollars, and the further considera-
tion that the said Peter B. Preulis, Trustee
for Mrs. Georgetta Darden out of moneys to
be furnished him, the said Trustee, together,
the said Georgetta Darden, shall pay off and
discharge the amount of a lien on the said
property hereinafter mentioned and described,
now held by The Farmers' Bank of Hanover;
and the further consideration that the said
Georgetta Darden shall provide and care for
the physical wants and necessities of him the said
George W. Singleton (he being much afflicted and
frequently confined to his bed by illness) for
and during the rest of his natural life, and
with the reservation on his part of a chamber
and the use of any other room in the dwelling house
upon the said premises he may desire, and with the
further right to use the wharf and oyster house there-
on, and also the fine kiln situated on said lot. The
said George W. Singleton, to keep the said wharf, oyster house

ingored, repair at his own costs and charges

and have full and also that W. S. Daugherty shall have
the privilege of renewing his lease for the store house &c
now used by him for five or ten years as may be agreed
upon— does grant with general warranty unto the said
Peter B. Prentiss, Trustee as above named, for Georgetta
Dowdall and after her death to her heirs forever the following
real Estate, to wit: A parcel of land in the Town of Suff-
olk, lying and being at the North end of Main Street
on the West side of said Street, and bounded on the
North by Housenwood River, East by said Main
Street, South by the lot of Jacob Rowe (now George
W. Rowlette) and John P. Johnson, and West by the
"Mason Lot", owned by said Johnson,

And: Forty-eight acres more or less, purchased
by said Singleton from Thomas Baker wife by Deed
dated December 20th: 1869 & duly recorded, adjoining
the lands of Abner Holland, Wm. Goyner & Wm. B.
Whitehead and situated in Housenwood County,
Virginia, near the Town of Suffolk, together with
all and singular the appurtenances belonging to the
same.

And the said George W. Singleton covenants that he
has the right to convey the said land to the said
grantee: That the said grantee shall have quiet
possession of the said lands after the lien now
held by the Farmers' Bank of Housenwood shall
have been fully paid off and satisfied; That he
has done no act to encumber the said land
save as aforesaid; and that he will execute
such further assurances of the said land as may
be requisite.

Power is hereby given the said Peter B. Prentiss, Trustee

as aforesaid, when directed in writing by the said
Georgetta Wardell to raise money by deed of Trust
in the said premises herein conveyed and to sell
That land herein mentioned as purchased from
Thomas Baker and wife and make a deed in
the usual form to the purchaser thereof.

Witness the following signature and seal
G. W. Singleton (Seal)

In the Clerk's Office of Hannibal County
Court, the 22nd day of March, 1879.

This Deed was acknowledged by George W. Singleton,
and thereupon admitted to record.

Teste:

Peter B. Prentiss, Clerk.

A Copy.

Teste:

Peter B. Prentiss, Clerk.

xmd

George W. Singleton
To { Copy Deed

Peter B. Painter, Trustee for
Mrs. Gergetta Darden

Exhibit No. 1.
with Bill of
G. W. Singleton

W. 
Gergetta Dardens Am. De.

George W Singleton,

^{vs.}
Peter B Prentiss Trustee, John L Fulgham Sheriff
of Nansemond County and as such Administrator
of Georgetta Darden deceased, Hugh K. Darden,
George Crocker Darden, Charlotte Darden and
Anna Darden, the last three of whom are
infants under the age of twenty-one years, The
Farmers Bank of Nansemond and John R.
Copeland, Trustee. -

To the Honourable George Blow Judge of the
Circuit Court of Nansemond County: -

Humblly complaining your orator
George W Singleton of the Town of Suffolk County
of Nansemond in the State of Virginia, sheweth to
your Honor. -

That on the 1. day of March 1879, your orator by
deed duly executed acknowledged and recorded, in
consideration of the sum of \$1500. - which was to be
paid to him by his daughter Georgetta Darden, and
for the further consideration that the said Georgetta
Darden would furnish money to pay off and discharge
a debt of Two thousand Dollars (\$2000. -) due to the
Farmers Bank of Nansemond by your orator and
secured by a deed of trust to John R. Copeland
Trustee, and for the further consideration that the
said Georgetta Darden would provide and care

for the physical wants and necessities of your orator for and during the rest of his natural life, did convey [with certain reservations in the said deed specified] unto Peter B. Prentiss, Trustee, for the use, benefit and advantage of the said Georgella Darden, and after her death to her heirs forever, the following real estate, to wit:

1. A parcel of land in the Town of Suffolk at the North end of Main Street on the West side of the said street, bounded on the North by Nausumond river, East by said Main Street, South by the Bartlett lot [now Stewart Bliddick's] and John P. Johnson and West by the "Mason" lot.

2. Forty-eight acres of land more or less purchased by said Singleton from Thomas Baker wife by deed dated 20 December 1869, and duly recorded, adjoining the lands of Abner Holland, Wm. J. J. and Wm. B. Whithead, near the town of Suffolk.

A copy of the said deed dated 1. March 1879 is herewith filed marked Exhibit No. 1, and your orator prays that it may be read as a part of this Bill.

That the said Georgella Darden departed this life on the day of May 1880, leaving three infant children named respectively George Crocker, Charlotte and Anna Darden as her heirs at law and her husband Hugh K. Darden surviving her, and that her estate has been committed to John L. Fulgham Sheriff of Nausumond County for administration according

to law. -

That there has been a total failure of consideration for the said deed dated 1. March 1879 [Exhibit No. 1.], that no part of the said sum of \$1500. - has been paid or tendered to your orator by the said Georgetta Darden, or her administrator, or by any other person for her, and her estate is insolvent; that neither she, nor the said Peter B. Prentiss, Trustee, nor any one for her, has paid any portion of the said debt of \$2000. - due by your orator to the Farmers Bank of Nausemond, and except in so far as the same has been partially paid off and discharged by your orator it is still due to the said Bank. [A copy of the said deed of trust for the benefit of the said Bank is herewith filed marked Exhibit No. 2. and your orator prays that it may be read as a part of this Bill]. - That the said Georgetta Darden has utterly failed to provide and care for the physical wants and necessities of your orator and was herself in bad health for many months before her death, and by reason of pecuniary as well as physical inability utterly failed to comply with her contract to provide and care for your orators wants and necessities. On the contrary your orator in great measure maintained and provided for his daughter, the said Georgetta Darden as long as she lived, and since her death up to the present time has

maintained, cared for and educated her infant children. To the extent of his ability he proposes to continue so to do.

Inasmuch therefore as your orator is without remedy save in a Court of equity where such matters are properly cognizable and relivable your orator prays that the said Peter B. Prentiss, Trustee, John L. Fulgham Sheriff of Nausemond County, and as such Administrator of Georgea Darden deceased, Hugh K. Darden, George Crocker Darden, Charlotte Darden and Anna Darden, the last three of whom are infants under the age of twenty one years, The Farmers Bank of Nausemond, and John R. Copeland Trustee, may be made parties defendants to this bill and required to answer the same on oath; that a proper guardian ad litem be assigned the infants defendants, to defend their interests in this suits; that a decree may be entered pronouncing the said deed dated the 1. Day of March 1879 null and void by reason of the total failure of the consideration upon which the same was executed; that Peter B. Prentiss Trustee, or some Commissioner appointed for the purpose by this Court may be directed to execute a deed conveying the said real estate to your orator so as to vest in him the same title thereto of which he was seized

and possessed before the execution of the said deed dated the 1. Day of March 1879, and for such other, further and general relief in the premises as the nature of his case may require and the principles of equity may justify. And your sator will ever pray &c. Let a Subpoena go &c.

Withers Prentiss G. M. Singleton
 P. 9.
 10. January 1883.

State of Virginia
 County of Hansemond do wit.
 This day George M. Singleton personally appeared before me and made oath that the matters of facts stated in the foregoing bill so far as made of his own knowledge are true and so far as made upon information derived from others, he believes them to be true.
 Given under my hand this 23 day of Jan'y 1883.
 Robt. H. Prentiss.
 Comm'r in Chancery
 Circuit Court of Hansemond.

Geo. H. Singleton

is  Bill.

Gergetta Darden's Adm^r

Geo: W. Singleton

25th { Chy: Notes

Georgotta Darden's adm^r: Val.

1883. Jan'y: 22nd: Sum^r: in Chy: issued to Jly: Rules, 1883.

" Jly: 5th: Bill & exhibits filed.

" " " Peter B. Prentiss appt'd guardian to infant
defts

" " " Answer of infants' filed, gent: replication made
& cause set for hearing, as to them

" " " Decree nisi vs all the other-defendants.

" " 23rd: Complac^{mt} Depositions filed

" April 2nd: Cause set for hearing

Chy. Notes