1909-030
Nansemond Co (Suffolk)

Chancery Causes: J.L. Dorse & wife vs John Darden et al

Butler, Spivey, Gardner, Rawls, Rawles

Norfolk Va

521 Law Bldg

T. Catesby Jones

Richmond

Circuit Court

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMONS.....

.....

.....

.....

.....

to appear before the Judge of the Circuit Court of Nansemond County, at the Courthouse of said County, on the .....day of..... .., to testify and the truth to say on behalf of

.....

in a certain matter of controversy in our said Court depending and undetermined between.....

.....

..... Plaintiff.....

and.....

.....

.....Defendant.....

And this the witness.....shall in no wise omit, under the penalty of $100 each. And have then and there this summons.

WITNESS, R R. SMITH, Clerk of our said Court, at his office, this .....day of... ..... 190....., in the 1.....year of the Commonwealth.

..... CLERK.

IIII IIII 11

J. L. Dorse and Mildred Ann Dorse, his wife,

V.

James Dardin (an insane person); W. T. Dardin, John Dardin, Alfred Dardin, Hattie Butler and Solomon Butler, her husband, Jennie Spivey and G. L. Spivey, her husband, (the last named of two of whom are not residents of the State of Virginia,) Ida Gardner ~~and Lafayette Gardner, husband~~ and Frank Gardner, her husband, Mary Dardin and Lafayette Rawls -

Spun Chy - 2nd April Rules 1908.

Jones & Woodward p.q.

Tax $1.50, bd.

Dorsetufe
vs. Memorandum
Darden & Others

12

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON James Darden (an infant over the age of twenty one years) W T Darden, John Darden Alfred Darden Hattie Butler and Solomon Butler her husband Jennie Shivey and G L Shivey her husband (the last named two of whom are not residents of the State of Virginia) Ida Gardner and Frank Gardner her husband Mary Darden and Lafayette Davis

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 Third Monday in April 1908, to answer a Bill in Chancery, exhibited against them in the said Court by J L Dorse and Mildred Ann Dorse, his wife

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 10th day of April, 1908, in the 132 and 4 year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste:

R R Smith, CLERK.

By A Stoney D.C.

Executed this 16 day
of April 1908 by delivering
a true copy of the within
process to W. J. Reardon
John Reardon Mary Reardon
Alfred Reardon Hattie
Burrus Ida Gardner
Frank Gardner and
Lafayette Reardon in person
and Graham Shuff.

Jones Woodward, p. q.

L. Dorse &
Wife

vs. } In Chancery.

James Reardon
and others

1908

April Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 27

Page 50

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON James Darden (an insane person) W. T. Darden, John Darden, Alfred Darden, Hattie Butler and Solomon Butler, her husband, Jennie Spivey and G. L. Spivey her husband (the last named two of whom are not residents of the State of Virginia), Ida Gardner and Frank Gardner, her husband, Mary Darden and Lafayette Rawles

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 Third Monday in April, 1908, to answer a Bill in Chancery, exhibited against them in the said Court by J. L. Dorse and Mildred Ann Dorse, his wife

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 10th day of April, 1908, in the 132nd year of the Commonwealth.

A copy—Teste:
R R Smith, CLERK.
By A D Gomey D.C

Teste:
R R Smith, CLERK.
By A D Gomey D.C

Jones & Woodward, p. q.

A Copy for

vs. } In Chancery.

Jennie Shivery
Non-resident

1908---

April Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 3

Page 50

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON James Darden (an insane person) W. T. Darden, John Darden, Alfred Darden, Hattie Butler and Solomon Butler, her husband, Jennie Spivey and G. L. Spivey, her husband, (the last named two of whom ate not residents of the State of Virginia) Ida Gardner and Frank Gardner, her husband, Mary Darden and Lafayette Rawles

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 Third Monday in April, 1908, to answer a Bill in Chancery, exhibited against them in the said Court by J. L. Dorse and Mildred Ann Dorse, his wife

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 10th day of April, 1908, in the 132nd year of the Commonwealth.

A copy—Teste:
R R Smith, CLERK.
By A C Gomer D C

Teste:
R R Smith, CLERK.
By A C Gomer D C

Jones & Woodward, p. q.

A Copy for

vs. } In Chancery.

James Darden

an insane person.

1908

April Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 3

Page 50

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON James Darden (an insane person) W. T. Darden, John Darden, Alfred Darden, Hattie Butler and Solomon Butler, her husband, Jennie Spivey and G. L. Spivey her husband (the last named two of whom are not residents of the State of Virginia), Ida Gardner and Frank Gardner, her husband, Mary Darden and Lafayette Rawles

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 Third Monday in April, 1908, to answer a Bill in Chancery, exhibited against them in the said Court by J. L. Dorse and Mildred Ann Dorse, his wife

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 10th day of April, 1908, in the 132nd year of the Commonwealth.

A copy—Teste:
R R Smith, CLERK.
By A D Gomer, DC

Teste:
R R Smith, CLERK.
By A D Gomer, DC

Jones & Woodward, p. q.

A Copy for

vs. } In Chancery.

G L Spivey
non-resident

1908

April Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 3

Page 50

alias CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ~~NANSEMOND~~ Isle of Wight COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON as you have been commanded to summon James Darden (an insane person) W. T. Darden, John Darden, Alfred Darden Hattie Butler and Solomon Butler, her husband, Jennie Spivey and G. L. Spivey, her husband, (the last named two of whom are not residents of the State of Virginia) Ida Gardner and Frank Gardner, her husband, Mary Darden and Lafayette Rawles, and Rufus Darden.

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 Third Monday in May, 1908, , to answer a Bill in Chancery, exhibited against them in the said Court by J. L. Dorse and Mildred Ann Dorse, his wife,

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 12th day of May, , 1908, in the 132nd year of the Commonwealth.

A copy—Teste :

, CLERK.

Teste :

R R Smith, CLERK.

By A C Gomey D.C

Alias

James H. Woodward, p. q.

vs.

L. L. Morse, Surv.

James Darden, x.

others.

1901.

May ---- Rules.

Thurs. ---- Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 3

Page 50

Not finding the within named Rufus Darden at his usual place of abode, I executed the within summons by delivering a true copy thereof to, Hallie Bullock, a resident of the same house as the said Rufus Darden is, the said Hallie Bullock being a person over the age of sixteen years, having explained to her the purport of same

W. A. Edwards Sheff. By. R. Aug. Edwards, Deputy.

J L Dorse &wife
283 In Chancery.
James Darden. (an insane person) &others

On Motion of the Complainants J L Dorse and Mildred Ann Dorse his wife by Counsel William M Crumpler a discreet and Competent attorney at law is hereby appointed guardian ad litem to James Darden an insane person one of the defendants in this Cause to defend his interest in this suit.

L. L. Gomey D.C.

April 14th 1908.

Guardian
ad Litem
Appointed.

In the Circuit Court of Nansemond County Virginia

J. S. Dorse et ux

v.

John Darden et als.

This cause ~~came on~~ this day came on to be heard on the bill of the plaintiff and the answer of J. S. Spivey and Jennie Spivey and Wm. M. Crumpler, guardian ad litem for James M. Darden, an insane person, and on motion of the plaintiffs by counsel they were allowed to amend their bill and said bill was accordingly amended and this day filed by leave of court and the defendants W. T. Darden, John Darden, Alfred Darden, Hattie Butler ~~and~~, Solomon Butler, Ida Gardner, Frank Gardner, Mary Darden and Lafayette Rawls by their counsel asked leave to file their answers and it is ordered and decreed that the said defendants be given thirty days from this day to file their answer, and this cause is continued until the next term of the court.

J. S. Dorsett et ux

v.

John Dorsey

Decree

Entd. May 11. 1908.

James L. McIlmoyle,

I consent to this decree
T. Catesby Jones
counsel for the
plaintiff

Entered in Chancery
Order Book No. 4. Page 143.

To J. L Dove and Mildred Ann Dove

TAKE NOTICE that I shall, on the 9" day of October 1908, at the Office of R H Crawley in Suffolk Virginia between the hours of 10 A. M. and 8 P. M., on that day, proceed to take the depositions of Lafayette Rawls. and others, to be read in evidence in my behalf, in a certain suit in equity depending in the Circuit Court for the County of Nansemond wherein you are plaintiffs and I am a defendant; and if, from any cause, the taking of the said depositions be not commenced on that day, or, if commenced, be not concluded on that day, the taking of the same will be adjourned and continued from day to day, or from time to time, at the same place and between the same hours, until the same shall be completed.

Respectfully yours,

Lafayette Rawls

We hereby accept sufficient and legal
service of the within notice.
Oct 1. 1868.

J. S. Jorse + M. A. Jorse
by T. Cotesby Jones
their counsel.

J. L. Dorse & Mildred Ann Dorse

vs.

Mary Darden, Alfred Darden and others.

In chancery.

This cause came on this day to be heard on the bill of the complainant, the answer of the defendant, Lafayette Rawles, and the exibits filed, and was argued by counsel.

On consideration whereof it appearing to the Court that the plaintiff Mildred Ann Dorse as well as the defendant Jennie Spivey had been fully settled with and compensated for all their interest on the real estate of which Elizabeth Darden died seized and possessed, and the court being of opinion from the exibits filed that Mary Darden and all the other heirs at law of Elizabeth Darden deceased had actual, due and sufficientnotice of the suit and proceedings lately pending on this Court, under the name and style of "S. W. Holland and others vs. Rufus Darden, Administrator of Elizabeth Darden deceased, and others", and was well aware of the pendency, conduct and determination of that suit wherein the real estate of the said Elizabeth Darden, deceased, was ordered to be sold by a decree in said cause on the 10th day of December, 1907, and which was sold under said decree, and which sale was confirmed by another decree entered in said cause on the 2d day of January, 1908. And the Court being further of the opinion that the rights of all parties having interest in said land were properly litigated and determined in said suit, and that the decrees in said cause were binding and conclusive, against all of the heirs of the said Elizabeth Darden; and the Court being further of opinion from the papers filed in this case that the said real estate of Elizabeth Darden, deceased, having been sold at the instance of her creditors, and that nearly the whole of the proceeds being consumed in the payment of her funeral expenses, and her other just debts, and that her heirs at law,

had an interest only in the remainder of her estate after the paymnet of her said just debts, which said remainder it appears has been turned over to Rufus Darden, Administrator of her estate, by consent of all parties, and being further of opinion that all of the said heirs of Elizabeth Darden are concluded and estopped by said proceedings from setting up any further claims or demands as to her real eatate, and that there is no equity in the bill of the plaintiff, doth order, adjudge and decree that the plaintiff's bill be dismissed. And nothing further remaining to be done in this case it is ordered that the same be dismissed from the docket.

This certifies that we have been fully satisfied and compensated for all our interest, right and title in the real estate of Elizabeth Darden deceased referred to in the papers in the case of J. L. Dorse and others vs. Darden and others now pending in the Circuit Court of Nansemond County, and we agree and consentthat having been fully satisfied the said suit may be dismissed, and that we will make no further claim or demand of any kind against the real estate formerly belonging to Elizabeth Darden, and which was sold under an order or decree of this Court in the cause of S. W. Holland and others vs. ~~Elizabeth Darden~~, Rufus Darden Administrator, and others lately pending in said Court.

July 12, 1909.

T. Tarlay Jones
atty for
Mitchell and Dorse
J. L. Dorse
Jennie Spivey

Ex No.

Certificate of Final Settlement

R. H. RAWLES
Attorney at Law and Notary Public

PRACTICES IN ALL STATE AND FEDERAL COURTS

BOTH PHONES

"Ex A"

Suffolk, Va., Sept 1907

R. H. Rawles Esq:

In the chancery cause of S. W. Holland vs Rufus Darden Admr of Elizabeth Darden decd. Elza Ann Darden W. I. Darden, Alfred Darden John Darden Ida F. Gardner Annie Hackney a Butler Hallie Spivey Jennie Spivey Mary Darden and others I am authorized and directed by all the defendants in the said cause to employ you as Counsel to represent the interest of all the said defendants with full power for you to do and act in the case as you may think best, and to accept all necessary summons or notice for all of us which may be issued in said cause. Rufus Darden Admr.

her agent to the sale of the
land of Elizabeth Darden decd.
for the sum of $500 — at
public auction in the said men-
tioned in the above cause.

Alfred Darden

J M Darden

Isaac T Gardner

J. L. Dorse & Mildred Ann Dorse	#	
vs.	#	In chancery.
Mary Darden, Alfred Darden and others.	#	

This cause came on this day to be heard on the bill of the complainant, the answer of the defendant, Lafayette Rawles, with general replication thereto and all the other defendants failing to appear, plead, answer or demur the bill was taken pro confesso as to them, and exibits filed, and was argued by counsel.

On consideration whereof it appearing to the Court that the plaintiff Mildred Ann Dorse as well as the defendant Jennie Spivey had been fully settled with and compensated for all their interest on the real estate of which Elizabeth Darden died seized and possessed, and the court being of opinion from the exibits filed that Mary Darden and all the other heirs at law of Elizabeth Darden deceased had actual, due and sufficientnotice of the suit and proceedings lately pending on this Court, under the name and style of"S. W. Holland and others vs. Rufus Darden, Administrator of Elizabeth Darden deceased, and others", and was well aware of the pendency, conduct and determination of that suit wherein the real estate of the said Elizabeth Darden, deceased, was ordered to be sold by a decree in said cause on the 10th day of December, 1907, and which was sold under said decree, and which sale was confirmed by another decree entered in said cause on the 2d day of January, 1908. And the Court being further of the opinion that the rights of all parties having interest in said land were properly litigated and determined in said suit, and that the decrees in said cause were binding and conclusive, against all of the heirs of the said Elizabeth Darden; and the Court being further of opinion from the papers filed in this case that the said real estate of Elizabeth Darden, deceased, having been sold at the instance of her creditors, and that nearly the whole of the proceeds being comsumed in the payment of her funeral expenses, and her other just debts, and that her heirs at law,

had an interest only in the remainder of her estate after the paymnet of her said just debts, which said remainder it appears has been turned over to Rufus Darden, Administrator of her estate, by consent of all parties, and being further of opinion that all of the said heirs of Elizabeth Darden are concluded and estopped by said proceedings from setting up any further claims or demands as to her real eatate, and that there is no equity in the bill of the plaintiff, doth order, adjudge and decree that the plaintiff's bill be dismissed. And nothing further remaining to be done in this case it is ordered that the same be dismissed from the docket.

by consent of Milord Amyand J. L. Dorse complainants, and Jennie Spivey by their counsel J. Calvin Jones, our Lafayette Court, by L. L. Hewett R.S.R. his counsel, given to open Court, the Court

Entered in Chy. Order Book
No. 4. Page 346.

O.K
We consent to this
decree.
T. Catesby Jones
atty for
Mildred Anne Dorsey
J. S. Dorsey
and
Jennie Spivey
R. H. Rawls
J. H. Everett
atty for
Lafayette Rawls

Enter, July 12. 1909.
James D. McLemore

J. L. Dorse, et als	#	
vs.	#	In Chancery.
Lafayette Rawles, et als	#	
	#	

The supplementary answer of Lafayette Rawles to a bill in Chancery exhibited against him and others by J. L. Dorse and others.

This defendant answering further, says: That when he purchased the land, of which Elizabeth Darden died, seized and possessed, at public auction, at the judicial sale made of the same under the order of court, by S. E. Everett and R. H. Rawles, special commissioners, he acted in good faith; that he purchased the land fully believing that he was acquiring perfect title thereto; fully believing that all parties interested had been made parties to the suit, and that all interest in the said land were being properly conveyed to him; that he had no knowledge that Mildred Ann ~~Darden~~ Dorse was an heir or had any interest in the said land, or that she was not a party to the suit; that he has fully paid for the said land and received a deed for the same; that, since he has purchased it, he has made extensive improvements and repairs thereon, at his own expense; and that, therefore, he requests that the court uphold the deed to him. He further prays that, if the land should be re-sold, that the whole of the purchase money, heretofore paid by him for said land, shall, out of the proceeds of sale, be fully repaid to him, together with full payment to him for all improvements and repairs made upon the place by him. He further prays that an accounting may be had, and that Rufus Darden, administrator of the estate of Elizabeth Darden, may be required to account for the money

in his hands or which has passed through his hands as administrator of said estate. And for all such other, further and general relief as this case may require or which to equity may seem meet; and having fully answered, he prays to be hence dismissed with his reasonable cost in this behalf expended.

Lafayette Rawles

STATE OF VIRGINIA,

to-wit:

COUNTY OF NANSEMOND.

I, S. E. Everett, a Notary Public for the County and State aforesaid, do certify that the said Lafayette Rawles, whose name is signed to the above writing, made oath that the facts therein stated are true.

Given under my hand this 12th day of June, 1908.

S. E. Everett

Notary Public.

Supplemental Answer

of

Lafayette Ranker

Filed June 11, 1908

L. L. Gomery, C.C.

The answer of Lafayette Rawles to a bill in Chancery, exhibited against him and others, in the Circuit Court of Nansemond County, by J. L. Dorse and Mildred Ann Dorse, his wife, without waiving his right to exception as to the many errors and uncertainties contained in said bill, but especially reserving his right to except to the same, this defendant, for answer to the said bill, or to so much thereof as he is advised that it is material he should answer, answers and says:

That it is true that Elizabeth Darden departed this life unmarried, without issue and intestate, and that she left surviving her, as her only heirs-at-law, the following children of her only brother, Moses Darden, to-wit: James Darden, W. T. Darden, John Darden, Alfred Darden, Rufus Darden, Hattie Butler, Ida Gardner, Jennie Spivey, Mary Darden and Mildred Ann Dorse; she also died seized and possessed of a certain tract of land containing about thirty acres, situated in Nansemond County, Virginia.

Your respondent further says that after the death of the said Elizabeth Darden, Rufus Darden, one of the said parties, qualified as the administrator of her estate. He further says that on the 6th day of September, 1907, S. W. Holland, a creditor of the said Elizabeth Darden, brought a Chancery suit on behalf of himself and all other creditors of Elizabeth Darden, for the purpose of subjecting her said real estate to the payment of their said claims; that all of the said parties were made defendants to the said suit, except the said Mildred Ann Dorse, who, by inadvertence and want of knowledge, was not included; the said Rufus Darden, administrator, being also made a party defendant. That the said S. W. Holland, who is an undertaker, set up a claim against the said estate of the said Elizabeth Darden, for the sum of One Hundred and Forty Dollars, for funeral expenses, casket, burial, etc., of the said Elizabeth Darden; and that Lee Holland, another creditor, set up a claim of Three Hundred and Sixty Dollars against the estate of

the said Elizabeth Darden, he having come in by petition as one of her creditors, for board, care and attention of the said Elizabeth Darden; that a proper guardian ad litem was appointed for the insane defendant; and that the said cause was regularly proceeded with. That after the said cause ha d been duly instituted, the said Rufus Darden, in his own right and as administrator of the estate, deeming it his duty to do what was necessary to protect and defend the interest of his decedent, Elizabeth Darden, employed R. H. Rawles, an attorney-at-law, to represent the said estate, and all the rights and interest of himself, as administrator, and of all the heirs; all of which will more fully appear by a statement signed by the said Rufus Darden, herewith filed, marked Exhibit "A" and prayed to be read as a part of this answer. That a decree was had, in said cause, directing one of the commissioners of this court to take certain accounts, mentioned therein; that before the said commissioners, after due notice, all parties appeared, and after a full examination of all the witnesses, by the attorney, S. E. Everett, who represented the plaintiff, and the attorney, R. H. Rawles, who represented the defendants, it was agreed that One Hundred and Forty Dollars was justly due to S. W. Holland for services rendered, and the bill of Lee Holland, of Three Hundred and Sixty Dollars was reduced to One Hundred and Sixty Dollars, and the commissioner reported to court that these were liens on the real estate of Elizabeth Darden, deceased. Other proceedings were then had and, it appearing that the land would not rent for enough in five years to pay off and discharge the said liens, the court decreed that the said real estate should be sold, and appointed S. E. Everett and R. H. Rawles as commissioners to sell the same. The said commissioners proceeded regularly to advertise and sell the said land, after having duly given bond and otherwise complying with the terms of the decree. The said land was duly advertised and was sold at public auction in front of the

Postoffice in Suffolk, Virginia, at which said sale many of the heirs-at-law were present. There was competition at the sale, but the land was struck off to Lafayette Rawles, for the sum of Five Hundred Dollars, which was considered a fair price for the same. The said sale was duly reported to court, and, by the court, confirmed, and the proceeds were distributed in paying the said indebtedness, and paying off and discharging all the cost of suit and sale, and the remainder was paid over to the said administrator, of Elizabeth Darden, deceased.

Your respondent further says that he purchased the said land in good faith, at the said judicial sale; that he paid his money for the same; that the said money was used under the orders of the court to pay off and discharge the liens on the said land, and his money having been used by the court for said purpose, he is entitled to be subrogated to all the rights and interest of the said lien holders, S. W. Holland and Lee Hollland, and to all the rights for the cost which he paid, also, out of his money.

Your respondent further says that he is informed and believes, and therefore charges, that the said Mildred Ann Dorse has been offered and tendered every penny that is due her from the sale of the said real estate; that she has been offered and tendered her pro rata share, as one of the heirs-at-law, of the proceeds of sale after deducting the cost and expenses of suit and sale, and the payment of the said debts; that she declines to receive the same, and, laying aside all equity, honesty and good conscience, she come in court and demands that she shall have her full gross share of the proceeds of the sale, leaving the other parties to pay off all of said indebtedness.

Your respondent further says that it was the legal duty of Rufus Darden, as administrator, to protect the estate of his decedent Elizabeth Darden, when the same was sued and it was his right and duty to employ counsel to defend the said suit. He further says that when the said Elizabeth Darden died, leaving said tract of land, she

left it subject to the charge of her just debts, funeral expenses, and charges of administration, with the balance, if any, to be distributed pro rata among her heirs-at-law. He further says that the said complainant, Mildred Ann Dorse, is only entitled to her pro rata share of the said estate, after the payment of said expenses and debts. He further says that every object which she is seeking to accomplish, by her present suit, has been and was fully accomplished by the suit of S. W. Holland and others, and that there was no reason, whatever, for the bringing of the present suit.

Your respondent further says that he is informed and believes, as a matter of fact, that the said complainant, Mildred Ann Dorse, as well as all the other heirs at law of Elizabeth Darden did have actual notice of the pendency of that suit; that she was informed of what was going on, although she was not legally made a party to the said suit; that she had every opportunity to protect and defend her right and interest, if any she had in the cause; that her brothers and sisters wrote to her and otherwise informed her of what was going on. He further says he is informed and believes that her present suit is a conspiracy entered into between herself and her brothers and sisters for the purpose of harassing and annoying your complainant and seeking to compel him to pay over to her money to which she is not entitled.

Your respondent further says that he has heretofore repeatedly offered to pay her what was justly her due and he here and now offers again to pay to her what was her due, provided the same is not in the hands of the administrator, Rufus Darden, but he says the said Rufus Darden, who is a party to this suit, was instructed to distribute the balance of the money in his hands equally among all of the heirs-at-law, including the said Mildred Ann Dorse, and she ought to have received from him her said share, and if she has not received it from him, then he is still responsible to her, as administrator, for it. He hopes to be subrogated to the rights of S.W. Holland and others and to be given legal and equitable rights for which he has prayed and for full and complete relief.

And having fully answered the complainant's bill, this

defendant prays to be hence dismissed with his reasonable cost in this behalf expended, and he will ever pray, etc. He refers to all the papers in the chancery cause of S. W. Holland, et als, vs. Rufus Darden, Administrator, of Elizabeth Darden, et als, lately pending in the Clerk's Office of this court, and request that they may be read in full as a part of this answer.

Lafayette Rawles

STATE OF VIRGINIA,

County of Nansemond, To-wit:

I, H. Holmes, a Notary Public for the county aforesaid, in the State of Virginia, do certify that Lafayette Rawles, whose name is signed to the foregoing answer, has this day personally appeared before me, in my county aforesaid, and being duly sworn made oath that the statements contained in said answer are true to the best of his knowledge, information and belief.

Given under my hand this 10th day of June, 1908.

My term of office expires on the 31 day of July, 1911.

H. Holmes

Notary Public.

Answer of

Lafayette Rawles.

Bill vs Darden

Filed June 10" 1908

L. P. Gomey D.C.

R. H. RAWLES
ATTORNEY AT LAW
SUFFOLK, VA.

ALVAH BUSHNELL CO., LAW STATIONERS, 942 MARKET ST., PHILADELPHIA, PA.

The Answer of G. L. Spivey and Jinnie Spivey, his wife to a Bill of Complaint filed in the Circuit Court of Nansemond County, Virginia, by J. L. Dorse and Mildred Ann Dorse, his wife, against these respondents and others,

These respondents saving and reserving unto themselves, etc., for answer to the said Bill, or to so much thereof as they are advised it is material to answer unto, answer and say, that the heirs at law of Elizabeth Darden are properly recited in the said Bill, and your respondents believe that all the facts which are therein set out are true, and that they, therefore, join in the prayer of the said bill for a sale of the land therein mentioned for partition, and the proceeds of said sale to be divided according to the rights of all the parties, provided it shall appear to this Honorable Court that the land cannot be partitioned in kind, and if it shall appear that the said land can be partitioned in kind, then they pray the Court to cause the same to be partitioned among the parties thereto entitled, according to quality and quantity.

And having answered they pray to be hence dismissed with their reasonable costs, etc.

Jones & Woodward
for respondents

G. L. Spivey

Jennie Spivey

STATE OF NORTH CAROLINA,
COUNTY OF HALIFAX, TO-WIT:
This day personally appeared before me G. L. Spivey and Jinnie Spivey, and made oath before me in my said County, that the facts which are stated in the foregoing answer on their own knowledge are true, and those which are stated on the knowledge of others, they believe to be true.
Given under my hand this 4 day of April, 1908.

D. S. Rainbeck
Notary Public for the County of Halifax, in the State of North Carolina

My Commission Expires Mch 7 1910.

JONES & WOODWARD,
ATTORNEYS.

.....

.....

to { **Deed**
of Trust.

.....

.....

.....190.....

Presented in office and, with Certificate, admitted

to record at.....*o'clock*.....*M*

.....*Clerk.*

.....*Clerk.*

Tax, - - - - $.....

Fee, - - - - $.....

$.....

JONES & WOODWARD,
ATTORNEYS AND COUNSELLORS,
NEWPORT NEWS, VIRGINIA.

Warwick Printing Co., Newport News, Va.

J. L. Dorse, et ux,

vs.

John Darden et als.

THE ANSWER OF G. L. SPIVEY and
JENNIE SPIVEY, his wife.

Virginia:
In the Circuit Court of and for the County of Nansemond.

J. L. Dorse, and wife)
)
Vs.) In Chancery.
)
James Darden and others.)

The answer of James Darden, an insane person by his guardian ad litem duly appointed by the Clerk of the Court aforesaid in vacation, William M. Crumpler, to a bill of complaint exhibited against said James M. Darden and others in the Circuit Court of Nansemond County.

The respondent, reserving to himself the benefit of all just exceptions to the said bill for answer thereto or to so much thereof as he is advised is material he should answer for and on behalf of said James M. Darden, answers and says:

That the said James M. Darden, is an insane person, by reason of which affliction, incapable of understanding or of taking care of his rights and interests. His said Guardian ad litem, therefore commends the rights and interests of the said James Darden to the protection of the Court and prays that no decree may be pronounced which will tend to his prejudice.

The said guardian ad litem avers his entire lack of knowledge of the property in question, its value or the title thereto.

And having fully answered, the said respondent prays to be dismissed with his reasonable cost in this behalf expended and he will ever pray etc.

William M. Crumpler.
Guardian ad litem, appointed in vacation by the Clerk of Nansemond Circuit Court for James Darden, an insane defendant.

Answer of
Guardian ad litem

1908 Apl 20th Filed

TO THE HONORABLE, THE JUDGE OF THE CIRCUIT COURT OF
NANSEMOND COUNTY, VIRGINIA.

Your complainants, J. L. Dorse and Mildred Ann Dorse, his wife, respectfully show to your Honor, that one Elizabeth Darden has departed this life unmarried, without issue, and intestate, that she left her surviving, the children of her only brother, Moses Darden, as her next of kin and heirs at law, viz, James Darden, an insane person, W. T. Darden, John Darden, Alfred Darden, Rufus Darden, Hattie, who has intermarried with one Soloman Butler, Jennie, who intermarried with one G. L. Spivey, Ida who intermarried with one Frank Gardner, and Mary who is a single woman, and your female complainant, and that the said Elizabeth Darden had no sister, that the said Elizabeth Darden died seized and possessed of a tract of land situate in the County of Nansemond, Virginia, containing as your complainants are informed, _____ acres; your complainants are informed, believe and charge that the interests of some of the heirs at law have been purchased by one Lafayette Rawls.

(The last two named of whom are not residents of the State of Virginia, but are residents of North Carolina)

Your complainants now charge that your female complainant is entitled to a partition of the said land among those thereto entitled, that they do not believe that the said land can be advantageously partitioned in kind.

IN TENDER CONSIDERATION WHEREOF, and inasmuch as your complainants are without remedy in the premises, save by the aid of a Court of Equity where matters of this sort are alone properly cognizable and relievable, they pray, that the said James Darden, an insane person, and his Committee, (if one has been appointed), W. T. Darden, John Darden,

JONES & WOODWARD,
ATTORNEYS.

Alfred Darden, Hattie Butler and Soloman Butler, her husband, the last named two of whom are non-residents of this State Jennie Spivey and G. L. Spivey, her husband, Ida Gardner and Frank Gardner, her husband, Mary Darden and Lafayette and Rufus Darden Rawls, be made parties defendant to this Bill with apt and proper words to charge them as such, and that they be required to answer the allegations hereof as fully, as if they were here again set forth, and they thereunto specially interrogated, but answers under oath are not required, but waived, as to each and all of the said defendants; that if no Committee has been appointed for the said James Darden, an insane person, one be appointed, or that a competent attorney at law be appointed Guardian ad litem to defend his interest herein, that, if it shall be shown to the Court that the said land cannot advantageously be partitioned in kind, and that the interest of all the parties will be promoted by a sale thereof, this Honorable Court will cause the land to be sold, and the proceeds divided among those thereto entitled; that one of the Commissioners of this Honorable Court, be required to inquire and report whether the said Elizabeth Darden died owing any debts, and, if so, their amounts and priorities; that, if it shall appear to the Court that the said land can be advantageously partitioned in kind, the same shall be partitioned among the parties thereto entitled, according to quantity and quality; that your Honor will grant to your complainants such other, further and general relief as the nature of their case may require and as to equity may seem meet.

And that the Court will allow a reasonable fee to the counsel for the plaintiff in this case out of the property that may come into the hands

May it please the Court to grant to your complainants the Commonwealth's writ of spa., and as in duty bound they will ever pray, etc.

Jones & Woodward
for Complainants
and T. Caseley Jones

JONES & WOODWARD,
ATTORNEYS.

.....

.....

to { **Deed**

of Bargain and Sale.

.....

.....

..... *190*.....

Presented in office and, with Certificate, admitted

to record at.....*o'clock*.....*M*

..... *Clerk.*

.....*Clerk.*

Tax, - - - - $.....

Fee, - - - - $.....

$.....

JONES & WOODWARD,

ATTORNEYS AND COUNSELLORS,

NEWPORT NEWS, VIRGINIA.

Warwick Printing Co., Newport News, Va.

J. L. Dorse, et ux,
vs.
John Darden, et al, et. al.

IN CHANCERY.

- - - - - - - -

-- B I L L . - - -

I L Dorse & Wife
Vs. In Chancery
James Darden & others.

1908 April 10th Process issued returnable to April Rules Third Monday. W M Crumpler appointed guardian ad litem for insane defendant

" " 20. Process returned executed on all home defendants except James Darden who is insane Bill filed also answer of non-resident defts and answer of guardian ad litem and decree nisi against said defendants

" May 4. Decree nisi confirmed and cause set for hearing

Chancery
Notes

Jones & Woodward Sq.

vs

L. Dorse & wife

&c

Chancery.

James Darden
and others

1909
July 12th
Final Decree.

Costs
Clerk $ 4.69
Jay 1.50
Atty 15.00
$ 21.19