

1914 - 004 Chancery Cause. Merritt Goodrich, for & c VS W. A. Edwards, adm^y of James J. Swaltney 80
Isle of Wight County
+ al
C. P. Jones, executor of Merritt Goodrich vs R. Augustus Edwards, adm^x
of James J. Swaltney + d

Plat in Oversize Box 1

other surnames: Dick, Hearn,
Cofer, Joyner, Barrett

Marrett Goodrich, who saw
at War

re} Bill

W. G. Edwards Sheriff et al

3rd November rules 1909:
Process returned exhibited on Hella
Guthrie, W. G. Edwards, Sheriff et al. Hella
Miss to them. Continued on order
of publication as to rest of defendants.

2nd Dec rules 1909:
W. G. Edwards, Sheriff et al. Hella Guthrie.
not appearing & plead etc. Bill
taken for completed as to them &
Case set down for hearing as
to them. Continued on order of
publication as to other defendants.

1st Jan rules 1910. Order
Publication exhibited & Case
set down for hearing.

the proceeds of sale of the personal property, if any, be applied to the payment of the debts according to their priority; that the dower interest of the said Netta Gwaltney, widow of the said James J. Gwaltney, deceased, be assigned her, or in the event that she so requires that said dower interest be commuted and paid to her in lieu of said dower, that proper process issue; and that all proper orders and decrees may be made, and that all such other, farther and general relief may be afforded your complainant as the nature of his case may require, or to equity shall seem meet, and notice is hereby given that proper counsel fees will be ask for in the progress of this suit.

And your complainant will ever pray, &c.

^{his}
Merritt X Gordonish
^{mark}

Netta Gwaltney.

Geo. F. Whitley P.Q.

A. S. Barrett et als, to the point of beginning; it being a part of the real estate belonging to the estate of Millie Tynes, deceased, and the same real estate conveyed by P. D. Gwaltney, Jr., to James J. Gwaltney, deceased, in a Deed of partition, which Deed is recorded in the Clerk's office for the County of Isle of Wight, in D. B. No. 73, page 140.

Your complainant is a creditor of the said James J. Gwaltney, deceased, in the sum of \$70.75, evidenced by two negotiable notes, payable at the Bank of Smithfield, for \$43.75 and \$27.00^{repaid}, on which your complainant was endorser and which he was forced to pay as such endorser at the said Bank, when the same came due.

Your complainant states that the said notes have been lost and that they are not now in his possession, but that your complainant is ready and prepared to give bond for the protection of the debtor as required by law.

Your complainant also states that he believes the rent of the place will not within five years (5- years), pay the plaintiff's account.

In tender consideration whereof, and as your complainant is remediless in the premises save in a court of equity, he prays that W. A. Edwards, Sheriff of Isle of Wight County, and as such Administrator of the said James J. Gwaltney, deceased, Netta Gwaltney, widow of the said James J. Gwaltney, deceased, and the heirs at law of James J. Gwaltney, deceased, who are persons interested in the property to be disposed of, and whose names are unknown, may be made parties defendant to this bill, and required to answer the same, answer under oath is hereby waived; that the Administrator be required to render before one of the Commissioners of this Court an account of his transactions; that an account of the ~~debts~~ be taken together with proofs of same; that the said Commissioner be required to report the fee-simple and annual value of the real estate of which the said James J. Gwaltney died, seized and possessed; that sale be made of the real estate aforesaid, if the same be necessary, and the proceeds of said sale as well as

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

Merritt Goodrich, who sues on behalf of himself and such other creditors of James J. Gwaltney, deceased, as shall come in and contribute to the cost of this suit.

Plaintiff.

VS.

W. A. Edwards, Sheriff of Isle of Wight County, and as such Administrator of James J. Gwaltney, deceased, and Netta Gwaltney, widow of James J. Gwaltney, deceased, and the heirs at law of James J. Gwaltney, deceased, who are persons interested in the subject of this suit, and whose names are unknown.

Defendants.

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

Complaining sheweth unto the Court, your complainant
Merritt Goodrich, the following case:

That sometime in the year 1908, the said James J. Gwaltney, departed this life, and W. A. Edwards, Sheriff of Isle of Wight County, on the _____ day of November, 1909, was as Sheriff of Isle of Wight County, appointed Administrator of James J. Gwaltney, deceased:

Your complainant alleges that the said James J. Gwaltney, deceased, died, possessed of very little, if any, personal property, which is by no means sufficient to pay his debts and the following real estate; that certain lot, piece or parcel of land situate in the County of Isle of Wight, near the Town of Smithfield, and described as follows: Beginning at a Locust tree a corner on the said land and the land of A. S. Barrett et als, and thence running in a straight line parallel with a lane or right of way leading from the County road to the Cemetery, a distance of 54 feet and three inches to an iron pipe, a corner, thence in a straight line across the said lot to a piece of iron which was a part of a furnace grate to a boiler, a corner, thence up a swamp to the line of A. S. Barrett et als, a corner, thence up the line of the said

10 1/2

Merritt Goddich who sues
G. P. JONES, Executor etc.,

VS.) A N S W E R:

W
Adm
A. EDWARDS, Sheriff, et al.

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

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

VIRGINIA:

C. P. Jones, Executor of Merritt Goodrich,
Deceased, who sues, etc.....Plaintiff.

VS.)

R. A. Edwards, Sheriff of Isle of Wight County,
and as such Administrator of James
J. Gwaltney, Deceased, et als....Defendants.

-----oOo-----

The answer of R. A. Edwards, Sheriff of the County
of Isle of Wight and as such Administrator of the estate of
James J. Gwaltney, deceased, to a bill in equity filed in the
above style suit now pending in the Circuit Court for the County
of Isle of Wight.

This respondent saving and reserving, etc., for answer
to the said bill says that nothing has come into his hands as ad-
ministrator of the estate of James J. Gwaltney, deceased, and
nothing likely will come into his hands as such administrator.

And now, having fully answered, he prays to be hence
dismissed with his proper costs, &c.

R. A. Edwards
Sheriff and as such administrator of Jas. J. Gwaltney,
Deceased:

Loyal service of the within process
is hereby accepted. Nov. 28th 1909

W. A. Edwards
+ asst. Geo. J. Gooding

Executed November 24th 1909. by
serving a true copy of the within
process on Nellie Gerathmy in person
at her residence in the County of
Isle of Wight.

W. A. Edwards
Sheriff of
Isle of Wight

Mrs. Gerathmy, who answers

SUBPOENA
IN
CHANCERY.

W. A. Edwards, Plaintiff

George J. Wether
p. 9

To
3rd March
Rules,

Commit
Court.

1909

B 3319

508

W. A. Edwards

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon *W. A. Edwards, Sheriff of Isle of Wight County, and as such, administrator of James J. Gwaltney, deceased, and Notts Gwaltney, widow of James J. Gwaltney, deceased, and the heirs at law of James J. Gwaltney, deceased, who are persons interested in the subject of this suit, and whose names are unknown*

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 *5th* Monday in *November* 190*9*, to answer a bill in chancery, exhibited against *them* in our said court *for* by *Merritt Goodrich, who sues on behalf of himself and such other creditors of James J. Gwaltney, as shall come in and contribute to the cost of this suit*

And have then there this writ. Witness *U. B. Johnson* *NATHANIEL F. YOUNG*, Clerk of our said court, at the court-house, the *20th* day of *November* 190*9*, and in the *12th* year of the Commonwealth.

U. B. Johnson

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Meritt Goodrich, who does &c

vs. Affidavit for Ord. Prob.

M.O. Edwards, Adm et al

Filed November 20, 1909

Filed Novem 20, 1909

Merritt Goodrich, who sues on behalf of himself and such other creditors of James J. Gwaltney, deceased, as shall come in and contribute to the cost of this suit. Plaintiff.

Vs.

W. A. Edwards, Sheriff of Isle of Wight County, as such Administrator of James J. Gwaltney, deceased, and Netta Gwaltney, widow of the said James J. Gwaltney, deceased, and heirs at law of said James J. Gwaltney, deceased, who are persons interested in the subject of this suit, and whose names are unknown. Defendants.

his
Merritt Goodrich
main

STATE OF VIRGINIA.)

COUNTY OF ISLE OF WIGHT.)

This day Merritt Goodrich, the above named Plaintiff, personally appeared before me, Calvin P. Jones, a Notary Public in and for the County of Isle of Wight, State of Virginia, and made oath that the heirs of James J. Gwaltney, deceased, are parties whose names are unknown.

Given under my hand this 13 day of Nov, 1909.

C. P. Jones

Notary Public.

My Commission Expires Aug 16 - 1910

Sworn and subscribed to before me in my County and State aforesaid.

C. P. Jones

Notary Public.

My Commission Expires Aug 16 - 1910

Withdraw as of

3

Mitt Goodrich who says
rs } Copy of order of Dubu
H. A. Edwards. Adm & rules

Filed Novem 20, 1909

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

ON THE 20TH. DAY OF NOVEMBER, 1909.

Meritt Goodrich, who sues on behalf of himself
and such other creditors of James J. Gwaltney,
deceased, as shall come in and contribute to
the cost of this suit,..... Plaintiff

vs) In Chancery.

W. A. Edwards, Sheriff of Isle of Wight County,
and, as such Administrator of James J. Gwaltney,
deceased; and Netta Gwaltney, widow of James J.
Gwaltney, deceased; and the heirs at law of
James J. Gwaltney, deceased, who are persons in
terested in the subject of this suit, and whose
names are unknown,..... Defendants.

This is a creditors suit, the object of which is to subject the
real estate of which James J. Gwaltney, died siezed and pos-
sessed, to the payment of his debts. And an affidavit having
been made, and filed in the Clerk's office of this Court that
the heirs of the said James J. Gwaltney, deceased, are parties
whose names are unknown, it is ordered that the heirs at law of
the said James J. Gwaltney, deceased, do appear here, in the
clerk's office of this court, within fifteen days after due
publication hereof, and do what may be necessary to protect
their interests in this suit.

Teste, *A. S. Johnson* Clerk.

Virginia: Clerk's Office of the Circuit Court of the County of
Isle of Wight November 20th. 1909.

I, A. S. Johnson, Clerk of the Circuit Court
of the County of Isle of Wight, do hereby certify that a copy
of the above order of publication was posted at the front door
of the courthouse of the said County of Isle of Wight, on the
20th. day of November, 1909.

Given under my hand this 20th. day of Novem-
ber, 1909.

A. S. Johnson Clerk.

*Copy sent to S. J. W.
Hancock*

Virginia: Circuit Court of the County of Isle of Wight, on the 20th Day of November, 1909.

Merritt Goodrich, who sues on behalf of himself and such other creditors of James J. Gwaltney, deceased, as shall come in and contribute to the cost of this suit. Plaintiff.

vs. in Chancery.

W. A. Edwards, Sheriff of Isle of Wight County, and, as such Administrator of James J. Gwaltney, deceased; and Netta Gwaltney, widow of James J. Gwaltney deceased, and the heirs at law of James J. Gwaltney, deceased, who are persons interested in the subject of this suit, and whose names are unknown, Defendants.

This is a creditors suit, the object of which is to subject the real estate of which James J. Gwaltney, died seized and possessed, to the payment of his debts. And an affidavit having been made, and filed in the Clerk's office of this court that the heirs of the said James J. Gwaltney, deceased, are parties whose names are unknown, it is ordered that the heirs at law of the said James J. Gwaltney, deceased, do appear here, in the clerk's office of this court, within fifteen days after due publication hereof, and do what is necessary to protect their interestes in this suit..

Teste: A. S. Johnson, Clerk.

George F. Whitley, p. q.

Nov. 26. 4ts.

Office of SUFFOLK HERALD.

SUFFOLK, VA., *January 25* 19*00*

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

beginning Nov 26, 1909 and ending Dec. 17, 1909.

W. J. Kendrick

Editor Herald

5/12

Goodrich etc

rs { Order Puba

Swathys Adr

W. H. KENDRICK, PRESIDENT AND EDITOR
J. C. HOLLADAY, SECRETARY AND TREASURER

Suffolk, Va., January 25 1900

M. Geo. F. Whitley atty

TO SUFFOLK HERALD CORPORATION, Dr.
NEWSPAPER AND JOB PRINTING.

No. 912 Washington Street.

TERMS OF THIS BILL—NET CASH.

Both Phones.

Jan 1/10 Pub 4 times Merritt Goodrich vs
W. A. Edwards, Sheriff, Suit 300

6

Goodrich. who sues etc
vs of Conn in chy Report
Swalmys adn et al

Filed May 10/1910

4

Messrs Goodrich

Dr } Notice
to come and see

Gas. J. Gwaltney

at Mr. R

May 9th 1910. Due
to legal service
if within notice
is hereby accepted

W. A. Edwards

at Mr

Executed the within notice
Monday, May, 9th. 1910, by
delivering a true copy, in
person, to Nettie Gwaltney,
at her residence.

R. Augustus Edwards D/S

507
\$17/10 for ~~1000~~ C

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

Heritt Goodrich, who sues on behalf of himself, etc.

vs) Chancery. Notice to take accounts.

W. A. Edwards, Sheriff of Isle of Wight County and as such administrator of James J. Gwaltney, deceased, and Nettie Gwaltney, widow of the said James J. Gwaltney, deceased, and the heirs at law of the said James J. Gwaltney, deceased, whose names are unknown.

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

To the parties to the above
entitled cause:

Take notice that I shall, at the office of Geo. F. Whitley, Esquire, in the town of Smithfield, County of Isle of Wight and State of Virginia, at three o'clock P. M. on the 10th day of May, 1910, I shall proceed to execute the decree entered in the above entitled cause, of which the following is an extract:

"On consideration whereof the Court doth adjudge, order and decree, that this cause be referred to one of the Commissioners of this Court, who will inquire into and report to Court;
FIRST: The annual and fee-simple values of the real estate of which the said James J. Gwaltney, died, seized, and possessed, and whether or not there are any delinquent taxes against the same;

SECOND: An account of all lien debts against the said real estate with their priorities, and all other debts due by said decedent;

THIRD: An account of the transactions of W. A. Edwards, Sheriff of Isle of Wight County, and as such Administrator of the estate of James J. Gwaltney, deceased;

FOURTH: Whether all the proper parties are properly before the Court, and who are the heirs at law of the said James J. Gwaltney, and their places of residence, if the same can be ascertained;

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

At which time and place you are required to attend.

Given under my hand this 30th. day of April, 1910, at my office at Isle of Wight Courthouse.

[Signature]
Commissioner in Chancery.

W. A. EDWARDS,
SHERIFF OF ISLE OF WIGHT COUNTY
AND AUCTIONEER,
SMITHFIELD, VIRGINIA.

May 9th 1910

To A. S. Johnson

Deorum. In Chancery. R.

In Re. Goodrich v. Gwaltney adm R.

I beg to advise that I have found no property, & that no funds of any description have come into my hands since the Estate of Jas. J. Gwaltney was committed to me for administration.

W. A. Edwards, Shff &
& adm. of Jas. J. Gwaltney and.

Sworn to & subscribed before me this
9th of May 1910. L. C. Brock, Mayor.

Goodrich.

J. T. Hearn, being duly sworn, deposes and says:

Q. Please state your name , age, residence and occupation?

A. J. T. Hearn, forty years of age, live Smithfield, Furniture dealer.

Q. Are you acquainted with the property of which James J. Gwal tney died siezed and possessed?

A. I have looked over the property.

Q. What do you think a fair cash value of the property.

A. Three hundred and fifty dollars.

Q. What do you think a fair rental value , per year for the property?

A. Forty two dollars.

Q. Do you think that the property will rent for that for the next five years?

A. To maintain the present rental value the property ~~the~~ will have to be improved.

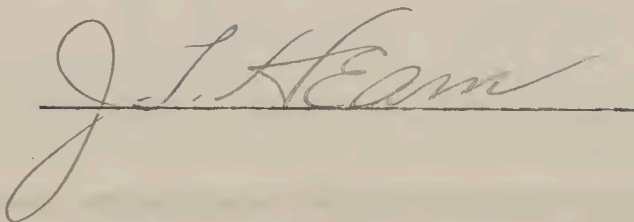
Q. To what extent will the property have to be improved?

A. A roof will have to be put on the house, and other necessary improvement, such as puting in rotten timbers.

Q. When will the above improvements become necessary to be made?

A. The improvements should be made now as the shingles on the roof are rotten,

And further this deponent saith not.

A handwritten signature in cursive script, reading "J. T. Hearn", is written over a horizontal line.

W. H. Dick, being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation?

A. W. H. Dick, live in Smithfield, I am forty eight years of age, and am a ham packer.

Q. Are you well acquainted with the lot of which James J. Gwaltney died, seized and possessed?

A. I have acquainted myself with it.

Q. Do you know enough about the property to pass judgment as to its cash value and its rental value?

A. Yes.

Q. What do you consider a fair cash value of the lot?

A. (\$350.00) Three hundred and fifty dollars.

Q. What do you think a fair rental value, per year for the property?

A. The house on the lot is in bad shape and needs repairs at the present time, and will soon be in such a shape that no one can occupy it, yet I would say that the house would rent for \$3.50 per month, as long as any one can stay there.

Q. What will it cost to put the house in shape for occupancy?

A. At least a hundred dollars.

Q. Do you think the house will continue at the present rental value for the term of five years?

A. No, I do not think that anybody can live in there over two years.

Q. Did you know James J. Gwaltney, deceased?

A. Yes.

Q. How long did you know him before his death?

A. I knew him from child-hood.

Q. Has he heirs living?

A. Not to my knowledge.

And further this deponent saith not.

W. H. Dick

2nd. There appears nothing of record as a lien upon the said land; but there appears to be a debt against the said estate in favor of the complainant in this cause, which, according to the bill for same, and which is filed herewith, is \$70.75; and it appears that interest should be charged upon \$43.75 from March 3rd. 1903, and on \$27.00 from March 14th. 1908.

While nothing appears in evidence to that effect, yet your commissioner believes, from his personal knowledge of the transaction, and from the statements made to your commissioner by other parties, that the amounts represented by the said bill was money that the complainant in this cause enabled the said James J. Gwaltney to procure for the purpose of discharging and paying off a lien upon the said lot of land evidenced by a bond secured by a deed of trust in favor of B. P. Chapman.

3rd. There appears to have been nothing done by the said administrator, either in receiving or disbursing any funds belonging to the said estate.

4th. It appears that all the parties proper to this suit are before the court, so far as they can be ascertained, and the others have been proceeded against as by the statute in such cases is made and provided.

Respectfully submitted,



Commissioner in Chancery.

Commissioner, ...	\$5.00
Sheriff, ...	50
Witnesses, ...	1.00

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

Meritt Goodrich, who sues etc.

vs) Report of Commissioner in Chancery.

James J. Gwaltney's Administrator et als.

TO HONORABLE B. D. WHITE,

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

The undersigned, one of the Commissioners in Chancery of your Honor's Court, to whom has been referred the papers in the above entitled cause for the execution of a decree entered therein on the 8th. day of February, 1910, ^{to report} begs to leave that after due notice to the parties, as required by law, which is herewith filed, at the office of George F. Whitley, Esquire, Attorney at Law, in the town of Smithfield, on the 10th. day of May, 1910, he proceeded to execute the said decree and there, on that day, and at the hour specified in the said notice, took the depositions of W. H. Dick and J. T. Hearn, which are herewith filed, as a part of this report; and after taking the depositions aforesaid, and upon an examination of the records in the Clerk's Office of this Court, your Commissioner finds, and so reports, as follows:

1st. That the annual value of the land in the bill and proceedings mentioned is probably forty two dollars a year, and from the testimony before your commissioner he thinks that probably this price will not continue long owing to the ruinous condition of the house upon the said lot of land. The fee simple value appears, from the testimony taken and here submitted, to be three hundred and fifty dollars. The assessed value of the said lot being one hundred and fifteen dollars, according to the land book lodged in said Clerk's Office, for the year 1909.

There appear to be no delinquent taxes against the said lot of land from the records in said Clerk's Office.

1908
 Mar 3 To Meritt Goodrich
 14 " " " " " " " " " "

4375
 2700
 7075

Personally appeared before ^{me} Meritt Goodrich
 this 9th day of May 1910 and made oath that
 the above acct is a true and just one and
 nothing has been paid on it.

C. P. Jones Notary Public
 My Commission Expires Aug 16 - 1910.

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Goodrich, who sues etc
vs } Chancery. Conrs Report
Swadlow Adr et al

IN THE CLERK'S OFFICE OF THE
CIRCUIT COURT,
IN THE
COUNTY OF ISLE OF WIGHT

this 15 day of Sept 1910

Returned Filed
Jstb. Johnson

Executed the within notice Sat. Sept. 10th, 1910, by delivering a true copy of same to W. A. Edwards, Sheriff of Isle of Wight Co., and administrator of James J. Gwaltney, deceased, and by delivering a true copy of same to Nettie Gwaltney, Widow of James J. Gwaltney, deceased, in person, Monday, Sept. 12th 1910.

W. A. Edwards, Sheriff.

By. R. C. Gwaltney ^{Adm. & S.}

Merritt Grisham,
who sees and so
forth.

W. C. Edwards, Sheriff,
etc, et al.

Notice of execution
of Decree.

Legal service
of the within notice
is hereby acknowledged
and accepted.

W. A. Edwards
Shff & adm. re

J. B.	1.25
Clark	.75
Shff	50
	2.50

Spurrier
Commissioner.

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

Merritt Goodrich, who sues on behalf of himself and such other creditors of James J. Gwaltney, deceased, as shall come in and contribute to the cost of this suit.....Plaintiff.
VS.

W. A. Edwards, Sheriff of Isle of Wight County, and as such Administrator of James J. Gwaltney, deceased, and Netta Gwaltney, Widow of James J. Gwaltney, deceased, and the heirs at law of James J. Gwaltney, deceased, who are persons interested in the subject of this suit, and whose names are unknown.....Defendants.

Extract from decree entered June, 7th. 1910.

"The Court doth recommit the papers in this cause to the said Commissioner, and direct that he inquire into and make a fuller and more definite report to court in reference to the second clause in the decree of reference entered in this cause on the 8th. day of February, 1910, which directs as follows:"

"An Account of all lien debts against the said real estate with their priorities, and all other debts due by said decedant."

AT THE OFFICE OF COMMISSIONER, A. S. JOHNSON,
OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, VIRGINIA,
SEPTEMBER, 7th. 1910.

TO THE PARTIES TO THE ABOVE SUIT:

I have fixed on Thursday, the 15th. day of September, 1910, at 2 O'clock, P. M. as the time, and at the Office of Geo. F.

A. S. Barrett, being duly sworn deposes and says:

Q. Please state your name, age, occupation and residence?

A. A. S. Barrett, age-49, Cashier of the Bank of Smithfield, Virginia, and reside in the County of Isle of Wight, Virginia.

Q. Do you know the parties to this suit?

A. I do.

Q. The bill in these proceedings allege that James J. Gwaltney died owing Merritt Goodrich the sums of forty three dollars and seventy five cents and twenty seven dollars, respectively, which were formerly evidenced by two notes, made by the said James J. Gwaltney, and discounted at the Bank of Smithfield, and on which Merritt Goodrich was the endorser, and finally had to pay or did pay off both of the notes. Do you know if these allegations are true?

A. We carried two notes in the Bank of Smithfield, for the amounts you mentioned, made by James J. Gwaltney, and on which Merritt Goodrich, was the endorser. These notes came due according to our books on the 3rd, and 14th, of March 1908. I remember distinctly Merritt Goodrich paying the notes, because at the time he paid the notes he enquired how he was to realize upon them, asking if there was any way for him to get his money back. Mr. V. W. Joyner, and myself talked about the matter also. Jim being dead Merritt was disturbed about his getting his money back.

Q. Did these notes contain waiver of the homestead exemption?

A. They did, they were bank notes and all of our bank notes contain a waiver of the homestead exemption.

And further this deponent saith not.

A. S. Barrett

Goodrich.

V. W. Joyner, being duly sworn deposes and says:

Q. Please state your name, age, occupation and residence?

A. V. W. Joyner, 48- years of age, merchant in the Town of Smithfield, Virginia, at which place I reside.

Q. Do you know the parties to this suit?

A. Yes sir.

Q. The bill in these proceedings allege that James J. Gwaltney died owing Merritt Goodrich, the sum of forty three dollars and seventy five cents, and twenty seven dollars, respectively, which were formerly evidenced by two notes, made by the said James J. Gwaltney, and discounted at the Bank of Smithfield, and on which Merritt Goodrich was endorser, and finally had to pay or did pay off both of the notes. Do you know if these allegations are true?

A. Merritt, has been working for me for several years and always got me to look after his business affairs. He came to me some time during the year spring of 1908 and gave me the notes above referred to which was signed by James J. Gwaltney, and on which Merritt Goodrich was an endorser in fact the only endorser, this was after the death of James J. Gwaltney, He asked me if I could collect the notes I told him I thought the money could be made. I took the notes and put them in an envelope and the envelope was misplaced and I have never been able to find it, consequently the notes have been lost.

Q. Do you know whether these notes were marked paid by the Bank of Smithfield?

A. Yes sir I remember distinctly seeing the paid stamp of the Bank on the face of the notes.

Q. Did these notes contain a waiver of the homestead exemption?

A. The notes were Bank notes and they always contain a waiver of the homestead exemption.

And further this deponent saith not.

V. W. Joyner.

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

Meritt Goodrich, who sues etc.

vs) Chancery--Report of Commissioner.

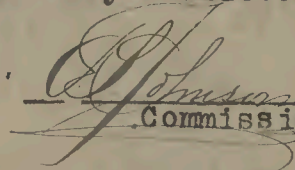
~~W. A. Edwards, Sheriff, and as such~~
administrator of J. J. Gwaltney, et
als.

TO HONORABLE B. D. WHITE,

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

The undersigned, one of the Commissioners in Chancery of your Honor's Court, begs leave that in pursuance to the decree entered in the above entitled cause, on the 7th. day of June, 1910, that on the 15th. day of September, 1910, he attended at the office of George F. Whitley, Attorney at Law, in the town of Smithfield, in the County of Isle of Wight and State of Virginia, pursuant to notice, which has been duly served and is attached hereto, to execute the said decree entered in the said cause, and there took the depositions of John I. Cofer, V. W. Joyner and A. S. Barrett, And from the evidence before your said Commissioner he is informed and so reports that the estate of the said J. J. Gwaltney, deceased, is indebted to the said Meritt Goodrich in the sum of \$70.75 for notes paid by the said Meritt Goodrich, made by the said J. J. Gwaltney and which were endorsed by the said Meritt Goodrich, and that interest should be computed on \$43.75, a part thereof, from the 3rd. day of March, 1908, and on \$27.00, the balance thereof from the 14th. day of March, 1908.

Respectfully submitted,


Commissioner.

Commissioner's fee, \$3.50

12
Meritt Goodrich, who was
~~C. P. JONES, Executor,~~

REPORT OF
COMMISSIONERS:

W
~~R. A. EDWARDS, Sheriff,~~ *Adm* et als.

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

C. P. Jones, Executor of Merritt Goodrich,
deceased.

VS.)

R. A. Edwards, Sheriff, and as such Admin-
istrator of James J. Gwaltney,
deceased, et als.

-----oOo-----

STATE OF VIRGINIA,

County of Isle of Wight, to-wit:

I, George F. Whitley, a Commissioner in Chancery for the Circuit Court for the County aforesaid, in the State of Virginia, do certify that A. S. Barrett, George W. Delk and George K. Nelms, have this day made oath, before me, that they will faithfully and impartially assign and allot to Netta Gwaltney, the widow of James J. Gwaltney, deceased, by metes and bounds, one equal third part in value as her dower therein of the land in the proceedings mentioned of which James J. Gwaltney died, seized and possessed.

GIVEN under my hand this 3rd. day of June, 1911.


Commissioner in Chancery.

Beginning at a Pipe cornering on the road known as the "Cemetery Road;" running thence S. 31° E. 30 feet and three inches, to a pipe, a corner; running thence N. 60° E. 67 feet to a pipe, a corner; running thence N. 31° W. 30 feet and three inches to a pipe, a corner; running thence S. 61° W. 67 feet to a pipe the point of beginning. The said piece of land assigned, being the piece on which the dwelling house is located. That we employed a competent surveyor to lay off said land and to make a plat of same, which plat is hereto attached.

GIVEN under our hands this 13th. day of June, 1911.

A. S. Barrett

Geo. W. Delk

Jas. H. Nelson

COMMISSIONERS:

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

VIRGINIA:

C. P. Jones, Executor of Merritt Goodrich,
deceased.....Plaintiff.

VS.)

R. A. Edwards, Sheriff, and as such Admin-
istrator of James J. Gwaltney,
deceased, et als.....Defendants.

-----oOo-----

REPORT OF COMMISSIONERS.

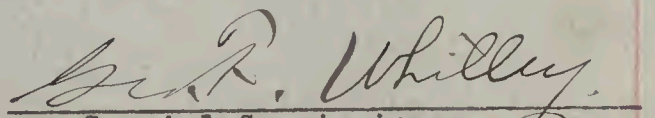
To the Judge of said Court

We, A. S. Barrett, George W. Delk and George K. Nelms, Commissioners appointed by a decree entered on the 3rd. day of April, 1911, in the above style cause now pending in the Circuit Court for the County of Isle of Wight, to go upon the land in the proceedings mentioned of which James J. Gwaltney was seized of an estate of inheritance during his marriage with Netta Gwaltney, and assign and allot to the said Netta Gwaltney, widow of the said James J. Gwaltney, deceased, by metes and bounds, one equal third part in value of the said land as her dower therein, do certify that on the 3rd. day of June, 1911, at twelve o'clock of that day, we met together on the said land; and after being ^{and notice given to said Netta Gwaltney} duly sworn, upon a view of the said land, we assigned, by metes and bounds, one equal third part in value of the said land to be held by the said Netta Gwaltney as her dower therein. A description of the said one equal third part in value of the said land being as follows, to-wit:

Your commissioner reports that the said W. H. Sykes has made the cash payment, required by the said decree, of \$75.00. That the said W. H. Sykes has given his bonds for the remainder of the purchase price (\$150.00) as required by the said decree.

Your commissioner reports that the said cash payment made by the said W. H. Sykes is now deposited to the credit of your commissioner in THE MERCHANTS & FARMERS BANK, of Smithfield, Virginia.

Respectfully submitted,


Special Commissioner.

13 1/2

Merrill Godrich, who was
W. Edwards adm
itals

Report.

140
Nov 16.
Filed B.D.S.

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

C. P. Jones, Executor of Merritt Goodrich,
Deceased.....Plaintiff.

VS)

R. A. Edwards, Sheriff, and as such Adminis-
trator of James J. Gwaltney,
Deceased, et als.....Defendants.

-----oOo-----

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

The undersigned Commissioner, George F. Whitley, appointed by a decree entered in the above styled cause on the 20th. day of June, 1911, to sell the real estate in the bill and proceedings mentioned, respectfully reports that pursuant to the said decree, and after having given bond therein required and advertised the sale of said real estate for fifteen days by hand bills conspicuously posted in five or more public places in the town of Smithfield, Virginia, offered for sale the said real estate at public auction, in front of the United States Post-office in the town of Smithfield, Virginia, on Friday, the 28th. day of July, 1911, at twelve o'clock, on the terms mentioned in the said decree, at which sale the said real estate was struck off to W. H. Sykes, he being the highest bidder therefor, at the price of TWO HUNDRED TWENTY-FIVE (\$225.00) DOLLARS.

Your commissioner respectfully reports that the property was well advertised and several parties made bids on same.

15

Merritt Goodrich, who sues etc

VS)
REPORT OF
SPECIAL COMMISSIONER:

W. A. Edwards, Sheriff, et al

*Filed January
8/1914*

Test. E. J. Calk

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

By amount paid George P. Whitley, taxed attorney fee, per voucher,	15.00
By amount paid George P. Whitley for drawing deed, per voucher,	10.00
By amount paid I. N. Pitman, Notary Public, for taking acknowledgment to deed, per voucher,	.50
By amount paid Suffolk Herald for printing Order of Publication, per voucher,	3.00
By amount paid George M. Helms, Agent, premium on bond, per voucher,	5.00
By amount paid W. W. Morrison for survey, per voucher,	5.00
By amount paid West & Withers, premium on bond, per voucher,	5.00
By amount paid D. J. Hood for printing handbills, per voucher,	2.00
By amount paid West & Withers, premium on bond, per voucher,	5.00
By amount paid R. A. Edwards, Crier's fee, per voucher,	5.00
By amount paid C. F. Jones, Executor of the estate of Merritt Goodrich, dec'd, principal, per voucher,	43.75
By amount paid C. F. Jones, Executor of the estate of Merritt Goodrich, dec'd, interest on \$43.75, from 3/3/08 to 11/7/13, per voucher,	15.16
By amount paid C. F. Jones, Executor of the estate of Merritt Goodrich, dec'd, principal, per voucher,	27.00
By amount paid C. F. Jones, Executor of the estate of Merritt Goodrich, dec'd, interest on \$27.00 from 3/14/08 to 11/7/13, per voucher,	9.14
By amount paid A. S. Johnson, cost of committing estate to hands of Sheriff, per voucher,	1.50
By amount paid George P. Whitley, Special Commissioner's commissions, per voucher,	11.98
Balance,	49.69
	<u>\$ 239.72 \$ 239.72</u>

To balance deposited to the credit of the said Special Commissioner in the Merchants & Farmers Bank, Incorporated, Smithfield, Virginia, \$ 49.69

Respectfully submitted,

George P. Whitley
Special Commissioner.

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

DECEMBER TERM, 1913.

Herritt Goodrich, who sues etc.,,,,,,,Plaintiff,

- VS -

W. A. Edwards, Sheriff, et al,.....Defendants.

-----oOo-----

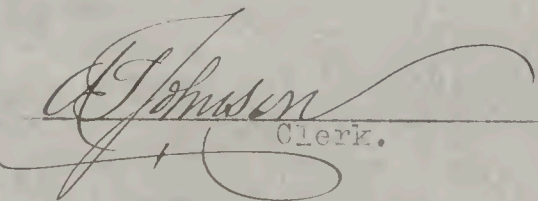
TO THE HONORABLE B. D. WHITE,

JUDGE OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

The undersigned, George W. Whitley, Special Commissioner, begs leave to report that pursuant to a decree entered in this cause on the 16th day of November, 1911, he has collected from W. H. Sykes, the purchaser of the land in the bill and proceedings mentioned, the full amount of the purchase price, with all interest due on same; that he has executed a good and sufficient deed, conveying with Special Warranty, the land as mentioned and described in the said decree to the said W. H. Sykes; and that he has paid out of the purchase money, as follows:

To amount received, principal and interest,	\$ 239.78	\$
By amount paid A. E. Johnson, Clerk's fee, per voucher,	17.00	
By amount paid A. E. Johnson, writ tax, per voucher,	1.50	
By amount paid A. E. Johnson, Commissioner's fee, per voucher,	5.00	
By amount paid R. A. Edwards, Sheriff's fee, per voucher,	2.50	

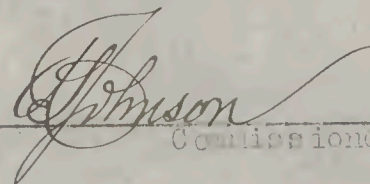
Received of George F. Whitley, Special Commissioner
in the suit of Merritt Goodrich, who sues etc. vs W. A. Edwards,
Sheriff, et al, the sum of Seventeen (\$17.00) Dollars, Clerk's fee.


Clerk.

Received of George W. Whipple, Special Commissioner
in the suit of Merritt Goodrich, who sues etc. vs W. A. Edwards,
Sheriff, et al, the sum of One and 50/100 (\$1.50) Dollars, writ
tax.

Johnson

Received of George F. Whitlow, Special Commissioner
in the suit of Merritt Goodrich, who sues etc. vs W. A. Edwards,
Sheriff, et al, the sum of Five (\$5.00) Dollars, Commissioner's
fee.



Commissioner.

SMITHFIELD, VA.

Sept 26 1911

Mr. Geo. F. Little Atty at Law.

City

IN ACCOUNT WITH

R. AUGUSTUS EDWARDS
SHERIFF OF ISLE OF WIGHT COUNTY
SPECIAL ATTENTION PAID TO COLLECTING ACCOUNTS

1910

May	9	To Executing notice in Chancery - Merritt Goodrich vs. Neta Geraldine & W. G. Edwards Admors (2 Copies)	1 00
Sept 1911	10	To Executing notice in Chancery - Merritt Goodrich vs. Neta Geraldine & W. G. Edwards 2 copies	1 00
June	2	To Executing notice of Commissioner	50

March 2 - 1912.

Recd payment

R. Aug. Edwards
Shff.

\$ 2 50

Geo. F. Whitley, Atty

Received of George F. Whitley, Special Commissioner
in the suit of Merritt Goodrich, who sues etc. vs W. A. Edwards,
Sheriff, et al, the sum of Fifteen (\$15.00) Dollars, taxes attor-
ney fee.

Geo. F. Whitley.

Received of George E. Whitley, Special Commissioner
in the suit of Merritt Goodrich, who sues etc. vs W. A. Edwards,
Sheriff, et al, the sum of Ten (\$10.00) Dollars, for writing
Commissioner's deed.

Geo. E. Whitley.

Received of George P. Whitley, Special Commissioner
in the suit of Merritt Goodrich, who sues etc. vs W. A. Edwards,
Sheriff, et al, the sum of Fifty (50¢) Cents, for taking acknowl-
edgment to Commissioner's deed.

J. E. Pelham

Notary Public.

W. J. KENDRICK, President and Editor
J. C. HOLLADAY, Secretary and Treasurer

Suffolk, Va., March 7 1910

Mr.

Geo. F. Whitley Atty

Smithfield Va

TO SUFFOLK HERALD CORPORATION, Dr.

:: Newspaper and Job Printing ::

No. 912 WASHINGTON STREET

TERMS OF THIS BILL—NET CASH

BELL PHONE 135

1910
Nov 10

To Pub Notice Mary Goodrich v.s.

W. A. Edwards et. als. H.T.

Nov 10 in Suff Herald.

P A I D

3 00

Nov - 7 - 1913

THE SUFFOLK HERALD CORPORATION

By Charles Mgr

Folio.....
Terms--Cash.

Smithfield, Va., Oct. 23rd 1911.

Mr. Isaac H. Whitley, Spl. Com., to sell land,
Netta Gwaltney property, Smithfield, Va.

To WEST & WITHERS, Inc., Dr.

GEO. K. NELMS, Sec'y & Treas.

Fire, Life, Marine, Accident, Health, Employers' Liability

AND STEAM BOILER INSURANCE AND SURETY BONDS.

P. O. Box 394.

No. 1, OVER MERCHANTS & FARMERS BANK.

Both Phones

Date	Policy No.	Company	Property Insured	Amount	Premium
7/6/11	141611	Fidelity & Deposit Co.	Bond	\$300,	\$5.00
Recd. payment					
West & WITHERS, Geo. K. Nelms,					

Received of George F. Whitley, Special Commissioner
in the suit of Merritt Goodrich, who sues etc. vs W. A. Edwards,
Sheriff, et al, the sum of Five (\$5.00) Dollars, for survey.

J. W. Morrison

Received from Suffolk, Va July 20th 1912
Geo. H. Whitney admt.
Five Dollars
Bond as Special Commissioner in C. P. Jones Executor
vi R A Edwards admt et al

\$5.00

Thos & Thutens
B

WEST & WITHERS

FIRE INSURANCE

Representing
CITIZENS INSURANCE COMPANY
OF MISSOURI
Organized 1837

Suffolk, Va Sept. 8, 1913

Mr. George F. Whitley,
Smithfield, Va.

Dear Sir:

We acknowledge receipt of your check for \$5.00,
being premium on your bond as Special Commissioner in the
case of C. F. Jones vs. R. A. Edwards, Administrator, for
the year beginning July 6th, 1913.

Thanking you for same, we are,

Yours truly,

West & Withers

JEW/E

---Nov 1--- 1911

MR. *G. F. Willey* *Off. Com. J. J. Gwilling* on

TO D. J. MOOD, DR.

PRINTER

SMITHFIELD, VA.

July 7 Com. Sale of Land Bills

200

PAID
11-11-11
M. J. Gwilling

SMITHFIELD, VA., *Dec 9* 1911

Mr. *Geo F. Whitley*

Special Agent in C. P. Jones - agent
vs. Eamon & Shiff et als.

IN ACCOUNT WITH

R. AUGUSTUS EDWARDS
SHERIFF OF ISLE OF WIGHT COUNTY
SPECIAL ATTENTION PAID TO COLLECTING ACCOUNTS

July 28 To Auctioning property

5.00

Real Payment

Aug 1st 1911

R. Aug Edwards
Shiff.

1750
 1716.50

 14.50

1750
 1716.50

 10.00
 2.50

1750
 1716.50

 10.00
 2.50

1750
 1716.50

 10.00
 2.50

Received of George F. Whitley, Special Commissioner
in the suit of Merritt Goodrich, who sues etc. against W. A. Ed-
wards, Administrator, et als, the sum of Twenty five & $\frac{05}{100}$
(\$ 25 $\frac{05}{100}$) Dollars, it being the amount
due the said Merritt Goodrich, according to a decree entered in the
said suit on the 16th day of November, 1911.

C. T. Jones Executor of Merritt Goodrich

November 7, 1913.

Received of George F. Whitley, Special Commissioner
in the suit of Merritt Gedrich, who sues etc. vs W. A. Edwards,
Sheriff, et al, the sum of Eleven and 98/100 (\$11.98) Dollars,
Special Commissioner's commissions.

Geo. F. Whitley
Special Commissioner.

GEORGE F. WHITLEY

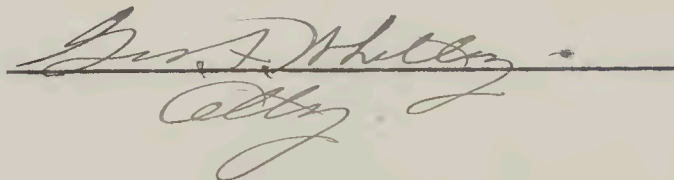
ATTORNEY AT LAW

MERCHANTS AND FARMERS BANK BUILDING

SMITHFIELD, VIRGINIA

October 5, 1914.

Received of Geo. F. Whitley, Special Commissioner in the
suit of Merritt Goodrich, who sues, etc. VS. W. A. Edwards, Sheriff,
etc. et als., the sum of FORTY NINE DOLLARS AND 09/100 (\$49.09),
attorney's fee.

A handwritten signature in cursive script, reading "Geo. F. Whitley", is written over a horizontal line. Below the line, the word "Atty." is written in a similar cursive style.

Merritt Goodrich, who sues,
etc.

VS) SPECIAL COMMISSIONER'S

REPORT:

W. A. Edwards, Sheriff,
etc. et als.

GEORGE F. WHITLEY

ATTORNEY-AT-LAW

SMITHFIELD, VA.

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

HERRITT GOODRICH, Who sues, etc,.....Plaintiff,

--VS--

W. A. EDWARDS, SHERIFF, etc. et als.....Defendants.

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

The undersigned Commissioner begs leave to report that pursuant to a decree entered in this cause on the 16th day of January, 1914, he has paid to Geo. F. Whitley the sum of FORTY NINE DOLLARS AND 09/100 (\$49.09), as attorney's fee for services rendered in this cause, as is shown by the receipt of the said Geo. F. Whitley herewith filed.

Respectfully submitted,



Special Commissioner.

Merritt Goodrich
may run etc.

783 Decker.

N. A. Edwards.

Shrimp, etc. et als.

1910
Feb. 8th
Enter this.
B. D. W.

Col. No. 7

Page 14

SECOND: An account of all lien debts against the said real estate with their priorities, and all other debts due by said decedent;

THIRD: An account of the transactions of W. A. Edwards, Sheriff of Isle of Wight County, and as such Administrator of the estate of James J. Gwaltney, deceased:

FOURTH: Whether all the proper parties are properly before the Court;

and who are the heirs at law of the said James J. Gwaltney, and their places of residence, if the same can be ascertained

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

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

FEBRUARY TERM, 1910.

Merritt Goodrich, who sues on behalf of himself and such other creditors of James J. Gwaltney, deceased, as shall come in and contribute to the cost of this suit.....Plaintiff.

Vs. In Chancery

W. A. Edwards, Sheriff of Isle of Wight County, and as such Administrator of James J. Gwaltney, deceased, and Netta Gwaltney, widow of James J. Gwaltney, deceased, and the heirs at law of James J. Gwaltney, deceased, who are persons interested in the subject of this suit, and whose names are unknown.....Defendants.

This cause, in which the plaintiff ~~who sues etc.~~, has proceeded as to the unknown heirs at law of James J. Gwaltney, deceased, in the mode prescribed by law against unknown defendants and which has regularly matured at rules, came on this day to be heard on the bill taken for confessed as to the defendants, W. A. Edwards, Sheriff of Isle of Wight County, and as such Administrator of James J. Gwaltney, deceased, and Netta Gwaltney, widow of James J. Gwaltney, deceased, on whom process has been duly served, they still failing to appear and plead, answer or demur to the said bill, and was argued by counsel.

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

FIRST: The annual and fee-simple values of the real estate of which the said James J. Gwaltney, died, seized and possessed, and whether or not there are any delinquent taxes against the same;

**The Court in this case having been duly notified, in the manner prescribed by law, in the County of Wight, and the said James J. Gwaltney, deceased, and Netta Gwaltney, widow of James J. Gwaltney, deceased, and the heirs at law of James J. Gwaltney, deceased, who are persons interested in the subject of this suit, and whose names are unknown, have failed to appear and plead, answer or demur to the said bill, and was argued by counsel.*

7-
Merritt Gooch who does

v2) Deere

W. A. Edwards Sheriff
et al.

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

C. O. B. No 7 - P. 33

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

JUNE TERM, 1910.

Merritt Goodrich, who sues on behalf of himself and
such other creditors of James J.
Gwaltney, deceased, as shall come
in and contribute to the cost of
this suit.....Plaintiff.

Vs. In Chancery

W. A. Edwards, Sheriff of Isle of Wight County, and
as such Administrator of James J.
Gwaltney, deceased, and Netta Gwalt-
ney, widow of James J. Gwaltney, de-
ceased, and the heirs at law of James
J. Gwaltney, deceased, who are persons
interested in the subject of this suit
and whose names are unknown.....Defendants.

This cause came on this day to be again heard on the
papers formerly read and on the report of Commissioner, A. S.
Johnson, filed on the 10th. day of May, 1910.

And the Court, without taking any action upon the re-
port, doth recommit the papers in this cause to the said Com-
missioner, and direct that he inquire into and make a fuller
and more definite report to court in reference ^{*the second clause*} to item (2) in
^{*said*} decree of reference entered in this cause on the 8th. day of
February, 1910, which directs as follows:

"An Account of all lien debts against the said real
estate with their priorities, and all other debts
due by said decedant."

Meritt Goodrich, who sues &c.

vs) Chancery*

J. J. Gwaltneys admr. et als.

Scire facias to revive suit
in name of defendants Adr.

Returnable to 1st. day of
April term, 1911, Cir Ct.

I hereby accept legal
service of the within notice.

R. Augustus Edwards
Sheriff.

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

THE COMMONWEALTH OF VIRGINIA,

TO THE CORONER OF THE COUNTY OF ISLE OF WIGHT GRANTING:

Whereas, a suit in equity has been depending in our Circuit Court of the County of Isle of Wight wherein Meritt Goodrich, who sues, etc. is the plaintiff and W. A. Edwards, Sheriff and as such, the administrator of J. J. Gwaltney, deceased, is the plaintiff, together with others; and whereas, since the last decree in the said suit, and before final judgment has been entered, the said W. A. Edwards, Sheriff and administrator as aforesaid has departed this life; and,

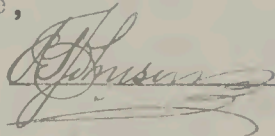
Whereas, R. Augustus Edwards has been duly appointed and has qualified as Sheriff of the County of Isle of Wight, as is provided by law, to fill the unexpired term of the said W. A. Edwards; and,

Whereas, George F. Whitley, the attorney for the plaintiff in the said suit, has applied for a scire facias against the defendant:

These are, therefore, to command you that you make known to the said R. Augustus Edwards, Sheriff of Isle of Wight County, that he be before the Judge of our Circuit Court of the County of Isle of Wight, at the Courthouse thereof, on the first day of the April term, 1911, to shew cause, if any he can, why the said suit should not be revived and proceeded with against him as the successor of the said W. A. Edwards, Sheriff as aforesaid and administrator of the said J. J. Gwaltney, deceased. And have then and there this writ.

Witness, A. S. Johnson, Clerk of our said Court, at the Courthouse, this 25th. day of March, 1911, and in the 135th. year of the Commonwealth.

Teste,



Clerk.

9

C. P. JONES, Executor,

VS.) DE CR EE:

R. A. EDWARDS, Sheriff, et als.

1411
Apr. 3.
Enter his.
B.D.W.

COR. 7 Page 68

GEO. F. WHITLEY

ATTORNEY-AT-LAW
SMITHFIELD, VA.

formerly read and on the reports of Commissioner, A. S. Johnson, filed in this cause on the 10th. day of May, 1910, and on the 15th. day of September, 1910, respectively, to which reports there are no exceptions, and on the answer of the said R. A. Edwards, Sheriff of Isle of Wight County and as such administrator of James J. Gwaltney, deceased, which, by leave of Court, was this day filed, and upon the replication to said answer, and was argued by counsel.

And the Court, without taking any action upon the reports, doth adjudge, order and decree that J. T. Hearn, V. W. Joyner, George W. Delk, George K. Helms and A. S. Barrett, who are

hereby appointed Commissioners for the purpose, any three or more of whom may act, do go upon the land in the proceedings mentioned,

of which James J. Gwaltney was seized of an estate of inheritance during his marriage with Netta Gwaltney, and assign and allot to the said Netta Gwaltney, widow of the said James J. Gwaltney, deceased, by metes and bounds, one equal third part in value of the

said land as her dower therein, and if for the proper performance

of duties under this decree it become necessary, in the opinion of the said commissioners who shall act hereunder, they are authorized and directed to employ a competent surveyor, who shall lay off the said land, or such part thereof as may be necessary, and make a plat thereof. And the said commissioners are directed to report their proceedings hereunder to the Court,

submitting with said report any evidence heard by them, and giving the reasons for their action hereunder.

*after being sworn
at 10:00 o'clock M., on Monday, the first day of May 1911, or the first fair day thereafter,*

of which time and day the said Netta Gwaltney shall have notice by receiving a copy of this decree upon her.

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

VIRGINIA:

Merritt Goodrich, who sues etc.....Plaintiff.

VS.) In Chancery,

W. A. Edwards, Sheriff of Isle of Wight County, and
as such Administrator of James J.
Gwaltney, deceased, et als.....Defendants.

-----oOo-----

The death of Merritt Goodrich, plaintiff in this suit, being suggested to the Court and it appearing that C. P. Jones, has qualified as Executor of the estate of the said Merritt Goodrich, deceased, on motion of said C. P. Jones, Executor as aforesaid, the Court doth adjudge, order and decree that this suit be revived and henceforth proceeded in in the name of C. P. Jones, Executor of Merritt Goodrich, deceased. And it also appearing that since the institution of this cause, and the death of Merritt Goodrich, that W. A. Edwards, Sheriff, and as such Administrator of James J. Gwaltney, deceased, one of the defendants in this suit, has also departed this life, and that the estate of the said James J. Gwaltney, deceased, has, on motion of said C. P. Jones, Executor as aforesaid, been committed to R. A. Edwards, Sheriff of Isle of Wight County, thereupon on motion of said C. P. Jones, Executor as aforesaid, and by and with the consent of the said R. A. Edwards, Sheriff, as such administrator, it is ordered that the said R. A. Edwards, Sheriff, and as such administrator of James J. Gwaltney, deceased, be made a party defendant to this cause, and that he be henceforth proceeded in as such, and thereupon this cause came on this day to be again heard on the papers

Service of the with-in decree with notice attached there-to was made
this 2nd-day of June 1911, by delivering a true copy of said decree
and notice to Nettie Gwaltney in person at her residence in the County
of Isle Of Wight.

R. C. Gwaltney Edwards.
Sheriff Isle of Wight County.

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Merritt Goodrich, who sues etc

VS.) DE CR E E :

W. A. Edwards, Sheriff, et als.

Gwaltney, deceased, which, by leave of Court, was this day filed, and upon the replication to said answer, and was argued by counsel.

And the Court, without taking any action upon the reports, doth adjudge, order and decree that J. T. Hearn, V. W. Joyner, George W. Delk, George K. Nelms and A. B. Barrett, who are hereby appointed Commissioners for the purpose, any three or more of whom may act, after being sworn, do, at twelve o'clock M., on Monday, the first day of May 1911, or the first fair day thereafter, go upon the land in the proceedings mentioned, of which James J. Gwaltney was seized of an estate of inheritance during his marriage with Netta Gwaltney, and assign and allot to the said Netta Gwaltney, widow of the said James J. Gwaltney, deceased, by meter and bounds, one equal third part in value of the said land as her dower therein, of which time and day the said Netta Gwaltney shall have ^{note} by serving a copy of this decree upon her, and if for the proper performance of duties under this decree it becomes necessary, in the opinion of the said commissioners who shall act hereunder, they are authorized and directed to employ a competent surveyor, who shall lay off the said land, or such part thereof as may be necessary, and make a plat thereof. And the said Commissioners are are directed to report their proceedings hereunder to the Court, returning with said report any evidence heard by them, and giving the reasons for their action hereunder.

A copy,

Teste,

[Signature]

Clerk.

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

Merritt Goodrich, who sues etc.....Plaintiff.
VS.) In Chancery.

W. A. Edwards, Sheriff of Isle of Wight County, and
as such Administrator of James J.
Gwaltney, deceased, et als.....Defendants.

-----oOo-----

The death of Merritt Goodrich, plaintiff in this suit, being suggested to the Court and it appearing that C. P. Jones, has qualified as Executor of the estate of the said Merritt Goodrich, deceased, on motion of said C. P. Jones, Executor as aforesaid, the Court doth adjudge, order and decree that this suit be revived and henceforth proceeded in the name of C. P. Jones, Executor of Merritt Goodrich, deceased. And it also appearing that since the institution of this cause, and the death of Merritt Goodrich, that W. A. Edwards, Sheriff, and as such Administrator of James J. Gwaltney, deceased, one of the defendants in this suit, has also departed this life, and that the estate of the said James J. Gwaltney, deceased, has, on motion of said C. P. Jones, Executor as aforesaid, been committed to R. A. Edwards, Sheriff of Isle of Wight County, thereupon on motion of said C. P. Jones, Executor as aforesaid, and by and with the consent of the said R. A. Edwards, Sheriff, as such administrator, it is ordered that the said R. A. Edwards, Sheriff, and as such administrator of James J. Gwaltney, deceased be made a party defendant to this cause, and that he be hence forth proceeded in as such, and thereupon this cause came on this day to be again heard on the papers formerly read and on the reports of Commissioner, A. B. Johnson, filed in this cause on the 10th. day of May, 1910, and on the 15th. day of September, 1910, respectively, to which reports there are no exceptions, and on the answer of the said R. A. Edwards, Sheriff of Isle of Wight County and as such administrator of James J.

TO NETTA GWALTNEY.

TAKE NOTICE: That on the 9th day of June, 1911, at twelve o'clock M., three of the Commissioners mentioned in the decree hereto attached will proceed to execute the same.

Geo. A. Whitley, Attorney.

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Meritt Goodrich, who owes R
~~G. F. JONES, Executor.~~

VS.) D E C R E E:

W.
~~R.~~ A. EDWARDS, ^{Adm} Sheriff, etals.

1911
Nov. 16.
Enter this
P.D.W.
CD. B. #7 Page 88

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

day of March, 1908, until paid, and the sum of \$27.00, with interest thereon from the 14th. day of March, 1908, until paid.

And the said Special Commissioner is directed to report to Court all of his proceedings under this decree.

And it appearing to the Court that there was entered on April 3d, 1911, and on June 20th, 1911, two decrees under the style of C. P. Jones, Executor against R. L. Edwards, Sheriff and others, which said decrees should have been entered under the style of Merritt Goodrich, who sues against W. A. Edwards, administrator and others and which said decrees are decrees in this cause, on consideration whereof the Court doth hereby ratify and confirm the said decrees as fully as though the same were entered under their proper caption.

purchaser, W. H. Sykes, when the same shall become due and payable, and when the same are paid the said Special Commissioner is directed to convey to the said W. H. Sykes, by a good and sufficient deed, with Special Warranty, the lands in the bill and proceedings mentioned, to-wit:

"Beginning at a Pipe cornering on the road known as the "Cemetery Road" and the lands of P. D. Gwaltney, Jr; running thence N. 60° E. 253 feet and four (4) inches to a pipe, a corner on the lands of P. D. Gwaltney, Jr., and the corporate limits of the town of Smithfield; running thence N. 38° W. 54 feet to a pipe cornering on the corporate limits of the town of Smithfield and the lands of Barrett and others; running thence S. 61° W. 237 feet and six (6) inches to a Locust, a corner on the said Cemetery Road and the lands of Barrett and others; running thence S. 31° E. 12 feet to a pipe, a corner on the said Cemetery Road and the lands allotted to Netta Gwaltney as a dower interest; running thence N. 61° E/ 67 feet to a pipe, a corner; running thence S. 31° E. 30 feet and two (2) inches to a pipe, a corner; running thence S. 60° W. 67 feet to a pipe, a corner on the said Cemetery Road and the lands assigned to Netta Gwaltney as a dower interest; running thence S. 31° E. 12 feet to a pipe, a corner on the lands of P. D. Gwaltney, Jr., and the said Cemetery Road, the point of beginning."

And it further appearing to the Court from the reports of A. S. Johnson made in this cause on the 10th. day of May, 1910, and on the 15th. day of September, 1910, respectively, that the estate of James J. Gwaltney, deceased, is indebted to Merritt Goodrich, deceased, in the sum of \$70.75, evidenced by two negotiable notes for the amounts of \$43.75, with interest thereon from the 3rd. day of March, 1908, until paid, and \$27.00, with interest thereon from the 14th. day of March, 1908, until paid, respectively.

The Court doth further adjudge, order and decree that the said Special Commissioner pay out of the said purchase money all the costs of this suit and expenses of sale, ~~including an attorney's fee of \$~~ to the said George F. Whitley, and to C. P. Jones, Executor of the estate of Merritt Goodrich, deceased, the sum of \$43.75, with interest thereon from the 3rd.

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

OCTOBER TERM, 1911.

~~C. P. Jones, Executor of Merritt Goodrich,~~ *who was*
~~Deceased,~~.....Plaintiff.

VS.)

for
~~R. A. Edwards, Sheriff, and as such Adminis-~~
~~trator of James J. Gwaltney,~~
~~deceased, et als~~.....Defendants.

-----oOo-----

This cause came on this day to be again heard on the papers formerly read, and on the report of George F. Whitley, Special Commissioner, appointed as such by a decree entered in this cause on the 20th. day of June, 1911, directing said commissioner to make sale of the real estate in the bill and proceedings mentioned, which report is this day filed and to which no exception has been taken, and was argued by counsel.

On consideration whereof it appearing from the said report of said commissioner that he has sold the real estate in the bill and proceedings mentioned for the price of \$225.00 to W. H. Sykes. And it further appearing that the said W. H. Sykes has made the cash payment of \$75.00, and that the said W. H. Sykes has given his bonds for the remainder of the purchase price of \$150.00 as required by the decree. And it further appearing that the said commissioner has deposited to his credit in the MERCHANTS & FARMERS BANK, of Smithfield, Virginia, the sum of \$75.00, it being one-third of the purchase price, the Court doth confirm the said report and said sale, and doth adjudge, order and decree that the said Special Commissioner collect the said bonds given by the said

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Merritt Goodrich, who sues etc

VS) DECREE:

W.A. Edwards, Sheriff, et al.

1914
Jan 6.
Enter this.
J.D.W.

GEORGE F. WHITLEY

ATTORNEY-AT-LAW

SMITHFIELD, VA.

Corby p 214

Dollars as attorney's fee for services rendered in this cause.

And the said Special Commissioner is directed to report to Court his proceedings under this decree.

By amount paid R. A. Edwards, Sheriff's fee,	2.50
By amount paid George F. Whitley, taxed attorney fee,	15.00
By amount paid George F. Whitley for drawing deed,	10.00
By amount paid I. M. Pitman, Notary Public, for taking acknowledgment to deed,	.50
By amount paid Suffolk Herald for printing Order of Publication,	3.00
By amount paid George H. Helms, Agent, premium on bond,	5.00
By amount paid W. W. Morrison for survey,	5.00
By amount paid West & Withers, premium on bond,	5.00
By amount paid D. J. Mood for printing hand-bills,	2.00
By amount paid West & Withers, premium on bond,	5.00
By amount paid C. F. Jones, Executor of the estate of Herritt Goodrich, dec'd, principal,	43.75
By amount paid C. F. Jones, Executor of the estate of Herritt Goodrich, dec'd, interest on \$43.75 from 3/3/08 to 11/7/13,	15.16
By amount paid C. F. Jones, Executor of the estate of Herritt Goodrich, dec'd, principal,	27.00
By amount paid C. F. Jones, Executor of the estate of Herritt Goodrich, dec'd, interest on \$27.00 from 3/14/08 to 11/7/13,	9.14
By amount paid J. E. Johnson, cost of committing estate to hands of Sheriff,	1.50
By amount paid George F. Whitley, Special Commissioner's commissions,	11.98
By amount paid R. A. Edwards, Crier's fee,	5.00
Balance,	49.69
	<u>\$ 239.72 \$ 239.72</u>

that there is now a balance of Forty-nine and 69/100 (\$49.69) Dollars deposited to the credit of the said Special Commissioner in the Merchants & Farmers Bank, Incorporated, at Smithfield, Virginia, the Court doth confirm the said report and doth adjudge, order and decree that the said Special Commissioner shall pay to George F. Whitley the sum of \$49.69

IN THE CIRCUIT COURT FOR THE COUNTY OF WICK, VIRGINIA,
DICTIONARY CASE, 1913.

* * * * *
Herritt Goodrich, who sues etc.....Plaintiff,
- VS -
W. A. Edwards, Sheriff, et al,.....Defendants.
* * * * *

-----oOo-----

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

On consideration whereof, it appearing from said report that the said Special Commissioner has collected from W. H. Sykes the full amount of the purchase price, including interest, for the property in the bill and proceedings mentioned, and has executed a good and sufficient deed, conveying with Special Warranty the said property, to the said W. H. Sykes, and has, in accordance to a former decree entered herein, paid out of the said purchase money, ~~the cost of this suit and expense of sale, and to C. B. Jones, Executor of the estate of Herritt Goodrich, dec'd, as follows:~~

To amount received, principal and interest, \$ 259.72	
By amount paid A. S. Johnson, Clerk's fee,	17.00
By amount paid A. S. Johnson, writ tax,	1.50
By amount paid A. S. Johnson, Commissioner's fee,	5.00

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Merritt Goodrich, who sues,
etc.

VS) D E C R E E:

W. A. EDWARDS, Sheriff,
etc. et als.

1914
Oct. 5.
Entered this.
P.D.W.

C.D.B. #7, p 201

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

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT, VIRGINIA:
OCTOBER TERM.

MERRITT GOODRICH, Who sues, etc.....Plaintiff,

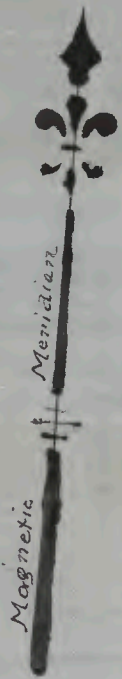
--VS--

W. A. EDWARDS, SHERIFF, etc. et als.....Defendants.

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

On consideration whereof, it appearing from said report that the said Special Commissioner has paid to Geo. F. Whitley, Attorney, the sum of FORTY NINE DOLLARS AND 09/100 (\$49.09), as attorney's fee for services rendered in this cause, the Court doth confirm the said report;

And ^{there} remaining nothing further to be done in this cause, the same is ordered to be stricken from the docket.



Plat
of

J. J. Gwaltney's Lot
Next to Corporation Line
of
Smithfield Va

Showing Dower right of Nettie Gwaltney
and
Division Lines of Lots nos 1, 2 and 3

Scale 50 ft = 1" inch

6/4/1911

W. W. Morrison Surveyor

