

1912-025 Chancery Causes. P. D. Buxaltrey, Junior & Company VS Alice Tynes & William H. Tynes 70

Isle of Wight County

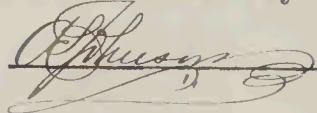
other SURNAMES: Wardlow,
Jamaica, Wilson, Batten,
Latimer, Davis

CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE
OF WIGHT, AUGUST 25TH. 1909.

I, A. S. Johnson, Clerk of the Circuit Court of the County of
Isle of Wight, do hereby certify that P. D. Gwaltney, Jr.,
trading as P. D. Gwaltney Jr. & Co., obtained a judgment
against John F. Tynes, Alice Tynes and Wm. H. Tynes, in the
Circuit Court of the said County, on the 10th. day of June,
1909, for the sum of \$141.37, with interest from December 1st.
1908, and \$9.16 costs. Homestead waived. Said Judgment was
docketed in the Clerk's Office of said County on the 10th.
day of June, 1909. in J. L. D. No. 3, page 108.

I further certify that P. D. Gwaltney, Jr. trading
as P. D. Gwaltney, Jr. & Co., obtained a judgment against
Alice Tynes and William Tynes, in the Circuit Court of the said
County, on the 10th. day of June, 1909, for the sum of \$38.40,
with interest from October 4th. 1905, and \$8.53 costs. Homestead
waived. Said judgment was docketed in the Clerk's Office of said
County on the 10th. day of June, 1909, in J. L. D. No. 3, page
108.

Given under my hand this 25th. day of August, 1909.

 Clerk.

G. W. Jamaica

To) Bargain and Sale. D. B. No. 45, page 295.

Alley Wardlow.

THIS DEED made this 3rd. day of April 1880, between Geo. W. Jamaica of the one part & Alley Wardlow, colored, of the other part- WITNESSETH, that the said Geo. W. Jamaica in consideration of the sum of One Hundred Dollars to him in hand paid, the receipt whereof is hereby acknowledged, doth grant, with general warranty unto the said Alley Wardlow, the following property to-wit: a piece or parcel of land lying in the County of Isle of Wight containing by a Survey & plot hereto annexed, by E. M. Morrison County Surveyor, Twenty five acres, bounded on the South by N. P. Young, on the East by the remaining land of the said grantor; on the North by Jas. A. Jamaica and on the West by the piece of land this day sold by the said Geo. W. Jamaica to James Uzzell, cold., and is a further portion of the land assigned to the grantor in the suit of Jamaica v. Jamaica, et als, lately pending in the Circuit Court of said County. And it is hereby covenanted that the said grantors excepts from said sale all the pine trees of 18 inches upon the stump and upwards, and reserves the right to cut and remove, or have cut and removed, from said land within two years from this day, the said excepted pine timber but should the same not be so cut & removed within said two years, then said exception and reservation shall be void and of no effect.

Witness the following signature and seal.

G. W. Jamaica, (SEAL)

In the Clerk's Office of Isle of Wight County Court the 3rd. day of April, 1880. This deed from Jamaica to Wardlow was acknowledged before me, and on the 5th. of April 1880 admitted to record.

Teste, N. P. Young, Clerk.

A copy, Teste,



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

DECEMBER TERM 1909.

P. D. Gwaltney, Jr. Trading as P. D. Gwaltney, Jr & Co. Plaintiffs.
Vs. In Chancery
Alice Tynes and Wm. H. Tynes.....Defendants.

This cause came on this day to be again heard on the papers formerly read and on the report of the Commissioner, A. S. Johnson, filed November, 22nd. 1909, to which report there is no exception, and on the examination of the witnesses returned with the said report, and was argued by Counsel;*

On consideration whereof, the Court doth approve and confirm the said report, and doth adjudge, order and decree, that E. H. Williams, who is hereby appointed a Special Commissioner for the purpose, do, after having advertised the time, place and terms of sale for a period of two weeks by hand bills posted ^{at the} ~~in five~~ or more public places in this County, proceed to sell at public auction, to the highest bidder, at the front door of the Post-Office of Smithfield, Virginia, the tract of land in the bill and proceedings of this cause mentioned, and upon the following terms, to-wit:

One third in cash and the remainder in two equal credit installments, each evidenced by the bond of the purchaser. Bearing date with the day of sale and carrying interest from said date, and the title to the property to be retained until the entire purchase money shall have been paid.

But the said Commissioner, E. H. Williams, shall receive no money under this decree until he shall enter into a bond with sufficient security in the Clerk's Office of this Court, payable to the Commonwealth of Virginia, in the penalty of \$ 700⁰⁰, and conditioned for the faithful discharge of his duties hereunder, *namely future review.*

The said Special Commissioner shall make report to the Court.

** And it is ordered, that the Court from said report shall the same and
proceed to sell the property mentioned and advertised in these proceedings
within 20 days from the date of this decree.*

*which Commissioner shall
file a bond with sufficient
security in the Clerk's Office
of this Court.*

A. W. Westney & Co. Fitch

R. Du Chon aty

Mrs. Fynes & W. H. Jones, Ref.

Dresser.

1409
Dec. 6
Autos his
B.D.W.

C.O.B. #6 - Page 639

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

OCTOBER TERM 1909.

P. D. Gwaltney, Jr. Trading as P. D. Gwaltney, Jr. & Co. Plaintiff.

Vs. In Chancery.

Alice Tynes, nee Wardlow ~~and others~~, et al. Defendant.

This cause came on this day to be heard upon the Complainant's bill, the defendant on whom process has been duly served, still failing to appear, plead, answer or demur, and was argued by Counsel;

On consideration whereof, the Court doth adjudge, order and decree that A. S. Johnson, one of the Commissioners of this Court, take, state, and report to Court the following inquiries and accounts;

FIRST: An account of real estate belonging to the said defendants, with its annual and fee simple value;

SECOND: An account of all liens against the said real estate by judgment, deed of trust, or otherwise, together with their priorities;

THIRD: Whether or not the rents and profits of the real estate, belonging to the said defendant will in five years satisfy the Complainant's judgment and the other liens thereon;

* Fourth: *Whether all the proper parties are properly before the Court.*
which several inquiries the said Commissioner shall make and to the Court report, together with any matter specially stated deemed pertinent by himself or required by any party in interest to be so stated.

P. H. Hootney Jr. & P. H. H.

V. DuChouery

Phedyns et al.

Decree.

1909

Pl. 4

Enter this:

J. H. W.

COD 76 p 628

E. H. WILLIAMS

ATTORNEY-AT-LAW

SMITHFIELD, VA.

P. D. Gwaltney Jr. & Co.

vs) Chancery. Report of Commissioner in Chancery.

Alice Tynes, nee Wardlow and William Tynes.

Commissioner's Office,

Isle of Wight, Va. Nov. 22nd.1909.

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

The undersigned, one of the Commissioners of Your Honor's Court,
begs leave to make the following report in the above entitled
cause in chancery pending.

That on the 18th. day of November, 1909, your commissioner gave
notice to all the parties in the said cause that he would, at his
office at Isle of Wight Courthouse, Virginia, on the 22nd. day of
November, 1909, at eleven o'clock A.M., proceed to execute the
decree entered in the said cause on the 4th. day of October, 1909,
and at the time and place aforesaid, and named in the said notice,
which said notice is hereto attached showing legal service upon all
the parties to the said suit, attended and proceeded to execute
the said decree as directed, and took the depositions of W. V.
Wilson, J. F. Latimer, O. L. Batten and W. H. Davis, which deposi-
tions are herewith returned and made a part of this report.

Your commissioner finds that the said defendant, Alice Tynes, is
now seized of a tract of land in the said county, adjoining the
estate of the late N. P. Young, containing, according to the land
book of the said county, thirty seven and one half acres, which is
part cleared and part in woodland. That the fee simple value thereof
is some three hundred and fifty or four hundred dollars, and the
annual value thereof is from thirty to forty dollars, prbably the

latter amount.

Your commissioner finds the following liens of record against the said Alice Tynes and others, which are liens upon the said tract of land now unsatisfied.

A judgment in favor of P. D. Gwaltney Jr., trading as P. D. Gwaltney Jr. & Co. against Alice Tynes and William Tynes, for the sum of thirty eight and 40/100 dollars, with interest thereon from October 4th. 1905 till paid, and \$8.53 costs. Homestead Exemption waived.

A judgment in favor of P. D. Gwaltney Jr., trading as P. D. Gwaltney Jr. & Co., against John F. Tynes, Alice Tynes and William H. Tynes, for the sum of one hundred and forty one and 37/100 dollars, with interest thereon from December 1st. 1908 till paid, and \$9.16 costs. Homestead Exemption waived.

A judgment in favor of J. E. Warren against John F. and Alice Tynes, for the sum of forty eight and 66/100 dollars, with interest thereon from June 28th. 1907 till paid, and \$3.25 costs. Homestead Exemption waived.

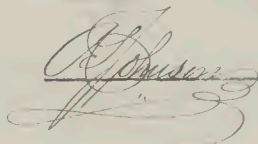
The said judgment liens are here stated with reference to their priority.

Your Commissioner is informed and so reports, that the rental of the land will not be sufficient, in five years, to pay off the said judgment liens and the costs of this proceeding, nor does your commissioner believe that the timber on the said tract of land would sell for a sufficient amount to pay off and satisfy the said liens, together with the cost of this proceeding. W. H. Davis, who has testified in this case, is probably more familiar with the land than any other witness who has testified, and he seems confident that the timber upon the land has been judged by the other witnesses with reference to the general appearances of the surrounding land. He is unusually well informed for his color, and your commissioner attaches great importance to his testimony, feeling that he is so well familiar with the premises.

Your commissioner finds no further liens upon the said land than reported above.

Abstracts of the judgment liens are also attached
hereto and taken as a part of this report.

Respectfully submitted,



Commissioner.

Commissioner's fee,.....	\$10.00
Sheriff,.....	1.00
Witnesses:	
W. V. Wilson,.....	50
O. L. Batten,.....	50
J. F. Latimer,.....	50
W. H. Davis,.....	50

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

P. D. Gwaltney Jr. & Co.,
vs) Chancery. Depositions.
Alice Tynes et al.

The depositions of W. V. Wilson et als. taken before me, A. S. Johnson, a commissioner in chancery of the Circuit Court of the County of Isle of Wight, at my office at the courthouse of the said county, on the 22nd. day of November, 1909, between the hours of eleven o'clock A.M. and four o'clock P.M., to be read as evidence in the above entititled cause.

W. V. Wilson being duly sworn deposes and says:

Q. Please state your name, age, residence and occupation? A. W. V. Wilson, I will be sixty years old my next birth day, I reside in Isle of Wight County near the courthouse and am a farmer.

Q. Please state whether or not you are acquainted with the tract of land in the said county of Isle of Wight owned by Alice Tynes, near the estate of the late N. P. Young, containing, according to the land book of the said county, $37\frac{1}{2}$ acres, and if you are please tell me what you consider a fair annual and a fair fee simple value of the said land? A. I shouldn't think it is worth over thirty dollars a year. The fee simple value I should place at from three hundred and fifty to four hundred dollars. There is some lumber on the tract in woods, or that part of it in the woods. I live in a mile and a half of it and have lived there all my life.

And further this deponent saith not.

W. V. Wilson

O. L. ^Batten being duly sworn deposes and says:

Pleas state your name, age, residence and occupation? A. I am forty eight years old, my namd is O. L. Batten, I reside at Isle of Wight Courthouse, and I am a merchant and a farmer.

Q. Please state whether or not you are acquainted with the land on which Alice Tynes now lives, in said county, adjoining the estate of the late N. P. Young, and if you are, please state what, in your opinion, is a fair annual and a fair fee simple value of the land. The land book of this county shows that it is a tract of $37\frac{1}{2}$ acres. A. I would think that it ought to rent for thirty or thirty five dollars, and it ought to seel for two hundred and fifty or three hundred dollars. I hav known the tract of land very well for some years.

And further this deponent saith not.

O. L. Batten

J. F. Latimer being duly sworn deposes and says:

Q. Please state your name, age, residence and occupation? A. J. F. Latimer, I am forty eight years old. Live in Isle of Wight County and am a farmer.

Q. Please state whether or not you are acquainted with the land owned by Alice Tynes, in this County, adjoining the estate of the late N. P. Young, containing, according to the land book of this county, $37\frac{1}{2}$ acres, and if so please state what, in your opinion, the said tract of land will rent for a year and what would be a fair cash value for the said land? A. I am acquainted with the land. I think it would sell for three or four hundred dollars and ought to rent for thirty or forty dollars.

And further this deponent saith not.

J. F. Latimer

W. H. Davis, colored, being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation. A. W. H. Davis, I am forty nine years old, I live in Isle of Wight County, and I am a farmer.

Q. State if you are acquainted with the land whereon Alice Tynes now lives, owned by her, adjoining the estate of N. F. Young, deceased, said to contain, according to the land book of this county, $37\frac{1}{2}$ acres, and if so please state what, in your opinion, is its annual and its fee simple value? A. I am acquainted with the place, of course, I have lived on the adjoining place about twenty two years. There is only about ten acres of the land cleared, the drainage and fencing is bad, nothing, you may say, and the dwelling house is nothing extra and there are no out buildings to speak of, and I do not think it would rent for over thirty or forty dollars at the outside. Three hundred and fifty or four hundred dollars, at the outside, I think would be a fair cash value for the land. The adjoining tract is well timbered and one would think that there was some timber on the woodland attached to this

tract, unless he should go over the land and observe it closely, and then he would find that there was not so much on it. It has been cut over about twenty years ago and some firewood has been cut off also, since that time.

And further this deponent saith not.

W. H. Davis

Virginia:

County of Isle of Wight, to-wit:

The foregoing depositions were taken before me, A. S. Johnson, a commissioner in chancery of the Circuit Court of the County of Isle of Wight, at my office at Isle of Wight Courthouse, on the 22nd. day of November, 1909, pursuant to notice, between the hours of eleven o'clock A.M. and four o'clock P.M.

Given under my hand this 22nd. day of November, 1909.

A. S. Johnson

Commissioner in Chancery.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT JUNE 10TH.
1909.

P. D. Gwaltney Jr., trading as

P. D. Gwaltney Jr. & Co.,.....Plaintiff

vs) Abstract of judgment

Alice Tynes and William Tynes,.....Defendants.

Judgment that the plaintiff recover of the de-
fendants the sum of thirty eight and 40/100 dollars, with inter-
est thereon from October 4th. 1905 till paid, and \$8.53 costs.
Homestead Exemption waived.

Teste, *E. H. Williams* Clerk.

E. H. Williams, p.q.

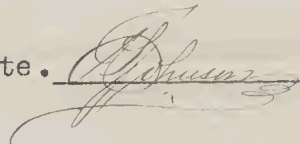
VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT JUNE 10TH.
1909.

P. D. Gwaltney Jr., trading as
P. D. Gwaltney Jr. & Co., ...Plaintiff

VS) Abstract of judgment.

John F. Tynes, Alice Tynes
and William H. Tynes, ...Defendants.

Judgment that the plaintiff recover of the de-
fendants the sum of one hundred and forty one and 37/100 dol-
lars, with interest thereon from December 1st. 1908 till paid
and \$9.16 costs. Homestead Exemption waived.

Teste.  Clerk.

E. H. Williams, p.q.

VIRGINIA:

COUNTY OF ISLE OF WIGHT, TO-WIT:

IN THE COURT OF M. F. JORDAN, A JUSTICE OF THE PEACE FOR
SAID COUNTY, SEPTEMBER 24TH. 1908.

J. E. Warren,.....Plaintiff.

vs) Abstract of judgment.

John F. and Alice Tynes,.....Defendants.

Judgment that the plaintiff recover of the de-
fendants the sum of forty eight and 66/100 dollars, with interest
thereon from June 28th. 1907 till paid and \$3.25 costs. Homestead
Exemption waived.

Teste, *[Signature]* Clerk.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT:

P. D. Gwaltney Jr. & Co.,

vs) Chancery- Notice to take depositions.

Alice Tynes, nee Wardlow, and William Tynes.

Commissioner's Office,

Isle of Wight, Va.

November 18th. 1909.

To the parties in the above styled suit:

Take notice that I shall, at my office at Isle of Wight Courthouse, Virginia, on the 22nd. day of November, 1909, at eleven o'clock A.M., proceed to execute the decree entered in the above entitled cause on the 4th. day of October, 1909, of which the following is an extract:

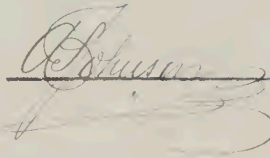
"On consideration whereof, the court doth adjudge, order and decree that A. S. Johnson, one of the Commissioners of this court, take, state, and report to court the following inquiries and accounts:

FIRST: An account of real estate belonging to the said defendants, with its annual and fee simple value.

SECOND: An account of all liens against the said real estate by judgment, deed of trust, or otherwise, together with their priorities:

THIRD: Whether or not the rents and profits on the real estate, belonging to the said defendant will in five years satisfy the complainants judgment and the other liens thereon:

FOURTH: Which several inquiries ~~and~~ the said commissioner shall make and report to the court, together with any matter specially stated, deemed pertinent by himself or required to be so stated by any party in interest."



Commissioner.

W. G. W. J. Co

vs {
Alice Dykes Wm Dykes

Notice to take Deposits

Executed November
18th 1909, by delivering
true copies of the
within notice to Wm
Dykes & Alice
Dykes (in London)
in person, at their
residence, in the
County of Iselt Coigot.

W. A. Brown

Sherriff

H. G. Walkey & Co
vs Report of Court in Chy
Alice Dymkes et al
Filed Nov 22/1909
Dated ~~Albany~~ Court

Albany
Court in Chancery

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight, Greeting:

WE COMMAND YOU that you summon *Alia Dymes who was Mord.*
low and William Dymes

to appear at the Clerk's office of the *Circuit* Court of the *County* of *Isle of Wight*
at the rules to be held for the said Court, on the *1st* Monday in *September* 190*9*,
to answer a bill in chancery, exhibited against *them* in our said court ~~for~~
by P. D. Gentry Jr. trading as P. D. Gentry Jr. & Co

And have then there this writ. Witness *Nathaniel E. Young*, Clerk of our said court, at
the court-house, the *24* day of *August* 190*9*, and in the *124*
year of the Commonwealth.

Dut. E. Young

Executed August 27th 1909. by serving
a true copy of the within process on
Alice Tyner nee Woodson, & William Tyner
in person at their residence in the County
of Iowa & Wright.

W. A. Edwards
Sheriff

1
Matthew P. Ho

VS. }
SUBPOENA
IN
CHANCERY.

Alice Tyner et al

W. A. Edwards

p. 9

To: Alice Tyner

Rules,

Chancery Court.

1909

B3719

28-

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

P. D. Gwaltney, Jr. & Co.....Plaintiff.

Vs. In Chancery

Alice Tynes and Wm. H. Tynes.....Defendants

Humbly complaining sheweth unto the Court, your complainant
P. D. Gwaltney, Jr., trading as P. D. Gwaltney, Jr. & Co., that he
recovered two judgments, one for \$141.37 with interest from December
1st. 1908, until paid, and \$9.16 costs; and one for \$38.40 with in-
terest from Oct. 4th 1905, until paid, and \$8.53 costs, against the
said Alice Tynes, who was Wardlow, and Wm. H. Tynes her husband, in
the Circuit Court of the County of Isle of Wight, Virginia, and ab-
stract of which judgments, marked "Exhibit A" is herewith filed and
made a part of this bill. Of these judgments no part has been paid.
The said Alice Tynes, who was Wardlow, owns a tract of land in this
County, containing 25 acres, and bounded by the lands of A. R. Young,
et als. It being the same land which was conveyed to the said Alice
Tynes, nee Wardlow, by Deed from G. W. Jamaica, a certified copy of
the said Deed being hereto attached, marked "Exhibit B," and prayed
to be made a part of this bill.

Your complainant avers and charges that the rents and prof-
its from the said interest in the said land will not in five years
satisfy your complainant's judgment, and that he is entitled to en-
force the lien of the same by sale of the said interest in the said
land; that a reasonable fee be allowed your complainant's Attorney
for his services in this cause;

In tender consideration whereof your complainant prays
that the said Alice Tynes and Wm. H. Tynes, may be made defendants
to this bill and required to answer the same, an answer under oath
being hereby expressly waived, that proper process issue; that all
proper orders and decrees may be made and inquiries be directed, that

(2)

if it shall appear that the said rents and profits of said real estate will not in five years satisfy your complainant's judgment that the said real estate be sold and the proceeds thereof be applied in satisfaction of your complainant's said judgment; that if such rents will so suffice the said land be rented out and the rents and profits be applied to the said judgment until the same is fully satisfied and that all such other, further and general relief may be given your complainant as the nature of his case may require or to equity shall seem meet.

And your complainant will ever pray, &c.

E. H. Greenup Jg.

2
Gweethy - Pees

W. DuChauery

Jones et al.

Reel

1st September rules 1909
Summons returned executed.
Pees filed - Decree nisi.

2nd September rules 1909
Defendants not appearing
etc Pees taken for confirmed
and can set down for hear-
ing.

Final decree June 21,
1912

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.