

1909-059  
Naysemond Co (Suffolk)

Chancery Causes: George Crocker Darden vs Exor of George W Singleton et al

Hines, Pinney

WHITE & GARNETT,  
ATTORNEY AND COUNSELLORS,  
82 Main Street.

NORFOLK, VA., *March 18<sup>th</sup>* 1890

RR Smith Esq  
Clerk. &c.  
Suffolk V.

Enclosed I send  
you Bill in George Crocker  
Darden vs. Geo R Copeland,  
Executor & others, which  
you will please file at  
these Rules, and let me  
know by card whether  
process was served  
last Saturday.

Yrs Truly  
J. S. Garnett

To the Clerk of the Circuit Court of  
Hanseman Co.

Issue summons to March  
Rules - 3<sup>d</sup> Monday - 1890 - in  
Chancery - to answer Bill:

George Crocker Darden, Plaintiff

vs.

John R. Copeland, Executor of  
George W. Singleton, deceased,  
John B. Pinner, <sup>late</sup> Guardian of  
George Crocker Darden.

Thomas Hines and Lottie  
Hines, his wife, and John  
J. Kurney Guardian of Annie  
Darden, and the said Annie  
Darden and Lottie Hines - infants.

Defendants.

White & Garrett  
for Plaintiff.

Mar 14<sup>th</sup> 1890

~~Came to hand~~ March 15<sup>th</sup> and Complied with  
Jury not pd.



Geo. Crocker Darden.

or } Memo

John Copeland, Exec  
to. et al.

Expenditure

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *John R. Copeland,*  
Executor of *George W. Singleton, deceased,*  
*John B. Pinner* late Guardian of *George*  
*Crocker Darden, Thomas Hines and Lottie*  
*Hines, his wife, and John J. Nunez*  
Guardian of *Annie Darden, and ~~Lottie~~*  
~~*Hines*~~ the said *Annie Darden and*  
*Lottie Hines=infants*

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~~ *third* ~~in~~ *March* next, to answer ~~George~~  
~~*Crocker Darden*~~ a Bill in Chancery, exhibited against *Them*  
in the said Court by *George Crocker*  
*Darden.*

and have then and there this summons.

*C. D. Gomez*  
Witness, ~~PETER B. PRENTIS~~, Clerk of our said Court, at his office, this *15th* day of  
*March* 1890, in the 114th year of the Commonwealth.

Teste:

*C. D. Gomez*

Clerk.

Executed this the 15<sup>th</sup> day of March 1890. by delivering  
a true copy of this process, to the within named,  
John R. Copeland, Executor of George<sup>w</sup> Singleton,  
deceased. John B. Pinner late Guardian of  
George Crocker Dardan. Thomas Hines, and  
Lottie Hines, his wife. and John Y. Noney,  
Guardian of Annie Dardan. Each in  
person.  
Wm H. Howell  
Shff.

White & Garnett  
George Crocker Dardan  
W. Semmens  
John R. Copeland  
Hines  
Mack Dardan  
Wm. Monclery.



The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *John Chopelaw*,  
 Executor of *George W. Singletree*, deceased,  
*John B. Pinner*, late Guardian of *George*  
*Crocker Darden*, *Thomas Hines*, and  
*Lottie Hines*, his wife and *John S.*  
*Nuney*, Guardian of *Annie Darden*,  
 and the said *Annie Darden*  
 and *Lottie Hines* infants.

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~~ *Maich* next, to answer  
 a Bill in Chancery, exhibited against *them*  
 in the said Court by *George Crocker*  
*Darden*

and have then and there this summons.

Witness, *A. P. Gomer*  
*PETER B. PRENTIS*, Clerk of our said Court, at his office, this *15th* day of  
*Maich* 1890, in the 114th year of the Commonwealth.

Teste:

*A. P. Gomer*

Clerk.

Annie Larden  
infant



The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *John R. Copeland,*  
*Executor of George W. Singleton, deceased,*  
*John B. Pinner, late Guardian of George*  
*Crocker Darden, Thomas Hines and*  
*Lottie Hines, his wife and John T. Mumey,*  
*Guardian of Annie Darden, and*  
*the said Annie Darden and Lottie*  
*Hines infants—*

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~~ *Monday* in *March* next, to answer

*a* Bill in Chancery, exhibited against *Them*  
in the said Court by *George Crocker*  
*Darden*

and have then and there this summons.

Witness, *A. P. Gomez*  
PETER B. TRENTIS, Clerk of our said Court, at his office, this *15th* day of  
*March* 1890, in the 114th year of the Commonwealth.

Teste:

*A. P. Gomez* Clerk.

Lottie Hines  
infant

Know All Men by These Presents, That we, *John B Pinner*  
*and John F Pinner*

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full  
sum of *Five Thousand* DOLLARS,  
to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves,  
and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly  
by these presents.

The obligors herein hereby waive the benefit of our exemption as to this obligation, and also  
waive any claim or right to discharge any liability to said Commonwealth arising under this bond,  
or by virtue of the *Trust* herein mentioned, with coupons detached from bonds of said Com-  
monwealth.

Sealed with our seals, and dated this *14th* day of *July* in the year  
of our Lord one thousand eight hundred and *ninety*, and in the *115th* year of  
the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound  
*John B Pinner*

who ha *S* this day qualified before the *County* Court of Nausemond County,  
as *the Administrator de bonis non*  
*of the estate of George W Singleton*  
*deceased with the will of the said George*  
*W Singleton heretofore proved and re-*  
*corded in said Court annexed in due form*

shall faithfully discharge the duties of his said *Trust* then the above obligation to be void,  
or else to remain in full force and virtue

Executed in presence of  
of the Court.

*John B Pinner*  
*John F. Pinner*



At a *County* Court held for Nausemond County, at the  
Courthouse thereof, on the *14th* day of *July*, 18*90*.

The above bond was executed and acknowledged in open Court by the obligors to the same  
(the security justifying), and ordered to be recorded.

Teste: *R. R. Smith Clerk*

*A Copy*  
*Teste:*

*A. J. Gomer D.C.*



Virginia:

At a County Court held  
for the County of Nansemond  
at the Court House in the  
Town of Suffolk on  
Monday the 14th day of  
July A.D. 1890.

On the Motion of John B Pinner  
who made oath as the law directs  
and with John F Pinner his surety  
(who justified on oath as to his suf-  
ficiency) entered into and acknowl-  
edged a bond in the penalty of  
Five Thousand Dollars conditioned  
according to law, Certificate is  
granted him the said John B Pinner  
for obtaining letters of Administration  
de bonis non. in the estate of George  
W Singleton deceased with the will  
of the said George W Singleton her-  
etofore proved and recorded in this  
Court annexed in due form.

A Copy

Teste:

A. P. Gomes D.C.

Circuit Court,  
Nauvoo County. }

In Chancery.

George Crocker Darden

vs.

John R. Copeland Executor &c. & al.

It being suggested on the record that John R. Copeland, late Executor of Geo. W. Singleton, has resigned his said office of Executor, and that John B. Piimer has qualified in his place as such Executor with the will annexed of George W. Singleton, deceased, it is ordered that this cause proceed henceforth against and in the name of the said John B. Piimer, Executor of George W. Singleton, deceased, as a defendant, and that he be summoned to answer the said Bill.

And it is further ordered that ~~A. P. H.~~ <sup>R. P. H.</sup> ~~Gomer~~ is hereby appointed Guardian ad litem <sup>Lottie Hines and</sup> for Annie Darden, <sup>the infant defendant</sup> and directed to answer the said Bill, and



Geo. Crocker Darden

W. } In  
Chcy

John B. Pinner  
Exce<sup>r</sup>. c. t. a. of  
Geo. W. Singleton  
dec<sup>r</sup>. et al.

—

—

Enter this.

CH 2

Entered S<sup>c</sup> hancery  
Order Book no 2  
Page 383

April 15.

1891.

The cause is continued for the filing  
of the said answer.



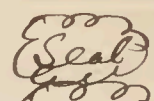
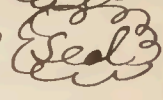
Know All Men by These Presents,  
That we, John B. Pinner and John  
F. Pinner are held and firmly bound  
unto the Commonwealth of Virginia  
in the just and full sum of Five  
Thousand (5000) Dollars to the  
payment whereof, well and  
truly to be made to the said Com-  
monwealth, we bind ourselves,  
and each of us, our and each of  
our heirs, executors and adminis-  
trators jointly and severally, firmly  
by These Presents.

The Obligors herein hereby waive  
all benefit of the Homestead exemp-  
tion as to the obligation of this bond,  
and also waive any claim,  
right or privilege to discharge any  
liability arising under said  
bond in any currency, funds,  
county claims or offsets other  
than legal tender currency of  
the United States.

Sealed with our seals and  
dated this 10th day of May, in the  
year, one thousand eight hun-  
dred and eighty-seven and in the  
11th year of the Commonwealth.

The Condition of this Obligation  
is such That if the above bound  
who has this  
day qualified before the County  
Court of Hansemond County, as  
the guardian and trustee of George  
Crocker Darden, a child of Hugh  
K. Darden shall faithfully dis-  
charge the duties of his said trust  
then the above obligation to be void,  
or else to remain in full force  
and virtue.

Executed in presence of  
of the Court.

} John B. Pinner   
John B. Pinner 

At a Monthly County held for Hanse-  
mond County, the 10th day of May, 1887.  
This bond was executed and ac-  
knowledgeed in open Court by the  
obligors to the same, the security  
justifying, and ordered to be re-  
corded.

Teste:

Peter B. Kent's Clerk

a Copy

Teste:

Exhibit "A"  
filed  
with Answer of  
John B. Pinner



In the Circuit Court of Hansemond  
County, Virginia October 1891 Term.

George Crocker Darden }  
vs } In Chancery.  
John R. Copeland  
Executor or et al

The answer of John D. Pinner Adminis-  
trator de bonis non c. l. a. of The Estate  
of Geo. H. Singleton deceased to a bill of  
complaint exhibited against him and others  
in the Circuit Court of Hansemond  
County, Virginia.

This Defendant reserving to himself all  
benefit and advantage of exception to the er-  
rors contained in said bill for answer thereto  
or to so much thereof as he is advised it  
is material or necessary for him to answer  
answering said

1. That at a County Court held for  
the County of Hansemond at the Court  
House in the Town of Suffolk on Monday  
the 14<sup>th</sup> day of July 1890 letters of ad-  
ministration were granted to him as  
Administrator de bonis non of the Estate  
of Geo. H. Singleton deceased with the will  
annexed as will appear by a copy of  
the order of said Court hereto annexed and

asked to be made a part of this answer.

2. That he qualified as such Administrator at the said Court and entered in due form into bond with one John F. Pinner as surety in the sum of Five Thousand Dollars for the faithful performance of his duties as such Administrator and herewith returns a copy of said bond and asks that it be made a part of this answer.

3. That he received upon order of the said Court which was in its control the sum of \$1944.33 the proceeds of a certificate of deposit of the Farmers Bank of Mansfield, as a part of the Estate of the said George H. Singleton deceased and ascertaining that the sum of \$1900 the greater part of the above named sum was a portion of the body of the Estate and subject to the provisions of the said will and that it was the proceeds of real estate destroyed by fire as alleged in the said bill, the remainder of the said amount to wit the sum of \$44.<sup>33</sup> being accumulated interest on said sum of \$1900 he proceeded to treat the said sum of \$1900 as a fund not



subject to distribution and has and did invest the same in good interest bearing securities secured by lien upon real estate which investments were made with care and diligence to secure the best results and the revenues arising from the said investments have been duly distributed to the parties in interest together with the said sum of \$44<sup>33</sup> and the revenues arising from the rents of the realty which were a part of the said Estate and which have been rented out since coming into his hands as Administrator and all due care has been taken of the Estate.

4 That he has duly filed his accounts with a Commissioner of the Court and no exceptions thereto have ever been made.

5 That the said investments of the said funds are in force and that the Estate in its entirety as received by the said Administrator has been faithfully executed by the said Administrator.

And now having answered the Plaintiffs' bill your respondent, <sup>prayer</sup> hence to be dismissed with his reasonable costs in this behalf expended.

And he will ever pray etc.

John B. Pinner

Adm'r d.t.n.c.t.a. of Est. of Geo H. Singleton dec'd.



George Crocker Darden } In  
vs. }  
John R. Copeland } Charary.  
Ex'or et als.

Answer of  
John D. Pinney  
Administrator de  
bonis non &c.

In the Circuit Court of Hanover County,  
Virginia.

|                                                                |                |
|----------------------------------------------------------------|----------------|
| George Crocker Darden                                          | } Plaintiff    |
| John P. Copeland<br>Executor of Geo. W. Single-<br>ton et als. |                |
|                                                                | } In Chancery. |
|                                                                | } Defendants   |

The Answer of John P. Pinney Defend-  
ant to the bill of complaint exhibited  
against him and others in the Cir-  
cuit Court of Hanover County by  
George Crocker Darden.

This Defendant, now and at all  
times hereafter, saving and reserving  
to himself all benefit and advan-  
tage of exception which can or may  
be had or taken to the many errors  
uncertainties and insufficiencies in  
the said bill contained, for answer  
thereof, or to so much thereof as he  
is advised it is material or necessa-  
ry for him to answer answering  
saith, That he is the ~~Guardian and Trustee~~  
Guardian and Trustee of George  
Crocker Darden (as will be shown  
hereafter in this answer and as such

answers the complainant's bill.

2. That the averments and allegations of the complainant's bill marked 1. 2. 3. 4 and 5 are true to the best of his knowledge and belief.

3. That the averments and allegations of the complainant's bill, <sup>marked 6</sup> are true so far as his knowledge and information goes save and except that the sum of \$2337<sup>66</sup> named in said section 6 of complainant's bill was not turned over by Richard H. Rawles as the guardian of the said George Crocker Dardens to any successor in office for the reason, which appears of record, that after the said Richard H. Rawles ceased to act as guardian for reasons unknown to this respondent that said sum <sup>of money</sup> was deposited in the Farmers Bank by order of Court and that subsequently by one order of the County Court of Hancock the said sum of money was paid by said Bank unto this defendant as the Guardian and Trustee of the said George Crocker



Darden and that this respondent so receipted for said sum of money to said Bank.

4. That as to the statements contained in section 7 of the complaint till this respondent says that at a County Court held for Lancaster County on the 10th day of May 1887 the said complainant George Crocker Darden did make choice in writing of this respondent as his Guardian and Trustee under the will of his late grandfather George W. Singleton, that such writing was at the request and instance of the said George Crocker Darden drawn up by this respondent and that therein he, the said complainant, did make request of the Court that John B. Pinney (this respondent) be made his Guardian and Trustee, that this respondent did so qualify and that he entered into a bond approved by the Court at the time of his qualification (a copy of which bond is here filed marked A and asked to be made a part of this answer) as such Guardian and

<sup>Trustee</sup>  
That he so received the said \$2357.<sup>4</sup>  
hereinbefore named as such Guardian and Trustee, that he has regularly filed his accounts before a Commissioner of Accounts of this Court as such Guardian and Trustee both before and since the 22 day of November 1888 at which time as alleged in said bill. The said complainant attained the age of twenty-one years; That said respondent by reason of the will of the said George W. Singleton deceased and the appointment of the said Court is <sup>now</sup> and has been ever since the 12th day of May 1887 the ~~executory~~ Guardian and Trustee of the said George Corcoran Darnen

5 This respondent says that to the best of his knowledge and belief the statements contained in section 8 of the complainant's bill are true except that the said complainant is not entitled to receive the said estate from the said John B. Pinney and <sup>this</sup> ~~gross~~ respondent further says that



That the statements contained in section 9 of the complainant's bill he believes to be true.

This respondent further says that in so far as the complainant's bill asks for the appointment of an Executor with the will annexed of the estate of George H. Dingleton deceased he would join in the complainant's petition for the reasons set forth in said bill.

This respondent asks the Court that no decree be entered granting said complainant an estate in fee simple absolute in the real and personal estate devised to him by his late grand-father in his said will for the reason that no such estate was or was intended to be so created and that such decree would defeat the devise of the said Geo. H. Dingleton and the intent of the Testator, that the said will be construed to ~~create~~ create a Trust in said estate for the use and benefit of the said George Corcoran Darden to be duly administered by his Guardian and Trustee duly appointed, as



is the manifest intention of the  
devise in Section 6 of the will  
of said George W. Singleton and  
which this respondent states is  
not repugnant to the other clauses  
of the said will

And now having fully answered  
the complainant's bill this respon-  
dent prays hence to be dismissed  
with his reasonable costs in this  
behalf expended.

And he will ever pray &c.

John D. Pinney  
Guardian and Trustee  
of George Coveter Darden

George Crocker Danden } 1/2  
 1/2  
 John R. Copelland } 1/2  
 et als } 1/2

Answer of  
John D. Pinner &c

Filed  
1890. May 5<sup>th</sup> 1<sup>st</sup> Mond.

In The Circuit-Court of Hansemond County  
Virginia

October Term 1891.

George Crocker Darden }  
John R. Copeland<sup>vs.</sup> } In Chancery.  
Ex'or et als. }

The answer of Robert R. Prentiss Guardian  
ad litem for Lottie Hines and Annie Dar-  
sen to a bill in equity exhibited against  
the said Lottie Hines and Annie Darden  
infants and others in the Circuit-Court  
of Hansemond County, Virginia.

For answer to the said bill the  
said Guardian ad litem answers and  
says that he does not know whether the  
interests of the infant defendants would  
be promoted by the construction of the  
will of Geo. W. Singleton as prayed  
for in the said bill or not; and the said  
infant defendants by their said Guardian  
ad litem answers and says that being  
infants of tender years they know nothing  
of the matters mentioned in the bill and  
commit the protection of their interests  
to the Court. And now having answered  
they pray &c.



George Foster Darden } In  
John R. Copeland } Chancery  
Ex'or et als }

Answer of  
Robert R. Prentiss  
Guardian ad litem.

At a County Court continued and  
held for Nassau County on the  
10th day of May 1887.

George Crocker Darden, a child  
of Hugh K. Darden, this day in open  
Court made choice of John B.  
Pinner for his Guardian, whom  
the Court doth approve and thereupon  
the said John B. Pinner entered into a  
bond in the penalty of Five Thousand  
dollars conditions according to law  
with John T. Pinner his surety therein,  
who justified on oath as to his suffi-  
ciency which said bond being acknowl-  
edged by the obligors therein is ordered to  
be recorded.

Attest

Deputy

C. H. Cansey Jr. D.C.

Sarden

or

Copeland, Exer, &c.

Exhibit N<sup>o</sup>. 3

~~~~~



At a circuit begun and held for the  
County of Chautauque, on the 10th day  
of October 1885.

George Crocker Darden, above the age  
of fourteen years, a child of Hugh H  
Darden, this day by writing under his  
hand, produced to the court and filed,  
made choice of Richard H. Rawles for  
his guardian, whom the court ap-  
prove: And thereupon the said Richard  
H. Rawles entered into a bond in the  
penalty of Four Thousand dollars  
conditioned according to law with  
Mory H. Rawles and Julius J. Rawles, his  
sureties therein, who justified on oath as  
to their sufficiency, which bond being  
acknowledged by the obligors therein, is  
ordered to be recorded.

Attest.

Teste,

Wm. B. Causey Clerk

Darden

n {

Copeland, Esq. & Co.

Exhibit No. 2.

---

In the Name of God Amen!

I Geo. W. Singleton, of the town of Suffolk in the State of Virginia, being of sound mind and memory, do make and publish this my last will and testament hereby revoking all former wills at any time made by me -

Item 1<sup>st</sup> I direct that my funeral expenses and all of my just debts be paid as soon as possible after my death.

Item 2<sup>nd</sup> In appreciation and recognition of her fidelity to me as a servant, I give and bequeath unto Caroline Ballard, the lot on Back Street in the town of Suffolk, which I purchased from Edmund Bailey, with all the buildings thereon, but in the event the said Caroline Ballard should die before I do, then I direct that the said lot be distributed with the rest of my estate as hereinafter named.

Item 3<sup>rd</sup> All the rest and residue of my personal estate I give and bequeath unto my three grandchildren Geo. Crocker Dorden, Lottie Dorden and Annie Dorden share and share alike: and in the event of the death of either, under the age of twenty one years, and without issue,



I direct that the share of such deceased grandchildren, shall be equally divided between the survivors

Item 4<sup>th</sup>: As I deem it impracticable to distribute my real estate in kind, I direct my Executor hereinafter named to rent out the same, to the best advantage, until the youngest of the aforesaid living grandchildren shall attain the age of twenty one years, and distribute the proceeds thereof equally between the three and in case of the death of either between the survivors, when the youngest of my said grandchildren shall attain the age of twenty one years they can then make such disposition of the Real estate as to them shall seem best.

Item 5<sup>th</sup>: Having insured my life for a considerable sum in several companies, and the beneficiaries in said Policies of insurance having departed this life it is my intention to have the Policies changed to correspond with the disposition made thereof in this item. I direct the amounts of my policies, to wit: Five thousand Dollars in the "Maryland Life Insurance Company"; Five thousand Dollars in the "Mutual Reserve

Life Insurance Company" of New York and Three Thousand Dollars in the "Valley Mutual Life Insurance Company of Virginia, to be paid to and equally divided between my three grand children hereinbefore named, and in the event of the death of either to the survivors.

Item 6th: Believing it to be to the interest of my grandchild George Crocker Dorden, I nominate and appoint W. H. Jones Jr. of the Town of Suffolk, State of Virginia, his guardian and trustee, with authority to take control and management of said George's interest in my said estate, and hold it in trust and for his benefit, paying to him at such times as he, Wm H. Jones Jr. guardian and trustee, may deem most advisable such sums as may be necessary for his proper maintenance and support, should the said George Crocker Dorden die leaving lawful issue, I direct that the interest of said George in my estate herein devised to him, then remaining in the control and management of his said trustee, shall be paid to and equally divided between them, and in the event of his



death without lawful issue, I direct that the interests in my estate herein devised to him, then remaining be divided equally between his two sisters Sottie and Annie Darden or their lawful issue. Item 7th: In the event all three of my grand children shall die under age and without issue, then I give and bequeath unto Jno. R. Copeland, and his heirs, my entire estate both real and personal, of every kind and character.

Item 8th: I nominate and appoint Jno R. Copeland Executor of this my last will and Testament, but in case he is, for any cause, unable to serve I then nominate and appoint W. M. Jones Jr. my executor as aforesaid.

In witness whereof, I the said George W. Singleton, the testator herein named have hereunto set my hand and seal the 25th day of November 1884.

G. W. Singleton (Seal)

Signed, sealed, declared and published by the said George W. Singleton as and for his last will and testament, in our presence, and we, at his request, in his presence, and in the presence of each other hereto subscribe our names as witnesses—

E. E. Holland  
R. R. Allen



At a Monthly Court held for Nassau County, the  
13th day of July, 1885.

This Last Will and Testament of George W.  
Singleton, late of this County, deceased  
was this day fully proved by the oaths of E. E.  
Hollans and R. R. Allen, the subscribing witnesses  
thereto, and was thereupon ordered to be recorded.  
And on the motion of John R. Copeland, the ex-  
ecutor named in the said will, who made oath  
as the law directs, and entered into a bond  
in the penalty of Twenty Thousand dollars, con-  
ditioned according to law with Jethro B.  
Riddick, his surety therein (who justified  
on oath as to his sufficiency and which  
said bond being acknowledged by the obligors  
therein is ordered to be recorded,) certificate  
is granted the said John R. Copeland for obtaining  
a probat of the said Will, in due form.

Teste:

Peter B. Prentiss, Clerk.

a copy  
Teste:

C. H. Causey J. D. C.

A Copy <sup>and</sup>  
George W. Singleton's  
mill

---

Exhibit No. 1

---



To the Hon. C. W. Hill.

Judge of the Circuit Court of the  
County of Nausemard.

Humbly Complaining sheweth  
unto your Honor, the plaintiff George  
Crocker Darden, the following case:

1. That George W. Singleton, late of  
the town of Suffolk, in the County of Nausemard  
aforesaid, having made his last  
Will and Testament, dated the 14<sup>th</sup> day of  
November, 1884, departed this life sometime  
in the year 1885. The said Will was duly  
admitted to Probate at a monthly Court  
for the County of Nausemard, on the 13<sup>th</sup> day  
of July 1885, and John A. Copeland, the Executor  
named therein, duly qualified as Executor of  
the said last Will and Testament, gave the bond  
required with the penalty of \$20.000, and entered  
upon his duties as such Executor.

Copy of the said Will, and Certificate of  
the qualification of the said Executor, are herewith  
filed and prayed to be taken as part of this Bill,  
marked Exhibit N<sup>o</sup> 1.

2. That the said testator, George W. Singleton,  
was the grandfather of the plaintiff, and the  
plaintiff is one of the three grandchildren.



of the testator named in the third clause of the testator's said will.

3. That in and by the said third clause of his said will, the testator bequeathed all his personal estate to his three grandchildren, namely: George Crocker Darden (the plaintiff) Lottie Darden (now wife of one Thomas Hines) and Annie Darden, share and share alike, and in the event of the death of either under age and without issue the share of such deceased grandchild is to be equally divided between the survivors.

4. By the fourth clause of said will, the testator directed that his real estate be rented out to the best advantage by his Executor until the youngest one of his said living grandchildren shall attain the age of twentyone years, and the proceeds distributed equally between the three, with like provision as above in case of the death of either; and when the youngest of his said grandchildren shall attain the age of 21 years then "they can make such disposition of the real estate as to them shall seem best". By the fifth clause of his said will, the testator bequeathed all his Life Insurance moneys to his said three grandchildren, equally to be



divided between them, and in the event of the death of either such share to go to the survivor.

5. The said testator then, in and by the sixth clause of his will made the following provision for the plaintiff during his infancy, to wit:

"Item. 6<sup>th</sup> Believing it to be to the interest of my grandchild George Crocker Darden, I nominate and appoint W. H. Jones, Jr., of the town of Suffolk, State of Virginia, his guardian and trustee, with authority to take control and management of said George's interest in my said estate, and hold it in trust and for his benefit, paying to him at such times as he, W. H. Jones, Jr., guardian and trustee, may deem most advisable such sums as may be necessary for his proper maintenance and support; Should the said George Crocker Darden die leaving lawful issue, I direct that the interest of said George in my estate, herein devised to him then remaining in the control and management of his said trustee, shall be paid to and equally divided between them, and in the event of his death without lawful issue, I direct that the interest in my estate herein devised to him, then remaining, be



divided equally between his two sisters Lottie and Annie Darden or their lawful issue."

6. That it appears of record that at a Circuit Court held for the County of Nausemond on the 10<sup>th</sup> day of October, 1885, the said George Crocker Darden, then being an infant above the age of fourteen years, in open Court, made choice in writing of one Richard H. Rawles as his guardian, and that the said Rawles accordingly qualified and gave bond as guardian (in the usual form) of the said George Crocker Darden. See Copy of the Order of said Court - marked Exhibit N<sup>o</sup> 2. herewith filed. And in the report of said Guardian, made before the Commissioner of Accounts, it appears that he had in hand to the credit of his said ward on the 10<sup>th</sup> day of March, 1887, the sum of \$2357.<sup>66</sup>, which sum of money it further appears of record, he the said R. H. Rawles, guardian as aforesaid, has turned over to a successor in office, as next herein mentioned.

7. That for some reason unknown to the plaintiff the said Richard H. Rawles



Ceased to act as Guardian, and that at a County Court held for Nauseward County, on the 10<sup>th</sup> day of May, 1887, the said George Crocker Darden, in open Court, made choice in writing of one John B. Pirner as his guardian, who qualified in the usual form and entered upon his duties as such. Copy of the order of said County Court admitting him so to qualify is herewith filed, marked Exhibit N<sup>o</sup> 3, and prayed to be taken as part of this Bill.

8. The plaintiff further alleges that on the 22<sup>d</sup> day of November, 1888, he attained the full age of twenty-one years, and being no longer an infant he is entitled to receive the Estate in the hands of the said John B. Pirner, the guardian so chosen by him, as aforesaid; that no person has qualified as his testamentary guardian and trustee under the testator's said will, - the said Wm. H. Jones, Jr, named as such in the said will having altogether refused and declined to accept the said appointment.

That on the 14<sup>th</sup> day of March, 1890, the plaintiff, by his counsel, made demand on



John B. Primer for a final settlement of his accounts as late guardian of the said George Crocker Darden, informing him of the said plaintiff having attained his majority, and requiring him to deliver up to the plaintiff all the estate of his late ward in his hands as such guardian. This the said John B. Primer has declined to do.

9. That recently a valuable store-house and dwelling which was situated on a lot of land at the foot of Main Street, near the Wharf, in the town of Suffolk, belonging to the testator's Estate, was destroyed by fire; that the same was insured for the sum of \$2000, which insurance should now be collected and either safely invested or applied to the rebuilding and improvement of the premises, so that the property may yield some income to the Estate. The plaintiff is informed and believes that the said insurance money has been collected by John R. Copeland, Executor as aforesaid, but that he, the said Executor, has determined not to act any longer



as such Executor, and that he has ceased to collect the rents due the Estate, or to have any further care thereof. That no person is now authorized to rent out the real Estate nor collect the rents, nor take care of the same, and it is necessary that the Estate be committed to the hands of an Executor with the will annexed, in case it be true that the said John R. Copeland has declined to act further as Executor.

Forasmuch therefore as the plaintiff is without remedy, save in your Honor's Court of Equity, where matters of this sort are alone and properly cognizable, the plaintiff prays that the said John R. Copeland, Executor of the last Will and testament of George W. Singleton, deceased, in his own right and as such Executor, and John B. Pinner, <sup>late</sup> Guardian of George Brookes Darden, Thomas Hines and Lottie, his wife, John T. Kurney, Guardian of Annie Darden, an infant, and the said Annie Darden, and Lottie Hines, infants, the last named being the



wife of Thomas Hines, may be made parties defendant and required to answer this Bill, but answers under oath from them are hereby waived; that guardians ad litem may be duly appointed for the said Annie Darden and Lottie Hines, infant defendants; that the said John B. Pinney, late Guardian of George Crocker Darden, may be required to settle finally his accounts as such guardian, and turn over to the plaintiff all the estate, principal and interest, in his hands as such guardian; that the will of the said George W. Singleton deceased, may be construed by this Honorable Court, especially in respect to the rights of the plaintiff in the Estate devised to him under the said will, and that it may be decreed that he has an estate in fee-simple absolute in all that share of the real and personal Estate devised to him therein, the limitation thereon mentioned in the sixth Clause of said will being void for repugnancy to the manifest intention of the devise to him in the



third, fourth and fifth clauses of the said will; that the said John R. Copeland, Executor of the said George W. Singleton may say whether or not he will further act as such Executor, and if he be unwilling so to do, that the said Estate may be committed to some proper person as Executor with the will annexed, and that all proper accounts may be had and taken from time to time as the Court may require; and that the plaintiff may have all such other further and general relief as to Equity may seem meet or his case may require.

And that a reasonable fee to his Counsel will be asked for their services herein payable out of the funds under the Control of the Court in this cause -

And he will ever pray &c.  
May process issue.

George Brooker Darden  
by White & Garrett,  
his Counsel.

George Crocker Darden

vs. } Bill

John R. Copeland, Execr.,  
of George W. Singleton,  
Et al. -



George Crocker Darden

Plaintiff

vs } In Chancery

Jno R Copeland Exor.  
Geo S Singleton Et als

Defendants

1890. March 15th. Process issued returnable to  
March Rules 3rd Monday.  
Bill filed with three exhibits  
" " 17th. Process. Returned, Executed on  
all Adult defendants. and  
Decree 'nisi' against defendants  
" Apl 7th. Decree 'nisi' against defendants  
Confirmed and Cause set for  
hearing.  
" May 5th Answer of John B Pinna filed

George Crocker Sargent  
vs } In Chancery

Jno R Copeland Exor.  
of George W Singleton  
Et als.

Chancery Notes



White & Gamett p 9

Geo. Crocker Garden

US In Chancery

Jno R Leopold & Co

1909

July 16th

Final Decree

Received by