

1908-007 Chancery Causes. Greenville Timber Company vs Hattie Hwattney vol
Dsl of Wight County

Greenville Timber Company

vs } Bill of Complaint

Walter Gwaltney et al

Filed Oct 6th 1904

1st Oct rules 1904. Term ~~extended~~
a. W. Gwaltney app'd for ad litem.
Continued for bill

2nd October rules 1904 Bill
filed. de nisi

1st Nov. rules 1904. Bill taken
for confessed case set for Dec. 8

Final decree Dec. 8, 1908

virginia,

Greensville County to-wit:

I, E. C. Palmer, a Commissioner in Chancery for the Circuit Court of the County of Greensville do hereby certify that on the day of September in the year 1904 G. L. Vincent, who is President, and W. F. Deal, who is Secretary, of the Greenville Timber Company, Incorporated, (a Corporation)both appeared in person before me in my County and State aforesaid and made oath that the statement contained in the foregoing bill of complaint so far as they are made on his own knowledge are true, and so far as they are made on the information derived from others he believes them to be true.

Given under my hand this 4th day of ~~September~~ ^{October} in the year 1904.

E. C. Palmer

Commissioner in Chancery.

(3)

of the said Augustus Gwaltney will be greatly benefited by the said sale for the reason that they will get the benefit of the money that will be derived from the said sale, at a time when they are young and need it most, and by the time that the youngest attains ~~to~~ the age of twenty one years there will be another growth of timber on the said land fit for saw mill purposes.

In tender consideration ~~whereof~~ ^{is} and for as much as your complainants ~~are~~ ^{is} without remedy save in a court of equity where such matters are alone and properly cognizable, to the end that justice may be done your complainants prays that the said Hattie Gwaltney, adult, and the said Pembroke Gwaltney, Delilah Gwaltney, Pearl Gwaltney, Elnu Gwaltney, Edward Gwaltney, Cruesoe Gwaltney, John Gwaltney and Josie Gwaltney, infants under the age of twenty one years, may be made parties defendant to this bill and be required to answer the same, the said adult defendant in her own proper person and the said infant defendants by some fit and proper person to be appointed their guardian ~~ad litem~~ ^{but answer under oath on record}; that proper process may issue; that your Honor will ratify and confirm the said sale of the said timber to your

complainants as aforesaid, the Court agreeing for the said infant parties, and direct that upon the payment by the said complainants of the balance of the purchase price for the said timber, a good and sufficient deed be made to your complainant conveying to them all the interest of the said infants in the said timber, in accordance with the said deed from the said ~~deed from the~~ Hannah Gwaltney and the said Augustus Gwaltney to to your complainants, and that your Honor will grant unto your complainants all such other further and general relief as the nature of their case may require or to equity may seem meet. And as in duty bound they will ever pray &c.

Witness the signatures of the Greenville
Timber Company, Incorporated, duly signed
by its president with a corporate seal affixed,
duly attested by its Secretary.

Greenville Timber Company, Incorporated,

L. S. Vincent,
President,

Attest:

W. A. Drat
Secretary,

✓

one years; that on, to-wit, the 26th, day of ^{Said} January in the year 1904 your complainant^s bought from Hannah Gwaltney and the said Augustus Gwaltney all the timber on the said one hundred and six (106) acres of land, ten inches and over, on the stump 15 inches from the ground, outside measure, in consideration of the sum of \$600.00, payable \$150.00 cash and \$250.00 at one and two years from date, and in the said deed conveying the said timber to your complainants your complainants were given 10 years within which to cut the said timber and the right of further extension for five years, at periods of one year, for the consideration of \$36.00 yearly, all of which will appear at large upon reference to a ~~xxx~~ deed for the said timber herewith filed marked exhibit "B" and prayed to be taken and read as a part of this bill. Your complainants further represent unto your Honor that they desire to have the said sale to them confirmed by this Court, the Court ^{to agree} ~~agreeing~~ for the said infant parties interested, in order to secure their title against any future demands or claims on the part of the said infant parties, and your complainants are advised that this Court can afford them this relief. Your complainants further represent unto your Honor that the said sale was fair and just and the said sum of \$600.00 was all that the said timber was or is worth for the fee simple therein; that the said sale is greatly to the interests of Hannah Gwaltney who is a very old woman and an invalid, and to her son, Augustus Gwaltney, who will, in all human probability succeed to her ~~xxxxxxx~~ share in the said real estate under the said last will and testament as her heir, and who has his invalid mother to support and also a large family to care for and support; that the said children

To the Honorable R. R. Prentiss, Judge of the Circuit Court
for the County of Isle of Wight.

Humbly complaining sheweth unto your Honor your complain-
ant, the Greenville Timber Company, ^{Incorporated} a corporation, the following
case:

That on the ____ day of _____ in the year 1901, Ross Gwalt-
ney, Colored, of the County of Isle of Wight, departed this life
seized and possessed of a tract of one hundred and six (106)
acres of land, more or less, situated in the said County of Isle
of Wight, Virginia, and having first made his last will and tes-
tament; that the said Ross Gwaltney by his said last will and
testament devised to his wife, Hannah Gwaltney, fifty three (53)
acres of the said land to have and hold up to her death, and
then to her heirs, and by another clause in the said will the
said Ross Gwaltney devised to his son, Augustus Gwaltney, fifty
three (53) acres of the said land to have and hold up to his
death and then to his children &c as will appear by reference
to a copy of the said will herewith filed marked exhibit "A"
and prayed to be taken and read as a part of this bill; that
the said Hannah Gwaltney is a very old woman and is an invalid;
that the said Augustus Gwaltney is her only child and is the
only issue of the said Hannah Gwaltney and the said Ross
Gwaltney, and is now the heir presumptive of the said Hannah
Gwaltney, and is her sole and only support; that the said Au-
gustus Gwaltney has nine children, as follows: Hattie Gwaltney,
an adult, and Pembroke Gwaltney, Delilah Gwaltney, Pearl Gwalt-
ney, Elnu Gwaltney, Edward Gwaltney, Cruesoe Gwaltney, John Gwalt-
ney and Josie Gwaltney who are infants under the age of twenty

Greenville Timber
Company, Incorporated,

vs Z Bee

Hattie Swallowing & Co

Circuit Court for Dwight Co

Filed February 14th 1906

1st Feb'y rules 1906. sum. returned
ex parte. answer of Hattie Swallowing filed.
R. W. Arnold appointed gen. ad litem.

2d February rules 1905; bill filed, de. nisi

Feb'y 27th 1905 - Bill taken for confessed
and case set for hearing

May 18th 1905 de making this vacation cause

May 19th 1905 de for separate &c.

To the Honr. R. R. Prentis, Judge of the Circuit Court for the County of Isle of Wight.

IN CHANCERY SITTING:

Humbly complaining sheweth unto your Honor your complainant the Greenville Timber Company, Incorporated, a corporation, the following case:

That your complainant is the owner of, in fee simple, an undivided one-half interest in the following described timber: All the timber ten (10) inches across the stump and over, outside measurement (15) inches from the ground, when cut, on the following tract of land lying and situate in the County of Isle of Wight, Virginia:

The tract of one hundred and six (106) acres, more or less, in Hardy Magisterial District in said County adjoining the lands of Mrs. Mary Elizabeth Gwaltney, and others, and being the same tract of land upon ~~xxx~~ which Hannah Gwaltney and A. G. Gwaltney, colored, reside; that your complainants have ten years from January 26th, 1904 in which to cut said timber, and also the privilege of five (5) more years therefor upon paying annually the sum of \$36.00 for each year said extension may be granted.

Your complainant further represents unto your Honor that Hattie Gwaltney, an adult, and Pembroke Gwaltney, Delilah Gwaltney, Pearl Gwaltney, Elnu Gwaltney, Edward Gwaltney, Cruesoe Gwaltney, John Gwaltney and Josie Gwaltney, infants under the age of twenty-one years, own in fee simple, and undivided one-half interest in the said tract timber.

Your complainant further represents unto your Honor that it desires a partition of the said timber; that a partition thereof in kind cannot be conveniently made by any of the modes provided by ^{for} law, to the advantage of the parties entitled to share in the said timber; that your complainant believes, and so charges, that a sale of the said timber for partition would be to the interests of all the

parties entitled thereto, and especially to the said infant parties; that your complainant is advised that it is competent for this Court to decree a sale of the said timber for partition, and a division of the proceeds among those entitled to share therein.

In tender consideration whereof, and forasmuch as your complainant is without remedy save in a court of equity where such matters are alone and properly cognizable, to the end that justice may be done, your complainant prays that the said Hattie Gwaltney, adult, and the said Pembroke Gwaltney, Delilah Gwaltney, Pearl Gwaltney, Elnu Gwaltney, Edward Gwaltney, Cruzsoe Gwaltney, John Gwaltney and Josie Gwaltney, infants under the age of twenty one years, may be made parties defendant to this bill and be required to answer the same, the said adult defendant in her own proper person, and the said infant defendants by some fit and proper person to be appointed their guardian ad litem, but answers under oath are waived; that proper process may issue; that your Honor will order and decree a sale of the said timber for partition and a division of the proceeds among those entitled to share therein, according to their respective rights, as they may appear; that your Honor will order and direct all proper accounts to be taken and enquiries to be made, and that your Honor will grant unto your complainant all such other, further and general relief as the nature of its case may require or to equity may see meet. And as in duty bound it will ever pray &c. May it please the Court &c.

W. G. Williams

*Greenville Timber Company, Incorporated
By Counsel*

State of Virginia,

Greenville County, to-wit:

I, E. C. Palmer, a Commissioner in Chancery of the Circuit Court for the County of Greenville in the State aforesaid, do hereby certify that on the _____ day of _____ in the year

1905 G. I. Vincent, who is president, and W. F. Deal, who is Secretary of the Greenville Timber Company, Incorporated, (a Corporation) both appeared in person before me in my County and State aforesaid and made oath that the statements contained in the foregoing bill of complaint so far as they are made on their own knowledge are true, and so far as made on the information derived from others they believe them to be true.

Given under my hand this _____ day of _____ in
the year 1905.

2

Isle of Wight
In the Circuit Court for ~~Sussex~~ County, Virginia.

Greensville Timber Company, Incorporated, Plaintiff.
vs.
Hattie Gwaltney et. als. Defendants.

The answer of Hattie Gwaltney to a bill of complaint exhibited against her and others in the Circuit Court for the County of Isle of Wight, by the Greensville Timber Company, Incorporated, a corporation.

This respondent saving and reserving unto herself the benefit of all just exceptions that may be had or taken to the said bill, for answer thereto, or to so much thereof as she is advised it is necessary or material for her to make answer to, says that it is true, as charged in the said bill, that she is the daughter of Augustus Gwaltney, and that she is of the age of twenty-one years. This respondent further answers and says that it is true, as charged in the said bill, that it would be, in her opinion, to the interests of herself and the other children of the said Augustus Gwaltney to confirm the sale of the timber on the tract of 106 acres of land now occupied by the said Augustus Gwaltney and Hannah Gwaltney, to the Greensville Timber Company, Incorporated, as set out in the said bill of complaint, for the sum of \$600.00; that by the time the youngest child attains the age of 21 years there will be another growth of timber on the said land fit for saw-mill purposes, should that now on the said land be cut by the said Greensville Timber Company, Incorporated, under their deed for the same; that the said Hannah Gwaltney, the grand-mother of this respondent is greatly in need of her share of the money for the sale of the said timber, as she is an invalid and quite feeble; that the said Augustus Gwaltney, who has the said Hannah Gwaltney to support is also greatly in need of his interest in the purchase

(2)

price of the said timber; this respondent further answers and says that the allegations of the said bill not herein specially answered are true, and this respondent joins in the prayer of the said bill of complaint. And now having answered this respondent prays to be hence dismissed with her costs and C.

Hattie Gualtney.

Signature here

MADE IN U.S.A.

REGISTERED TRADE MARK

Greenville Lumber Co.
Incorporated
answer of
to 300 dent.
Mannah Lumbering
Tees

Isle Levight Art Art

pondent prays to be once dismissed with pay costs and C.

the said bill of complaint. And not having answered this reg-
answers are true, and this respondent joins in the prayer of
says that the allegations of the said bill not herein specified
price of the said timber; this respondent further answers and

In the Circuit Court for Isle of Wight County.

Greensville Timber Company,

vs.

Hattie Gwaltney, and adult, and others.

The answer of Pembroke Gwaltney, Delilah Gwaltney, Pearl Gwaltney, Elnu Gwaltney, Edward Gwaltney, Cruesoe Gwaltney, John Gwaltney, and Josie Gwaltney, infants under the age of twenty one years, by R.W. Arnold, their guardian ad litem, appointed to defend their interests in this suit.

These respondents saving and reserving unto themselves the benefit of all just exceptions that may be had or taken to the said bill of complaint for answer to the same or to so much thereof as they are advised it is necessary or material for them to make answer to say that they are infants under the age of twenty one years are not familiar with their rights in the premises, they therefore leave them to the care and protection of the court.

And now having answered the said complainants said bill of complaint they pray to be hence dismissed with their costs in this behalf expended. And they will ever pray.

Pembroke Gwaltney, Delilah Gwaltney, Pearl
Gwaltney, Elnu Gwaltney, Edward Gwaltney,
Cruesoe Gwaltney, John Gwaltney, and Josie Gwaltney,
by R.W. Arnold their guardian ad litem.

Greenville Timber Co
vs ^{as assignee of} ~~defendants~~
Walter Wallney & Co

De Witt Circuit Court

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

Greensville Timber Company, Incorporated,

Versusm)

Hattie Gwaltney et als.

The answer of Pembroke Gwaltney, Delilah Gwaltney, Pearl Gwaltney, Elnu Gwaltney, Edward Gwaltney, Cruesoe Gwaltney, John Gwaltney and Josie Gwaltney, infants under the age of twenty one years, by R. W. Arnold, their guardian ad litem, appointed to defend their interests in this suit, to a bill of complaint exhibited against them and Hattie Gwaltney, in the Circuit Court for the County of Isle of Wight, by the Greensville Timber Company, Incorporated.

These respondents saving and reserving unto themselves the benefit of all just exceptions that may be had or taken to the said bill of complaint, for answer thereto or to so much thereof as they are advised it is necessary or material for them to make answer to, say that they are infants under the age of twenty one years and are not familiar with their rights in the premises. They, therefore, leave them to the care and protection of the Court.

And now having fully answered the said complainants said bill of complaint these respondents pray to be hence dismissed with their costs in this behalf expended. And they will ever pray &c.

Pembroke Gwaltney, Delilah Gwaltney, Pearl
Gwaltney, Elnu Gwaltney, Edward Gwaltney,
Cruesoe Gwaltney, John Gwaltney and Josie Gwalt-
ney infants under the age of twenty one years
by R. W. Arnold their guardian ad litem.

Greenville Timber Company

Incorporated

Versus) ~~Note for Deeds~~
N *infants' interest*

Hattie Gwaltney et als.

Isle of Wight Circuit Court.

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

In the Circuit Court for Isle of Wight County.

Greensville Timber Company,
 versus
Hattie Gwaltney et als.

Plaintiff.
Defendants.

The answer of Hattie Gwaltney to a bill of complaint exhibited against her and others in the Circuit Court for the County of Isle of Wight, by the Greensville Timber Company, Incorporated, a corporation.

This respondent saving and reserving unto herself the benefit of all just exceptions that may be had or taken to the said bill of complaint, for answer thereto, or to so much thereof as she is advised it is necessary or material for her to make answer to, says that it is true, as charged in the said bill, that she is the daughter of Augustus Gwaltney, and that she is of the age of twenty one years. This respondent further answers and says that the allegations of the said bill of complaint are true and that she desires a partition of the said timber mentioned in the said bill; that she believes a partition in kind is impracticable and inconvenient, and that the interests of all parties will be promoted by a sale of the same and a division of the proceeds. This respondent joins in the prayer of the said bill of complaint. And now having fully answered this respondent prays to be hence dismissed with her costs in this behalf expended.

Hattie Gwaltney

Greenville Timber Company

vs. } Answer of Hattie Gwaltney

Hattie Gwaltney et al

Filed February 6th 1905

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon *Hattie Gwaltney* an adult, and *Bernbrake Gwaltney, Delilah Gwaltney, Pearl Gwaltney, Elmer Gwaltney, Edward Gwaltney, Cassie Gwaltney, John Gwaltney* and *Jasie Gwaltney* infants under the age of twenty one years.

to appear at the Clerk's office of the *District* Court of the *County* of *Isle of Wight* at the rules to be held for the said Court, on the *First* Monday in *October* 190*4*, to answer a bill in chancery, exhibited against *them* in our said court for by *Greenville Timber Company, a Corporation*

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the *14th* day of *September* 190*4*, and in the 12*9* year of the Commonwealth.

N. F. Young Clerk

Attest

N. F. Young Clerk

Granville Zuber Gump

VS.

SUBPOENA
IN
CHANCERY.

Stuart Gwaine, et als

Ulysses p. 9

To First October Rules,
Leinuit Court.

1904

B 33119

I hereby acknowledge
legal service of this
subpoena in Chancery

signature Nettie Gwaltney

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon *Hattie Gwaltney, an adult, and*
Jembrace Gwaltney, Delilah Gwaltney, Pearl Gwaltney, Elmer
Gwaltney, Edward Gwaltney, Bessie Gwaltney, John Gwaltney
and Jessie Gwaltney, 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 held for the said Court, on the *First* Monday in *October* 190*4*,
to answer a bill in chancery, exhibited against *them* in our said court ~~for~~
by *Greenville Timber Company, a corporation*

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at
the court-house, the *14th* day of *September* 190*4*, and in the 12*9*
year of the Commonwealth.

N. F. Young, clerk.

I hereby acknowledge legal service of this
subpoena in Chancery,

PLW Arnold

Guardian ad litem for Pembroke Gwallney
Delilah Gwallney, Pearl Gwallney, Elmer Gwall-
ney, Edward Gwallney, Cressie Gwallney
John Gwallney and Jessie Gwallney infants
under the age of twenty one years.

Greenwell Dickinson Comptroller

VS.

SUBPOENA
IN
CHANCERY.

Hattie Gwallney et al

M. G. Moore

p. 9

To Trust Debitur

Rules,

Greenwell

Court.

1904

B 3119

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon Hattie Gwaltney, an adult, and Pembroke Gwaltney, Delilah Gwaltney, Pearl Gwaltney, Elma Gwaltney, Edwards Gwaltney, Cruesoe Gwaltney, John Gwaltney and Josie Gwaltney, 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 held for the said Court, on the First Monday in Feb. 1905, to answer a bill in chancery, exhibited against them in our said court for by the Greenville Timber Company

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the 11th. day of January 1905, and in the 129 year of the Commonwealth.

N. F. Young clerk

Executed by delivering a copy of the within Summons to Mattie Gooding in person and also at the same time a copy of her answer which was signed and returned herewith. July 6th 1905.

Reply
For Ro. A. Edwards Esq.

Greenville Timber Company

VS. }
SUBPOENA
IN
CHANCERY.

Mattie Gooding et al

M. G. Mason p. 9

To 1st February Rules,
Circuit Court.

B 3119

Dated and typ Legal
service of this pro-
cess.

Given at the
Holliston Mass
M. G. Mason

① W J Gwaltney Having been duly sworn

made answers as follows:

Do you know Hannah Gwaltney, Augustus Gwaltney and his children and if so how long have you been acquainted with them?

A. Yes, I have known them all my life.

How many children has Augustus Gwaltney?

None (9)

Are you acquainted with the tract of land situated in Isle of Wight County, Virginia, which was formerly owned by Ross Gwaltney, deceased, and which is now occupied by Augustus Gwaltney and Hannah Gwaltney, his mother, and containing 100 acres?

A. Yes

Do you know how much timber there is on the said tract of land?

A. About fifty (50) acres

What sum of money would you consider a fair and reasonable price for the said timber, ten inches on the stump fifteen inches from the stump when cut, and ten years to cut it in?

A. This timber is 10 or 12 miles from transportation and I suppose \$10.00 or \$12.00 per acre

Do you think that Hannah Gwaltney, Augustus Gwaltney and his children would be benefitted by a sale of the said timber for the above price, and if so state your reasons for so thinking?

A. Yes, Hannah is old and has been confined to the house for years and needs her and a large family to support

Is Hannah Gwaltney dependent for support upon her son Augustus Gwaltney?

A. Yes, except as to some of her land

Upon which half of the said tract of land is most of the said timber: the half claimed by Hannah Gwaltney for her life and then to her heirs, and upon which she resides, or the half that is devised to Augustus Gwaltney for life and then to his children?

A. About 4/5 of the timber is on the side next to Hannah's house

(2)

I herewith hand you a copy of the will of Ross Gwaltney, deceased; examine it and state whether or not Hannah Gwaltney, claims for her life and then to her heirs, and resides upon that tract of land which contains the greater part of the timber on the said land and if so state the proportions?

A. Yes but no division has ever been made.

Is Augustus Gwaltney the only child, grandchild, or other descendant, living, of Ross Gwaltney and Hannah Gwaltney?

A. Yes

State, if you know, how old the said Hannah Gwaltney is, and what is her condition of health.

A. About sixty five (65) years, and confined to the house for years.

Take this deed marked Exhibit "B", from Augustus Gwaltney, Hannah Gwaltney and Amanda Gwaltney to the Greenville Timber Com-

pany, Incorporated, conveying the timber on 100 acres of land, situated in Isle of Wight County, Virginia, for the sum of \$2000.00, described in the said deed, upon terms mentioned in the said deed, and state whether or not the sale therein made is a fair and just one, and whether or not the price and terms are reasonable and in accordance with the marketable value of the said timber, upon said terms.

A. Yes

State of Virginia,

County, to-wit:

to be read as evidence in the suit of Greenville Timber Co. vs Gwaltney & al.
The foregoing answers to the foregoing questions xxxxx were au-

ly sworn to before me in my County and State aforesaid, by

W. J. Gwaltney to whom they were propounded

Given under my hand this 17th day of October in the year

1904.

Geo W. Peck

Justice of the Peace

I consent that these
interrogatories may
be asked

Alfred Arnold

Guardian of Alvin of
Pembroke Gwallney, Kithlak
Gwallney, Pearl Gwallney
Edwin Gwallney Edward
Gwallney, Corbett Gwall-
ney, John Gwallney
+ Fossil Gwallney in-
fants under the age
of 21 years.

I consent that these
interrogatories may
be asked

Thelma Gwallney

in law

Filed Oct. 17th 1904

V. J. Gwaltney having been duly sworn
now answers as follows:

Do you know Hannah Gwaltney, Augustus Gwaltney and his children
and if so how long have you been acquainted with them?

A. Yes for the past 20 years

How many children has Augustus Gwaltney?

Nine

Are you acquainted with the tract of land situated in Isle of
Wight County, Virginia, which was formerly owned by Ross Gwalt-
ney, deceased, and which is now occupied by Augustus Gwaltney
and Hannah Gwaltney, his mother, and containing 106 acres?

A. Yes, about fifty acres

Do you know how much timber there is on the said tract of land

A. About fifty acres

What sum of money would you consider a fair and reasonable
price for the said timber, ten inches on the stump fifteen in-
ches from the ground when cut, and ten years to cut it in?

A. This timber is over 2 miles from transport
and I suppose \$10.00 or \$12.00 per acre

Do you think that Hannah Gwaltney, Augustus Gwaltney and his

children would be benefitted by a sale of the said timber for
the above price, and if so state your reasons for so thinking?

A. Yes. Hannah is old and an invalid and
hus has her and a large family to support
Is Hannah Gwaltney dependent for support upon her son Augustus

Gwaltney?

A. Yes except as to sale of her land

Upon which half of the said tract of land is most of the said
timber: the half claimed by Hannah Gwaltney for her life and then
then to her heirs, and upon which she resides, or the half that
is devised to Augustus Gwaltney for life and then to his chil-
dren?

A. about 4/5 of the timber is on the side
next to Hannah's house

(2)

I herewith hand you a copy of the will of Ross Gwaltney, deceased; examine it and state whether or not Hannah Gwaltney, claims for her life and then to her heirs, and resides upon that half which contains the greater part of the timber on the said land and if so state the proportions?

A. Yes but no division has been made

Is Augustus Gwaltney the only child, grandchild, or other descendant, living, of Ross Gwaltney and Hannah Gwaltney?

A. Yes

State, if you know, how old the said Hannah Gwaltney is, and what is her condition of health.

A. About sixty five years, and confined to the house for years

Take this deed marked Exhibit "B", from Augustus Gwaltney, Hannah Gwaltney and Amanda Gwaltney to the Greenville Timber Com-

pany, Incorporated, conveying the timber on 106 acres of land, situated in Isle of Wight ~~County~~ County, Virginia, for the sum of \$600.00, described in the said deed upon terms mentioned in the said deed, and state whether or not the sale therein made is a fair and just one, and whether or not the price and terms are reasonable and in accordance with the marketable value of the said timber, upon said terms.

A. Yes

State of Virginia,
County, to-wit:

signed here J. J. Gwaltney
To be read as written in the suit of Greenville Timber Co. vs Gwaltney et al.
The foregoing answers to the foregoing questions ~~xxxx~~ were du-

ly sworn to before me in my County and State aforesaid, by

J. J. Gwaltney to whom they were propounded

Given under my hand this 30th day of September in the year 1904.

Geo W. Beck, J.P.

1904.

Given under my hand this _____ day of _____ in the year

I have sworn to before me in my County and State aforesaid, by _____

The foregoing answers to the foregoing questions ~~xxxx~~ were in-

State of Virginia,
County, to-wit:

A. C.

of the said timber, upon said terms,
are responsible in accordance with the marketplace value
is a fair and just one, and whether or not the price and terms
the said deed, and state whether or not the same therein are
\$100.00, described in the said deed upon terms mentioned in
situated in the State of ~~xxxx~~ County, Virginia, for the sum of
ten, Incor. ordered, conveying the timber on 100 acres of land,

and dwelling and ~~xxxx~~ dwelling to the Green Valley Timber Co

I Consent that
these interrogatories
may be asked

A. C. Arnold
Mentioned below of
Pembroke Gwaltney
Delilah Gwaltney Pearl
Gwaltney Elm Gwalt-
ney, Edward Gwaltney
Crisse Gwaltney John
Gwaltney & Joe Gwalt-
ney infants under the
age of 21 years

I Consent that these
interrogatories may
be asked,

Thattie Gwaltney

Witness
Filed Oct 14 1904

and find and it so state the interrogatories

that will which contains the answer, and other things on the
claim for her life and then to her heirs, and resides upon the
deceased, examining it and state whether or not Hannah Gwaltney,
I herewith have a copy of the will of Rose Gwaltney, de-

The Transatlantic Tobacco Co.

*B. Du Chaussey -
Report of Commissioner*

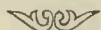
Hattie Gwaltney et al.

*Filed in the Clerk's
Office of Is. of Wight
County Circuit Court
September 17th 1905*

E. H. WILLIAMS
ATTORNEY AT LAW
ISLE OF WIGHT C. H., VA.

E. H. WILLIAMS

ATTORNEY AT LAW



Isle of Wight C. H., Va. 190

The Commonwealth of Virginia:

To the Sheriff of the County of Isle of Wight, Greeting:
You are hereby commanded to summon W.J. Gwaltney and T.J. Gwaltney personally to appear before the undersigned, one of the Commissioners in Chancery of the Circuit Court of the County of Wight, at his office in the town of Smithfield, Va., on the ~~3rd~~ 19th day of August, 1905, to testify and the truth to say in behalf of the Greenville Timber Company (Incorporated), in a certain matter of accounts referred to the said Commissioner for settlement by a decree of the said Court in a suit in Chancery therein pending between the Greenville Timber Company (Incorporated), V. Hattie Gwaltney et als.

And this you shall in no wise omit, under penalty of 100.
And have then and there this writ.
Witness, E.H. Williams, Commissioner of our said Court, at his office in the town of Smithfield, Va., the 29th, day of July, 1905 and in the 129th, year of the Commonwealth.

E. H. Williams
Commissioner in Chancery.

Original
The Greenville Trust Co.
Versus, In Chancery,
Hattie Gwaltney et al.
Witness' Subpoena.

No 19th Aug.

Executed in each
of the witness
each 16th / 05
No. A. Edwards
clerk.

The Commonwealth of Virginia:

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

You are hereby commanded to summon

J. J. Sweetney and
W. J. Sweetney

personally to appear before the undersigned, one of the Commissioners in Chancery of the
Circuit Court of the *County* of *Isle of Wight* *at St. James Station, Wenden, Va.*, at his office, at the courthouse
of said county, on the *19th* day of *June*, *1905* *next*, to testify and the truth to say
in behalf of *The Fairfaxville Lumber Company (Incorporated)*
in a certain matter of *Accounts*

referred to the said commissioner for *Settlement* by a decree of the said court in a
suit in chancery therein pending between *The Fairfaxville Lumber Company*
(*On Our Prand*)

By our

Walter Sweetney et al.

And this *year* shall in no wise omit, under penalty of £100. And have then and there
this writ.

Witness,

E. H. Williams

, Commissioner of our said court, at
the courthouse of said county, the *16* day of *June*, *1905*, and in the
129th year of the Commonwealth.

E. H. Williams

Comr. in Chancery

Original

The Grand Video Tapes, Co.

Verend

{ WITNESS'
SUBPOENA.

Hallie Gwaltney Haas.

Executed on
each of the within
June 16th/05-

Reo A. Edwards

26pp

The undersigned, one of the Commissioners of the said Court, to whom the papers in this cause have been referred, begs leave to report, that on the eighth day of June, 1905, he issued notices directed to all the parties, plaintiffs and defendants, fixing on the 19th, day of June, 1905, at C. F. Joyner's store in the town of Windsor, Va. to take and state the inquiries and accounts above mentioned and all the parties accepted legal service thereof; no evidence was taken at that time but the taking of depositions was adjourned to the 19th day of Aug. 1905, at the office of your undersigned Commissioner in the town of Smithfield, Va.

Your Commissioner reports that from the evidence adduced before him that, owing to the small amount of timber and the number of parties to share therein, the said timber cannot be advantageously partitioned in kind; that the Greenville Timber Company one of the parties entitled to share in the said timber is willing to have the whole of said timber allotted to it and pay to the other parties interested, a fair cash value for their share in the said timber; that the interest of all parties will be promoted by sale of the said timber; that \$600.00 is a fair and just cash value for the said timber on the terms mentioned in the deed from Hanna Gwaltney et als. to the Greenville Timber Company; that there are no encumbrances or liens on the said timber by delinquent taxes or otherwise; your Commissioner further reports, that under the will of Ross Gwaltney deceased herewith filed with this report, Hannah Gwaltney and Augustus Gwaltney take a life estate in the said timber with vested remainder in the heirs of Hannah Gwaltney, (the children of Augustus Gwaltney being the ^{apparent} heirs of Hannah Gwaltney) and the children of Augustus Gwaltney, and that by deed herewith filed the Greenville Timber Company acquired the life estates of the said Hannah and Augustus Gwaltney.

Respectfully submitted,

E. H. Williams

Comm. in Chancery

Since Entered 20th
Comm Fee \$15.00
Sheriffs Fee 2.00

Commissioner's Office. Smithfield, Va. Aug. 23, 1905.

To the Circuit Court of Isle of Wight County:

Persuant to a decree of the Circuit Court of Isle of Wight Co. rendered on the 19th, day of May 1905, in the Chancery Suit therein pending, wherein the Greenville Timber Co. Incorporated is plaintiff; and Hattie Gwaltney, an adult, and Pembroke Gwaltney, Delilah Gwaltney, Pearl Gwaltney, Elnu Gwaltney, Edward Gwaltney, Crusoe Gwaltney, John Gwaltney and Josie Gwaltney infants under the age of twenty one years, of the defendants, it is ordered that one of the Commissioners of this Court take, state and report to the Court the following inquiries and accounts to wit:

1st. Whether or not the timber on the tract of one hundred and six acres, more or less, of land, in the bill and proceedings in this cause mentioned and described, can be conveniently partitioned in kind among the parties entitled to share therein.

2nd/ Whether, if the said timber cannot be conveniently partitioned in kind, as above mentioned, any party is willing to have the entire subject allotted to him, and pay to the other parties such sums of money as their interest therein may entitle them to receive.

3rd. Whether or not, if partition or allotment cannot be conveniently made, the interest of those who are entitled to the subject or its proceeds will be promoted by a sale of the entire subject, or allotment of part and sale of the residue.

4th. What is a fair cash value for the said timber on terms mentioned in the said bill.

5th. Whether or not there are any encumbrances or liens on the said timber; or any delinquent taxes due thereon.

6th. Any other matter specially stated deemed pertinent by said Commissioner or which may be required by any party interested to be stated.

In the Circuit Court for Isle of Wight County.

Greensville Timber Company, Incorporated,

vs) Commissioner M. G. Mason's Report.

Hattie Gwaltney et al.

Your Commissioner respectfully reports to your Honor that acting in pursuance of a decree of your Honor's Court entered in the above styled cause, in vacation, on the 9th, day of December in the year 1905, he has collected from the Greensville Timber Company, Incorporated, the sum of six hundred and fifty five dollars and thirty five cents (\$655.35), the same being the sum of six hundred dollars (\$600.00), the amount directed by the said decree to be paid by the said the Greensville Timber Company, Incorporated, to the other parties to this suit for the timber allotted to the said Company in these proceedings, and the sum of fifty five dollars and thirty five cents (\$55.35), interest on the said amount; that your Commissioner has executed to the said Greensville Timber Company, Incorporated, a deed for the said timber and that in the same, Augustus Gwaltney, Hattie Gwaltney and Hannah Gwaltney, joined as directed by the said decree.

Your Commissioner further reports to your Honor that he has disbursed the said sum of six hundred and fifty five dollars and thirty five cents (\$655.35) in accordance with the said decree, and to the satisfaction of the said parties, and herewith files his vouchers for the said disbursements as follows:

To Augustus Gwaltney for Pembroke Gwaltney, Delilah Gwaltney, Pearl Gwaltney, Elnu Gwaltney, Edward Gwaltney, Cruesoe Gwaltney, John Gwaltney and Josie Gwaltney	\$280.00
To Hannah Gwaltney	20.00
To Augustus Gwaltney	320.00
To Hattie Gwaltney	35.35
	\$655.35

Respectfully submitted,

W. G. Mason, Special Commissioner

Greenville Timber Com-
pany, Incorporated.

vs) Commissioner M.G.
Mason's Report.

Hattie Gwaltney et al.

Isle of Wight Circuit Court.

February 14, 1906.

\$ 35 ³⁵

Received of M.G.Mason, Special Commissioner in the suit of
Greensville Timber Company, Incorporated vs Gwaltney et als, pending
in the Circuit Court for Isle of Wight County, the sum of _____

Thirty five & 35/100

in full satisfaction of all my interest in the proceeds of the
sale of the timber on the tract of 106 acres of land occupied by
Gus. Gwaltney, allotted to said Greensville Timber Company, Incorporated, by decree entered in said cause on the 9th, day of December
1905, and conveyed to said Company by deed ~~dated~~ bearing even date
~~with this deed~~ herewith from Hattie Gwaltney, Augustus Gwaltney,
Hannah Gwaltney and M.G.Mason, Special Commissioner as aforesaid.

Hattie Gwaltney

February 14th, 1906.

\$280⁰⁰

Received of M.G. Mason, Special Commissioner in the suit of
Greenville Timber Company, Vs Gwaltney et als, pending in the Cir-
cuit Court for Isle of Wight County, the sum of

Two hundred & eighty & no/100 Walter
in full satisfaction of the interests of Pembroke Gwaltney
Wilelah Gwaltney Peone Gwaltney Edwin Gwaltney
Edward Gwaltney Greene Gwaltney John & Jose
Gwaltney

in the sale of the timber on the tract of 106 acres of land occu-
pied by Gus. Gwaltney, allotted to said Greenville Timber Company,

Incorporated, by decree entered in said cause on the 9th, day of Dec-
ember 1905, and conveyed by deed from Hattien Gwaltney, Augustus
Gwaltney, Hannah Gwaltney and M.G. Mason, Special Commissioner, bear-
ing even date herewith, and paid to me under said decree for the
support, education and maintenance of the said

above named parties

Augustus G. Gwaltney

February 14, 1906.

\$ 320.⁰⁰

Received of M.G.Mason, Special Commissioner in the suit of
Greenville Timber Company, Incorporated, vs Gwaltney et als, pending
in the Circuit Court for Isle of Wight County, the sum of _____

Three hundred & twenty five 100 Dollars
in full satisfaction of all my interest in the proceeds of the sale
of the timber on the tract of 106 acres of land occupied by Gus.
Gwaltney, allotted to said Greenville Timber Company, Incorporated,
by decree entered in said cause on the ~~xxx~~ 9th, day of December
1905, and conveyed by deed from Hattie Gwaltney, Augustus Gwaltney,
Hannah Gwaltney and M.G.Mason, Special Commissioner, and bearing even
date herewith.

Augustus G. Gwaltney

\$20^{1.00}00

February 14, 1906.

Received of M.G.Mason, Special Commissioner in the suit of
Greensville Timber Company, Incorporated, vs Gwaltney et als, pending
in the Circuit Court for Isle of Wight County, the sum of
Twenty & no/100
in full satisfaction of all my interest in the sale of the timber
on the tract of 106 acres of land occupied by Gus. Gwaltney, allotted
to said Greensville Timber Company? Incorporated, by decree entered
in said cause on the 9th, day of December 1905, and conveyed by ~~de~~
deed from Hattie Gwaltney, Augustus Gwaltney, Hannah Gwaltney and M.
G. Mason, Special Commissioner bearing even date herewith.

Hannah Gwaltney

IN THE CIRCUIT COURT FOR ISLE OF WIGHT COUNTY.

IN Vacation, May ^{18th.} 1905.

Greensville Timber Company,
versus

Plaintiff

Hattie Gwaltney, and adult, and Pembroke Gwaltney, Delilah Gwaltney,
Pearl Gwaltney, Elnu Gwaltney, Edward Gwaltney, Cruesoe Gwaltney,
John Gwaltney and Josie Gwaltney, infants under the age of twenty
one years, by R. W. Arnold their guardian ad litem, Defendants.

This cause came on this day to heard upon the bill of the
plaintiff, the answer of Hattie Gwaltney, the adult defendant,
and was argued by counsel.

On consideration whereof ^{by consent of parties by counsel and by guardian} it is ordered that this cause be ^{ad litem}
submitted to the Judge of this Court for such decision and de-
cree therein in vacation as might be made in term.

Robert R. Prentiss

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

In the Clerk's Office of the Circuit Court of Isle of
Wight County this 20th. day of May, 1905, this vacation decree
was received and entered of record.

TESTE: _____ C.C.

1
Greenville Timber Company

Versus)

Hattie Gwaltney & others

Isle of Wight Circuit Court.

I consent to this
deed

Wm. C. Brown attorney
for plaintiff, Messrs.
Zindler & Company
Incorporated

I consent to this deed

No 6 Chancery Order Book
Page 433

R. W. Arnold

Guardian ad litem for Pauline
Gwaltney, Delilah Gwaltney, Paul
Gwaltney, Edna Gwaltney, Ed-
ward Gwaltney, George Gwalt-
ney, John Gwaltney, and wife,
Gwaltney, infants defendants

I consent to this deed

J. B. Seward

att'y for Hattie Gwaltney

signed and entered May 18 1905

Robert H. Hentz

IN THE CIRCUIT COURT FOR ISLE OF WIGHT COUNTY, *in vacation,*
on the 19th day of May 1905.
Greensville Timber Company, Incorporated

versus) Note for decree.

Hattie Gwaltney et als.

which has been by consent of parties submitted to the judge of this Court for such decision and decree
This cause came on this day to be further heard upon the papers formerly read, the answer of the infant defendants by R. W. Arnold, their guardian ad litem, this day filed, and was argued by counsel. *herein in vacation as might be made in term,*

On consideration whereof, the Court doth adjudge, order and decree that one of the Commissioners of this Court take and report to Court the following accounts:

1st. Whether or not the timber on the tract of one hundred and six (106) acres, more or less, of land, in the bill and proceedings in this cause mentioned and described, can be conveniently partitioned in kind among the parties entitled to share therein.

2nd. Whether, if the said timber cannot be conveniently partitioned in kind, as above mentioned, any party is willing to have the entire subject allotted to him, and pay to the other parties such sums of money as their interests therein may entitle them to receive.

3rd. Whether or not, if partition or allotment cannot be conveniently made, the interests of those who are entitled to the subject or its proceeds will be promoted by a sale of the entire subject, or allotment of part and sale of the residue.

4th. What is a fair cash value for the said timber on terms mentioned in the said bill.

5th. Whether or not there are ^{any} encumbrances or liens on the said timber; or any delinquent taxes due thereon.

6th. Any other matter ^{specially stated} deemed pertinent by said commissioner or which may be required by any party interested to be stated.

To the Clerk of the Circuit Court of Isle of Wight County: Robert R. Reutis

In the Clerk's Office of the Circuit Court of Isle of Wight County this 20th. day of May 1905 this vacation ~~proceeding~~ decree was received and entered of record.

TESTE: _____ C.C.

2
Greensville Timber Company,
Incorporated.

Versus) Note for Decree.

Lattie Gwaltney et als.

Isle of Wight Circuit Court

Wm. C. B. Booth

Page 4 of 4

Enter May 19, 1905

Robert P. Pentis

But said Special Commissioner, M.G. Mason, shall not act under this or any future decree that may be entered in this cause until he shall have entered into bond in the penalty of \$700.00, conditioned according to law, and with security approved by the Clerk of this Court.

And the said M.G. Mason, Special Commissioner, shall make report to Court.

All of which is hereby certified to the Clerk of this Court to be entered in the chancery order book.

Robert R. Dentis

*Wm Mason will
Send to Clerk by
mail at once
R.P.P.
Dec 9, 1905*

Greensville Timber Company,
Incorporated

Vs) Note for Decree

Hattie Gwaltney et als

Isle of Wight Circuit Court

E. O. B. No. 6. p. 457

We hereby waive notice of ap-
plication for this decree and
consent that the same be enter-
tered.

J. B. Secord

Attorney for Hattie Gwaltney.

R. W. Arnold

Guardian ad litem for the
infant defendants.

Enter Dec. 9, 1905

Robert R. Hentley

E. O. B. No. 6

IN SENATE

COMMITTEE ON

LEGISLATION

COMMITTEE ON

11 Dec-1905

*vacation
in decree*

*entered
of record*

Test. Attest. J. B. Secord

In the Circuit Court of Isle of Wight County.

In vacation, on the 9th day of December in
the year 1905:

Greensville Timber Company, Incorporated
vs) Note for Decree.
Hattie Gwaltney et als.

This cause which has by consent of parties ^{been} submitted to the
Judge of this Court for such decision and decree in vacation as
might be made in term, came on this day to be further heard upon
the papers formerly read, the report of Master Commissioner E. H.
Williams, filed September 7th, 1905, and was argued by counsel.

On consideration whereof the Court approving said report doth
confirm the same. And it appearing to the Court from the said re-
port that the timber in the bill and proceedings in this cause
mentioned and described cannot be conveniently partitioned in kind
among the parties entitled to share therein; and it further appear-
ing to the Court that the said Greensville Timber Company, Incor-
porated, is willing to have the said timber allotted to it and pay
to the other parties entitled thereto such sums of money as their
interests therein may entitle them to receive; and it further ap-
pearing to the Court, from said report, that six hundred dollars
(\$600.00) is a fair and just value and price for the said timber,
the Court doth adjudge, order and decree that the said timber on
the said one hundred and six (106) acres of land in the bill and
proceedings in this cause mentioned and described be and is hereby
allotted to the said Greensville Timber Company, Incorporated, for
the said sum of \$600.00. And the Court doth further adjudge, order
and decree that M. G. Mason, who is hereby appointed a special com-
missioner for the purpose, make, execute and deliver to the said

Greensville Timber Company, Incorporated, a deed with special warranty for the said timber conveying the same to it as follows, to-wit:

All the timber (10) ten inches across the stump and over outside measurement (15) fifteen inches from the ground when cut, on the tract of land in the bill described, reserving however all the oak, basswood and cedar and 10,000 feet of pine timber to build a house on A. G. Gwaltney's land together with all other rights and reservations contained in the deed from A. G. Gwaltney and Hannah Gwaltney to the Greensville Timber Company, Incorporated, dated Jan'y 26, 1904 and recorded March 10, 1904 in Deed Book 69 page 260,

after, however, having first collected from the said Greensville Timber Company, Incorporated, the said sum of \$600.00 with any accrued interest thereon, on any part thereof; and said Augustus Gwaltney, Hannah Gwaltney and Hattie Gwaltney shall join with said M. G. Mason, Special Commissioner, in said deed to said Greensville Timber Company, Incorporated.

by consent of the adult defendants
And the Court doth further adjudge, order and decree that said M. G. Mason, Special Commissioner, ascertain the commuted values of the estates for life of said Augustus Gwaltney and Hannah Gwaltney respectively, in the proceeds arising from the said allotment of the said timber to the said Greensville Timber Company, Incorporated, for said sum of \$600.00, and pay to them such respective commuted values of such estates, and the balance said M. G. Mason, Special Commissioner, shall divide in as many equal parts as there are children of said Augustus Gwaltney named in said bill, and shall pay to such of them as are of the age of twenty one (21) years his or their respective share or interest, and the shares or interests of such of them as are under the age of twenty one (21) years he shall pay to said Augustus Gwaltney, their father, for their ^{Education} support and maintenance.

In the Circuit Court for Isle of Wight County.

Greensville Timber Company, Incorporated,
vs) Note for Decree.
Hattie Gwaltney et als.

This cause came on this day to be further heard upon the papers formerly read and the report of M. G. Mason, Special Commissioner, this day filed, reporting the collection of \$655.35 from the said Greensville Timber Company, Incorporated, the same being principal and interest from the timber sold to said Company in this cause, in accordance with the decree entered in this cause on December 9th, 1905, and the disbursement of the said sum among the parties to this cause in accordance with their respective interests, for which disbursements said Commissioner M. G. Mason filed his vouchers, and was argued by counsel.

On consideration whereof the Court approving the said report doth confirm the same.

And it appearing to the Court that all matters in this cause have been settled except the payment of the costs thereof, the Court doth adjudge, order and decree that the Clerk of this Court after the Costs in the two suits of Greensville Timber Company, Incorporated, vs Hattie Gwaltney et als, pending in this Court, shall have been paid dismiss the said two causes from the docket.

And the Court doth adjudge, order and decree that this cause be continued.

134 50.

Greenwich Timber
Company Inc.

5 mile per
to 3 season

Katie Swallow
& others

Decr 30-1907

To be Entered
R. E. Boykin

C. O. B. No 6 of 53

* to wit, to Augustus Gualthery, the father of the infant Gualthery, Pembroke, Delilah, Pearl, Ellen, Eda and, Crudoz, John and Mary Gualthery, the sum of \$250.00, to Hannah Gualthery, widow of Jacob Gualthery, the sum of \$20.00, her son mortgaged over interest in said tract, to Augustus Gualthery, the sum of \$20.00, who has interest in said tract, and to Adolphe Gualthery, the sum of \$25.00, her interest in the said sum.

Term, 190_____.

Greensville Timber Company, Incorporated,

vs) Note for Decree.

Gwaltnet et al.

This cause came on this day to be further heard upon the papers formerly read, upon the report of Commissioner W.G. Mason, this day filed, to which there are no exceptions, and was argued by counsel.

On consideration whereof the Court approving the said report doth confirm the same.

And it appearing to the Court that said M.G.Mason, Special Commissioner, has collected from the said Greenville Timber Company, Incorporated, the sum of six hundred and fifty five dollars and thirty five cents (\$655.35), the same being the sum of six hundred dollars (\$600.00) paid by it to the other parties to this suit for the timber allotted to the said Company in these proceedings, and the sum of fifty five dollars and thirty five cents (\$55.35) interest thereon; and it further appearing to the Court, from the said report and the vouchers filed therewith, that the said M.G. Mason, Special Commissioner, has disbursed all of said money among the parties entitled to share therein according to their respective rights, as provided by the said decree, and to the satisfaction of the said parties; and it further appearing to the Court that the objects of this suit have been fully accomplished and that nothing further remains to be done therein, the Court doth adjudge, order and decree that this cause be dismissed from the docket and ~~that the papers thereof be filed among the ended causes of this Court.~~

Greenville Timber Company,
Incorporated,

vs) Note for Decree.

Gwaltney et al.

Isle of Wight Circuit Court.

1908
Dec. 8.
Enter this.
P. D. W.

Greenville Timber Company,

vs) Note for Decree.

Gwaltney et al.

Isle of Wight Circuit Ct.

1908
Dec. 8.
Enter this.
J. D. W.

In the Circuit Court for Isle of Wight County.

Form, 190

Greensville Timber Company,

vs) Note for Decree.

Gwaltney et al.

This cause came on this day to be further heard upon the papers formerly read and was argued by counsel.

On consideration whereof it being represented to the Court that this suit was instituted out of a misapprehension of the facts in this case; that its object has been fully accomplished in another suit; that the costs thereof have been paid, ^{thereupon} and on motion of the plaintiff, by its attorney, the Court doth adjudge, order and decree that this suit be dismissed and that the papers thereof be filed among the ended causes of this Court.

Ross Gwathmey's
Will

copy

Exhibit "A"

Echitit A

I, Ross Gwaltney, of Isle of Wight County and State of Virginia, being of sound mind memory do declare this to be my last Will and testament,

1st. I give and bequeath to my wife Hannah Gwaltney, all the house and kitchen furniture and all the farming implements, horse and buggy, carts & so which at the time of my decease shall be in and about my house to ~~xxx~~ have and hold forever.

2nd. I give and devise to my aforesaid wife one dwelling house and all out buildings that are around it to have and to hold forever.

3rd. I give and devise to my aforesaid wife 53 acres of land to have and to hold up to her death and then to her heirs and never to be sold.

4th. I also give and bequeath to my aforesaid wife all the fruits trees and all the cattle to have and hold forever.

5th. I give and devise to my son Augustus Gwaltney 53 acres of land to have and hold up to his death and then to his children and never to be sold but from heir to heir.

In witness whereof I hereunto set my hand and seal this the 1st. day of August, 1891.

Ross Gwaltney, (SEAL)

Decribed by the testators in the presence of each of us and at that time declared by him to us to be of sound mind and last Will.

his
Peyton C.X. Bailey, (SEAL).

mark
A. B. Drew, (SEAL).

In the County Court of Isle of Wight County March 4th. 1901, the last will and testament of Ross Gwaltney, deceased, was presented in court and proved by the oaths of Peyton C. Bailey and A. B. Drew, the subscribing ~~Witnesses~~ witnesses thereto, and ordered to be recorded as the true last will and testament of Ross Gwaltney, deceased.

TESTE: N. F. Young, Clerk.

A Copy,

TESTE: N. F. Young Clerk.

Exhibit "B"

This Deed, made and entered into this 26th day of January 1904
by and between Hannah Gwaltney, A. G. Gwaltney and
Amanda Gwaltney his wife,
..... of the county of Isle of Wight
State of Virginia part is of the first part, and the **GREENSVILLE TIMBER COMPANY,**
Incorporated, a company organized under the laws of the State of Virginia, party of the second part.

Witnesseth, That for and in consideration of the sum of (\$ 150⁰⁰) One
hundred and Fifty dollars in hand paid, receipt whereof is
acknowledged, and in the further consideration of (\$ 450⁰⁰) Four hundred
and Fifty dollars evidenced by two notes of (\$ 225⁰⁰)
Two hundred and twenty five dollars each, payable in one and
two year(s) respectively, with interest from date, the part as of the first part have
Given, Granted, Bargained and Sold, and by these presents do..... Convey in fee simple with general
warranty unto the party of the second part, his successors or assigns all the timber (10) ten inches across the
stump and over outside measurement (15) fifteen inches from the ground, when cut, on the following tract or
tracts of land lying and situate in Isle of Wight County, State of Virginia, viz:

The tract of 53 acres more or less, owned and
held by the said Hannah Gwaltney, on which she resides
also the tract of 53 acres more or less owned and
held by A. G. Gwaltney his son, on which he resides
all in Hardy Magistral district - in Isle of Wight Co -
and adjoining the lands of Mrs. Mary Elizabeth Gwaltney and
others - All the Oak, Sassafras and Cedar and
10000 feet of ^{pine} timber is reserved to build a house
on the said A. G. Gwaltney's land.

This sale and conveyance includes as a part of its consideration the following special covenants which
are deemed and taken as of value to the parties hereto, are a part of this transaction and are intended more
clearly to define the rights of the parties, viz: The party of the second part, his successors or assigns shall
have quiet, undisturbed, and as against any third parties, exclusive possession of the boundaries within which
said timber lies for (10) ten years from the date hereof within which to cut said timber, and further by the
payment of (\$ 36⁰⁰) Thirty six dollars, prior
to or within 30 days of the 26th day of January 1904..., and annually
thereafter so long as they may desire year by year to continue so to do, by the party of the second part to the
part is of the first, the time for cutting said timber shall be extended year by year for a period not exceed-
ing (5) five years. During the period provided for, the timber may be cut from time to time as the purchaser may
desire. Nothing herein contained shall be deemed to debar the part is of the first part from entering these
boundaries, and enjoying their free use and benefit as his premises, from procuring therefrom firewood, trash
and timber less than size sold, for ordinary plantation use, and for other purposes not hurtful to the timber.

The part. ^{4th} of the first part shall neither do nor of his knowledge or will permit to be done, any act on the premises whereby the interests of the party of the second part in this property may be adversely affected. The part. ^{4th} of the first part grants unto the party of the second part its successors or assigns free ingress and egress into and out of said tract or tracts of land on which said timber is situated, with free rights of way for roads, tram-roads, railroads, &c., free sites for mills, factories, out-buildings, &c., for the purpose of conducting a lumber business, and the right to operate same free of rent on his premises for (15) fifteen years from date hereof, to build and remove same during this period at his pleasure, to use free of charge dirt, brush, and smaller timber in their construction and maintenance, and to transport and manufacture the timber herein conveyed, and any other timber which he may now own or hereafter acquire.

The part. ^{4th} of the first part grant... the foregoing rights and privileges to be exclusively enjoyed by the party of the second part its successors or assigns, nor shall he during the continuance of the term of occupation by the party of the second part or his successors, grant any right of way or roads to other parties through these or adjoining lands without the consent of the party of the second part his successors or assigns, such a grant being hereby acknowledged as an act damaging to the commercial value of the timber herein conveyed, rendering it more liable to damage by fire, depredation, &c.

The rights of way and other privileges usually incident to the conduct of a lumber business, which are intended to be, and are hereby conveyed, although they may not be specifically enumerated herein, shall not be construed to allow the party of the second part wantonly to damage the part. ^{4th} of the first part in making unreasonable and unnecessary roads, railroads, &c., through land in a state of cultivation, should such be necessary they shall be located with a due regard to the rights and interests of the part. ^{4th} of the first part.

The part. ^{4th} of the first part covenants that payment of the note or notes aforesaid may be made before their due date by paying the face of said note... with interest to date on which payment is made, that ~~the~~ seized in fee of the property herein conveyed, and that any imperfection in title may be healed out of the purchase money at the proper cost and charges of the part. ^{4th} of the first part, the same to be credited on any deferred payment.

It is further agreed that any timber left standing on the premises after the time herein allowed for cutting shall *ipso facto* Revert to the owner of the land.

No timber shall be cut under this instrument until all the deferred payments shall have been paid in cash, except only that which is cut in cleaning rights of way for roads, railroads, &c.

The Vendor's lien is retained as security on the deferred payments, which payments are a part of the purchase price of the property.

The part. ^{4th} of the first part covenants to defend the title of the party of the second part to the property herein conveyed against the lawful claims of all other parties whomsoever, and to make such further assurances as may be necessary to perfect this instrument.

Witness the hands and seals of the parties this year and day first above written.

Witness

J. Walter Stott

a. J. Gwaltney [SEAL]

Amelia Gwaltney [SEAL]

Hannah Gwaltney [SEAL]

[SEAL]

[SEAL]

[SEAL]

State of Virginia }
County of Isle of Wight } to-wit:

I, J. Walter Stott a Justice of the Peace
County of Isle of Wight aforesaid, in the State of Virginia
do hereby certify that A. J. Gwaltney, Amelia Gwaltney, Hannah Gwaltney whose names are
signed to the writing hereto annexed, bearing date on the 20th day of January 1904
have severally acknowledged the same before me in my County of Isle of Wight aforesaid.

Given under my hand this 14th day of February 1904

J. Walter Stott Notary Public
My commission expires January 1st 1908

In the Clerk's office of the Circuit Court of the County
of Isle of Wight this 10th day of March 1904 at
9 ⁴⁵ o'clock A.M. this deed was received and with
the certificate annexed admitted to record.

Teste: W. H. Young Clerk
By Pyten Turner

Admitted to record this

...10th day of March.....

1904. at 9⁴⁵ o'clock a.m.

Recorded in D. B. No. 69

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Examined and Verified,

By *Wm. R. Turner*

EXAMINED AND VERIFIED

Tax.....\$ 1.00.

Fee 1.60.

Transfer Fee.....

Total.....2.60.

Exhibit "B"

DEED

A. G. Swalmey and Hannah Swalmey

Isle of Wight County

Va State

To

The Greenville Timber Company

INCORPORATED

Made *Jan 26* 1904

Recorded 190

THE FRANKLIN PRESS CO., PETERSBURG, VA.

Wm. R. Turner

Commissioner's Notice
Greenville Service Company.

Very Ours
Hattie Gwaltney & Co.

I acknowledge
service.

J. B. Sewain
att'y for
Hattie Gwaltney
June 15th - 1905

I acknowledge legal ser-
vice of this notice

W. B. Threlkeld Attorney
for Greenville Service
Company Incorporated
June 16. 1905
Legal service acknowledged

R. W. Threlkeld, Clerk
ad Litem for infant defendants,
Ruth Gwaltney, Delila Gwaltney,
Pearl Gwaltney, Elmer Gwaltney,
Edward Gwaltney, Corcoran Gwaltney,
John Gwaltney and Josie Gwaltney
June 17, 1905

COMMISSIONER'S OFFICE.

To The Greenville Timber Company (Incorporated)

and

Hattie Gwaltney, an adult, and Pembroke Gwaltney, Delilah Gwaltney, Pearl Gwaltney, Elnu Gwaltney, ~~Edward~~ Edward Gwaltney, Cruesoe Gwaltney, John Gwaltney and Josie Gwaltney, infants under the age of twenty-one years, and R.W. Arnold their guardian ad litem,

You are hereby notified that on the 19th, day of June, 1905, at 10:30 o'clock A.M., in C.F. Joyner's Store, Windsor, Va., (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to Court in pursuance of the decree of the Circuit Court of Isle of Wight County, Virginia, rendered the 19th, day of May, 1905, in the suit in chancery pending in said Court to which

you are parties plaintiff and defendants, to-wit:

1st. Whether or not the timber on the tract of One Hundred and six acres (106) , more or less, of land, in the bill and proceedings in this cause mentioned and described, can be conveniently partitioned in kind among the parties entitled to share therein.

2nd. Whether, if the said timber cannot be conveniently partitioned in kind as above mentioned, any party is willing to have the entire subject allotted to him, and pay to the other parties such sums of money as their interest therein may entitle them to receive.

3rd. Whether or not, if partitioned or allotment cannot be conveniently made, the interest of those who are entitled to the subject or its proceed will be promoted by a sale of the entire subject, or allotment of part and sale of the residue.

4th. What is a fair cash value of the said timber on terms mentioned in the said bill.

5th. Whether or not there are any encumbrances or liens on the said timber; or any delinquent taxes due thereon.

6th. Any other matter specially stated deemed pertinent by said Commissioner or which may be required by any party interested to be stated.

Given under my hand, as Commissioner in Chancery of said Court the 8th. day of June, 1905.



Commissioner in Chancery.

M. G. MASON,
ATTORNEY & COUNSELOR-AT-LAW
WAVERLY, VIRGINIA.

LOCAL COUNSEL,
SOUTHERN RAILWAY COMPANY,
R. G. DUNN & CO

October 17th, 1904.

Mr. N. J. Young, Clerk,
Sec of Wight, Pa

Dear Sir,

I enclose two lists of interrogatories and answers. Please file them with the papers in the suit of Greenville Huber Co. vs. Woolley & als and as soon as the Rules and which will be met Wednesday Return me the papers in the case ~~to~~ to me here so that I may take the matter up before Judge Prentiss in support in vacation

Yours very truly

W. G. Gibson

M. G. MASON,
ATTORNEY AND COUNSELOR-AT-LAW
WAYERLY, VIRGINIA.

LOCAL COUNSEL
SOUTHERN RAILWAY COMPANY.
R. G. DUNN & CO

Feb. 10, 1905.

Clerk of Circuit Court,
Sole of Wright, Va

Dear Sir,

Enclosed I send you bill in the
suit of Greenwood Timber Co. vs. Greenway
& Co. Please file it at proper rules.

If Sheriff has returned process and answer

Please write me and advise.

Very truly yours

M. G. Mason