

1914-005 Chanery Causes. George Bodwin vs James E. Coffin & al
Isle of Wight County

91

other SURNAMES: [P. D. Gwaltney,
Junior & Company], Gwaltney,
Bell, Briggs, Pleasants, Chapman

Bill

George D. Todwin
vs. Chas. Mary
James E. Coffey et al.

1st March rules 1910

Bill filed. Process returned
executed upon all adult de-
fendants save James E. Coffey.
Order publication as to him de.
Case ~~is~~ ~~is~~

2nd March rules 1910

Continued on order preba
as to James E. Coffey. Case
set down for hearing as
to others.

April 2nd 1910. Order
publication executed
Case docketed for hearing

farther and general relief may be given your complainant as the nature of his case may require or to equity shall seem meet. And notice is hereby given that proper counsel fees will be asked for in the progress of this suit.

And your complainant will ever pray, &c.

Ernest Edwin

By Ernest Whitley
Counsel.

and others.

3. That the said William H. Cofer died testate, a certified copy of his will which was probated in the Clerk's Office of the Circuit Court of Isle of Wight County, on March, 2nd. 1908, and finally proven on March, 11th. 1908, is filed herewith, marked "Exhibit B" and prayed to be read as a part of this bill. That the said William H. Cofer left surviving him a widow, who since his death has died, and the following children: James E. Cofer, M. N. Cofer, Willie R. Cofer, Mary E. Briggs (who was Cofer), William E. Cofer and Walter R. Cofer, the last named two being infants under the age of twenty-one years, as his only heirs at law.

4. Your complainant avers and charges that the rents and profits from the said land, will not within five years satisfy your complainant's judgment as assigned, and that he is entitled to enforce the lien of the same by sale of the said real estate.

5. In tender consideration whereof, and forasmuch as your complainant is remediless in the premises save by the aid of a court of equity, where matters of this kind are alone and properly cognizable, your complainant prays that the said James E. Cofer, M. N. Cofer, Willie R. Cofer and Willielisha Cofer, his wife, Mary E. Briggs (who was Cofer), and John Briggs, her husband, William E. Cofer and Walter R. Cofer, the last named two being infants under the age of twenty-one years, and E. H. Williams, Guardian Ad Litem, may be made parties defendant to this bill, and required to answer same, but answer under oath is hereby expressly waived; that proper process issue; that all proper orders and decrees may be made, and proper inquiries be directed; that if it shall appear that the said rents and profits of said real estate will not within 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 and profits will so suffice, the said land shall be rented out and the said rents and profits be applied to the said judgment until the same is fully satisfied; that all such other,

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

George Godwin.....Plaintiff.

Vs. In Chancery

James E. Cofer, M. N. Cofer, Willie R. Cofer and Willie-
lisha Cofer, his wife, Mary E. Briggs-
(who was Cofer), and John Briggs, her
husband, William E. Cofer and Walter R.
Cofer. The last named two being infants
under the age of Twenty-one years, and
E. H. Williams, Guardian Ad Litem.....Defendants.

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

Humbly complaining showeth unto the Court, your Com-
plainant, George Godwin, the following Case:

1. That on February, 22nd. 1910, P. D. Gwaltney, Jr.
Trading as P. D. Gwaltney, Jr & Co., transferred and assigned a
certain judgement recovered before M. F. Jordan, a Justice of the
Peace for the County of Isle of Wight, State of Virginia, on the
30th. day of November, 1905, against James E. Cofer, William H.
Cofer, A. B. Cofer and Charles Bell, the said judgment being for the
sum of \$95.00 with interest thereon etc., subject to a credit of
\$9.74, as of date October, 20th. 1906, for valuable consideration
to your complainant, a certified copy of which judgment with the
original assignment is herewith filed, marked "Exhibit A" and
prayed to be read as a part of this bill.

2. That the said William H. Cofer departed this life
some years ago, seized and possessed of two (2) tracts of land
lying, being and situate in Newport Magisterial District of the
County of Isle of Wight, containing by estimation 14 and 62 acres,
respectively, and adjoining the lands of P. D. Gwaltney, Jr & Co.,

7
George Godwin,
To { Answer of Infant
Defendants.
Geo E. Cooper et al.

1910.
Apr. 4.
Filed. B. D. W.

GEO. F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

infant defendants.

And now, having fully answered, these defendants pray
to be hence dismissed, with their costs, etc.

William E. Caper)
Walter B. Caper)

E. H. Williams
Guardian Ad Litem.

E. H. Williams Guardian Ad Litem of the said infants.

STATE OF VIRGINIA,)

)TO-WIT:

COUNTY OF ISLE OF WIGHT.)

Sworn to before me in my County and State aforesaid,
by E. H. Williams, Guardian Ad Litem as aforesaid, this 2nd
day of April, 1910.

L. C. M. C. Leland M.C.
My Commission expires May 17-1912

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

VIRGINIA:

George Godwin.....Plaintiff.

Vs. In Chancery

James E. Cofer, M. N. Cofer, Willie R. Cofer and
Willielisha Cofer, his wife, Mary E.
Briggs (who was Cofer), and John
Briggs, her husband, William E.
Cofer and Walter R. Cofer. The last
named two being infants under the age
of Twenty-one years, and E. H. Williams,
Guardian Ad Litem.....Defendants.

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

The answer of William E. Cofer and Walter R. Cofer,
by E. H. Williams their Guardian Ad Litem, assigned to defend
them in this suit, and the answer of the said E. H. Williams,
Guardian Ad Litem of the said infant defendants, to a bill of
complaint exhibited against them, the said infants and others,
by George Godwin, in the Circuit Court of the County of Isle
of Wight.

For answer to the said bill the said infant defend-
ants by their Guardian Ad Litem, answer and say that being of
tender years they do not know what their true interests are in
relation to the subject-matter of the said bill, nor do they
know whether the statements therein contained are true or not.
They confide the protection of their interests therein to the
care of the Court. And the said Guardian Ad Litem of the said
infant defendants for answer to the said bill, answers and says
that he knows nothing as to the truth or falsity of the state-
ments in the bill contained. He prays full protection for the

Executed the within summons Monday Feb. 28th, 1910, by serving true copies of same on the following named persons, M. N. Cofer, W. R. Cofer, Willie Lisha Cofer and Mary Briggs. John Briggs not being found at his usual place of abode I served a true copy of the within on Mary Briggs, his wife for the said John Briggs. *all in the County of Isle of Wight.*

W. A. Edwards, Sheriff, Isle of Wight Co.

By R. Augustus Edwards D.S.

Shffs Fee

2-50

Returned March 1910

George Godwin
vs) Subpoena in Chancery.
James E. Cofer et als.
Returnable to 1st. March rules,
1910
Circuit Court of Isle of Wight
County.

Executed the within process this 28th February 1910. by serving true copies thereof on M. N. Cofer, W. R. Cofer, Willie Lisha Cofer, & Mary E. Briggs in person in the County of Isle of Wight. Leave being granted by the Court to the Sheriff, to amend the above return, so as to conform to the facts, the same is hereby amended to read as follows: Executed the within process this 28th of February 1910, by serving true copies thereof in person on M. N. Cofer, W. R. Cofer, Willie Lisha Cofer & Mary E. Briggs, John Briggs not being found at his usual place of abode, a true copy of the within process after giving information of its purpose, was delivered to Mary Briggs, his wife, a member of the family & above the age of 16 years.

W. A. Edwards Sheriff

By R. Augustus Edwards
D.S.

COMMONWEALTH OF VIRGINIA

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting:

W. A. Johnson, Sheriff, Isle of Wight

We command you that you summon

James E. Cofer: M. N. Cofer: Willie R. Cofer and Willielisha Cofer, his wife: Mary E. Briggs, who was Cofer, and John Briggs, her husband: William E. Cofer and Walter R. Cofer, the last two being infants under the age of twenty one years,

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules to be holden for the said Court on the 1st. Monday in March, 1910, to answer a bill in chancery exhibited against them in our said Court by George Godwin

And have then and there this writ.

Witness, A. S. JOHNSON, Clerk of our said Court, at the Court-house, this 22nd. day of February, 1910, and in the 134th. year of the Commonwealth.

A. S. Johnson Clerk.

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George Godwin
vs. Chauncy
James & Coles et al.

Affidavit for order
of publication
H

Filed July 27, 1910

George Godwin.....Plaintiff.

Vs. In Chancery

James E. Cofer, M. N. Cofer, Willie R. Cofer
and Willielisha Cofer, his wife, *Mary E. Cofer who was*
William E. Cofer, *Cofer & John Briggs who*
Walter R. Cofer, *was Cofer*
the last named two being infants
under the age of Twenty-one years..Defendants.

STATE OF VIRGINIA,

)

)

) TO-WIT:

)

COUNTY OF ISLE OF WIGHT.)

This day *Geo. R. Whitley* personally ap-
peared before me *J. Waverley Thomas, a Notary Public*
in and for the County and State aforesaid, and made oath that
James E. Cofer, one of the defendants in the above style suit,
is not a resident of this State.

Given under my hand this *11* day of *January 1910*,
1910.

My Commission expires Aug. 17, 1913.

J. Waverley Thomas, Notary Public

Subscribed and sworn to before me in my County and State aforesaid,

J. Waverley Thomas,
N.P.

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George Todwin
vs. & Chauncy
James E. Coffey et al.

Copy of Order of
Publication

Filed July 27/1910

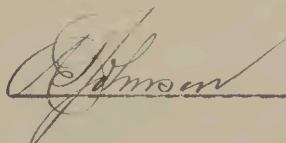
VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT FEBRUARY 22ND. 1910.

George Godwin-----Complainant.

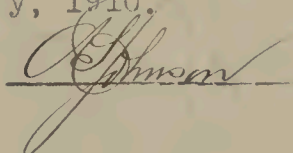
vs) In Chancery.

James E. Cofer: M. N. Cofer: Willie
R. Cofer and Willielisha Cofer, his
wife: Mary E. Briggs, who was Cofer,
and John Briggs, her husband; William
E. Cofer and Walter R. Cofer, the last
two being infants under the age of
twenty one years,.....Defendants.

The object of this suit is to subject the real estate of
which William H. Cofer died siezed and possessed to the
payment of a judgment obtained against the said William H.
Cofer. And an affidavit having been made and filed that
James E. Cofer, one of the defendants herein is not a res-
ident of this State, it is ordered that the said James E.
Cofer do appear here within fifteen days after due publica-
tion hereof to do whatt is necessary to protect his interest
in this suit.

 Clerk.

I, A. S. Johnson, Clerk of the Circuit Court of the Circuit
Court of the County of Isle of Wight do hereby certify that
a copy of the foregoing order of publication was posted at
the front door of the courthouse of the said county on the
22nd. day of February, 1910.

 Clerk.

Godwin v
v { Chancery
Cofer et al

Filed 4/2/1910

Office of SUFFOLK HERALD.

SUFFOLK, VA.,

April 1 1910

I hereby certify that the order of which the annexed is a
copy has been published in THE SUFFOLK HERALD in the
manner prescribed by law---once a week for four successive weeks.
beginning

Feb 24th 1910

and ending

March 18th 1910.

W J Kendrick

Editor Herald

VIRGINIA: CLERK'S OFFICE OF
THE CIRCUIT COURT
OF THE COUNTY OF
ISLE OF WIGHT FEB-
RUARY 22nd, 1910.

Georgie Godwin, Complainant.

vs. In Chancery.

James E. Cofer, M. N. Cofer, Willie
R. Cofer and Willielisha Cofer, his
wife; Mary E. Briggs, who was Cofer,
and John Briggs, her husband; Wil-
liam E. Cofer and Walter R. Cofer,
the last two being infants under the
age of twenty-one years, Defendants.

The object of this suit is to subject
the real estate of which William H.
Cofer died seized and possessed to the
payment of a judgment obtained
against the said William H. Cofer. And
an affidavit having been made and
filed that James E. Cofer, one of the
defendants herein is not a resident of
this State, it is ordered that the said
James E. Cofer do appear here within
fifteen days after due publication
hereof to do what is necessary to pro-
tect his interest in this suit.

A. S. JOHNSON, Clerk.

Geo. F. Whitley, p. q.

Feb. 24-4ts.

Virginia: Circuit Court of the County of Isle of Wight

George Godwin, who sues etc.,.....Plaintiff.

vs) In Chancery.

James E. Cofer et als.,.....Defendants.

I, A. S. Johnson, Clerk of the Circuit Court of the County of Isle of Wight, in the State of Virginia, do hereby certify that the bond required of the George F. Whitley, as Special Commissioner, in the decree in this suit entered on the 7th. day of June, 1910, has been executed.

Given under my hand this 31st. day of August, 1910.

A. S. Johnson Clerk.

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George D. Godwin, who sues etc.

vs) Report of Commissioner

James E. Cofer et als.

Filed May 5th. 1910.

Mr. B. P. Chapman being duly sworn deposes and says:

Q. Please state your name, age, residence and occupation? A. B. P. Chapman, I am sixty two years of age, I live in Smithfield and am a merchant.

Q. Please state if you are well acquainted with the land of which William H. Cofer died siezed and possessed, and if so how long have you known it and what have been your opportunities for knowing it?

A. Yes sir, I have been knowing it for fifteen or twenty years. I do not, of course, know where the line trees are but I know the land, all of it, in that community pretty well. I own several little tracts in sight of it.

Q. What do you consider a fair cash value of the land mentioned and what a fair annual value? A. About six hundred dollars is a good cash price for it, and about thirty five dollars is a good annual value.

And further this deponent saith not.

B P Chapman

The foregoing depositions were taken and subscribed to by the deponents, before me, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight at the time and place in the caption hereto mentioned.

Given under my hand this 5th. day of May, 1910.

J. H. Johnson
Commissioner in Chancery.

John H. Pleasants being duly sworn, deposes and says:

Q. Mr Pleasants, please state your name, age, residence and occupation? A. John H. Pleasants, I am fifty seven years old, live in Isle of Wight County and am a farmer.

Q. Are you acquainted with the land whereof William H. Cofer died siezed and possessed, and if so, please state how long and how well, and tell me, please, what you considera fair cash value for the land and what a fair annual value? A. Yes sir, it is not very far from me, about three quarters of a mile. I was born and raised just where I now live and I have known the land all my life. There is probably some seventy five acres of it, which he bought from Pleasant Bailey, about twelve acres of it being open land. I think the land is worth about six or seven hundred dollars. It is not worth over fifty dollars a year rent.

Q. Is there any standing mill timber on the land. A. There is not much as all of it was cut off some four or five years ago.

And further this deponent saith not.

John H. Pleasants

Willie R. Cofer/ being duly sworn , deposes and says:

Q. What is your name, age, residence and occupation?

A. Willie R. Cofer, 22 years of age / Isle of Wight County, farmer.

Q. Are you a son of William H. Cofer?

A. Yes sir.

Q. Are all of your brothers and sisters living?

A. Yes Si r.

Q. Please name them?

A. James E. Cofer, Mi N. Cofer, W. R. Cofer, William E. Cofer,

Walter R. Cofer, Mary E. Cofer, (Now Briggs).

Q. Are any of your brothers or sisters infants?

A. Two.

Q. Name them?

A. William E. Cofer & Walter R. Cofer.

Willie R. Cofer

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

George D. Codwin, who sues etc.

vs) Chancery--Depositions of witnesses.

James E. Cofer et als.

May 5th. 1910.

The foregoing depositions of John H. Pleasants et als were taken before me, A. S. Johnson, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, at the office of George F. Whitley, Attorney at Law, in the town of Smithfield, County of Isle of Wight and State of Virginia, on the 5th. day of May, 1910, beginning at three o'clock P.M.

Present, George F. Whitley, p.q.

compose one tract of land, adjoining the lands of John H. Pleasants et als.

2nd. All of the lien debts that appear of record is the judgment of P. D. Gwattney Jr. & Co., and which has been assigned to the complainant in this cause, which is fully mentioned and described in the Bill in this suit as a judgment for the sum of ninety five dollars with interest thereon from the 27th. day of September, 1905 till paid, and \$2.00 costs, which said judgment was docketed on the 13th. day of March, 1906, in J.L.D. No. 3, page 45, which is subject to a credit of \$9.75 as of October 20th. 1906,

There appear to be no other debts or liens against the said estate, so far as your commissioner is informed.

3rd. It appears that all of the parties who should be made defendants to this cause are properly before the Court.

4th. Your Commissioner believes that the rents and profits from the said land will, within five years, satisfy the complainants claim and pay the costs of these proceedings, but if it will only rent for thirty five dollars per annum the margin will be very close.

Respectfully submitted,


Commissioner in Chancery.

Commissioner.....	\$10.00
Sheriff.....	2.80
Witnesses,	
B. P. Chapman.....	50
John H. Pleasants.....	50
Willie B. Cofer.....	50

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT

George D. Godwin, who sues etc.

vs) Chancery---Report of Commissioner in Chancery.

James E. Cofer et als.

TO HONORABLE B. D. WHITE,

JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

The undersigned, one of the Commissioners in Chancery of your Honor's Court, to whom have been referred the papers in this cause for the execution of a decree entered herein, on the 4th. day of April, 1910, begs leave to report that on the 30th. day of April, 1910, he gave notice to the parties in the above suit who are residents of the County of Isle of Wight, and State of Virginia, that he would, on the 5th. day of May, 1910, at three o'clock P.M., at the office of George F. Whitley, Esquire, in the town of Smithfield, in said County and State, proceed to execute the said decree; and the said notice having been returned to your commissioner at that time, at the place aforesaid, showing service thereupon, your commissioner proceeded to execute the said decree, and in the execution thereof took the depositions of B. P. Chapman et als, which are returned and filed herewith as a part of this report, and after having taken the said evidence and an examination of the records in the Clerk's Office of this Court, begs leave to report as follows:

1st. The said William H. Cofer, according to the land book of the said County of Isle of Wight, for the year 1909, is assessed upon two tracts of land, containing, respectively, sixty two acres and fourteen acres, and valued at four hundred and seventy dollars, and three hundred and forty dollars, respectively; all of which, according to the testimony before your commissioner, is worth, (fee simple value) some six or seven hundred dollars, and would rent for from thirty five to fifty dollars per annum, in its present shape. The two tracts of land listed upon the land book adjoin each other and

Geo. B. Godwin

vs } Notice to take
accts &c.

James E. Cooper et al

Executed the within
Summons, this 4th
day of May, 1900.
by delivering ^{at} true
copies thereof in
person to John
Phasault, at his
residence in
the County of
Isle of Wight.

W. H. Edwards
Shelf.

Stffs for

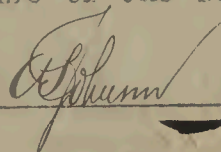
No

COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT, GREETING:

We command you that you summon John Pleasants to appear before A. S. Johnson, one of the Commissioners in Chancery of the Circuit Court of the County of Isle of Wight, at the office of George E. Whitley, Esquire, in the town of Smithfield, County of Isle of Wight and State of Virginia, on Thursday May 5th. 1910 at three o'clock P.M. to testify and the truth to say concerning the execution of a decree entered by the said court in the cause in chancery therein depending styled, generally, George D. Godwin vs. James E. Cofer et als, entered on the 4th. day of April, 1910. And this you shall in no wise omit under penalty of \$100.00

Given under my hand as commissioner of the said Court at my office at the courthouse of the said county on the 2nd. day of May, 1910.



Commissioner.

[Faint, illegible handwritten notes and signatures at the bottom of the page]

Whereby accept due
to legal service of
the within notice.
E. H. Williams, Esq.
of Pittsburg for the
defendants.

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

George Godwin

vs) Chancery. Notice of Commissioner to take accounts.

James E. Cofer, M. N. Cofer, Willie R. Cofer, Willielisha Cofer, Mary E. Briggs, John Briggs, William E. Cofer and Walter R. Cofer, the last two being infants under the age of twenty one years, and E. H. Williams, guardian ad litem.

Commissioner's Office,
Isle of Wight, Va. April 30th. 1910.

To the parties in the above entitled cause:

Take notice that I shall, at the office of George F. Whitley, Esquire, in the town of Smithfield, County of Isle of Wight and State of Virginia, at three o'clock P.M. on the 5th. day of May, 1910, proceed to execute the decreed entered in the said cause on the 4th. day of April, 1910, of which the following is an extract, at which time and place you are required to attend.

"On consideration whereof, the Court doth adjudge, order and decree, that this cause be referred to one of the Commissioners of this Court, who will inquire ~~xxx~~ into and report to Court:

FIRST: The annual and fee simple values of the real estate of which the said William H. Cofer dies seized, together with a full description of the same.

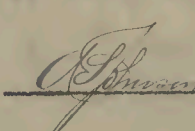
SECOND: An account of all lien debts against the said real estate with their priorities, ~~together with any delinquent taxes due thereon, and all other debts due by said decedent.~~

THIRD: Whether all the proper parties are properly before the Court.

FOURTH: Whether or not the rents and profits of the land in the Bill ~~mentioned~~ and proceedings will within five years satisfy the cost of this suit and the Complainant's judgment?

FIFTH: Any other matters specially stated, deemed pertinent by the commissioner or required to be stated by any party in interest.

Given under my hand as Commissioner in Chancery of the Circuit Court of the County of Isle of Wight April 30th. 1910.


Commissioner in Chancery

*Copy
J. E. Cofer*

Geo. I. J. Godwin

W. J. Notice to
Late action

Leifer et al

Excluded the
within notice
this 4th day of
May 1910. by
delivering true
copies thereof each
in person to M. N.
Leifer, W. N. Leifer
William Leifer
May E. Briggs &
John Briggs of
their residence is
the county of San Diego.
W. A. Edwards
Att. B.

Shops for 2nd

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

George Godwin

vs) Chancery. Notice of Commissioner to take accounts.

James E. Cofer, M. E. Cofer, Willie R. Cofer, Willielisha Cofer, Mary E. Briggs, John Briggs, William E. Cofer and Walter R. Cofer, the last two being infants under the age of twenty one years, and E. E. Williams, guardian ad litem.

Commissioner's Office,
Isle of Wight, Va. April 30th. 1910.

To the parties in the above entitled cause:

Take notice that I shall, at the office of George F. Britley, Esquire, in the town of Smithfield, County of Isle of Wight and State of Virginia, at three o'clock P.M. on the 5th. day of May, 1910, proceed to execute the decreed entered in the said cause on the 4th. day of April, 1910, of which the following is an extract, at which time and place you are required to attend.

"On consideration whereof, the Court doth adjudge, order and decree, that this cause be referred to one of the Commissioners of this Court, who will inquire ~~xxx~~ into and report to Court:

FIRST: The annual and fee simple values of the real estate of which the said William E. Cofer dies siezed, together with a full description of the same.

SECOND: An account of all lien debts against the said real estate with their priorities, together ~~xx~~ with any delinquent taxes due thereon, and all other debts due by said decedent.

THIRD: Whether all the proper parties are properly before the Court.

FOURTH: Whether or not the rents and profits of the land in the Bill ~~xxxxxxxx~~ and proceedings will within five years satisfy the cost of this suit and the Complainant's judgment?

FIFTH: Any other matters specially stated, deemed pertinent by the commissioner or required to be stated by any party in interest.

Given under my hand as Commissioner in Chancery of the Circuit Court of the County of Isle of Wight April 30th. 1910.

E. Johnson

Commissioner in Chancery

9

GEORGE GODWIN.

VS.) SPECIAL COMMISSIONER'S
REPORT:

JAMES E. COFER, et als.

1911
Apr. 3.
Filed B.D.W.

GEO. F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT,

VIRGINIA:

George Godwin.....Plaintiff.

VS.) In chancery

James E. Cofer, M. N. Cofer, Willie R. Cofer and
Willielisha Cofer, his wife,
Mary E. Briggs, (who was Cofer),
and John Briggs, her husband,
William E. Cofer and Walter R.
Cofer; the last named two being
infants under the age of twenty-
one years, and E. H. Williams,
Guardian ad Litem.....Defendants.

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

-----oOo-----

The undersigned, Special Commissioner in the above cause reports that as directed by a decree entered in this cause on the 7th. day of June, 1910, he has rented the land in the bill and proceedings mentioned for the period of one (1) year, beginning on the 1st. day of January, 1911, to W. R. Cofer for the sum of SEVENTY (\$70.00) DOLLARS, which amount has been paid in advance and which has been deposited to the credit of the undersigned, special commissioner, in the MERCHANTS & FRAMERS BANK, of Smithfield, Virginia.

Your Commissioner would state that the amount received for the rent of the land is a good deal more than the evidence taken in this cause shows it to be worth.

Respectfully submitted,

Notary fee	1.50
Clerk	11.63
Court	10.00
Shiff	5.30
Attys	15.00
Witness	1.50
Order to return	3.00

B. D. Whitley
Special Commissioner.

George Godwin,

VS) REPORT OF
SPECIAL COMMISSIONER:

James E. Cofer, et als.

*Filed January 6th 1914
Test. Johnson, etc
—*

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

Clerk's Office
of Isle of Wight County
Isle of Wight, Va.

December
Sixteen,
Nineteen
Thirteen.

Mr. George P. Whitley,
Attorney at Law,
Smithfield,
Virginia.

Dear George:

In re, costs Godwin etc. vs. Cofer et als.

In response to your telephone inquiry of this date I, hereby, advise you that the costs in the above suit have been paid to the June term 1911, as follows:

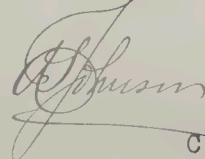
Writ tax,.....	\$ 1.50
Clerk fees,.....	11.63
Commissioner,.....	10.00
Order publication,...	3.20
Sheriff fees,.....	5.30
Witnesses,.....	1.50
Taxed attorney fee,..	15.00

\$ 48.13

The taxed attorney fee, the fee of printer for order of publication and the witnesses fee paid to you, and the Sheriff given check for his fees by the Clerk. The Clerk retained the writ tax, the Commissioner's fee and the Clerk's fees.

There is now due, and to be due to dismissal, assuming that the suit will be dismissed at the February term of court, and, also assuming that there will be a commissioner's report to be filed and a decree entered confirming same and dismissing the cause, the sum of \$5.05 Clerk fees.

Yours very truly,

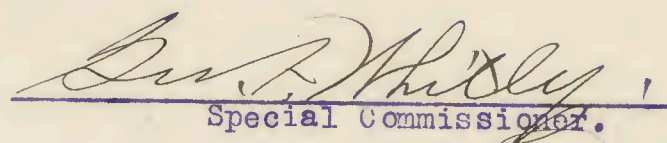


Clerk.

in the bill and proceedings, as is shown by the receipt of George Godwin, the plaintiff, herewith filed.

Your Commissioner further reports that the attorney's fee and Special Commissioner's charges have also been settled by said defendants.

Respectfully submitted,


Special Commissioner.

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT, VIRGINIA,
DECEMBER TERM, 1913:

George Godwin,.....Plaintiff,
- VS -
James E. Cofer, et als,.....Defendants.

-----oOo-----

TO THE HONERABLE B. D. WHITE,
JUDGE OF THE CIRCUIT COURT FOR ISLE OF WIGHT COUNTY:

The undersigned, Special Commissioner, bags leave to report that pursuant to a decree entered in this cause on the 3rd day of April, 1911, he has paid out of the money received for the rent of the property mentioned in the bill and proceedings, as follows:

To amount received,	\$ 70.00 \$
By amount paid A. S. Johnson, Clerk's fee and Court cost, per voucher,	48.13
By amount paid B. L. Roberts, Treasurer, 1910 taxes, per voucher,	10.02
By amount paid W. E. Laine, Treasurer, part payment on 1911 taxes, per voucher,	6.85
By amount paid West & Withers, premium on bond, per voucher,	5.00
	<u>\$ 70.00 \$ 70.00</u>

Your Commissioner further reports that the adult defendants have made settlement in full of the judgment mentioned

NEWPORT DISTRICT

Mr. John M. Roberts Dr.

No. 143

1910 To B. L. ROBERTS, Treasurer of Isle of Wight County, Va.

No.	STATE TAXES.				County Levy	General County School Tax 15c on \$100	Poor Tax 1-2c on \$100	General County Road Tax 1-2 on \$100	District Road Tax 10c. on \$100	District School Tax 20c on \$100	TOTAL TAX
	State Tax Support Gov. 20c on \$100 R. E. and P. P. Schedule B	State Tax Support Gov. 25c on \$100 P. P. Sched C	State School Tax 10c on \$100 R. E. & P. P. Sched. B. & C	State Tax for Pensions 5c on \$100 R. E. & P. P. Schedule B							
To <u>14</u> acres, value \$ <u>340</u>	<u>68</u>		<u>34</u>	<u>17</u>	<u>4</u>	<u>51</u>	<u>25</u>	<u>8</u>	<u>34</u>	<u>68</u>	
To <u>22</u> acres, value \$ <u>470</u>	<u>94</u>		<u>47</u>	<u>24</u>	<u>130</u>	<u>71</u>	<u>36</u>	<u>121</u>	<u>87</u>	<u>94</u>	
To _____ acres, value \$ _____											
To _____ acres, value \$ _____											
Personal property, sched. B. val. \$ _____											
Personal property, sched. C. val. \$ _____											
Value, - - - \$ <u>816</u>											
Income, 1 per cent _____											
Capitation <u>1.50</u>											
Total _____	<u>162</u>		<u>81</u>	<u>41</u>	<u>224</u>	<u>132</u>	<u>61</u>	<u>20</u>	<u>81</u>	<u>162</u>	<u>4.50</u>
5 per cent. penalty added Dec. 1, 1910 _____											<u>48</u>
Total _____											<u>10.02</u>

Received payment 51 day of Oct 1911

B. L. Roberts Treasurer. Per J. C. Roberts

NEWPORT DISTRICT

Mr.

Dr.

No.

1911

To B. L. ROBERTS, Treasurer of Isle of Wight County, Va.

STATE TAXES.

No.	State Tax Support Gov. 20c on \$100 R. E. and P. P. Schedule B.	State Tax Support Gov. 25c on \$100 P. P. Sched C	State School Tax 10c on \$100 R. E. & P. P. Sched. B. & C	State Tax for Pensions 5c. on \$100 R. E. & P. P. Schedule B	County Levy 27 1-2c on \$100	General County School Tax 12 1-2c on \$100	Poor Tax 7 1-2c on \$100	General County Road Tax 2 1-2 on \$100	District School Tax 20c. on \$100	District Road Tax 10c. on \$100	TOTAL TAX
To 14 acres, value \$ 340	68		34	17	73	27	25	8	68	34	
To 62 acres, value \$ 530	106		53	26	146	79	40	13	106	53	
To acres, value \$											
To acres, value \$											
Personal property, sched. B. val. \$											
Personal property, sched. C. val. \$											
Value, - - - \$ 870											
Income, 1 per cent											
Capitation 1.50											
Total											
5 per cent. penalty added Dec. 1, 1911											
Total											

Received payment

day of

191

Treasurer.

Per.

1.50
10.20
5.1
1.071
6.83
3.86

Geo W Whitney will pay -
Adj. P. D. G. W. L. J. K.
110

Primer
W. E. L. W. L. J. K.

W. E. L. W. L. J. K.
NOV 21 1911

W. H. Jones
Col

Folio _____
Terms---Cash.

Suffolk Va., April 25th

1911

*Mr. Isaac F. Whitley Agh. loan, to all land
Smithfield Va.*

✻ To WEST & WITHERS, Dr. ✻

(Successors to HARPER & WEST.)

Fire, Life, Marine, Accident, Health, Employers' Liability,
AND STEAM BOILER INSURANCE AND SURETY BONDS.

P. O. Box 394.

OFFICE: No. 936 WASHINGTON STREET.

Both Phones,

Date	Policy No.	Company	Property Insured	Amount	Premium
<i>8/31/10</i>		<i>Va. Life Ins. & Tr. Corp.</i>	<i>Land</i>	<i>\$150,</i>	<i>\$5.00</i>
		<i>Recd. payment</i>			
		<i>West & Withers Inc.</i> <i>Geo. H. Nelson,</i>			

George Godwin

To { Deane

Gas. P. Cox, et al.

1910
Apr. 4.
Entered this.
B. D. W.

Entered in C. O. B. No. 7

Page 22

GEO. F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

~~cause~~ came on this day to be heard on the bill taken for confessed as to the following defendants, M. N. Cofer, Willie R. Cofer and Willielisha Cofer, his wife, Mary E. Briggs (who was Cofer), and John Briggs, her husband, (upon all of whom process has been duly served), they still failing to appear and plead, answer or demur to the said bill; and upon the answer of the infant defendants, William E. Cofer and Walter R. Cofer, by their Guardian Ad Litem, *And upon the said order of publication,* E. H. Williams, and upon the general replications to said answers, and was argued by counsel:

On consideration whereof, the Court doth adjudge, order and decree, that this cause be referred to one of the Commissioners of this Court, who will inquire into and report to Court.

FIRST: The annual and fee-simple values of the real estate of which the said William H. Cofer died, ^{*seized*} together with a full description of the same, ~~seized and possessed~~.

SECOND: An Account of all lien debts against the said real estate with their priorities, together with any delinquent taxes due thereon, and all other debts due by said decedant.

THIRD: Whether all the proper parties are properly before the Court.

FOURTH: Whether or not the rents and profits of the land mentioned in the bill and proceedings will within five (5) years satisfy the cost of this suit and the Complainant's judgment.

FIFTH: Any other matters specially stated deemed pertinent by the Commissioner or required to be stated by any party in interest.

APRIL TERM, 1910.

Vs. In Chancery

James E. Cofer, M. N. Cofer, Willie R. Cofer and
Willielisha Cofer, his wife, Mary
E. Briggs (who was Cofer), and
John Briggs, her husband, William
E. Cofer and Walter R. Cofer.
The last named two being infants
under the age of Twenty-one years,
and E. H. Williams, Guardian Ad-
Litem.....Defendants.

On motion of the plaintiff, leave is granted the Sheriff of this County to amend the return on the process in this suit, so *conform with the facts and* that the same shall read as follows, to-wit:

"John Briggs not being found at his usual place of abode, a true copy of the ~~within process~~, ~~after giving information~~ ^{and furnishes information of its purpose to her}, was delivered to Mary E. Briggs, his wife, she being found there, and a member of ^{his} the family, and above the age of sixteen years," which leave being granted the said return is ~~so~~ amended in conformity with the facts.

And this cause, in which the plaintiff has proceeded in the mode prescribed by law against James E. Cofer, one of the defendants in this cause, who is a non-resident of the State of Virginia; which said Order of Publication has been duly published and posted as required by law. And on motion of the plaintiff, E. H. Williams, an Attorney at Law, practicing in this Court, is assigned as Guardian Ad Litem of the infant defendants, William E. Cofer and Walter R. Cofer, and on like motion and by leave of the Court, the said Guardian Ad Litem filed the answer of said infant defendants and his own answer to said bill, and thereupon this Cause.

[illegible]

George Hedrick

75th Decree

Geo. F. Whitley

1910
June 7
Enter this.
B.D.W.

C. O. B. No 7-032

GEO. F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

estimation, 14 and 62 acres, respectively, and adjoining the lands of P. D. Gwaltney, Jr. & Co. and others."

offered for rent for one year, with the privilege of ^{another} ~~two~~ years at
That the said land shall be ~~rented~~ either for ^a money

rent or a certain portion of the crop. If rented for money, the amount for which said land is rented, shall become due and

payable on the 10th. day of November of each year, so long as *The tenant to give bond with ~~good~~ sufficient security for the ~~payment~~*
the same is rented. If the said land is rented for a portion

of the crop, the Special Commissioner herein appointed, shall properly dispose of such portion of the crop as shall be held

for rent:

or the said Special Commissioner may report private offers for the rental of said property, to all offers, better at
The said Commissioner is directed to report his pro-

ceedings hereunder to Court. But the said Commissioner shall

do no act under this decree until he shall have entered into

before the Clerk of this Court, ~~Security~~
a bond with sufficient ~~security~~ in the Clerk's Office of this

~~court~~ to be approved by the Clerk, payable to the Commonwealth

of Virginia, in the penalty of \$150.00, and conditioned upon the

faithful discharge of his duties under this or any other decree

in this cause.

Let the rent

Before entering or before this shall be first submitted to the Court for approval.

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

JUNE TERM, 1910.

George Godwin.....Plaintiff.

Vs. In Chancery

James E. Cofer, M. N. Cofer, Willie R. Cofer and
Willielisha Cofer, his wife, Mary
E. Briggs (who was Cofer), and
John Briggs, her husband, William
E. Cofer and Walter R. Cofer, the
last named two being infants under
the age of Twenty-one years, and
E. H. Williams, Guardian Ad Litem....Defendants.

This cause came on this day to be again heard on the
papers formerly read and on the report of Commissioner, A. S.
Johnson, filed on the 5th. day of May, 1910, to which report
there are no exceptions, and was argued by counsel.

On consideration whereof, the Court, ^{doth confirm the said report and} being of the
opinion that the rents and profits of the land mentioned in
the bill and proceedings, will within five years satisfy the
cost of this suit and the complainant's judgment, doth adjudge,
order and decree that George F. Whitley, who is hereby appoint-
ed Special Commissioner for that purpose, ~~shall privately rent;~~
~~or publicly offer for rent,~~ after advertising the time, place
and terms ~~of offering same for rent,~~ for fifteen (15) days' by
hand bills conspicuously posted ^{And continuously} ~~at~~ five or more public places
^{shall offer for rent} ~~to be rented,~~ near the premises, in front of the Post-office at
Smithfield, Virginia, or on the premises, the two pieces of land
in the bill and proceedings mentioned, as follows:

"Situate, lying and being in Newport Magisterial Dis-
trict, in the County of Isle of Wight, containing by

10

GEORGE GODWIN

VS.) D E C R E E:

JAMES E. COFER, et als.

1911
Apr. 3.
Entered his
B.D.W.
C.O.D. 7 Per 65

GEO. F. WHITLEY

ATTORNEY-AT-LAW

SMITHFIELD, VA.

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT:

George Godwin.....Plaintiff.

VS.) In Chancery

James E. Cofer, M. N. Cofer, Willie R. Cofer and
Willielisha Cofer, his wife, Mary E.
Briggs (who was Cofer), and John
Briggs, her husband, William E.
Cofer and Walter R. Cofer; the last
named two being infants under the age
of twenty-one years, and E. H. Williams,
Guardian ad Litem.....Defendants.

-----oOo-----

This cause came on this day to be again heard on the papers formerly read, and on the report of George F. Whitley, Special Commissioner, this day filed, and to which report there is no exception, and was argued by counsel:

And it appearing to the court from said report that said Special Commissioner, pursuant to the terms of a former decree entered herein, has rented the land in the bill and proceedings mentioned for the term of one (1) year, beginning on the 1st. day of January, 1911, to W. R. Cofer for the sum of SEVENTY (\$70.00) DOLLARS, which sum is now deposited to the credit of the said Special Commissioner in the MERCHANTS & FARMERS BANK, of Smithfield, Virginia, on consideration whereof, the court doth confirm the said report, and doth adjudge, order and decree that the said Special Commissioner shall pay out of the amount now deposited to his credit, all costs of ^{this as taxed} suit ~~taxed by~~ ^{by the clerk of this court.} ~~law, all clerk's and sheriff's fees now due and all witness fees.~~

And the said special commissioner shall make report to court of his proceedings under this decree.

George Godwin,

VS) DECREE:

James E. Cofer, et als.

1914
Jan 6
Entered this
B.D.W.
We consent to the entering
of the within decree.

George Godwin,

by George F. Whitley
Counsel.

M. N. Cofer,
Willie R. Cofer,
Willielisha Cofer,
Mary E. Briggs,
John Briggs,

by George F. Whitley
Counsel.

William E. Cofer,
Walter R. Cofer,

by George F. Whitley
Guardian ad Litem.

GEORGE F. WHITLEY

ATTORNEY-AT-LAW

SMITHFIELD, VA.

6037 p 213

plaintiff, and that the attorney's fee and Special Commissioner's charges have been paid, the Court doth confirm the said report.

By consent of all parties entered of record, it is ordered that this suit be stricken from the docket.

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT, VIRGINIA,
DECEMBER TERM, 1913.

George Godwin,.....Plaintiff,
- VS -
James E. Cofer, et als,.....Defendants.

-----oOo-----

This cause came on this day to be again heard on the papers formerly read and on the report of George F. Whitley, Special Commissioner, this day filed, to which there are no exceptions, and was argued by counsel.

On consideration whereof, it appearing from said report that the Special Commissioner has paid out of the money received for rent of the land mentioned in the bill and proceedings, the cost and expenses of the suit, as follows:

To amount received,	\$ 70.00	\$
By amount paid A. S. Johnson, Clerk's fee and Court cost,	48.13	
By amount paid B. L. Roberts, Treasurer, 1910 taxes,	10.02	
By amount paid W. E. Laine, Treasurer, part payment on 1911 taxes,	6.85	
By amount paid West & Withers, premium on bond,	5.00	
	<u>\$ 70.00</u>	<u>\$ 70.00</u>

And it further appearing from said report that the full amount due the said plaintiff by virtue of the judgment mentioned in the bill and proceedings, has been paid to the said

vs. { Abstract of Judgment.

Clerk's Office of the Circuit Court of the
County of Isle of Wight
19....., this abstract of judgment was
received, docketed and filed.

Teste: Clerk.

Docketed in

J. L. D. No. p.

ABSTRACT OF A JUDGMENT OBTAINED BEFORE A JUSTICE OF THE
PEACE FOR THE COUNTY OF ISLE OF WIGHT, VIRGINIA.

J. Swartz, Jr. & Co. Plaintiff.

vs. { DEBT

James E. Cox, Jr. & Co., of the City of New York Defendant.

Sanctified, Virginia Nov 20th 1905

Judgment that the plaintiff recover of the defendant Nearly five Dollars
....., with interest
thereon from the 27th day of September, 1905, till paid, and
\$2.00 for his costs expended in obtaining this judgment.

J. P. (SEAL)

COSTS TAXED:

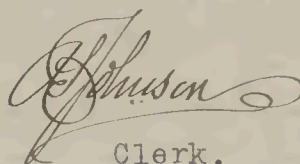
Justice.....\$
Constable.....\$
Witnesses.....\$
Clerk Circuit Court.....\$

Copy to [illegible]

*Sub. 1 - 1904 - 20 1906
- 31-1907 - [illegible]*

Virginia: Clerk's Office of the Circuit Court of the County of Isle
of Wight February 24th. 1910 at one twenty o'clock P.M. this deed was
received and with the certificate annexed, admitted to record.

Teste,


Clerk.

the said judgment, as fully, as thoroughly, and as completely, at law and in equity, as I might and could do, and to do any, every and all other act or acts, thing or things whatsoever, as shall be necessary, requisite, proper and desirable in about and upon the said judgment and execution to enforce the payment of the said debt now and herein assigned by me, the undersigned to the said George Godwin, as aforesaid.

In witness whereof I have hereunto set my hand and seal, this 22 day of February, 1910.

P. D. Gwaltney Jr (SEAL)

STATE OF VIRGINIA,)
)
) TO-WIT:
)
COUNTY OF ISLE OF WIGHT.)

I, George F. Whitley, a Commissioner in Chancery for the Circuit Court of the County of Isle of wight, Virginia, do certify that P. D. Gwaltney, Jr., trading as P. D. Gwaltney, Jr & Co. whose name is signed to the foregoing writing, bearing date on the 22 day of February, 1910, has acknowledged the same before me in my county aforesaid.

Given under my hand this 22 day of February, 1910.

G. F. Whitley.
Commissioner in Chancery.

Know all men by these presents, that I, P. D. Gwaltney, Jr., trading as P. D. Gwaltney, Jr & Co., of the Town of Smithfield, County of Isle of Wight, and State of Virginia, for and in consideration of the sum of \$ 95.00, to me in hand paid by George Godwin, have granted, transferred, assigned and set over, and by these presents do here and now grant, transfer, assign and set over unto the said George Godwin, his executors, administrators and assigns, the judgment which I recovered before M. F. Jordan, a Justice of the Peace for the County and State aforesaid, on the 30th. day of November, 1905, against James E. Cofer, Wm. H. Cofer, A. B. Cofer and Chas. W. Bell, of the County and State aforesaid, for the sum of NINETY-FIVE (\$95.00) DOLLARS, with interest thereon from the 27th. day of September, 1905, 'till paid and \$2.00 cost, which said judgment was docketed on the 13th. day of March, 1906, in J.L.D. book No. 2, Page 45, as the record of the said judgment in the Clerk's Office of the County of Isle of Wight, doth show, as will further appear by a certified copy of the same hereto attached and marked "A" and is to be taken as a part and parcel of this assignment; which said judgment is subject to a credit of \$9.75, paid on the 20th. day of October, 1906; and also all benefits, sum and sums of money and advantage whatsoever, that now can, or shall or may hereafter be obtained by reason, or means of the said judgment or any execution thereon now had or to be had, sued, executed or obtained together with all right, estate, title or interest or demand whatsoever, which I, the said P. D. Gwaltney, Jr., trading as P. D. Gwaltney, Jr & Co., have or ought to have or claim of, in or to the said judgment, or sum of money, lands or tenements which by virtue thereof, or any process or execution, there sued, or to be sued, shall or may be recovered, received, obtained or gotten? And I do authorize the said George Godwin, in my name to sue, enforce, prosecute the said judgment, and any and all executions upon

Wm. H. Cofer's Will.

In the name of God Amen, I William H. Cofer being of sound and disposing mind, do make this my last will and testament, hereby revoking all former wills by me at any time made.

1st. I desire that all my just debts be paid out of my chattle property.

2nd. And that my land be not sold untill my youngest child Walter B. Cofer becomes of age.

his
William x H. Cofer,
mark

Signed and published by William H. Cofer as and for his last will, in the presence of us who in his presence and in the presence of each other, have hereunto subscribed our names as witnesses.

July 15, 1905.

E. J. Heath,
W. L. Hart,

Clerk's Office of the Circuit Court of Isle of Wight County, March 2nd. 1908. A paper purporting to be last will and testament of William H. Cofer, deceased, was produced before the Clerk of this Court, and proven, in part, by the oath of W. L. Hart, one of the subscribing witnesses thereto, and continued for further proof by E. J. Heath, the other subscribing witness thereto.

Teste, A. S. Johnson, C. C.

Clerk's Office of the Circuit Court of Isle of Wight County March 12th. 1908. The foregoing paper writing was this day wholly proved to be the last will and testament of Wm. H. Cofer, deceased, by the oath of E. J. Heath, a second subscribing witness thereto, and ordered to be recorded as the true last will and testament of the said William H. Cofer, deceased, the same having been proved as to one witness, W. L. Hart on the 2nd day of March 1908.

Copy Teste, A. S. Johnson, C. C.

Teste, A. S. Johnson, C. C.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT
FEBRUARY 22ND. 1910.

George D. Godwin
vs) In Chancery
James E. Cofer et als.

Upon motion of counsel for complainant, E. H. Williams, a discreet and competent attorney at law, practising in this court, is hereby assigned as guardian ad litem for the infant defendants, William E. Cofer and Walter R. Cofer, herein, to defend their interests.

Clerk.

4

George D. Godwin

vs &

James E. Cofer et al

Order appointing
guardian ad litem

Filed Feb'y 22/1910
