1933-012 Chancery Causes: William Andrew Tynes Vs Henry Wardlow + al
Dsh of Wight County

361

Others surNames: Anthony, Edwards, Jamiaca, Berryman, Gwaltney [P. D Gwaltney, Junior + Company] Jordan, Seward, Johnson, Warren, Boothe, Pierce, Wilson, Holland, Chapman,

No.

*Know all Men by These Presents:* That we A. S. Johnson

principal ,

and Amercian Surety Company of New York

surety ,

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of fifteen hundred dollars to the payment whereof well and truly to be made we bind ourselves and each of us, our and each of our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

And as to this bond we hereby severally waive the benefit of our Homestead Exemption, and also any right, claim or privilege to discharge any liability arising hereunder to the said Commonwealth, or by virtue of the said office or trust for which this bond is given, with coupons detached from the bonds of this State.

IN TESTIMONY WHEREOF, the said A. S. Johnson principal ,

has hereto set his hand and affixed his seal;

and the said American Surety Company of New York surety ,

by A.S.Barrett , its duly authorized

agent and attorney in fact, has caused its corporate name and seal to be hereunto affixed, the said seal to be attested by the signature of the said A.S.Barrett , its said agent and attorney in fact, this, the 22nd day of June A. D. 19 21

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound A.S.Johnson, who was, by decree entered in the Chancery cause ( docket No.361) pending in the Circuit Court of the County of Isle of Wight on the 25th day of May, 1921, appointed a Special Commissioner in said suit, in which Wm. A. Tynes is complainant and Henry Wardlow and others are defendants,

shall faithfully discharge the duties of his office or trust as such Special Commissioner , then the above obligation to be void, or else to remain in full force and virtue.

A.S.Johnson [SEAL]

American Surety Company of New York

By A.S.Barrett

Its duly authorized agent and attorney in fact.

SEAL

Attest: A.S.Barrett

Agent and attorney in fact.

*Virginia:* In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 22nd. day of June 1921 this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

R.A.Edwards Clerk.

A COPY,
Teste, R. A. Edwards Clerk.

Jeppes
R No 361
Wardlow

Copy Bond of Sale
Cover
filed 6-22-21.

# ISLE OF WIGHT COUNTY

No. 361

Wm A. Tynes.

vs.

Wardlow.

Taken out of office by
A. S. Johnson
March 21. 1933.

THIS DEED, made this 10th. day of November, 1921, between A. S. Johnson, Special Commissioner, in the suit of Tynes et als against Wardlow et als in the Circuit Court of the County of Isle of Wight, State of Virginia, of the first part; and John F. Tynes of the said County of Isle of Wight and State of Virginia, of the second part.

WITNESSETH; that in consideration of the sum of fifteen hundred and twenty five dollars to him cash in hand paid, the receipt of which is hereby acknowledged, and in obedience to the decretal order of the Circuit Court of the said County of Isle of Wight, entered in the above styled suit on the 12th day of October, 1921, the said party of the first part hath granted, bargained, and sold, and by these presents doth grant, bargain, sell, and convey, unto the said party of the second part, with Special Warranty the tract, piece, or parcel of land, in the bill of proceedings of the said suit mentioned, it being the tract of land of thirty seven and one half acres, be the same more or less, this conveyance being made in gross and not by the acre, and being the same no more and no less, of which Alice Tynes died sieged and possessed, and adjoining the lands of Ann R. Young, P. D. Gwaltney, Jr., Tom Thomas and A. L. Davis.

The said party of the first part covenants to and with the said party of the second part, that the title to the said tract or parcel of land herein mentioned, free from the claims of himself and all others claiming by, through, or under him, he will forever warrant and defend.

Witness the following signature and seal.

A. Johnson (SEAL)

State of Virginia,

County of Isle of Wight, to-wit:

I, Mary C. Tolar, a Notary Public for the County of Isle of Wight, in the State of Virginia, do hereby certify that A. S. Johnson, whose name is signed to the above writing hereto annexed, bearing date the 10th., day of November, 1921, has acknowledged the same before me in my said County.

Given under my hand 10th. day of November, 1921.

Mary C Tolar, Notary Public.

My commission expires Nov. 1st. 1925.

VIRGINIA: Clerks office of the Circuit Court of the County of Isle of Wight December 2, 1921, at 11 O'clock A M. this deed was received and with the certificate annexed, admitted to record.

Teste R. A. Edwards Clerk,

By E. Kay Wills. D.C.

$2.00 The requisite amt. of revenue Stamps affixed and cancelled

226

A. S. Johnson & Co

to } B.T.S.

Jno. F. Tynes

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight

Dec 2 1921

Recorded in D B No. 93 Page 7

| | |
|---|---|
| State Tax, - - - | $ 1.60 |
| Clerk, - - - - - | $ 1.50 |
| Comr. Revenue - - | $ 1.00 |
| Total - - | $ 4.10 |

| | |
|---|---|
| War tax | 2.00 |
| | 6.10 |

EXAMINED AND CORRECTED

paid

16.
1.00
1.50
4.10
2.00
6.10

$215.74 One year after date, with interest from date till paid, at the rate of six per centum per annum, we promise to pay to Essie Anthony, of the State of Maryland, the just and full sum of TWO HUNDRED AND FIFTEEN DOLLARS AND SEVENTY FOUR CENTS, in current money of the United States of America, for value received, and for which we hereby bind ourselves, our and each of our heirs, personal representatives and assigns, jointly and severally, firmly by these presents.

And we hereby waive the benefit of our Homestead Exemptions as to this debt, obligation or contract.

In testimony whereof we have hereunto set our hands and affixed our seals this 11th. day of November, 1921.

John H. Tynes (SEAL)

Virginia Tynes (SEAL)

Witness, A. S. Johnson

This bond is secured by a deed of trust upon real estate, in Isle of Wight County, Virginia, of even date herewith, to A. S. Johnson, trustee.

THIS DEED, made this 11th. day of November, 1921, between John F. Tynes and Virginia A. Tynes, his wife, of the County of Isle of Wight and State of Virginia, of the first part: and A. S. Johnson, chosen as trustee, of the said County and State, of the second part:

WITNESSETH: That the said parties of the first part do, hereby, grant unto the said party of the second part, with General Warranty, that certain tract, piece or parcel of land situate, lying and being in the County of Isle of Wight, State of Virginia, containing thirty seven and a half acres, be the same more or less, bounded by the lands of Ann R. Young, P. D. Gwaltney, Jr., Tom Thomas, and A. L. Davis, and is the same tract of land of which Alice Tynes died siezed and possessed, and conveyed to the said John F. Tynes by A. S. Johnson, Special Commissioner, by his deed bearing date the 10th. day of November, 1921.

IN TRUST, to secure to Essie Anthony of Sparrows Point, Maryland, the payment of the sum of two hundred and fifteen dollars and seventy four cents, evidenced by a bond of even date herewith, for said sum of two hundred and fifteen dollars and seventy four cents, made by said parties of the first part, bearing interest from date till paid at the rate of six per centum per annum and payable one year after date, and containing a waiver of the Homestead Exemption.

It is covenanted and agreed that in the event of default in the payment of the said bond, then the said trustee, upon being required so to do by the said Essie Anthony, her personal representatives or assigns, shall sell the said property hereby conveyed; and in the event of a sale hereunder it shall be at public auction at such time and place and upon such term and conditions as the said trustee may deem expedient, after advertisement thereof for at least

ten days, by written or printed notices, posted at ten or more public places in the said County of Isle of Wight, and out of the proceeds of sale be shall pay first the cost of executing this trust including a commission to the said trustee of five per cent on the gross amount of sale, the fees for drawing and recording this deed if then unpaid, and then pay off said bond, with all accrued interest and legal charges, and the balance if any, he shall pay to the said John F. Tynes, his personal representatives or assigns.

The said parties of the first part covenant to pay all taxes, assessments, dues and charges upon the said property hereby conveyed, so long as they or their heirs or assigns shall hold the same.

In the event that no default is made in the payment of the bond hereby secured, then upon the request of said parties of the first part, a good and sufficient deed of release shall be executed to them at their own proper cost and charge.

Witness the following signatures and seals:

John F. Tynes (SEAL)

Virginia Tynes (SEAL)

State of Virginia,

County of Isle of Wight, to-wit:

I, Mary C. Tolar, a Notary Public for the County of Isle of Wight, in the State of Virginia, do hereby certify that John F. Tynes and Virginia A. Tynes, whose names are signed to the writing hereto annexed, bearing date the 11th day of November, 1921, have acknowledged the same before me in my said County

Given under my hand this 11th day of November, 1921.

Mary C Tolar, Notary Public.

My commission expires November 1st., 1925.

VIRGINIA: Clerks office of the Circuit Court of the County of Isle of Wight Dec 2", 1921, at 11 O'clock A M. this deed was received and with the certificate annexed, admitted to record.

Teste R. A. Edwards Clerk.

By E. Kay Wiles
D.C.

215 Esm Bailey

John F. Tynes et ux
to
A. S. Johnson, Trustee

Trust Deed

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight

Dec 2nd 1921

Recorded in D B No. 92 Page 24

State Tax, - - - $ .50
Clerk, - - - - $ 1.50
Comr. Revenue - - $ .....
Total - - $ 2.00

EXAMINED AND VERIFIED

Paid

$215.74. One year after date, with interest from date till paid, at the rate of six per centum per annum, we promise to pay to Henry Wardlow, of Orange, N.J., the just and full sum of TWO HUNDRED AND FIFTEEN DOLLARS AND SEVENTY FOUR CENTS, in current money of the United States of America, for value received, and for which we hereby bind ourselves, our and each of our heirs, personal representatives and assigns, jointly and severally, firmly by these presents.

And we hereby waive the benefit of our Homestead Exemption as to this debt, obligation or contract.

In testimony whereof we have hereunto set our hands and affixed our seals this 11th. day of November, 1921.

John H. Hynes (SEAL)

Virginia Hynes (SEAL)

Witness,

C. Pinson

This bond is secured by a deed of trust upon real estate, in Isle of Wight County, Virginia, of even date herewith, to A. S. Johnson, trustee.

THIS DEED, made this 11th. day of November, 1921, between John F. Tynes and Virginia A. Tynes, his wife, of the County of Isle of Wight and State of Virginia, of the first part: and A. S. Johnson, chosen as trustee, of the said County and State, of the second part:

WITNESSETH: That the said parties of the first part do, hereby grant unto the said party of the second part, with General Warranty, that certain tract, piece or parcel of land situate, lying and being in the County of Isle of Wight, State of Virginia, containing thirty seven and a half acres, be the same more or less, bounded by the lands of Ann R. Young, P. D. Gwaltney, Jr., Tom Thomas, and A. L. Davis, and is the same tract of land of which Alice Tynes died siezed and possessed, and conveyed to the said John F. Tynes by A. S. Johnson, Special Commissioner, by his deed bearing date the 10th. day of November, 1921.

IN TRUST, to secure to Henry Wardlow of Orange, New Jersey, to sum of two hundred and fifteen dollars and seventy four cents, evidenced by a bond of even date herewith, for said sum of two hundred and fifteen dollars and seventy four cents made by said parties of the first part, bearing interest from date till paid at the rate of six per centum per annum and payable one year after date and containing a waiver of the Homestead Exemption.

It is covenanted and agreed that in event of default i in the payment of the said bond, then the said trustee, upon being required so to do by the said Henry Wardlow, his personal representatives or assigns, shall sell the said property hereby conveyed; and in event of a sale hereunder it shall be at public auction at such time and place and upon such terms and conditions as the said trustee may deem expedient, after advertisement there-

of for at least ten days, by written or printed notices, posted at ten or more public places in the said County of Isle of Wight, and out of the proceeds of sale he shall pay first the cost of executing this trust, including a commission to the said trustee of five per cent on the gross amount of sale, the fees for drawing and recording this deed, if then unpaid, and then pay off said bond, with all accrued interest and legal charges, and the balance, if any, he shall pay to the said John F. Tynes, his personal representatives or assigns.

The said parties of the first part covenant to pay all taxes, assessments, dues and charges upon the said property hereby conveyed, so long as they or their heirs or assigns shall hold the same.

In the event that no default is made in the payment of the bond hereby secured, then upon the request of said parties of the first part, a good and sufficient deed of release shall be executed to them at their own proper cost and charge.

Witness the following signatures and seals:

John F. Tynes (SEAL)

Virginia Tynes (SEAL)

State of Virginia,

County of Isle of Wight, to-wit:

I, Mary C. Tolar, a Notary Public for the County of Isle of Wight, in the State of Virginia, do hereby certify that John F. Tynes and Virginia A. Tynes, whose names are signed to the writing hereto annexed, bearing date the 11th. day of November, 1921, have acknowledged the same before me in my said County.

Given under my hand this 11th. day of November, 1921.

Mary C. Tolar, Notary Public.

My commission expires. Nov. 1st, 1925

VIRGINIA: Clerks office of the Circuit Court of the County of Isle of Wight Dec. 2", 1921 at 11 O'clock A M. this deed was received and with the certificate annexed, admitted to record.

Teste R. A. Edwards Clerk.
By E. Kay Wills D.C.

213 Nansemond

John F. Tynes et ux
to
C. S. Johnson Trustee

Trust Deed

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight

Dec 2" 1921

Recorded in D B No. 92 Page 222

| | |
|---|---|
| State Tax, - - - | $ .50 |
| Clerk, - - - - - | $ .50 |
| Coun. Revenue - - | $ |
| Total - - | $ 2.00 |

INDEX.

paid

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, ~~FEBRUARY 11th~~ In Vacation 1921 Mar. 23- 1921.

William A. Tynes

Vs) Chancery No. 361.

Henry Wardlow et als.

Upon the motion of the complainants, by Counsel, Parke P. Deans, a discreet and competent attorney at law, practicing in this Court, is assigned guardian ad litem for the infant defendants, Alice Luberta Edwards, James Walter Edwards, Albert King Edwards, Curtis Alexander Edwards, William Everett Edwards, and Alexina Edwards, the infant defendants herein, and in which William Andrew Tynes is the complainant, and Henry Wardlow, John F. Tynes, Essie Anthony ~~Tynes~~, William Tynes, Alice Luberta Edwards, James Walter Edwards, Albert King Edwards, Curtis Alexander Edwards, William Everett Edwards, and Alexina Edwards, the last six being infants, under the age of twenty one years, are the defendants.

Teste R. A. Edwards. clk

5

361

Tyree.

vs Chancery.

Order

Appointment -

Ref. and Letters

Chancery Order
Book #8, Page
56.

William Andrew Tynes

vs) Chancery. No. 361

Henry Wardlow, John F. Tynes, Essie Anthony, William Tynes, Alice Luberta Edwards, James Walter Edwards, Albert King Edwards, Curtis Alexander Edwards, William Everett Edwards, and Alexina Edwards, the last six being infants, under the age of twenty one years.

To the Clerk of the Circuit Court of the County of Isle of Wight:

Issue process, please, against John F.Tynes, and William Tynes, they being the only residents of the County of Isle of Wight, who are adults, and defendants in this cause. Henry Wardlow and Essie Tynes are not residents of Virginia. make process returnable td 3rd. Februayy Rules, 1921.

A. S. Johnson, p.q.

Appoint Parke P. Deans guardian ad litem for the infant defendants, either when process issues or at the Rules to which returnable, at your convenience.

A.S.JOHNSON
ISLE OF WIGHT C.H.VA.

1

William A. Tynes

vs) Chancery. No. 361

Henry Wardlow et als.

Memorandum

Filed, Feb. 11th 1921.

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

Wm. A. Tynes

v) Chancery. 361.

Henry Wardlow et als.

This cause came on this day to be again heard, upon the papers formerly read, and upon the report of A. S. Johnson, special commissioner, this day, by leave of court, filed, and to which there is no exception, and was argued by cousel:

And it appearing from said report that the said special commissioner has collected from John F. Tynes, the purchase of the tract of land in this proceeding mentioned, the whole of the purchase price thereof, to-wit: $1525.00, save and except the shares therein of Henry Wardlow and Essie Anthony, two of the defendants, herein, who ~~have~~ instructed the said special commissioner to let the said John F. Tynes have their shares, as appears from their direction, in writing, attached to said rpport; that the balance of the said purchase price the said special commissioner has distributed, paying the costs of this proceeding, and to the other defendants their shares, except in case of the infant defendants, their shares being paid to their father, the whole distribution having been made as follows:

| | | |
|---|---|---|
| Purchase price of land, | | $1520.00 |
| paid writ tax and clerk fees, | $ 13.10 | |
| commissioner's fee, | 25.00 | |
| counsel fee, | 100.00 | |
| taxed attorney fee, | 15.00 | |
| special commissioner's fee, | 76.25 | |
| auctioneer, | 10.00 | |
| Henry Wardlow | 215.74 | |
| Essie Anthony, (bonds taken for the last two mentioned amounts, as directed by the parties) | 215.74 | |
| John F. Tynes, (purchaser, share merged in purchase) | 215.74 | |
| Wm. A. Tynes, | 215.74 | |
| William Tynes, | 215.74 | |
| Shares of Alice Luberta Edwards, James Walter Edwards, Curtis Alexander Edwards, William Everett Edwards, [illegible] | | |

wards, Albert Kind Edwards and
Alexina Edwards, paid to their
father, James Edwards, 215.74

$ 1533.79 $ 1525.00

for which he has taken receipts, they being attached to and made a part of the said report, the amount paid out by him exceeding the amount received by him in the amount of $8.79, which amount over paid must be absorbed by him in his fees; On consideration whereof, it is adjudged, ordered and decreed that the said report be, and the same is, hereby, confirmed.

Nothing further remaining to be one in this cause it is ordered to be stricken from the docket.

Virginia: Circuit Court of
the County of Isle of Wight.

Wm. A. Tynes

v) Chancery. 361.

Henry Wardlow et als.

Note for decree.

1933
Feb. 7th.

Enter this 7th day Feb. 1933

C. O. B #9
Page 93

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

MARCH 6th 1933.

Tynes

vs: # 361

Wardlow et als

It appearing that by the decree entered herein on the 12th day of October, 1931, that A. S. Johnson, Special Commissioner herein was directed to report his proceedings in this cause; and it further appearing that no report has been filed as directed,

IT IS THEREFORE ORDERED that the said A. S. Johnson, Special Commissioner be summoned to appear before this Court at half past ten o'clock A. M. on Tuesday, April 25, 1933, to show cause, if any he can, why he should not be proceeded against for his failure to report his proceedings as required by said decree.

Tyres

v - 361

Wardlaw et als

C.D.B - 9

D - 76

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

Tynes et als.,
Vs) Chancery No. 361
Wardlow et als.

This cause came on this day to be again heard upon the papers formerly read and upon the report of A. S. Johnson, special commissioner, this day by leave of Court filed, and to which there is no exception, and was argued by counsel: and it appearing from the papers in this cause that the said A. S. Johnson, as such special commissioner, on the 22nd. day of June, 1921, executed the bond required of him by the decree entered herein and the 25th. day of May, 1921: and it appearing from the report, filed by him as aforesaid, that in obedience to the said decree, entered on the 25th. day of May, 1921, he exposed the tract of land in the bill of proceedings of this suit mentioned, to public sale, at the Court House of this County on the 5th. day of July, 1921, at eleven o'clock A. M. after due advertisement thereof at which sale John F. Tynes became the purchaser at the sum and price of fifteen hundred and twenty five dollars; that the said John F. Tynes deposited ten per cent of his bid at the sale and now wishes to pay the balance thereof in cash: upon consideration, whereof, it is adjudged, ordered, and decreed, that the said A. S. Johnson, special commissioner, upon the payment to him of the said purchase money in full, do execute and deliver a good and sufficient deed, conveying the said tract of land to the said John F. Tynes, with covenant of Special Warranty.

said sale be, and is, hereby confirmed, and that the

Out of the sum so collected, the said special commissioner shall pay to A. S. Johnson, Attorney, for instituting and conducting this suit the sum of $100.00, the cost of this suit up to and including the entry of this decree, the judgment lien of the said J. E. Warren, mentioned in the report by said special commissioner, and the balance he shall hold subject to further order of this Court.

TYNES ET ALS

VS) CHANCERY 361

WARDLOW ET ALS.

Note for decree.

To be entered ~~September 6th~~ Oct 12. 1921.

Entered in Chancery Order Book No. 8, page 88

A.S. JOHNSON
ATTORNEY AT LAW
ISLE OF WIGHT C.H., VA.

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

TYNES ET AL

VS) CHANCERY NO. 361

WARDLOW ET ALS.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of R. A. Edwards, Commissioner in Chancery, filed herein, on the 14th. day of May, 1921, and to which report there is no exception, and was argued by counsel: and it appearing from said report that the said Commissioner in Chancery issued due notice of his hearing upon which said report is based, which notice has been served upon all of the parties, required to be served with same;

That the said report has been filed in the office of the Clerk of this Court for more than ten days prior to the entry of this order, having been filed on the 14th. day of May, 1921, as aforesaid:

That the evidence taken by the said Commissioner in Chancery has been reduced to writing and is returned with said report:

That Alice Tynes, died in the spring of 1919, siezed, and possessed of a tract of land in the County of Isle of Wight, and State of Virginia, containing 37½ acres, more or less, having been conveyed to her by George Jamaica, by two deeds, which are of record in the Clerk's Office of this Court, the said land adjoining the lands of A. R. Young, A. L. Davis, and others, and lies near the road leading from the Court House of this County to Smithfield:

That the said Alice Tynes died intestate:

That no one has qualified as her personal representative:

That John F. Tynes, son of said decedent, has been residing upon the said land ever since her death:

That it does not appear that the said decedent owed any debts at the time of her death, other than those covered by liens herein mentioned, ~~it being assumed that had there been any that her creditor or creditors would have applied for the appointment of a personal representative~~:

That the real estate owned by the said decedent, cannot be conveniently divided among those entitled to share therein:

That it does not appear that any party in interest will take the entire property and pay the others for their shares therein:

That it will be to the interest of all parties to sell the said land and to divide the proceeds of sale, after paying such indebtedness as is against said estate, among the parties entitled to share therein:

That the following named are the heirs at law of the said Alice Tynes, to wit: Henry Wardlow, a son; William Andrew Tynes, a son; Essie Anthony, a daugater; William Andrew Tynes, a grandson, son of James Tynes, who was the son of said Alice Tynes, the said James Tynes having predeceased said Alice Tynes, leaving the said William Andrew Tynes as his only heir at law; Alice Luberta Edwards, fifteen years old; James Walter Edwards, twelve years old; Curtis Alexander Edwards, eleven years old; William Everett Edwards, eight years old; and Alexina Edwards, seven years old, who are the children of Mary Elizabeth Edwards, a daughter of said Alice Tynes, and who predeceased said Alice Tynes:

That the following liens appear of record against the said estate, or against interest of some of the parties therein, to wit:

(a) A deed of trust, bearing date December 8th. 1909, made by Alice Tynes and husband, securing to P. D. Gwaltney, Jr. the sum of $344.34, evidenced by notes of even date with said deed, bearing interest from date until paid, and which said deed is of record in Deed Book 78, page 69.

(b) A Judgment in favor of R. Lee Seward against John F. Tynes, in the sum of $16.00, with interest thereon from Nov. 1, 1903, until paid, and $1.30 cost:

(c) A Judgment in favor of J. E. Warren against Alice Tynes

and John F. Tynes, for the sum of $48.66, with interest thereon from June 28, 1907, and $3.25 cost:

(d) A Judgment in favor of P. D. Gwaltney, Jr., and Co., against Alice Tynes, John F. Tynes, and William H. Tynes, for the sum of $141.37, with interest from December 1, 1908, until paid, and $9.16 cost:

(e ) A Judgment in favor of P. D. Gwaltney, Jr., and Co. against Alice Tynes and William Tynes for the sum of $38.40, with interest from October 4, 1905, until paid, and $8.53 cost :

(f) A Judgment in favor of A. E. Holland against John F. Tynes, for $14.50, with interest thereon from May 3, 1914, until paid, and $2.50 cost:

(g) A Judgment in favor of J. M. Chapman against John F. Tynes for the sum of $12.40, with interest thereon from December 21, 1914, until paid, and $2.50 cost:

(h) A Judgment against John F. Tynes and C. B. Boothe, in the sum of $38.80, with interest thereon, from December 1, 1915, until paid, and $3.00 cost:

(i) A Judgment in favor of P. D. Gwaltney, Jr., and Co. against John F. Tynes and Alice Tynes for the sum of $76.30, with interest thereon from December 1, 1915, until paid, and $3.00 cost:

(j) A Judgment against John F. Tynes in favor of P. D. Gwaltney, Jr., and Co., for the sum of $78.40, with interest thereon from January 1, 1916, until paid, and $2.50 cost:

That all of the necessary parties to this suit are properly before court:

That the annual value of the said real estate is from $50.00 to $60.00; and the fee simple value thereof is from $800.00 to $1000.00:

That the said real estate or its proceeds should be divided into six (6) parts, and divided as follows, to wit: to John F. Tynes, 1/6, to William Andrew Tynes, 1/6, to Essie Anthony, 1/6, to William Andrew Tynes (the son of James Tynes, and a grandson of said Alice Tynes), 1/6: and 1/6 to the children of the said Mary Elizabeth Tynes, named above.

It is ordered that the said report be, and is, hereby confirmed:

And it is, adjudged, ordered, and decreed that A. S. Johnson, who is hereby appointed Special Commissioner for that purpose, shall after advertising for at least twenty days, by printed posters, to be

posted in ten or more public places in the neighborhood of said real estate, sell the same at public auction, upon the following terms, to wit: one third cash, and the balance in two equal installments, payable in one or two years from date of sale, with the right to the purchaser to pay the whole purchase price in cash; the said deferred payments to be evidenced by the bonds of the purchaser, which shall be secured by a Deed of Trust, upon the said property, which shall be the first lien thereon.

As much as ten per cent of the purchase price shall be paid at the time of sale and ten days may be given thepurchaser to make the first cash payment, from the date of sale. In the event that the purchaser fails to make the payment of ten per cent of his purchase price, at the time of sale, the said Special Commissioner, shall, forthwith, again put the said property up for sale. If the purchaser shall make the cash payment of ten per cent at the time of sale, and then fails to comply with the full terms thereof, the said cash payment shall be forfeited to this cause, but such forfeiture shall not bar any other remedy that may be applied for the enforcement of collection of the balance due under the terms of said sale. The purchaser, if preferred, may pay the whole amount in cash.

The said Special Commissioner shall do no act under this decree until he, shall have executed a bond, in the penalty of $1500.00, payable and conditioned as the law directs, with surety by the Clerk of this Court, deemed sufficient, said bond to be executed before said Clerk.

And the said Special Commissioner shall report his doings hereunder.

And this cause is continued.

Tynes

v. { Cy. No 361

Wardlow et al

Not for decree

Entd May 25. 1921

1921.

EXAMINED AND INDEXED

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

Tynes et als.

vs) Chancery. No._____

Wardlow et als.

This cause, in which William Andrew Tynes is the complainant, and in which Henry Wardlow, John F. Tynes, Essie Anthony, and William Tynes are adult defendants, and Alice Luberta Edwards, James Walter Edwards, Albert King Edwards, Curtis Alexander Edwards, William Everett Edwards and Alexina Edwards, are infant defendants, legal service of process being made upon the said John F. Tynes and William Tynes, by the Sheriff of this County, and upon which due return has been made, and legal service of process being had upon Henry Wardlow and Essie Anthony, by order of publication, duly executed, came on this day to be heard upon the complainant's bill, and upon the answer of the said infent defendants, by Parke P. Deans, their guardian ad litem, and upon the answer of the said guardian ad litem, ~~said guardian ad litem having been duly appointed by the Clerk of this court, according to law~~, and upon general replication to said answers, the adult defendants not appearing, in response of service of process upon them, to plead, answer or demur, and was argued by counsel: Upon consideration whereof the Court doth adjudge, order and decree that this cause be referred to one of the commissioners of this court, who shall ascertain and report to court:

filed by Dean

Who is this Guy appointed by the court, &

1. Of what propety Alice Tynes died siezed and possessed, real or personal, where same is located and a description thereof.

2. Whether the said real estate, mentioned in the bill, can be conveniently divided among the several parties entitled to share therein.

3. If the same cannot be conveniently divided, whether any party in interest will take the entire property and pay to the other parties such sums of money as their interests therein may entitle them to.

4. If the same cannot be conveniently divided and, if no party will take the entire property and pay the others in interest such sums of money as their interests may entitle them to, whether the interests of those entitled to the said real estate, will be promoted by a sale of the entire

property or by an allotment of a part and sale of the residue.

5. Who are entitled to the real estate in the bill mentioned, what are their respetive shares, and how the same were acquired.

6. Whether there are any liens against said real estate, by delin-taxes or otherwise.

7. Who are the proper parties to this cause, and if the same are properly before the court.

8. What are the ages of the said parties, and their residences.

9. When Alice Tynes died and if she died testate or intestate.

10. Whether any personal representative has qualified, and if so who and when.

11. If the debts, if any, of the said Alice Tynes have been paid and by whom.

Which several inquiries the said commissioner shall make, and to the court report, returning with his report any testimony taken by him, together with any matter specially stated, deemed pertinent by himself, or required by any party in interest to be taken, stated and reported to the court.

And this cause is continued.

9

Tynes

vs) Chancery. No._____

Wardlow et als.

Note for decree:

To be entered March 30th. 1921.

S. D. C.

Chan. Order Book
8. Page 52.

A.S. JOHNSON
ATTORNEY AT LAW
ISLE OF WIGHT C.H.,VA.

To A. S. Johnson,

Special Commissioner in the suit of Tynes vs. Wardlow et als, pending in the Circuit Court of the County of Isle of Wight, Virginia.

You are hereby authorized and empowered to take any amount found to be due to me in the above suit and apply the same, so far as it will go, for the benefit of John F. Tynes, toward the payment of the purchase price of the property bought by him at the sale held on the 5th. day of July, 1921.

R. E. Anthony

Wm. Johnson—

Dear Sire.

I told Johnson that he loaned him my share. you owe him Johnson I wish to have a proper security.

Obliged Yours truly

R. E. Anthony

TYNES

VS) CHANCERY. No. 361.

WARDLOW ET ALS.

Received of A. S. Johnson, Special Commissioner in the above styled suit, the sum of $13.10, being in payment of writ tax and clerk fees.

R. A. Edwards Clerk

Received of A. S. Johnson, Special Commissioner in the above styled suit the sum of twenty five dollars, due me as Commissioner in Chancery, for report made and filed therein.

R. A. Edwards

Commissioner in Chancery.

| | |
|---|---|
| Counsel fee, | $ 100.00 |
| Special commissioner commissions, | 76.25 |
| Taxed attorney fee, | 15.00 |

Received,

A. S. Johnson

A. S. JOHNSON, *Isle of Wight, Va.*

$10.00 Received of A. S. Johnson, Special Commissioner in Tynes et als. vs. Tynes et als, the sum of ten dollars auctionerr's fee for sale of land in t is suit.

W. H. Chapman, Shuff,

LAW OFFICES OF
HORACE AND HENRY T. STETSON
METROPOLITAN BUILDING NO. 226-8 MAIN STREET
ORANGE, N.J.

August 30, 1921.

TYNES VS WARDLOW

A.S. Johnson, Esq.
Isle of Wight
Virginia.

Dear Sir:-

Mr. Wardlow advises us it will be satisfactory for you to pay over his share to his brother, in accordance with our previous correspondence in the matter.

Very truly yours,

Horace & Henry T. Stetson
copm

Received of A. S. Johnson, Special Commissioner, the sum of two hundred and fifteen dollars and seventy four cents, it being my distributive share in the proceeds of the sale of the land in the above entitled suit.

Willie Tyner

Received of A. S. Johnson, Special Commissioner, the sum of two hundred and fifteen dollars and seventy four cents, it being my distributive share in the proceed of the sale of the land in the above entitled suit.

Witness

Mary C. Polar

Wm her X Symes
mark

Received of A. S. Johnson, Special Commissioner in the suit of Tynes et als v. Wardlow et als, for my children, the gross sum of two hundred and fifteen dollars and seventy four cents ($215.74), it being the distributive share accruing to my children, Alice Luberta Edwards, James Walter Edwards, ~~Albert Luberta Edwards~~, ~~James Walter Edwards~~, Albert King Edwards, William Everett Edwards, Curtis Alexander Edwards, and Alexina Edwards, from the sale of the subject matter of said suit.

James Edwards

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

William A. Tynes

v) Chancery.361.

Henry Wardlow et als.

To Honorable B. D. White,

Judge of the Circuit Court of the County of Isle of Wight, Virginia.

The undersigned, special commissioner in this cause, respectfully reports to the court that the following appears to be the facts in connection with this suit, indicated by his file:

That after being directed by decree, entered herein on the 12th. day of October, 1921, to collect from John F. Tynes, the purchaser of the land in the bill and proceedings of this suit mentioned, the entire amount of his purchase, namely, $1525.00, tp pay out of said sum to A. S. Johnson, the attorney conducting this cause, a fee of $100.00. and to pay off and have marked sayisfied the judgment of J. E. Warren, mentioned in the report of Commissioner Edwards, filed herein, and in the report of said special commissioner, filed herein on the 6th. day of September, 1921, he prepared a report,to be submitted, setting forth that he had paid the counsel fee mentioned; that J. E. Warren has satisfied the said judgment; and, showing the amount of costs of the suit and the respective shares of theparties entitled to the proceeds of the sale; that, assuming that the said report he had prepared had been confirmed, he proceeded to pay the costs of said suit, in full, and to the parties entitled to share in the proceeds of sale, after payment of the costs, counsel fees, etc. he paid their respective shares, taking receipts therefor, and to be submitted with a final report. The only exception that might be taken to the procedure is the payment of the shares of the infant defendants, Alice Luberta Edwards,James Walter Edwards, Curtis Alexander Edwards, William

Everett Edwards, Albert King Edwards, and Alexina Edwards, the oldest being fifteen years of age at the time of the filing of the Commissioners report, May 14th. 1921, and all of whom were living with their father, which, it appears was, by the said special commissioner, prepared as aforesaid, and intended to be submitted to the court, recommended. At any rate the amount accruing to the infants was paid to their father, and his receipt was taken therefor. The shares accruing to Henry Wardlow and Essie Anthony were not, in fact, or in cash, paid to them. Your commissioner was instructed by them to take the bond of John F. Tynes for the amounts found to be due to them, and to secure the same by a deed of trust upon the land mentioned, in their favor, which was done, as will appear of record. Receipts for the amounts paid out by your commissioner, with the exception of those due to the said Henry Wardlow and Essie Anthony are filed herewith, and to be taken and read as a part of tis report.

| | | |
|---|---|---|
| Purchase price of land, | $ 0000.00 | $1525.00 |
| Writ tax and clerk fees, | 13.10 | |
| Commissioner's fee, | 25.00 | |
| Counsel fee, | 100.00 | |
| Taxed attorney fee, | 15.00 | |
| Special commissioner fee | 76.25 | |
| Auctioneer, | 10.00 | |
| Share of Henry Wardlow ) bonds taken | 215.74 | |
| Share of Essie Anthony ) | 215.74 | |
| John F. Tynes, merged in purchase, | 215.74 | |
| Wm. A. Tynes, | 215.74 | |
| William Tynes, | 215.74 | |
| Alice Luberta Edwards, ) | | |
| James Walter Edwards, ) | | |
| Cutis Alexander Edwards, ) | | |
| William Everett Edwards, ) | | |
| Albert King Edwards, ) | | |
| Alexina Edwards, ) | | |
| paid to their father, James Edwards, | 215.74 | |
| | 1533.79 | $1525.00 |

From the above statement it appears that the special commissioner paid out more than came into his hands, most likely resulting from an error in calculating the division of the balance due after payment of the costs.

At any rate the whole amount has been accounted for as should have been, in any event, save and except the amount due to the infant defendants, which was paid before it had been actually directed by the

court, so far as the record shows.

Inasmuch as a complete and, it is assumed, proper accounting has been made, the court is, most respectfully, asked to confirm this report.

Respectfully submitted,

A. Bohmer

15

Virginia: Circuit Court of
the County of Isle of Wight.

Wm. A. Tynes

v) Chancery.

Henry Wardlow et als.

Special Commissioner's
report.

1933

Filed

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

Tynes et als.,
vs) Chancery 361
Wardlow et als.

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

The undersigned, special commissioner, appointed by decree entered herein on the 25th day of May, 1921, respectfully reports that in obedience to the said decree, that after advertisement, as therein directed, he sold the land, in this suit mentioned, at the Court House of this County, on the 5th. day of July, 1921, and that at such sale John F. Tynes was the highest bidder having bid the sum of $1525.00; that the said John F. Tynes paid ten per cent of his bid in cash, and now offers to pay the whole amount of the purchase money in cash, which your commissioner recommends be accepted; and that upon the payment thereof a good and sufficient deed, with covenant of Special Warranty, be executed and delivered, conveying the said land to him.

Your commissioner also reports that he finds that all of the liens mentioned in the report of R. A. Edwards, Commissioner in Chancery, filed herein on the 14th. day of May, 1921, have been satisfied, except the deed of trust lien of P. D. Gwaltney, Jr., first in said report mentioned, and the judgment lien of J. E. Warren for $48.66, with interest thereon from June 28, 1907, and $3.25 cost, said judgment having been docketed as of the 10th. of February, 1909, in judgment docket No. 3, page 100, third in said report mentioned. That P. D. Gwaltney Jr., who trades as P. D. Gwaltney, Jr.,& Co. has been communicated with by your commissioner,

and he is advised by Mr. Gwaltney that the sum of money evidenced by the s id deed of trust has been fully paid and that he now is ready to release same.

Respectfully submitted,

W Johnson

Special Commissioner

# COMMISSIONER'S SALE

## of Real Estate in Isle of Wight County

By virtue of a decree entered by the Circuit Court of Isle of Wight County, Va., on the 25th day of May, 1921, in a chancery cause therein depending, styled generally, Tynes vs. Wardlow et als, docket number 361, the undersigned who was, by said decree, appointed special commissioner for the purpose will offer for sale at public auction at the Court House of the County of Isle of Wight, in the State of Virginia, on

## ~~Thursday~~ Tuesday, July 5th, 1921

### AT 11 O'CLOCK A. M.

**the following described real estate, situate, lying and being in Isle of Wight County, Virginia, of which Alice Tynes, colored, died seized and possessed, lying, situate, and being in Hardy Magisterial District of said County, adjoining the lands of A. R. Young, A. L. Davis and others and lies near the the County Road leading from the Court House of said County to Smithfield, and contains 37 1-2 acres, according to the Land Book of said County.**

The said sale will be made for 1-3 cash and the remainder in two equal installments payable in one and two years from the date of sale, respectively, the deferred payments to be evidenced by the bonds of the purchaser, which bonds shall be secured by first deed of trust upon the said property.

As much as ten per cent. shall be paid at the time of sale and ten days may be given the purchaser to make the first cash payment, from the date of sale. In the event that the purchaser fails to make the payment of ten per cent. of his purchase price at the time of sale, the said Special Commissioner, shall, forthwith, again put the said property up for sale. If the purchaser shall make the cash payment of ten per cent. at the time of sale, and then fails to comply with the full terms thereof, the said cash payment shall be forfeited to this cause, but such forfeiture shall not bar any other remedy that may be applied for the enforcement of collection of the balance due under the terms of said sale. The purchaser may pay the whole amount in cash.

**A. S. JOHNSON, Special Commissioner**

VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT:

I, R. A. Edwards, Clerk of the Circuit Court of the County of Isle of Wight, state of Virginia, do hereby certify that A. S. Johnson, appointed special commissioner in the suit of Tynes vs. Wardlow et als., by decree entered therein on the 25th. day of May, 1921, has executed the bond required of him therein.

Given under my hand this 22nd day of June, 1921.

R. A. EDWARDS, CLERK.

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TYNES ET ALS

VS) CHANCERY NO. 361

WARDLOW ET ALS

COMMISSIONER'S REPORT.

Filed September 6th. 1921.

A.S.JOHNSON
ATTORNEY AT LAW
ISLE OF WIGHT C.H.,VA.

T. L. Pierce being duly sworn, deposes and says:

Q. Please state your name, age, residence, and occupation? Ans. T. L. Pierce, live in Isle of Wight County, forty six years of age, and am a farmer.

Q. Are you acquainted with the land whereof Alice Tynes, formerly Alice Wardlow, died siezed and possessed, and if so please give a description thereof, and state its location. A. Yes, I am acquainted with the land. There are about fifteen acres of it open land, in poor condition, some twenty or twenty five acres in wood land, no mill timber on it to amount to anything. Looks like it has been cut off, most of it, for firewood. There is an ordinary two story"nigger" dwelling house on it, and very ordinary at that, in appearance. I have not been inside of it to examine it carefully. The outbuildings are very poor. It is a tract of land adjoining the land of Anne R. Young, Louisa Davis and others, and sits back off the road about three hundred yards, the land of Louisa Davis and Anne R. Young lying between it and the road. It is about five miles from Smithfield on the Courthouse road, or nearer to the said road than any other.

Q. I read to you the names of the parties to this suit, and who, it is alleged in the bill, are the present owners of the fee in said land-assuming that these are the rightful owners, and in the proportions as indicated in the bill, can the said land be conveniently divided among them? It cannot be conveniently divided among the several parties. Such a division would be destructive of the value of the whole place.

Q. Do you know or have you heard of any party in interest who wishes to buy the land and pay the others for their shares? Ans. I do not.

Q.Will the interests of those entitled to the said land be promoted by sale of part and an allotment of the residue, or by a sale of the whole subject matter and a division of the proceeds? Ans. There is no other way to handle the matter than to sell the whole and divide the proceeds. To cut off any part would injute the value of the balance even should any one desire it.

Q. What, in your opinion, is a fair annual and a fair fee simple value

for the tract of land in question? Ans. From eight hundred to a thousand dollars.

Q. What is a fair annual value? Ans. fifty or sixty dollars a year.

And further this deponent saith not.

J L Pierce

William Tynes, being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? Ans. William Andrew Tynes, I am twenty one years of age, was twenty one years of age last Christmas day, live in Isle of Wight County, Virginia, and work on the County Roads with the road force.

Q. Are you the William Andrew Tynes, mentioned as complainant in this suit, or the William Tynes mentioned as defendant? Ans. I am the William Tynes mentioned as defendant.

Q. Who was your father, and is he or not living? Ans. Jimmy Tynes, sometimes called James R. Tynes, who was a son of Alice Tynes. He is dead, he died some fifteen years or more ago.

Q. How many children did he leave? Ans. Only me.

Q. Who has been living upon your grandmother's land (Alice Tynes) since she died? Ans. Her son John.

Q. When did Alice Tynes die? Ans. She died two years ago sometime this Spring, in the early part.

And further this deponent saith not.

William H Tynes

J. R. Wilson being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation: Ans? J. R. Wilson, live in Isle of Wight County, am thirty five years of age, and a farmer.

Q. Are you acquainted with the piece of land, in Isle of Wight County, of which Alice Tynes died siezed and possessed: Ans. Yes, I am.

Q. Have you been upon the land lately? Ans. I have- Mr. T. L. Pierce and myself were over it this morning.

Q. For what purpose? Ans. for the purpose of viewing its condition and estimating its value.

Q. How far do you reside from this land? Ans. About a mile.

Q. How long have you resided where you now are? Ans. All my life.

Q. Where does Mr. Pierce reside? He resides just across the road from it now, but he has lived within a few miles of the land practically all his life.

Q. What, in your opinion, is a fair value for the land? Ans. From eight hundred to a thousand dollars.

Q. What is a fair rental value for said land? Ans. Fifty or sixty dollars a year.

Q. Are you acquainted with the parties in interest? Ans. Yes.

Q. Can the land be conveniently divided among the several parties entitled to share therein? Ans. I have listened to the many questions asked of Mr. Pierce and can answer all of them at once, with regard to the division of the land, and that is to sell it and divide the proceeds.

Q. Is there any timber upon this land? Ans. None to speak of, more than for use as firewood. I think William Tynes, who was the husband of Alice Tynes, and his son John, cut about all on the land fit for firewood and hauled it to town long time ago.

And further this deponent saith not.

J R Wilson

James E. Edwards being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? Ans. James E. Edwards, live in Isle of Wight County, Virginia, am thirty five years of age and am a farm laborer.

Q. What relation, if any, were you to Alice Tynes, who died siezed and possessed of a tract of land in this County, adjoining the lands of A. L. Davis, Anne R. Young and others? I am her son-in-law, I married her daughter Mary Elizabeth.

Q. Is your wife living or dead? Ans. She is dead.

Q. When did she die? Ans. She died five years ago some time in last Christmas week, she died in the Christmas of 1915.

Q. Did she leave any children and if so, state their names, and ages? Ans. She left six children, who are Alice Luberta, who is fifteen years of age, James Walter, fourteen years of age, Albert King Edwards, twelve years of age, Curtis Alexander, eleven years of age, William Everett, eight years of age, Alexina, seven years of age.

Q. Who are the children of Alice Tynes? Ans. Henry Wardlow, William Andrew Tynes, Essie Anthony, John F.Tynes, James R. Tynes, Mary Elizabeth and Nannie Tynes. All of them are living except James R., Mary Elizabeth, my wife, and Nanny.

Q. When did Nannie die? She died the day before her mother died.

Q. Did she leave any child or children? Ans. No, none. I s

Q. Do you know any one of the parties in interest who wish to take the property of which Alice Tynes died siezed and possessed and pay the others for their shares? Ans. No sir, I do not know of any.

Q. What do you think should be done with the property? Ans. sell it and divide the money.

Q. Are any of the living children of Alice Tynes under the age of twenty one years? Ans. No sir, they are all much over twenty one years of age.

Q. Do you know if any one has qualified as administratrix of Alice Tynes, or whether or not she left a will, or whether or not she

left any debts, and whether or not they have, if any, or have not been paid? Ans. I do not know that there is any administratrix, or whether or not there were debts, and if there were any whether or not they have been paid.

Q. Who has been occupying the land since the death of Alice Tynes? Ans. John F. Tynes.

Q. Did Alice Tynes leave any will, so far as you know or have heard? Ans. I have never heard of any, and feel sure she left none, or I would have heard of it.

Q. With whom do your children live? Ans. All of them live with me except Alice Luberta, who, at present, is in Petersburg.

You have taken care of these children all the time since the death of their mother, have you not? Ans. Yes.

And further this deponent saith not.

James E Lucas

VIRGINIA.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

TO WILLIAM A TYNES.....COMPLAINANT.

AND

HENRY WARDLOW, John F. Tynes, Essie Anthony, William Tynes, Alice Luberta Edwards, James Walter Edwards, Albert King Edwards, Curtis Alexander Edwards, William Everette Edwards and Alexina Edwards,...DEFENDANTS

Parke P Deans, guardian ad litem for infant defendants

YOU are hereby notified that on Saturday May 14th, 1921, at the office of the undersigned Commissioner, in the County of Isle of Wight, Virginia, at 10 O'clock A. M. (at which time and place you are required to attend) I shall make the following inquiries and state the following accounts which are to be taken, stated and reported to Court in persuance of a decree of the Circuit Court of Isle of Wight County, Virginia, rendered on the 30th day of March 1921, in the suit in Chancery pending in said Court, to which you are parties plaintiff and defendants, to-wit:

1. Of what property Alice Tynes died seized and possessed, real or personal, where same is located and a description thereof.

2. Whether the said real estate, mentioned in the bill, can be conveniently divided among the several parties entitled to share therein.

3. If the same cannot be conveniently divided, whether any party in interest will take the entire property and pay to the other parties such sums of money as their interest therein may entitle them too.

4. If the same cannot be conveniently divided and if no party will take the entire property and pay the others in interest such sums of money as their interest may entitle them too, whether the interest of those entitled to the said real estate, will be promoted by a sale of the entire property, or by an allotment of a part and sale of the residue.

5. Who are entitled to the real estate in the bill mentioned, what are their respective shares, and how the same were acquired.

6. Whether their are any liens against said real estate, by delinquent taxes or otherwise.

7. Who are the proper parties to this cause, and if the same are properly before the Court.

8. What are the ages of the said parties, and their residences.

9. When Alice Tynes died, and if she died testate or intestate.

10. Whether any personal representative has qualified, and if so who and when.

11. If the debts, if any, of the said Alice Tynes have been paid and by whom.

Which several inquires the said Commissioner shall make, and to the Court report, returning with his report any testamony taken by him, together with any matter specially stated, deemed pertinent by him-self, or required by any party in interest to be taken, stated and reported to the Court.

Given under my hand as Commissioner in Chancery of said Court this 7th day of May, 1921.

R. A. Edwards.
Commissioner In Chancery.

Sufficient and legal service of the above notice is hereby accepted by us.

A. J. Johnson. Counsel for [illegible]
[illegible]

Guardian ad Litem. for the infant defendants.

Tynes

vs. {Chancery

Wardlaw et. als

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Original

Not finding Wm. Tynes at his
usual place of abode I execute
the within, this the 12th day of
May, 1921 by delivering a
true copy of the same to Bessie
Tynes, she being a member of
the fam. of the said Wm Tynes
and over the age of 16 yrs. and
explaining to her the purport of
the same, within the County of
Dale & State.

W. H. Chapman
Sheriff.

Not finding John T. Tynes at
his usual place of abode I
executed the within warrant,
this the 13th day of May 1921
by delivering a true copy of
the same to Virginia Tynes
and explaining to her the purport
of the same she being a member
of the said John Tynes and
over the age of 16 yrs. in
County of Dale & State.

W. H. Chapman
Sheriff.

Returned
5/13/21.

COMMISSIONER'S REPORT.

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

WILLIAM A. TYNES .....COMPLAINANT.

V.

HENRY WARDLOW ET ALS . .....DEFENDANTS.

COMMISSIONER'S OFFICE,

ISLE OF WIGHT. VIRGINIA, MAY 14th. 1921.

TO THE HON. B. D. WHITE, JUDGE OF THE SAID COURT.

IN PURSUANCE OF A DECREE OF YOUR HONORS COURT, entered in the suit of which the above is the general style, on the 30th day of March, 1921, I gave notice to the parties that on the 14th day of May at 10 o'clock A.M. in the year of 1921, and at the office of the undersigned Commissioner I should proceed to execute the said decree. The said notice with the return of the Sheriff of this County showing service on John F. Tynes, William Tynes and the guardian ad litem for the infant defendants has been returned to thie office and is filed with and made a part of this report.

I attended at the time and place so appointed and in the presence of A.S.Johnson, Counsel for the Complainant and in the presence of Parke P. Deans, Guardian ad litem for the infant defendants, took the depositions of T.L.Pierce, J. R. Wilson,William A. Tynes and James Edwards, who were duly sworn and the said depositions after having been reduced to writing are returned herewith and made a part of this report, and after consideration of the same together with the pleadings in this cause and the records filed in the Clerk's Office of this Court, I respectivelly report:

1. Alice Tynes, who was Wardlow, and who died in the spring of 1919 or two years ago, was seized and possessed of certain real estate lying in the County of Isle of Wight, and was conveyed to her by deed from George Jamiaca under date of the 3rd. day of April 1880 which said deed is recorded

in Deed Book 45 at page 295, and by another certain deed dated October 2nd. 1888, and recorded in D.B. 52, at page 482, the two tracts above referred too comprising 37½ acres as is shown by the 1920 land books of this County, and is located near to the road leading from Smithfield to Isle of Wight Court House and adjoining the lands of A .R. Young, A. L. Davis et als.

It appears to your commissioner from the evidence submitted that Alice Tynes who died as aforesaid, died intestate; that there has been no qualification on her estate and that what personalty she owned and left at her death has been managed, held, and used or disposed of by one of the parties to this suit, viz, John F. Tynes, in as much as the said John F. Tynes has resided in and upon the said premises wherein Alice Tynes died seized and possessed, and your Commissioner is not informed whether or not there were any unsecured debts due by the said Alice Tynes at the time of her death, nor, whether, if there were such that the same have been paid.

From the evidence submitted herewith and from your Commissioners personal knowledged of the real estate in question, the same does not appear to be such as could be conveniently divided among those entitled to share therein, or divided at all except to a great damage to the property as it now stands.

Since the property cannot be divided conveniently among the several parties entitled to share therein, it does not appear to your Commissioner that either of the said parties will take the entire property and pay the other the sums due them for their respective rights therein.

It appears to your Commissioner that since the property mentioned in the bill and proceedings cannot be conveniently divided and that no party in interest will take the entire property and pay the other heirs their respective shares therein, that it will be to the interest of all concerned to sell the entire property at public sale and divided the proceeds of the same among those entitled to share therein, and further a sale of a part and an allottment of the rest could not be effected satisfactorily owing to the impossibility of an equalization of the residue.

It appears to your Commissioner that Alice Tynes died as aforesaid, leaving as her heirs at law the following (her husband having died sometime before)

to-wit:,Henry Wardlow, a son,John F. Tynes, a son, William Andrew Tynes, a son, Essie Anthony,wife of Herbert Anthony,a daughter,William Tynes, a grand-son,and son of James Tynes who was a son of Alice Tynes but who died before the said Alice Tynes leaving the above mentioned William Tynes as his only child,Alice Luberta Edwards,James Walter Edwards, Albert King Edwards,William Everette Edwards,Curtis Alexander Edwards, and Alexina Edwards,grandchildren of Alice Tynes,and children of Mary Elizabeth Edwards,who was Tynes,a daughter of said Alice Tynes,the said Mary Elizabeth Edwards having predeceased said Alice Tynes,all the last named six being infants under the age of twenty one years.

//

There appears from the records of the Clerks Office of this County to be the following liens againstthe property herein mentioned,to-wit, In Deed Book 78 at page 69 Alice Tynes and husband William H. Tynes conveyed,under date of Dec. 8th,1909,to F. R. Berryman Trustee for P. D. Gwaltney Jr & Company the following property,"all that certain piece or parcel of land located in Hardy District,Isle Of Wight County Virginia,containing 25 acres more or less,and bounded by the lands of A. R. Young et als,it being the same land conveyed to Alice Tynes,nee Wardlow by deed from G. W. Jaimaca,and given In Trust to secureto P. D. Gwaltney Jr the sum of $344.34 as evidenced by certain notes that day made,and bearing interest from date.

not released

~~XXXX~~//

There also appears of record in the office of the Clerk of the Court of this County in J. L. D. #3 at page 36 a judgment rendered by M. F. Jordan J. P. in favor of R. Lee Seward against John F. Tynes,one of the heirs hereunder,for the sum of $16.00 with interest from Nov. 1st, 1903 and $1.30 cost,said judgment having been docketed July 3rd,1903.

//.

There also appears of record in the office of the Clerk of the Court of this County in J. L. D. #3 at page 100 a judgment rendered by M. F. Jordan J. P. in favor of J. E. Warren,against Alice Tynes and John F. Tynes,for the sum of $48.66,with interest from June 28th 1907 and $ 3.25 costs,said judgment having been docketed Feb.10th,1909.

There also appears of record in the office of the Clerk of Court of this County in J. L. D. #3 at page 108 a judgment rendered by the Circuit Court of this County in favor of P. D. Gwaltney Jr and Company, against Alice Tynes, John F. Tynes and William H. Tynes, for the sum of $141.37 with interest from December 1st, 1908, and 9.16 costs, said judgment having been docketed June 10th, 1909.

//

There also appears of record in the office of the Clerk of Court for this County in J. L. D. # 3 at page 108 a judgment rendered by the Circuit Court of said County in favor of P. D. Gwaltney Jr, and Company, against Alice and William Tynes, for the sum of $38.40 with interest from October 4th, 1905, and $8.53 costs, said judgment having been docketed June 10th, 1909.

//

There also appears of record in the pffice of the Clerk of Court for this County in J. L. D. #3 at page 174, a judgment in favor of A. E. Holland against Jno. F. Tynes, for $14.50 with interest from May 3rd, 1914, and $2.50 costs, said judgment having been rendered by M. F. Jordan J. P. and docketed November 30th 1914.

//

There also appears of record in the office of the Clerk of Court for this County in J. L. D. #4 at page 6, a judgment in favor of J. M. Chapman against John F. Tynes, for the sum of $12.40 with interest from December 21st, 1914, and $2.50 costs, said judgment having been rendered by M. F. Jordan, J. P. and docketed May 16th 1917.

//

There also appears of record in the office of Clerk of Courts for this County in J. L. D. #4 at page 19 a judgment in favor of P. D. Gwaltney Jr and Company against Jno. F. Tynes and C. B. Boothe for the sum of $38.80 with interest from December 1st 1915 and $3.00 cost, said judgment having been rendered by M. F. Jordan J. P. and docketed May 14th, 1918.

//

There also appears of record in the office of the Clerk of the Court

of this County in J. L. D. #4 at page 20 a judgment in favor of P. D. Gwaltney Jr & Company against John F. and Alice Tynes for the sum of $76.30 with interest from December 1st,1915 till paid and $3.00 costs said judgment having been rendered by M. F. Jordan J. P. and docketed May 14th,1918.

//

There also appears of record in the office of Clerk of Court of this County a judgment in favor of P. D. Gwaltney Jr,& Company against Jno. F. Tynes for the sum of $78.40 with interest from January 1st,1916,till paid and $2.50 costs,said judgment having been rendered by M. F. Jordan J. P. and docketed March 10th,1919.

All of which appear to be liens against the property mentioned in the bill and proceedings hereon.

//

// It Appears to your commissioner that the proper parties to this cause are those as hereinbefore mentioned,and that the same are all properly before the Court, that the same are all residents of Isle Of Wight County except Henry Wardlow and Essie Anthony who are non-residents of the State of Virginia,and for whom an order of publication has been properly entered and returned,that the said parties are all of age except the children of Mary Elizabeth Tynes,who married an Edwards and who predeceased the said Alice Tynes,her children are as follows-, Alice Luberta Edwards,age 15 years,James Walter Edwards,age 14 years,Albert King Edwards,12 years,Curtis Alexander Edwards 11 years,William Everette Edwards,eight years,Alexina Edwards,7 years and all now living with their parents except Alice Luberta Edwards who at present is living in Petersburg.Va.

//

It appears to your commissioner that the annual value of the real estate mentioned herein is from fifty to sixty dollars per year,and that the fee simple value thereof is from eight hundred to one thousand dollars,and that the respective shares of the parties entitled to share therein is as follows; viz-,Henry Wardlow a son,a one sixth interest,John F. Tynes a son,a one sixth interest.

William Andrew Tynes, a son, a one sixth interest, Essie Anthony the wife of Herbert Anthony, a daughter, a one sixth interest, William Tynes a grand-son and the only son of James Tynes, who was a son of Alice Tynes, a one sixth interest, and to the children of Mary Elixabeth Edwards, who was a daughter of Alice Tynes, and who predeceased the said Alice Tynes, namely, Alice Luberta Edwards, James Walter Edwards, Albert King Edwards & Curtis Alexander Edwards, William Everette Edwards, Alexina Edwards, a one sixth interest equally divided among them.

All Respectively Submitted.

R. A. Edwards.

Commissioner in Chancery.

Canc. fee 2.50

Witness.

J. R. Wilson

T. L. Price

James W. Edwards.

10

Tynes

{ vs. Chancery. 361

Wardlow

~~Stet.~~

Comm. Report.

Filed May 14, 1911

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, FEBRUARY 21st 1921.

WILLIAM ANDREW TYNES,
(vs.)
CHANCERY, No. 361.

Henry Wardlow, John F. Tynes, Essie Anthony, William Tynes, Alice Luberta Edwards, James Walter Edwards, Albert King Edwards, Curtis Alexander Edwards, William Everett Edwards, and Alexina Edwards, the last six being infants under the age of twenty one years.

The object of the above styles suit is to have partition of that certain tract, piece or parcel of land, situate, lying and being in the County of Isle of Wight and State of Virginia, of which Alice Tynes died seized and possessed, adjoining the lands of Ann R. Young, Louisa Davis and others. And affidavit having been filed asserting that Henry Wardlow and Esaie Anthony are not residents of the State of Virginia, It is ordered that they do appear here, within ten days from due publication hereof, and do what is necessary to protect their interests.

A COPY.—Testee.

R. A. EDWARDS, Clerk.

A. S. JOHNSON, p. q.

OFFICE OF SUFFOLK HERALD

SUFFOLK, VA., Mar 25 1921

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 weeks. beginning Feby 25 - 1921 and ending Mar 18th 1921

C. L. Leach
Editor Herald

Per E. A. Morrison
Manager

8

Tynes
v.
Okay No 361
Hardeman ch ds

Certificate of proofs
as to order publication

Filed Mar 20 1921

VIRGINIA: IN THECLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT FEBRUARY 21st, 1921.

William Andrew Tynes,

vs) Chancery, No. 361.

Henry Wardlow, John F. Tynes, Essie Anthony, William Tynes, Alice Luberta Edwards, James Walter Edwards, Albert King Edwards, Curtis Alexander Edwards, William Everett Edwards, and Alexina Edwards, the last six being infants under the age of twenty one years.

The object of the above styles suit is to have partition of that certain tract, piece or parcel of land, situate, lying and being in the County of Isle of Wight and State of Virginia, of which Alice Tynes died siezed and possessed, adjoining the lands of Ann R. Young, Louisa Davis and others. And affidavit having been filed asserting that Henry Wardlow and Essie Anthony are not residents of the State of Virginia, it is ordered that they do appear here, within ten days from due publication hereof, and do what is necessary to protect their interests.

A copy, Teste, R C Edwards, Clerk.

A. S. Johnson, p.q.

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William A. Tynes,

vs) Chancery, No. 361

Henry Wardlow, et als.

Copy of order of publication filed with papers.

Filed, Feb. 21st, 1921.

Entered in Chancery Order Book No. 8, page

William Andrew Tynes

vs) Chancery. No. 361

Henry Wardlow, John F. Tynes, Essie Anthony, William Tynes, Alice Luberta Edwards, James Walter Edwards, Albert King Edwards, Curtis Alexander Edwards, William Everett Edwards, and Alexina Edwards, the last six being infants under the age of twenty one years.

This day personally appeared before me, William Andrew Tynes, and made oath that the defendants, Henry Wardlow and Essie Anthony, named above, are not residents of the State of Virginia; and that the last known addresses were Orange, New Jersey and Baltimore, Maryland, respectively.

Given under my hand this 10th. day of February, 1921.

A S Johnson
Commissioner in Chancery.

A.S. JOHNSON
ISLE OF WIGHT C.H. VA.

3

William A. Tynes

vs) Chancery. No. 361

Henry Wardlow, et als.

Affidavit for Order of Publication.

Filed, Feb. 7 1921, 1921.

COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting;

We command you that you summon **John F. Tynes, and William Tynes,**

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 **Third** Monday in **February**, 19**21**, to answer a bill in chancery exhibited against **them** in our said Court by **William Andrew Tynes,**

And have then and there this writ.

Witness, **R. A. Edwards,** Clerk of our said Court, at the Court-house, this **14th,** day of **February,**, 19**21**, and in the **145** year of the Commonwealth.

R. A. Edwards. Clerk.

**A. S. Johnson p. q.**

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William A. Tynes

Vs. } Chancery # 361

~~Wm F. Tynes~~ Wm Adlon et als

Executed the within summons this the 21st day Feb. 1921, in the County of Dale & State by serving a true copy of the same on Emma Tynes, John F. Tynes not being found at his usual place of abode and explains to her the purport of the same she being a member of the family of the said John F. Tynes and over the age of 16 yrs.

~~I searched diligently for William Tynes and I do not believe he resides on my district not found~~

N. H. Chapman
Sheriff

Filed 2/21/21

Executed the within ~~process~~ summons 21st day Feb. 1921 by serving a true copy of the same on William Tynes in person in the County of Dale & State.

N. H. Chapman
Sheriff

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

William Andrew Tynes

vs) Chancery. No._____

Henry Wardlow et als.

The separate answer of Alice Luberta Edwards, James Walter Edwards, Albert Kind Edwards, Curtis Alexander Edwards, William Everett Edwards, and Alexina Edwards, infants under the age of twenty one years, by Parke P. Deans, their guardian ad litem, duly assigned to defend their interests in this suit, to a bill of complaint exhibited against them and others, in the Circuit Court of the County of Isle of Wight, Virginia, by William Andrew Tynes.

These respondents reserving to themselves the benefit of all just exceptions to said bill of complaint, for answer thereto, or to so much thereof as they are advised that it is material that they should answer, by their said guardian ad litem, answer and say:

That they are infants of tender years, and by reason of their infancy, are incapable of understanding, or of taking care of their rights and interests. They, therefore, by their said guardian ad litem, commend themselves, and their rights and interests to the protection of the Court, and pray that no decree may be pronounced which will tend to their prejudice.

And now having fully answered, these respondents pray to be hence dismissed with their reasonable costs in this behalf expended. And they will ever pray, etc.

Parke P. Deans

Guardian ad litem for
Alice Luberta Edwards,
James Walter Edwards,
Albert Kind Edwards,
Curtis Alexander Edwards,
William Everett Edwards,
Alexina Edwards.

Virginia,
County of Isle of Wight, to-wit:
Sworn and subscribed to, by Parke P. Deans, guardian ad litem, before me, on this 10th. day of March, 1921.

Thomas Cannon Clerk

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Lyne et als

B Chancery. 361

Wardlow et als

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Ans. Gdn. Ad litem.

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Filed Mon 7th 1921

Teste. R. A. Edmds.

Clk.

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

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

Your complainant, William Andrew Tynes (colored) shows to the court the following case:

That on the ___day of _____, 1919, Alice Tynes, your complainants mother, departed this life, intestate, seized and possessed of certain personal and real property, situate, lying and being in the County of Isle of Wight and State of Virginia, the said personal property being unknown to your complainant, and the said real property consisting of a certain tract or parcel of land, adjoining the lands of A. L. Davis, and others, and containing, by estimation, thirty seven and a half acres, be the same more or less; that no one, so far as your complainant is informed, has qualified as administrator of the personal estate of said decedent; that the said Alice Tynes left, as her only heirs at law, the following named, to-wit:

1. Henry Wardlow, a son;

2. John F. Tynes, a son:

3: William Andrew Tynes, your complainant, a son:

4: Essie Anthony, wife of Herbert Anthony, a daughter:

5: William Tynes, a grand son, son of James Tynes, who predeceased said Alice Tynes.

6: Alice Luberta Edwards, James Walter Edwards, Albert King Edwards, Curtis Alexander Edwards, William Everett Edwards, and Alexina Edwards, grand children of said Alice Tynes, and children of Mary Elizabeth Edwards, who was tynes, a daughter of said Alice Tynes, the said Mary Elizabeth Edwards having predeceased said Alice Tynes. All of these children are infants, under the age of twenty one years:

That the said real estate is, as your complainant believes, susceptible of partition among the parties entitled to share therein: but should it not be divisible in kind, then your complainant believes, and here states, that the interests of those entitled thereto, or the proceeds thereof, will be promoted by a sale of the whole, or by an allotment of a part and a sale of the residue.

In consideration whereof, and forasmuch as your complainant is remediless in the premises, save by the aid of a court of equity, he, therefore, prays that the said Henry Wardlow, John F. Tynes, Essie Anthony, William Tynes, Alice Luberta Edwards, James Walter Edwards, Albert King Edwards, Curtis Alexander Edwards, William Everett Edwards, and Alexina Edwards, may be made parties defendant to this bill, and required to answer the same, though not under oath, answer under oath being hereby expressly waived; that a proper guardian ad litem be appointed for the infant defendants in this cause; that it be ascertain what personal estate the said Alice Tynes died siezed and possessed, and what has been done with the same; that it be ascertained what debts were due by the said Alice Tynes, at the time of her death; that proper process issue; and that the said property, of which the said Alice Tynes died siezed and possessed, both real and personal, be divided between and among the several partites entitled to share therein, or, if the said real estate cannot be divided, that it be sold and the proceeds divided among the said parties entitled to share therein according to their respective rights; that all proper orders and decrees may be made, accounts taken and inquiries directed; that a reasonable fee be allowed to the attorney for your complainant for his services in this cause; and that all such other, further and general relief may be had in the premises as the nature of this case may require, or to equity shall seem meet.

And your complainant will ever pray, etc.

William Andrew Tynes,

By counsel.

A. S. Johnson, P.Q.

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WILLIAM ANDREW TYNES

VS) CHANCERY. No. 361

HENRY WARDLOW ET ALS.

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BILL of COMPLAINT.

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Bill Filed - Feb. 23-1921.

Defts. Wm Tynes & Jno T. Tynes not appearing to plead, answer or demur bill is taken for confessed as to them and Cause set down for hearing.

Mar. 30th 21. Order publication executed, Cause set down for hearing as to Henry Wardlow and Enos Anthony, non resident defendants.

A.S. JOHNSON
ATTORNEY AT LAW
ISLE OF WIGHT C.H., VA.