

1931-001

Chancery Cause

Isle of Wight County

Richard H. Tynes & al vs Emma Diggs

Richard H. Tynes & al vs Emma Diggs, Emmett Tynes & Henderson Tynes

Petition of Emmett Tynes & Henderson Tynes

Petition of Etta Edwards & al

Folder 1
454

OTHER SURNAMES: Godwin, Ryer, Parsons,
Jordan, Whitley, Roberson, Holloway,
Robertson, Blount, Windfield

EUGENE A. BILISOLY
ATTORNEY AT LAW
LAW BUILDING
NORFOLK - VIRGINIA

July 15th, 1925.

E.H. Williams, Esq,
Attorney-at-Law,
Smithfield, Va.

Dear Mr. Williams:-

Please let me know whether you have
filed your report in the matter of Tynes vs Emma Diggs,
and if you have, I shall appreciate it if you will let
your stenographer make a copy for me, and I will send
her a check for the amount.

Yours truly,

E. A. Bilisoly

Phones { 37152
22820

J. H. Hale, Prop.

Mount Vernon Garage

Carriage and Automobiles For Hire
Safety Taxi Service Co. Open Day and Night
866 Mt. Vernon Street

Norfolk, Va.,

Expense of Estate of Lizzie Tynes, deceased.

Misssellaneous Expense	\$51.00 ✓
Baggage	2.75 ✓
Doctors bill	3.00 ✓

Room Rent

4.00

60.75

Telegram

1.72

62.47

136.60

\$199.07

Laundry

1.00

\$200.07

NORFOLK, VA., March 21st. 1923

M Estate of Lizzie Tynes,

IN ACCOUNT WITH

Hale and Company

UNDERTAKERS & EMBALMERS

SPECIAL CARS FOR FUNERAL SERVICE

Carriages and Automobiles for Hire - Open Day and Night

922 WIDE STREET

PHONES: { 22820
37152

SAFETY TAXI SERVICE CO.

TERMS:

1 Vault	\$55.00
1 Plat in Cemetary.	10.00
Expressage on Corpse	12.00 ✓
Fare on person in chge	12.00 ✓
Flowers	27.60
Transferring From Dep.	5.00
Unpacking & etc.	10.00
	<u>\$131.60</u>
Lining Grave	5.00
Total	<u>136.60</u>

*Supplied by
Hale and Company
Lizzie Tynes*

TELEPHONE CIRCLE 2785

PRICES TO SUIT ALL



March 19th., 1924.

Mrs Emma Dicks

FOR - ELIZABETH A. TYNES, (Deceased).

Removing Remains from Hospital to Funeral Parlor	-	7	00
Washing, laying-out and Dressing	-	1	00
EMBALMING	-	20	00
Steel Grey Embossed Plush Casket, Figured Silk Lining and Pillow, Name Plate Engraved, Half Gouch	-	145	00
Out-side Box for Shipping, Stained and Six Handles	-	17	50
Transferring Remains to Penn. R. R. Station	-	7	00
Ladies Silk Robe Complete	-	11	00

March 19 1924. Received Payment, in full (With Thanks).

To One Telegram to Norfolk, Va

\$208 50

65

\$209 15

Rodney Dade

VIRGINIA:

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

-----oOo-----

Richard H. Tynes, George P. Godwin,
David Ryer, Lula Robertson, Mannie
Holloway, adults, and Gertrude Tynes,
Etta Edwards (formerly Etta Parsons),
Gracie Parsons, Nellie Parsons, Beatrice
Parsons, Garnett Parsons, Rufus Parsons,
Odell Parsons, Zachariah Parsons, Frank
Holloway, Willie Holloway and Theresa
Holloway, Infants, who sue by Hayden
Parsons, their next friend.....COMPLAINANTS.

VS. IN CHANCERY.

Emma Diggs, Emmett Tynes and Henderson Tynes.

DEFENDANTS.

-----oOo-----

TO THE HONORABLE JUDGE OF SAID COURT:

The undersigned, one of the Commissioners in Chan-
cery 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 2nd., day of April, 1925,
respectfully reports to the Court that on the 17th, day
of April, 1925, at 12:30 o'clock, P. M., by consent of all
parties in interest by their Counsel, he took the testimony
of David Ryer, Hayden Parsons, Mannie Tynes Holloway, Paul
Windfield, Richard H. Tynes and Emma Diggs, which was re-
duced to writing and is returned herewith as a part of this
report; and, that on the 16th, day of June, 1925, at 10:00
o'clock, A. M., by consent of Counsel as aforesaid, he took
the testimony of George Thomas Diggs, Waymond Diggs, Emma
Diggs, Mannie Holloway and David Ryer, which was reduced to
writing and is returned herewith as part of this report; and
from such testimony so taken together with the exhibits there-
with filed, and from the records filed in the Clerk's Office
of this Court, is informed and reports as follows:

1st. (Q). Whether all necessary parties are properly
before the Court, and if any of the parties are infants,
their ages and place of residence and with whom residing.

(A). Your Commissioner begs leave to report that
at the taking of the first testimony above mentioned, it was

ascertained that Emmett Tynes and Henderson Tynes, (sometimes called Hugie Tynes), who were necessary parties, had not been made parties to this suit, however, by an order of this Court, entered at the June term, 1925, the said Emmett Tynes and Henderson Tynes, were made parties defendant to this suit; all necessary parties are now before the Court; of the parties to this suit, the following are infants whose ages, places of residence and persons with whom they reside, are as follows, to-wit: Rufus Parsons, age twenty (20); Beatrice Parsons, age sixteen (16); Odell Parsons, age nine (9); Garnett Parsons, age ____; Zachariah Parsons, age 10. All of the five infants last above named reside with their father, Hayden Parsons, near Smithfield, Virginia. It appears from the evidence of Hayden Parsons, pages 3 and 4, that Etta Edwards has become of age since the filing of this suit; and that Gracie Parsons, is an adult of the age of twenty-seven (27) years; it also appears from the testimony of Mammie Tynes Holloway, pages 4 and 5, that Frank Holloway and Willie Holloway are twins, twenty-seven (27) years old; and that Theresa Holloway is of the age of twenty-four (24) years; and that Gertrude Tynes is twenty-five (25) years of age; in both the Bill and Amended Bill in this cause, Etta Edwards, Gracie Parsons, Nellie Parsons, Frank Holloway, Willie Holloway, Theresa Holloway and Gertrude Tynes, are set-forth as infants and are made parties plaintiffs by Hayden Parsons, their next friend; the last named adults are not properly before the Court.

2nd. (Q). Whether the said Lizzie A. Tynes, deceased, died intestate, and if she died intestate, whether or not all of her heirs at law and distributees are parties to this suit and properly before the Court.

(A). Your Commissioner reports that Lizzie A. Tynes died intestate, and that all of her heirs and distributees are parties to this suit, but the adult parties last named in the above paragraph have been improperly made parties

to this suit as infants.

3rd. (Q). All property real and personal of which the said Lizzie A. Tynes, deceased, was seized and possessed, or to which she was entitled at the time of her death, with the liens, if any thereon, and their priorities, together with all taxes due thereon, together with the location and description of the same.

(A). Your Commissioner reports that the said Lizzie A. Tynes, died, seized and possessed of the following described real estate, to-wit:

1st. "All of that certain piece or parcel of land and the improvements thereon, lying and being in the County of Isle of Wight and State of Virginia, on the South East side of the road leading from Smithfield to the Court House in the County aforesaid. It being a part of the lot purchased by the said Lizzie A. Tynes from Georgia W. Jordan and recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, in Deed Book 64 at page 182, and being at a distance of twelve and one-half ($12\frac{1}{2}$) feet from the North East corner of a lot owned or formerly owned by Leroy Robinson; thence in a Southwesterly direction one hundred thirty-seven and one-half ($137\frac{1}{2}$) feet in the rear of the lots of Leroy Robinson, Willie Bailey and Isabella Taylor to James R. Jordan's property; thence in a Southeasterly direction along the line of said James R. Jordan's forty-two (42) feet, to A. J. Cofer's line; thence in a Northeasterly direction along the line of A. J. Cofer's parallel with the first named line one hundred thirty-seven ($137\frac{1}{2}$) and one-half feet; thence in a Northeasterly direction forty-two (42) feet in a straight line to the starting point, being a part of the lot that was conveyed to the said Georgia W. Jordan by a deed duly recorded in the Clerk's Office of the Circuit Court of Isle of Wight County.

2nd. All that certain piece and parcel of land with the improvements thereon, lying and being in the County of Isle of Wight and State of Virginia, on the Southeast side

of the road leading from Smithfield to the Court House of the said County, and beginning at a point in the said road at the Northwest corner of the lot now, or formerly owned by George P. Godwin and running down the Godwin line at right angles with the said road a distance of one hundred forty-two (142) feet; then parallel with the said road in a Southwesterly direction a distance of sixty-two and one-half ($62\frac{1}{2}$) feet to the corner of said Lizzie A. Tynes' land; thence along the line of said Lizzie A. Tynes Northwesterly to the center of the lot now, or formerly owned by Leroy Robinson; thence in an Easterly direction along the line of said Leroy Robinson twelve and one-half ($12\frac{1}{2}$) feet to the corner of said Leroy Robinson's line, one Hundred (100) feet to the road; thence along said road fifty (50) feet to the beginning. It being the same land that was conveyed to the said Lizzie A. Tynes by George W. Jordan by her deed dated October 24th, 1907 and duly recorded in the Clerk's Office of the Circuit Court of Isle of Wight County in Deed Book 75 at page 329," and,

A one-half ($\frac{1}{2}$) undivided interest in,

3rd. "All that certain tract, piece or parcel of land lying, being and situate in Newport Magisterial District, County of Isle of Wight, Virginia, in what is known as "Slab Town" about two (2) miles from Smithfield, and being described as follows:

"Commencing at a corner of a ditch on the roadside on the corner of G. A. Atkinson's land as decended to him by his father; thence South fifty (50) degrees East to a marked pine along the line of Colonel Thomas; thence South fourteen (14) degrees East along the said Thomas' line to a small pine at the head of a ravine; thence down the said ravine to the corner on said Thomas and Tynes and Miss Mary Whitfield's land; thence up another ravine Northeast along the said Tynes land to a small tree between the said Jordan and said Tynes, and George R. Atkinson, to the beginning. It being the same piece or parcel of land conveyed to the said Lizzie A. Tynes and her brother, Richard H. Tynes by George F. Whitley,

Special Commissioner by his deed dated February 4th, 1918, and duly recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, in Deed Book 87 at Page 335.

There are no liens by deed of trust, judgment or otherwise against the said land or against the interest of any party entitled to share therein, except Four Dollars and Seventy-six (\$4.76) cents, for delinquent taxes for the year 1908, and also for 1924 taxes of Twenty-seven Dollars and Fourteen (\$27.14) cents, against the first two of the above named tracts; and one-half ($\frac{1}{2}$) of Twenty-two Dollars and Twenty-one (\$22.21) cents, the same being the amount of the 1924 taxes against the land owned jointly by the said Lizzie A. Tynes and Richard H. Tynes; that the said Lizzie A. Tynes owned at the time of her death the following personal property, to-wit: Four hundred Thirty-five (\$435.00) Dollars in cash, a trunk and some articles of clothing, etc., all of which was taken possession of by the defendant Emma Diggs; and also a small lot of furniture located in one of the houses on the lots near Smithfield, said furniture consisting in part of one bed and mattress; one bureau; one washstand; one side-board; one safe; one nickle lamp; one table; three tocking chairs; two straight chairs; one 18 piece of china-ware; some bed clothing; the value of which was not ascertained; and Forty-five (\$45.00) Dollars paid by a burial association.

4th. (Q). All of the just debts owing by the estate of the said Lizzie A. Tynes, deceased, at the time of her death, together with the names of each creditor and the amounts of their debts;

(A). Your Commissioner reports that Emma Diggs out of the Four Hundred Eighty (\$480.00) Dollars, which came into her hands as above set-forth, has paid the following bills, namely: Bill of Rodney Dade, New York, for Two Hundred Nine Dollars and Fifteen (\$209.15) cents, as per statement marked "Exhibit D" and hereto attached; bill of

Hale & Company, Norfolk, Virginia, for One Hundred Thirty-six Dollars and Sixty (\$136.60) cents, as per statement marked "Exhibit E" and hereto attached; bill of Emma Diggs, various and sundry expenses in connection with the burial of the deceased, for Sixty-three Dollars and Forty-seven (\$63.47) cents, as per statement marked "Exhibit F" and herewith attached, making a total of Four Hundred Nine Dollars and Twenty-two (\$409.22) cents, paid out of the said sum of Four Hundred Eighty Dollars (\$480.00) in the hands of the said Emma Diggs; that the following claims against the estate of the said Lizzie A. Tynes are yet unpaid, to-wit: Note Two Hundred Seventy Dollars (\$270.00) Bank of Smithfield, interest thereon from April 18th, 1924, to Richard H. Tynes; Loan One Hundred Fifty (\$150.00) Dollars, Emma Diggs, a memorandum of said loan bearing date of May 15, 1922, marked "Exhibit H" is hereto attached; Account of George T. Diggs of One Hundred (\$100.00) Dollars, for one horse, the said account is marked "Exhibit I" and is hereto attached; Note payable to Walter T. Diggs, bearing date of December 6, 1920, for One Hundred (\$100.00) Dollars, marked "Exhibit J" and hereto attached; Note bearing date of March 20, 1921, payable to Waymond Diggs for the sum of Three Hundred Ninety (\$390.00) Dollars, marked "Exhibit K" and hereto attached. Your Commissioner begs to specially report that the genuineness of the signature of Lizzie A. Tynes to the above named notes is contested as will appear by a reference to the testimony herewith returned, and certain letters marked "Exhibit B" "I" and "J" herewith attached. The said letters having been exhibited for the purpose of comparing the signature of Lizzie A. Tynes on the letters with the signature on the notes. The question of the genuineness of these notes has given your Commissioner much trouble, but after a comparison of the signatures and taking into consideration the statement of the deceased to Richard Tynes, that she owed some of the Digg's some money and was therefore going to New York for the purpose of paying it back, together with the fact that she

was also borrowing money from other sources, your Commissioner decides in favor of the genuineness of the notes and demands due to the Diggs as above set-forth.

5th. (Q). Who are the owners of the real estate mentioned and described in the bill of complaint, the interests of each owner and how the same was acquired.

(A). Your Commissioner reports that Lizzie A. Tynes died leaving surviving her the following as her only heirs at law, namely: Lula Tynes Robertson, a sister of the whole blood; Nannie Tynes Holloway a sister of the whole blood; Emma Tynes Diggs a sister of the whole blood; Richard H. Tynes, a brother of whole blood; Gertrude Tynes, only child of Walter Tynes, deceased, a brother of the whole blood; Etta Parsons Edwards, Gracie Parsons, Nellie Parsons, Beatrice Parsons, Garnett Parsons, Rufus Parsons, Odell Parsons and Zachariah Parsons, only children of Richetta Tynes Parsons, Deceased, a sister of the whole blood; David Ryer is a brother of the half blood; George P. Godwin a brother of the half blood; Emmett Tynes and Henderson Tynes, illegitimate children, and, Frank Holloway, Willie Holloway and Theresa Holloway, illegitimate children, only children of Mary E. Ryer Holloway, deceased, a sister of half blood; that Lula Tynes Robertson, Nannie Tynes Holloway, Emma Tynes Diggs and Richard H. Tynes, being brothers and sisters of the whole blood each take two-fifteenths ($\frac{2}{15}$) of the said estate; that Gertrude Tynes being the only child and heir at law of Walter Tynes, deceased, a brother of the whole blood, takes two-fifteenths ($\frac{2}{15}$) of the said estate; that Etta Parsons Edwards, Gracie Parsons, Nellie Parsons, Beatrice Parsons, Garnett Parsons, Rufus Parsons, Odell Parsons, and Zachariah Parsons, each take one-seventh of two-fifteenths of the said estate, they being the only children and heirs at law of Richetta Tynes Parsons, deceased, a sister of the whole blood; that Emmett Tynes, Henderson Tynes, Frank Holloway, Willie Holloway and Theresa Holloway, only children and heirs at law of Mary E. Ryer Holloway, deceased, a sister of the half blood, each take one-fifth of one-fifteenth of the said estate; that David Ryer and George P. Godwin, being

brothers of the half blood, each take one-fifteenth of the said estate;

6th. (Q). Whether partition of the entire real estate, or any interest or independent part thereof mentioned and described in the bill of complaint can be conveniently made to advantage, and if partition not _____, whether a sale thereof and a distribution of the proceeds of such sale according to the respective rights of those entitled thereto will promote the interests of the owners of the said real estate;

(A). Your Commissioner reports that owing to the nature of the property as hereinbefore described and the numerous and various interests therein, that partition cannot be conveniently made to advantage and that it is to the best interest of those entitled to share in the said estate, that the entire property be sold and the proceeds thereof distributed to those entitled to share therein.

7th. (Q). Whether there are creditors of any deceased person who was a tenant in common, joint tenant, or co-parcener in said real estate entitled to have the proceeds of such deceased person's part if any, applied according to the rights of any creditors, if any; and if there are such creditors, the nature, amounts and priorities of their claims.

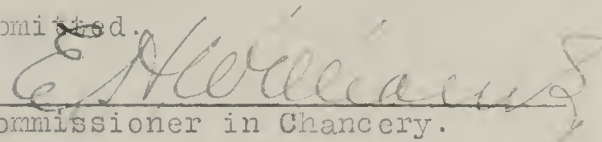
(A). Your Commissioner reports that neither the records of the Clerk's Office nor the testimony disclose any creditors who are entitled to have the proceeds of sale of said property of any deceased person's part who was a tenant in common, joint tenant, or co-parcener applied to the payment of their debt.

8th. (Q). To ascertain and report the fee simple and annual values of the real estate mentioned and described in the bill of complaint.

(A). Your Commissioner reports on the evidence of David Ryer, Paul Windfield and Richard Tynes, that the annual value of the two houses and lots near the corporate limits of the town of Smithfield, have an annual value of Two Hundred (\$200.00) Dollars per year, that their fee simple value is

from Two Thousand (\$2,000.00) to Twenty-five Hundred (\$2500.00) Dollars; that the annual value of the one-half interest of the tract of land owned jointly with Richard H. Tynes is Seventy-five (\$75.00) Dollars, and the fee simple value thereof is One Thousand (\$1,000.00) Dollars.

Very respectfully submitted.


Commissioner in Chancery.

DAVID RYER, being duly sworn, deposes as follows:

By: W. W. Foreman:

Q. What is your name?

A. My name is David Ryer.

Q. What is your age?

A. Fifty or Sixty I believe.

Q. What is your mother's name?

A. My mother's name was Serena Ryer.

Q. How many times has she been married?

A. Twice.

Q. What was her name before she married Ryer?

A. Serena Godwin.

Q. How many children did she have under the name of Godwin?

A. One.

Q. What was its name?

A. George P. Godwin.

Q. How many children did she have under the name of Ryer?

A. Two. Their names were Mary E. Ryer, and David Ryer.

Q. Is Mary E. Ryer living?

A. No Sir.

Q. How many children did your mother have under the name of Tynes;
name them.

A. Seven. Lizzie Tynes; Lula Tynes; Nannie Tynes; Emma Tynes; Richard
H. Tynes; Walter Tynes and Richetta Tynes.

Q. Now name those that are dead.

A. Walter Tynes; Lizzie Tynes; Richetta Tynes, and, Eliza Holloway.

Q. You say Walter Tynes is dead, did he leave any children?

A. One.

Q. What was its name?

A. Gertrude Tynes.

Q. Did any of the others leave any children?

A. No.

Q. How about Richetta Tynes, did she leave any children?

A. Eight. There were Rufus, Nellie, Odell, Zachariah Parsons.

Q. Etta Edwards one?

A. Yes.

Q. Beatrice Parsons one?

A. Yes.

Q. You say that Mary E. Holloway left children, was Frank Holloway one?

A. Yes.

Q. Was Willie Holloway one?

A. Yes.

Q. Was Theresa Holloway one?

A. Yes. She also had two children before marrying named Emmett Ryer and Hugie Ryer, but they have always gone by the name of Tynes.

Q. Did Lizzie Tynes own any property at the time of her death?

A. Yes Sir.

Q. Where was it located?

A. Place that she owned was called Slabtown, she was in partnership with her brother.

Q. Where was Slabtown?

A. About two miles in the Country.

Q. In what County?

A. Isle of Wight.

Q. Who was the other party of the partnership?

A. Richard H. Tynes.

Q. Any relation to her?

A. Brother.

Q. You say the place was two miles out in the country, two miles from where?

A. Smithfield.

Q. Did she own any other property?

A. Two lots other side of corporation.

Q. Two lots other side of what corporation?

A. Smithfield.

Q. Was any houses on those lots?

A. Yes Sir.

Q. Did she own the houses in her right or partnership?

A. Individual.

Q. Did she own any other property?

A. No more that I know of.

Q. Did she leave a will when she died?

A. No Sir she did not.

Q. Are you familiar with all property out there?

A. Yes Sir/

Q. What do you think it is worth?

A. You couldn't but it no less than four or five hundred dollars.

Q. What do you think the farm worth per acre?

A. I reckon about \$20.00 per acre.

Q. How many acres are there?

A. 65 acres.

Q. Do you think it is possible to divide that land up in payments as it is, or do you think it would be better to have it sold and divide the money?

A. I think it would be better satisfactory to sell it and divide the money.

Q. What do you think those houses would rent for year or month?

A. About six or seven dollars.

Q. Each one?

A. Yes Sir.

Q. Then you mean the two together would yield about twelve or fourteen dollars each month?

A. Yes Sir.

Q. What do you think farm would rent for a year?

A. About \$100.00.

Q. Did your sister leave any personal property to your knowledge?

A. No Sir.

Q. Did she owe any debts when she died?

A. I don't know if she did or not.

And further this deponent saith not.

HAYDEN PARSONS, being duly sworn deposes as follows:

Examined by W. W. Foreman:

Q. State your name, age and residence.

A. Hayden Parsons, age 46, I live in Smithfield, Isle of Wight County.

Q. What is the age of Etta Edwards?

A. 21.

Q. When did she become 21?

A. This year.

Q. After this suit was filed?

A. Yes Sir.

Q. What is the age of Gracie Parsons?

A. 27.

Q. What is the age of Rufus Parsons?

A. 19 or 20.

Q. What is the age of Beatrice Parsons?

A. 15 or 16.

Q. What is the age of Odell Parsons?

A. Nine years old.

Q. What is the age of Frank Holloway?

A. I don't know his age.

Q. Is he twenty-one years old?

A. I know him, but don't know his age.

Q. Where do they live, name those who live with you?

A. Nellie Parsons, Odell Parsons, Beatrice Parsons, Zachariah Parsons, and Rufus Parsons. Etta Parsons lives at Battery Park.

Q. Is that in Isle of Wight County?

A. Yes Sir.

Q. How many children are living with you now that are under twenty-one years of age?

A. Five.

And further this deponent saith not.

NANNIE TYNES HOLLOWAY, being duly sworn deposes as follows:

Examined by W. W. Foreman:

Q. State your name, age and residence.

A. Nannie Tynes Holloway, age 53, I live out in the country.

Q. In what County?

A. Isle of Wight.

Q. You know Frank, Willie and Theresa Holloway don't you?

A. Yes Sir.

Q. What is the age of Frank Holloway?

A. Twenty-seven.

Q. What is the age of Willie Holloway?

A. Twenty-seven.

Q. Both same age?

A. Yes, they are twins.

Q. What is the age of Theresa Holloway?

A. Twenty-four.

Q. What is the age of Emmett Tynes?

A. Thirty-five.

Q. What is the age of Hugie Tynes?

A. Thirty-two.

Q. How old is Gertrude Tynes?

A. Twenty-five.

And further this deponent saith not.

PAUL WINDFIELD, being duly sworn deposes as follows:

Examined by W. W. Foreman:

Q. State your name, residence and occupation.

A. Paul Windfield, I live in Smithfield, Insurance Agent.

Q. Did you know Lizzie Tynes?

A. Yes Sir.

Q. Did she own any property at the time of her death?

A. I have understood so.

Q. Where is it located?

A. Near corporation limits of Smithfield, other property in the Country,
about two and one-half miles from Smithfield.

Q. Are you familiar with real estate business of Smithfield and Isle
of Wight County?

A. Some-what so.

Q. About what is the property worth thats near the corporation limits
here, the two houses and lots?

A. The two houses and lots about \$200.00.

Q. A year?

A. Yes Sir.

Q. What do you think they would rent for a month?

A. About sixteen or fifteen dollars.

Q. Then they would rent for about \$200.00 a year?

A. Something like that.

Q. What is the farm worth?

A. Where it is located, I would judge about sixty or seventy-five hundred
dollars.

Q. Do you know the number of acres?

A. No Sir.

Q. Do you know what that farm would rent for one year?

A. Not less then \$150.00.

Q. Do you know if she left any personal property?

A. No Sir.

And further this deponent saith not.

RICHARD H. TYNES, being duly sworn deposes as follows:

Examined by W. W. Foreman:

Q. State your name, age and where you live.

A. Richard Tynes, age 47, Isle of Wight County.

Q. Did you know Lizzie Tynes?

A. Yes Sir.

Q. What relation was she to you?

A. Sister.

Q. Is she dead or living?

A. Dead.

Q. Did she leave any property?

A. Farm out of Smithfield.

Q. Did she leave any other property?

A. Two lots other side of Mr. Barretts' corporation of Smithfield.

Q. Did those lots have any houses on them?

A. Yes Sir/

Q. How many?

A. Two.

Q. About what are those houses worth?

A. About twenty-eight or twenty-nine hundred dollars.

Q. About how much would they rent for a month?

A. About sixteen or seventeen dollars.

Q. Then you would estimate they would bring about \$200.00 a year?

A. Yes Sir.

Q. Did you have any interest in the farm your sister left?

A. Yes Sir.

Q. How much?

A. One-half.

Q. Who is in possession of the farm now?

A. I am in possession of part of it, and my brother-in-Law the other part,

he cultivates one-half of it, and lives in the other one-half.

Q. About what is it worth per acre?

A. About \$15.00 per acre with the condition that it is in.

Q. About how much would it rent for a year?

A. Well, when I rented it was \$80.00 for all.

Q. How long has it been since you rented it?

A. Last year, the first year I tended it.

Q. Did your sister leave any personal property or any other money you know of?

A. Not any that I know of, I have heard of some, but not any that I know of.

Q. How many acres are there?

A. Forty-five.

Q. Where did your sister die?

A. New York.

Q. Did she live in Smithfield before she went to New York?

A. Near Smithfield.

Q. Do you know whether she left in her care any furniture?

A. No Sir.

Q. Did she leave a will?

A. I don't know.

Q. Who attended the burial?

A. My sister.

Q. Did she have charge of funeral expenses, and have they been paid?

A. Yes Sir.

Q. Did she owe any debts?

A. Yes she owed some.

Q. Can you tell the name of the parties that you know she owed?

A. Yes Sir, well one here the Bank.

Q. What Bank?

A. Both.

Q. How much did she owe the Bank of Smithfield?

A. When she went away, she owed \$370.00, but she sent \$100.00 home to the Bank, that was paid leaving total of \$270.00.

Q. Do you know whether the interest has been paid on the \$270.00 or not?

A. Yes Sir, I paid it myself.

Q. How much did you pay?

A. \$5.05.

Q. How many times have you paid \$5.05?

A. For about fourteen months.

Q. You paid the \$5.05 every three months?

A. Yes Sir.

Q. Then, you have made three payments and another almost due?

A. Yes Sir.

Q. What did she owe the Merchants & Farmers Bank?

A. \$26.00 with interest.

Q. Had that been paid or not?

A. Yes Sir.

Q. Who paid that?

A. My sister, Emma Diggs.

Q. Do you know of any other debts that she owed?

A. My sister bought a horse from her.

Q. Did she pay for the horse or not?

A. Didn't pay for it at the start.

Q. Did she ever pay for it?

A. She didn't ever pay for it for me to know anything about.

Q. Do you know of any other debts?

A. Well she owed Mr. Andrew Cofer, it were six or seven dollars.

Q. Has Mr. Andrew Cofer been paid?

A. Yes Sir.

Q. Who paid him?

A. My sister, Emma Diggs.

Q. Do you know of any other debts?

A. Owed Delk \$6.00.

Q. Do you know of any more debts?

A. All I know of.

Q. When did she leave the house near Smithfield?

A. Left in April.

Q. Of what year?

A. 1923.

Examined by Eugene A. Bilisoly:

Q. Are you acquainted or not with Lizzie Tynes hand writing?

A. I don't know or not.

Examined by Foreman:

Q. With regards to the horse that she bought from Emma Diggs, do you know

What it cost?

A. I think it was \$50.00.

Examined by Bilisoly, (handing paper to him.)

Q. Is that Lizzie Tynes' handwriting or not, this right here?

A. It looks somewhat like it.

Q. You can't say it is not her writing can you?

A. No, I couldn't say that was not her hand writing.

Q. Where was she buried?

A. In Norfolk.

Q. Who attended to the funeral arrangements?

A. Emma Diggs.

Q. Do you know whether your sister, Emma Diggs, went to New York before Lizzie Tynes died or not?

A. Yes Sir, she went.

Q. Did you hear from Emma Diggs after she got to New York.

A. Yes Sir.

Examined by Foreman:

Q. Who did you say she bought this horse from?

A. Emma Diggs.

Nannie Holloway, being re-called, and examined by Foreman:

Q. Are you familiar with Lizzie Tynes hand-writing?

A. No, I am not acquainted with her hand-writing.

David Ryer, being re-called, and examined by Foreman:

Q. Do you know Lizzie Tynes signature?

A. Yes Sir.

Q. I hand you a paper here bearing some writing, I ask you is that Lizzie Tynes signature?

A. No Sir.

Q. Did you correspond with your sister?

A. Yes Sir.

Q. Do you have any letters that you received from your sister?

A. Yes Sir.

Q. I hand you a paper here, a letter marked "Exhibit B" I ask you is this a letter from her to you?

A. Yes Sir.

Q. Is that letter in her hand-writing?

A. Yes Sir.

Q. Is that her signature there?

A. Yes Sir.

Examined by Bilisoly-

Q. Where was that letter written?

A. Was written when I was out at Sea-Bright.

Q. That was written in what year? Can you read?

A. I can read, but haven't got my glasses now.

Q. It is stated that the letter marked "Exhibit B" is dated July 9, 1903. David when did you last hear from Lizzie?

A. I did not correspond with her after she went back to New York.

Q. When was the last time you had a letter from Lizzie Tynes?

A. I haven't had one since I was out north, she used to correspond with me then, I haven't heard from her since.

Q. When did you come home?

A. I have been home about eight years.

Q. How many times have you seen Lizzie Tynes signature since you got home?

A. I haven't seen it more than once since I came home.

Q. And you came home eight years ago, didn't you?

A. Yes Sir.

Further this deponent saith not.

RICHARD H. TYNES, being re-called deposes as follows:

Examined by Bilisoly:

Q. Richard when was the last time you saw your sister Lizzie Tynes?

A. Well I was with her the last time she went away.

Q. Did she tell you she was going away to work?

A. Yes, she told me she owed Waymond, Emma Diggs son,

Q. Did she tell you how much she owed him?

A. She owed him \$175.00

Q. When did she tell you that?

A. That was about twelve months before she went away.

Examined by Foreman:

Q. When was it that she told you she owed \$175.00?

A. About twelve months before she went away, she showed me a letter she got from him asking her for it.

Examined by Bilisoly:

Q. Did she say what she owed him for?

A. No Sir, seems she borrowed it.

Q. Did she say if she gave a note for it?

A. No Sir, she didn't say.

Further this deponent saith not.

By Foreman.

Now, we want to introduce here statement marked "Exhibit C."

EMMA DIGGS, being duly sworn deposes as follows:

Examined by Foreman:

Q. State your name, age and residence.

A. My name is Emma Diggs, age 52, I live in the city of Norfolk, 1810, O'Keefe Street.

Q. What is your husband's name?

A. George Thomas Diggs.

Q. What was your name before marrying?

A. Emma Tynes.

Q. You sister of Lizzie Tynes?

A. Yes Sir.

Q. When did Lizzie Tynes die?

A. 1924, 17th., of March.

Q. Where did she die?

A. Hospital in New York.

Q. Were you there when she died?

A. No Sir, I was not there when she died, I was there the day before.

Q. Were you in New York when she died?

A. Yes Sir.

Q. How long had you been in New York?

A. I got there Monday night and she died Friday night at ten o'clock.

Q. Did she send for you to come to New York or not?

A. Yes Sir, she sent me a telegram to come at once.

Q. Where was she buried?

A. In Norfolk, in Calvary Cemetery.

Q. Did you arrange for the funeral in New York?

A. I arranged for one part in New York, and when I got home I arranged for the burial.

Q. Did your sister have any money?

A. Yes Sir.

Q. How much?

A. Four hundred and Thirty-five (\$435.00) Dollars.

Q. Did she have any other personal property?

A. She did not.

Q. Did she have any clothes in New York?

A. Yes Sir, she had a trunk and clothes.

Q. Did you take charge of money, trunk and clothes?

A. Yes Sir.

Q. What did you do with the money?

A. I spent money for her.

Examined by Bilisoly:

Q. Emma, I hand you a statement marked "Exhibit D" from Rodney Dade, 239, West 53rd, Street, New York, amounting to \$209.15, and ask you what is that statement for.

A. That statement is for the casket and shroud thats what it is for.

Q. Now, you have an item here, removing remains from Hospital to Funeral Parlor of \$7.00, did you pay that or not?

A. Yes Sir.

Q. You have an item, washing, laying-out and dressing, \$1.00, did you pay that or not?

A. Yes, I paid every cent.

Q. Now you have an item embalming \$20.00, did you pay that or not?

A. Yes Sir.

Q. You have an item, steel grey embossed plush casket, figured silk lining and pillow, name plate engraved, half-couch \$145.00, did you pay that or not?

A. Yes Sir.

Q. There is one out-side box for shipping, Stained and Six Handles \$17.50 did you pay that or not?

A. Yes Sir.

Q. There is an item Transferring Remains to Penn. R. R. Station \$7.00, did you pay that or not?

A. Yes Sir.

Q. There is a Ladies Silk Robe Complete, \$11.00, did you pay that or not?

A. Yes Sir.

Q. There is one telegram to Norfolk, Virginia, 65¢, did you send that telegram or not?

A. Yes Sir.

Q. To whom did you send that telegram?

A. I sent it to the Norfolk Undertaker.

Q. That makes a total of \$209.15, were they all funeral expenses you had in New York?

A. They were.

Q. Now Emma, I hand you a statement marked "Exhibit E" dated Norfolk, Virginia, March 21, 1923, (which ought to read 1924) from Hale & Company, Undertakes & Embalmers, 922, Wide Street, Norfolk, Virginia, for \$136.60, and ask you is that statement correct or not?

A. Yes Sir.

Q. What was that \$136.60 for Emma?

A. For different things for burial.

Q. Emma, did you pay Hale & Company this \$136.60 or not?

A. Yes Sir.

Q. Did you pay them any other sums of money or not?

A. I paid all the expenses.

Q. Did you pay Hale & Company, any other money besides this \$136.60?

A. I don't think I did, the flowers and everything are on there.

Q. Emma, you have a statement made up against the estate of Lizzie Tynes which consists of miscellaneous expense \$51.00, can you tell the Commissioner what items composes the miscellaneous expense?

Foreman objects to this question on the ground that under the section of 6209, she being an interested party and not competent to testify under the Code.

Q. What goes to make up that miscellaneous of \$51.00 if you can tell?

A. I paid Andrew Cofer \$13.04, and I paid the water rent, and the discount at the Bank on \$270.00, I paid every penny of it.

Q. Did you pay \$2.75 for baggages?

A. Yes Sir.

Q. Whose baggages was it?

A. Lizzie Tynes.

Q. Did you pay the doctors' bill?

A. Yes Sir.

Q. How Much?

A. \$6.00

Q. Did you pay any room rent for her in New York?

A. Yes Sir.

Q. How much?

A. \$4.00

Q. You have an item here for \$1.62 for telegrams, where did you send these telegrams to?

A. I had to pay for the one who was sent here for me to come to New York, and when she died I paid the balance for sending a telegram to her people.

Q. Now you have an item for laundry, did you pay that \$1.00 or not?

A. Yes Sir.

Q. What has become of her trunk?

A. At home.

Q. Is it there any time the Commissioner makes disposition of it?

A. Yes Sir.

Q. Have you any other personal property in your hands that belongs to Lizzie Tynes?

A. No Sir.

Q. Emma, here's a bill dated March 17, 1924, marked "Exhibit G" amounting to \$9.05 which you claimed the estate owes you, you have on here phone \$2.00, where did you pay that?

A. New York.

Q. What did you phone in New York about?

A. I 'phoned about her death.

Q. Did your sister owe you any money?

A. \$150.00.

Q. Did she give you any paper writing to show for it?

A. Yes Sir.

Q. I herewith hand you a paper marked "Exhibit H" is that the writing?
(Foreman Objected to for same reasons as stated above)

A. Yes Sir.

Q. Emma Diggs, did Lizzie Tynes buy a horse from George Diggs or not?

A. Yes Sir.

Q. I hand you a paper marked "Exhibit A" and ask you if that is the paper signed by Lizzie Tynes, is that the paper that Lizzie A. Tynes gave to George T. Diggs showing that shw owed \$100.00 for a horse?

A. Yes Sir.

Q. Is that correct?

Foreman objects to this question for same reasons above stated.

A. Yes Sir.

Q. Did Lizzie Tynes owe any money to George T. Diggs or not?

A. Yes Sir.

Q. Has Lizzie Tynes ever owed money to Walter T. Diggs?

A. Yes Sir.

Q. How much did she owe?

A. \$100.00

Q. What was that for?

A. He loaned it to her when she bought a house.

Q. Did she give to Walter Diggs a paper acknowledging that debt or not?

A. Yes Sir.

Q. Emma, do you know if Lizzie was indebt to Waymond or not?

A. Yes Sir.

Q. How much?

A. I don't know the exact amount, but she owed for it because she had a note in the bank.

Q. Do you know if she gave Waymond Diggs a paper acknowledging this debt or not?

A. Yes Sir.

Q. Is this the paper or not?

A. Yes Sir.

Q. Has any of this been paid or not?

A. No Sir, not the last time I heard from her.

Q. Didn't she write to nobody but you?

A. She had all dealings with us two.

Cross-examination by W. W. Foreman:-

Q. Emma here is a statement for some articles and furniture, I wish you would tell the Commissioner what that represents.

By Bilisoly:

What does Emma Diggs have to do with those?

A. I left all the things in her care, when she moved she brought all to town.

Q. How much is the furniture worth?

A. I hardly know what it is worth, but I know I left some pieces there.

Q. Did you get any back?

A. No Sir.

Q. Was she to take care of them?

A. Yes Sir.

Cross-examination by Foreman:-

Q. In regard to the funeral expenses of your sister, did you have her in a burial association?

A. She dropped the Association, but I kept it up for her.

Q. How much did the burial Association pay?

A. \$45.00

Q. Now you have a note here payable to Waymond Diggs for \$390.00, who is Waymond Diggs?

A. My son.

Q. How old is he?

A. 29 years old.

Q. Where does he live?

A. In Richmond, Virginia.

Q. Is he single or married?

A. Single.

Q. What does he do for a living?

A. He is going to school.

Q. How long has he been going to school?

A. Last four years.

Q. Where was he in school before he went to school in Richmond?

A. Norfolk.

Q. How many years did he go to school in Norfolk?

A. One year.

Q. How many years in Claremont?

A. Three years.

Q. Altogether he has been in school four years?

A. Yes Sir.

Q. What was he doing before he went to school?

A. Working.

Q. What kind of work?

A. Working on the dock?

Q. How long did he work on the dock?

A. Until he got word to go to school.

Q. I mean how long?

A. I reckon oft and on four years.

Q. Has he ever been to school before the schools you speak of?

A. Only country schools.

Q. When did he move to Norfolk?

A. 1916.

Q. Who pays his way in school?

A. Works in the summer and pays his way, I help.

Q. Where did he get money to loan your sister?

A. Worked for it on the dock.

Q. Who is Walter T. Diggs?

A. My oldest son.

Q. How old is he?

A. Thirty-two.

Q. Where is he?

A. Pittsburg.

Q. What kind of work does he do?

A. Steel work.

Q. Common-laborer?

A. Yes Sir.

Q. Who is George T. Diggs?

A. My husband.

Q. What work does he do?

A. Works at Naval Base.

Q. Common-laborer?

A. Yes Sir.

Q. Do you have any other children under age?

A. No, I only had four.

Q. You have heard Richard Tynes testify that the horse your sister bought was bought from you-

A. He made a mistake, she bought it from my husband, George T. Diggs for \$100.00, if she were here today, she would tell you the same.

Q. Do you have any letters that you received from your sister?

A. I haven't them here, but I have some at home.

Q. Knowing that the question of her estate would be going on today, didn't you think it advisable to bring them here today, that the Court may have them?

A. No Sir.

And it is agreed that letters will be submitted latter.

Q. Emma, do you run a business of any kind?

A. My husband runs a store, but I stay there most of the time, while he works at the Naval Base.

Q. You both work then?

A. Yes Sir.

"Examined By the Commissioner"

Q. Emma, who was present when Lizzie A. Tynes signed this note of \$150.00 payable to you?

A. All the family.

Q. Name them?

A. Waymond Diggs, My Husband George T. Diggs; Gaston Diggs and McKinley Diggs.

Q. When did she die?

A. Died in 1924.

Q. Oh?

A. Yes Sir.

Q. Who was present when she signed the horse note of \$100.00, payable to George T. Diggs?

A. All the family.

Q. Who was present when she signed the note of \$100.00 payable to Walter T. Diggs?

A. Walter T. Diggs.

Q. Who was present when she signed the note payable to Waymond Diggs?

A. Waymond Diggs.

Q. Where did she sign these notes?

A. At home, she was down there came and stayed.

Q. What part of the year was it?

A. When the notes was signed, thats the part of the year it was.

Q. What year was it your son went to Pittsburg?

A. In 1923.

Q. What time?

A. In January, 1923.

Q. Give me again the names of all of the family that was present at the signing of these notes.

A. Waymond Diggs, Gaston Diggs, McKinley Diggs, and, George T. Diggs.

Q. Were all the notes signed at the same time?

A. No Sir.

Q. Were all of them signed the same year?

A. No Sir.

Q. No payments of any kind ever made on them, no interest paid?

A. No Sir.

Q. Who wrote them?

A. The children wrote them, and she signed them.

Q. Did you have any notes in the house, blank notes?

A. No Sir.

Examined by W. W. Foreman:-

Q. Were all the notes made before your sister went away?

A. Yes Sir.

Q. How long has she been away?

A. If she had lived would have been gone two years, she went away in April, 1923.

Q. You say she was living with you?

A. Every since I have been married, she said she was going out North work and pay all of our money, and that was why she left.

Q. But she never paid anything?

A. No Sir.

Q. Did the letters say pay on the note, or did she say she was just sending you some money?

A. She sent some money to keep up with the building association.

Q. Did you ever make any demand for payment on these notes?

A. Yes, thats why she went away.

And further this deponent saith not.

DAVID RYER, being re-called deposes as follows:

Examined by Foreman:

Q. You heard your sister's testimony in regard to the furniture, state what you know about it?

A. She had some furniture when I went there, and said it was nice furniture, and said it was all paid for.

Q. Did you ever hear before today that it belonged to anybody else?

A. No Sir.

Q. Where is the furniture now?

A. At her house, up-stairs.

Q. Who lives at her house now?

A. A family by the name of Benfort, two ladies and her brother.

Examined by Bilisoly:-

Q. Ryer, did she keep house by herself?

A. No Sir.

Q. Where did she live?

A. At her house.

Q. Is that where the furniture is now?

A. Yes Sir.

Q. Do you know when she bought this furniture?

A. No Sir, when I went to her house it was there.

Q. Do you know where the furniture was bought?

A. I think she bought it in Smithfield.

Q. Don't know who she bought it from?

A. I think she bought it from Jack Hearn's'.

. And further this deponent saith not.

HAYDEN PARSONS, being re-called deposes as follows:

Examined by Bilisoly:

Q. Do you know anything about this furniture, and who she bought it from?

A. Yes Sir.

Q. Where was it bought?

A. Mr. J. T. Hearn's store.

Q. Who bought it?

A. I guess she bought it.

Q. When?

A. 1916.

Q. What does it consists of?

A. Bed, mattress, I can't name all the pieces, springs.

Q. Was there a bureau?

A. One.

Q. Was there a washstand?

A. One.

Q. Was there a book desk?

A. I don't know.

Q. Was there a rocking chair?

A. One.

Q. Was there a cane bottom chair?

A. Don't know.

Q. Was there a sideboard?

A. Yes Sir.

Q. Was there a safe?

A. She had one.

Q. Did she have a lamp?

A. Yes Sir.

Q. What kind?

A. Nickel lamp.

Q. Was there a bolster?

A. Don't know.

Q. Was there any china-ware?

A. Don't know.

Q. How long has it been since you saw that furniture?

A. About three months before she went away.
if you know

Q. You tell the Commissioner/in your own words where she bought that furniture.

A. I brought her to town, she said she wanted to get some things for her, and I carried things out for her.

Q. You don't know what was there?

A. No Sir.

Q. Did she tell you that she bought the furniture?

A. No Sir.

Q. What did she tell you?

A. She said she bought some furniture and wanted me to come to town for it.

And further this deponent saith not.

NANNIE TYMES HOLLOWAY, being re-called deposes as follows:

Examined by Foreman:

Q. Do you know anything about this furniture?

A. My sister told me she bought it from J. T. Hearn.

Q. Do you know what was in the lot of furniture?

A. Yes Sir, Brass bed-stead, one bureau, one washstand,

Q. No book-desk?

A. No, I don't know about one.

Q. Any tables?

A. One.

Q. Any rocking chairs?

A. Three.

Q. What makes you think she has three?

A. She has two in her room and had one in the other room.

Q. Did she but a straight chair?

A. I think there were two.

Q. Did she but a side-board?

A. No Sir.

Q. You don't know?

A. She bought a safe, a side-board was there, but she did not buy it.

Q. Did she buy a lamp?

A. Yes Sir.

Q. What kind?

A. A nickel lamp.

Q. Did she have a holster?

A. Yes Sir.

Q. Was there any china ware?

A. Yes Sir.

Q. How much?

A. About a set.

Q. What do you call a set?

A. About eighteen pieces.

Q. Did she have other furniture but that you mentioned?

A. Yes Sir.

Q. Why did you pick out just these pieces?

A. That's all I know of.

Q. Well you said she had other pieces.

A. Yes she had some other pieces.

And further this deponent saith not.

EMMA DIGGS, being re-called deposes as follows:

Examined by Bilisoly:

Q. Emma, where did you buy this furniture?

A. I bought it at a sale in 1905.

Q. Where was that sale?

A. About a mile from home.

Q. What else did you buy?

A. Desk, safe, two chairs, another rocking chair, and I left that
that there, two cane cane chairs there too.

Q. Did your sister have any other pieces of furniture?

A. Yes Sir.

Q. Did your sister have any more of these?

A. No Sir.

Q. Where did you buy the other from?

A. I bought this desk from a sale.

Q. Where did she live then?

A. In New York, I bought this furniture for her, and I taken it for rent.

Q. Your sister wasn't here?

A. No Sir, I am telling you the truth.

And further this deponent saith not.

The above testimony was taken on the 17th, day of April, 1925. All
signatures waived by consent.

GEORGE THOMAS DIGGS, being duly sworn, deposes as follows:

Examined by Bilisoly:

Q. What is your name?

A. George Thomas Diggs.

Q. Where do you live?

A. I live in Norfolk.

Q. Are you any relation to Emma Diggs?

A. She is my wife.

Q. Did you know Lizzie A. Tynes or not?

A. Yes Sir.

Q. Is she dead?

A. Yes Sir.

Q. Was she indebted to you at the time of her death?

A. Yes Sir, for a horse.

Q. Did she give you an acknowledgement of this debt or not?

A. Yes Sir, she gave me a note.

Q. I hand you herewith a note, and ask you is that the note Lizzie A. Tynes gave you or not?

A. Yes Sir.

Q. Has this note been paid or not?

A. No Sir.

Cross-Examination by Foreman/.

Q. You say this note was given you in payment for the horse?

A. She gave me the note for the horse.

Q. What kind of a horse was it?

A. A sorrel horse.

Q. Did she pay any money on horse?

A. She did not.

Q. Where were you when she gave you this note?

A. In Norfolk.

Q. Where in Norfolk?

A. At my house.

Q. Who was present?

A. The family.

Q. Name them.

A. My wife and two or three sons.

Q. Name the sons.

A. Waymond, Gaston and McKinley.

Q. When was this note given you?

A. In 1923.

Q. What time of year was it or what month?

A. I think it was in March.

Q. Who signed the note?

A. She signed it.

Q. Who was she?

A. Lizzie A. Tynes.

Q. Who made out the note?

A. McKinley.

Q. Did she ever pay you anything on it?

A. She did not.

By Commissioner:

Q. Did you ever demand payment?

A. No Sir.

Q. Do you know whether or not Lizzie Tynes owed George Diggs anything or not?

A. Yes Sir.

Q. How Much?

A. \$100.00.

Examined by Bilisoly:

Q. Did she give him a paper acknowledging this debt or not?

A. She gave him a note.

Q. Is this the note she gave him?

A. This is the one.

Q. Were you present when she signed it?

A. Yes Sir.

Examined by Foreman:

Q. Who else was present besides you?

A. His mother.

Q. Anyone else?

A. I don't think so.

Q. Where was the note given?

A. At my house.

Q. When was it given?

A. I don't know.

Q. What year was it given?

A. 1920.

Q. Who made up the note?

A. He made it up himself.

Q. Who?

A. George Thomas Diggs, and she signed it.

Q. What was Walter doing at the time? Where was he?

A. Working at the dock.

Q. Do you know what she used the money for?

A. I do not.

Q. You said that Thomas made up note?

A. Yes Sir.

Q. Sure of it?

A. Yes Sir.

And further this deponent saith not.

WAYMOND DIGGS, being duly sworn, deposes as follows:

Examined by Bilisoly:

Q. What is your name?

A. Waymond Diggs.

Q. Where do you live?

A. 1810, O'Keefe Street, Norfolk, Virginia.

Q. Did you know Lizzia A. Tynes?

A. Yes, sir.

Q. Any relation?

A. Yes Sir.

Q. Did you loan Lizzie A. Tynes any money?

A. Yes Sir.

Q. How much money did you loan her?

A. \$390.00.

Q. Did she give you any paper acknowledging this debt?

A. Yes Sir, she gave me a note.

Q. I hand you this note, dated March, 29th, 1921, and ask you if this is the note.

A. Yes Sir.

Q. How much is that note for?

A. \$390.00.

Q. Cash money or not?

A. Yes Sir.

Q. Did she ever pay the note?

A. No Sir.

By Foreman:

Q. Did you loan it to her all at once or in small amounts?

A. All at once.

Q. Did she tell you what she was going to do with it?

A. No Sir.

Q. Where were you when she borrowed the money?

A. At home.

Q. Who else was present?

A. My mother, father and brother.

Q. Which brother?

A. Sidney.

Q. Sidney you said?

A. Yes Sir, and my other brother.

Q. What was your other brother's name?

A. Walter Diggs.

Q. Who signed the note?

A. Lizzie A. Tynes.

Q. Who made the note?

A. I made the note.

Q. How old are you?

A. Thirty years old.

Q. You are in school?

A. Yes Sir.

Q. How long have you been in school?

A. Four years.

Q. When did you loan this money?

A. March 29, 1921.

Q. Just four years ago?

A. Yes Sir.

Q. Where did you get this money?

A. I worked for it.

Q. Who paid your tuition at school?

A. I paid it.

Q. Where did you go to school?

A. I went to a school in Richmond.

Q. Where else did you go to school?

A. Well, I went to school in Claremont.

Q. When was that?

A. Year before last.

Q. Where did you go to school before 1921?

A. I did not go to school.

Q. You never went to school before 1921?

A. I went to a small school when I was a kid.

Q. When did you stop going to public school?

A. In 1912, I think.

Q. And did not go to school any more until you went to Claremont?

A. Ordinary school.

Q. High school though?

A. Yes Sir.

Q. When did you stop public school, and what grade were you in?

A. In 1912. Fifth grade.

Q. How much money did you have at the time you loaned Lizzie Tynes \$390.00?

A. I don't know how much, I can't give you the exact amount, about \$1000.00.

Q. Where did you get \$1000.00?

A. I worked for it.

Q. Where did you work?

A. Chesapeake Company and Pennsylvania Company.

Q. How long did you work there?

A. About four years.

Q. Not more than four years?

A. No Sir.

Q. How much did you average per week?

A. From \$15.00 to \$20.00 a week.

Q. And you did not work more than four years?

A. No Sir.

Q. What were your living expenses a week?

A. About \$4.00 a week.

Q. Who bought your clothes?

A. I bought my own clothes.

Q. You bought your own clothes out of that salary and saved \$1000.00?

A. Yes Sir.

Q. What did you do with the rest of the money?

A. I loaned my father some.

Q. What did you do with the other?

A. Lost some in a bank.

Q. What did you do with the other?

A. I spent the rest of it.

Q. Did you work for the Chesapeake Line Co?

A. Yes Sir. I worked for them twelve months.

Q. How long did you work for the Pennsylvania Co?

A. About three years.

Q. Did you make more at the Chesapeake Co?

A. Yes Sir.

Q. How much did you make a week from Chesapeake line?

A. Thirty to forty dollars a week.

By Commissioner:

Q. Did you pay this \$390.00 with check?

A. No Sir, cash money.

Q. You kept that many bills in your house?

A. Yes Sir.

Q. How much money did you have in the house in bills?

A. About two or three hundred dollars before banking.

Q. You had more than two or three hundred dollars in the house at that time, didn't you?

A. Yes Sir.

Q. How much did your father want?

A. \$500.00.

Q. You paid that out of the one thousand dollars that you saved?

A. Yes Sir, but I was working at that time.

Q. Where did you keep the money at home?

A. In the trunk.

Examined by Foreman:

Q. You loaned your father \$500.00; you loaned your aunt \$390.00 banking \$205.00, how did you manage to do that?

A. Well, I was working at the same time.

Q. How did you pay for stock in bank?

A. I paid it by cash money.

Q. Are you sure of that?

A. Yes Sir.

EMMA DIGGS--recalled:

Examined by Bilisoly:-

Q. Emma, when you were before the Commissioner sometimes since, you

testified about some furniture, and I don't know whether I got that straight or not, tell about the furniture new and old.

A. All the old furniture was mine, and sister had a parlor suit and she had a bed-room suit, a range and some chairs, that was sisters, and the old furniture was mine.

Q. Where is the old furniture?

A. In the house.

Q. Do you lay any claim to the furniture?

A. No Sir.

Q. That is not your furniture?

A. No Sir.

Examined by Foreman:-

Q. Name the pieces you claim.

A. Side board, book case, two bureaus, two old wash stands, a safe and I got an Ice cream freezer, and a meat chopper, some vases and three old tables.

Q. That all?

A. A pair of blankets, a spread, a pair of sheets, two bureau scarfs and a pair of irons, they are mine, and three rocking chairs, and two yellow cane bottom chairs.

Q. That all?

A. Yes Sir.

Q. Where is it?

A. In the house where she left from.

NANNIE HOLLOWAY recalled:

Examined by Foreman:-

Q. Do you know what furniture belongs to Lizzie A. Tynes?

A. All I know she said all the furniture belonged to her, that is all I know.

Q. Are you familiar with Lizzie A. Tynes signature?

A. No Sir, not with letters.

DAVID RYER, recalled--By Foreman:

Q. Do you know Lizzie A. Tynes hand writing?

A. Yes Sir.

Q. I want to introduce here "Exhibit 1", I ask you what is that?

A. This is a letter from Lizzie A. Tynes.

Q. Is that her signature?

A. Yes Sir.

And further this deponent saith not.

The above testimony was taken on the 16th day of June, 1925. All signatures waived by consent.

Tynes et als.,

454

Vs: In Chancery.

Diggs et als.

REPORT.

Filed-

9/26/25

Pro. N. G. Edwards

CLW

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

546

\$ 270⁰⁰

Smithfield, Va. April 26th 1924

Wholly

days after date 2 promise to pay

to the order of Bank of Smithfield

Two hundred and seventy Dollars

without offset, at **BANK OF SMITHFIELD, SMITHFIELD, VA.,** for value received.

And the endorser or endorsers of this note severally waive its presentment, notice of its dishonor or non-payment at maturity, and also further waive the protest of this note in case of non-payment at maturity, and also waive notice of any protest of the same if made. And we, the maker or makers, and endorser or endorsers, of this note, each hereby waive the benefit of our homestead exemption as to this debt, and further agree to pay ten per cent. of the amount of this obligation, as attorney fee, and all court costs which may be incurred, in any suit brought to enforce its collection.

No. 7-8743

Due 7/25 P.O. C-1

A. H. Tye

For the year 1924

RECEIVED
BANK OF SMITHFIELD
APR 26 1924
CHARGE
My Commission expires Sept. 26, 1926

Emma Diggs

Wm Michael

- M. W.

Hubert Robinson

Wm
Jacob

Hayden Parsons



Ind. 7 40 Paid by

Emma Diggs. 426-1924

\$ 270⁰⁰

Smithfield, Va. July 1 1924

days after date 9 promise to pay

to the order of

RH Rogers

Two hundred & Seventy ¹⁰⁰ Dollars

without offset, at **BANK OF SMITHFIELD, SMITHFIELD, VA.,** for value received.

And the endorser or endorsers of this note severally waive its presentment, notice of its dishonor or non-payment at maturity, and also further waive the protest of this note in case of non-payment at maturity, and also waive notice of any protest of the same if made. And we, the maker or makers, and endorser or endorsers, of this note, each hereby waive the benefit of our homestead exemption as to this debt, and further agree to pay ten per cent. of the amount of this obligation, as attorney fee, and all court costs which may be incurred, in any suit brought to enforce its collection.

No. 27325

Due

4/1

P. O.

city 1

Sizzia Rogers

A H Myers



Smithfield, Pa. 10/10/1892

4-11-18-

Norfolk, Va March 29 1921

On demand I promise to pay to the
Order of Waymond Diggs \$390.⁰⁰
Three hundred and ninety — Dollars
Love at 6% interest

Elizabeth Dyer

do any for myself the
time is not like it was
some time ago the work
is so hard I do not have
time waste anyone
I am going to send you
some money sometime
soon. please kiss all
the boys for me I hope
we will meet again
some day Emma
your friend Butler
Die

I hope you do not think
hard of me for not
writing before now
Emma I do not have
time to write the work
is so it takes all my time
to work I know you
think of me I have not
help it you don't
know how it is with
me do not have time to

19024

Jan 7

Emma please send
your letter in the
care of our Blarney
326 West 52 Street
Please write soon and
get my letter that is all
Love your sister
Higgins
J. J. J. J. J.

New York City
326 West 52 Street
my Dear Sister
I will write you a few
lines to let you know how
come I am well and I
that these few lines
may find you all
well and doing well
I hope that you spend
a nice Christmas
I spend my Christmas
marking



Mrs. Emma Dugges
Norfolk Va

17/10

Spencer Street

Exhibit
Jr

Norfolk, Va. Dec 6, 1920

On demand, I promise to pay to order
of Walter J. Diggs - - - - - \$100.00

One Hundred - - - - - ~~72~~ dollars

Interest @ 8%

7/10/21
G. J. Diggs

Ex "D"
New York City
Date 6 1906

My Dear Bess

I will write and let you
hear from me from time
and I hope that these few
lines will find you all
well doing well & with
new York Right and I
am having a nice
time ever Love Lillian

any about any ^{Sally} ~~harmless~~
Bab keep it to yourself
that all from the one that has
fore you that is H.
422 West 5th Street ^{Hizzie of} ~~St~~ ^{James}
over your history

please don't answer this letter

thany was glad to see and
crow Dear I am expect-
ing to leave for home
on the 16th & will get to
Massachusetts on 17th if
nothing happens to me
so please meet me in Smithfield
& hope will find ever
thing all Right now
Dear that is all I to Sally
I will look for you
where I get there don't

H

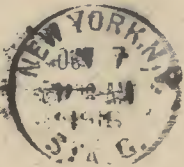
Norfolk, Va. May 15 1922

D. Emma Diggs ~~Trav~~ Lizzie A.

Trav ————— \$150.00

One hundred and fifty — ~~McL~~ Dollars
interest at 8%

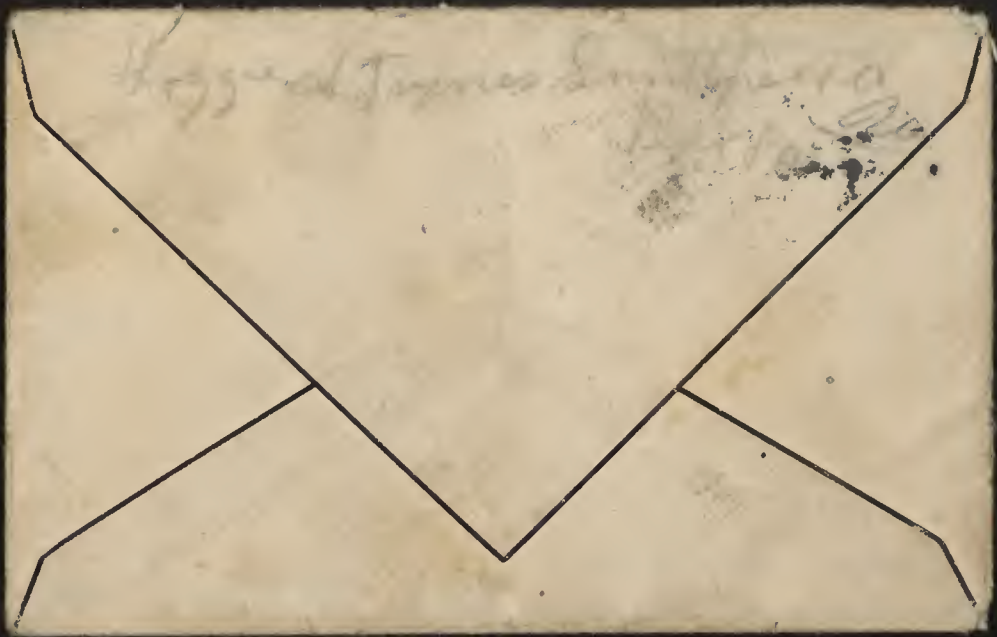
Wiggins & Trimmer



Mr J. P. Parsons
Smithfield, Ga

Box 40

Wm. J. Smith
1850



308 street
99 Street

Ex. B.
~~St. Paul~~

one and let me
know ~~whether~~ whether
you or dead thieves
or cannot see Board do if clear
What is the matter that you must
with you about let me before I have
seem to live where down so that is all your
anything an answer
you must have at
a Bank of money

spend a month in
2. Sea do request
you pay my ~~Board~~
Board do if clear
that you must
let me before I have
down so that is all your
Best thing yet
God bless me
308 street
99 St.

very much to
asking you did not
answer my letter
that I wrote you
some time ago
know you got the
letter and would
not answer it at
all I hope
I hope you will
answer

B/ July 9 1903
My Dear Mother
I will write you
let you hear from
I am very well at
this time and hope
when these few lines
reach you than
may find you well
I will write you
soon

\$100.00

Out -

Norfolk, Va. Mar. 10, 1923.

I, Geo. J. Diggs sold to Rizzell A. Tynes

(1 Horse) @ One Hundred - - - \$100 Dollars

Interest @ 6%

Guaranteed by Tynes

COMMONWEALTH OF VIRGINIA.

CORPORATION OF THE CITY OF RICHMOND, to-wit:

This day personally appeared before me, Peter J. Henry, a Notary Public in and for the Corporation aforesaid, in the Commonwealth of Virginia, Waymond Diggs, who being duly sworn, doth depose and say that he is the holder of a certain promissory note dated March 29th, 1921, at Norfolk, Va., made by Lizzie A. Tynes, deceased, payable to my order for the sum of three hundred and ninety dollars (\$390.00) with interest at six percent; that no part of said note has been paid, and that there is still due and owing thereon, the sum of three hundred and ninety dollars (\$390.00), with interest at six percent from the date of the death of said Lizzie A. Tynes, deceased.

And further this deponent saith not.

Waymond Diggs

Taken, subscribed and sworn to before me this 13th day of April, 1925.

My commission expires on the 29th day of July, 1926.

Peter J. Henry
Notary Public.

Commonwealth of Pennsylvania,

County of Allegheny, to-wit:

Westmoreland

This day personally appeared before me, _____

J. H. Woolf, a Notary Public in and for the County
Westmoreland
of Allegheny, in the Commonwealth of Pennsylvania, do certify
that Walter T. Diggs this day personally appeared before me,
and being duly sworn, doth depose and say that he is the holder
of a certain note dated December 6th, 1920, at Norfolk, Va.,
made by Lizzie A. Tynes, payable to my order on demand, for
the sum of one hundred dollars (\$100.00); that said Lizzie A.
Tynes has departed this life, and that no sum or sums has been
paid to me on said note, and the amount now due and owing is
the sum of one hundred dollars (\$100.00) with interest at six
per cent from the date of her death.

And further this deponent saith not.

Walter T. Diggs

Taken, subscribed and sworn to before me this 15th
day of April, 1925.

My commission expires on the 21 day of Feb,
1927.

J. H. Woolf
Notary Public.

COMMONWEALTH OF VIRGINIA.

CORPORATION OF THE CITY OF NORFOLK, to-wit:

This day personally appeared before me, _____
Ernest Linwood Cook, a Notary Public in and for the Cor-
poration aforesaid, in the Commonwealth of Virginia, George
T. Diggs, who being by me first duly sworn, doth depose and
say that the estate of Lizzie A. Tynes, deceased, is indebted
to him in the sum of one hundred dollars (\$100.00), for the
price and value of a certain horse sold to her on March 10th,
1923, and said sale is evidenced by a certain paper in writing
signed by Lizzie A. Tynes, and filed herewith as exhibit "A".

And further this deponent saith not.

x George T. Diggs

Taken, subscribed and sworn to before me this 14th day
of April, 1925.

My commission expires on the 24th day of April,
1927.

Ernest Linwood Cook
Notary Public.

Exhibit C.

Richard H. Tynes et als

vs:::

Emma Diggs.

AFFIDAVIT.

Before me, Henry Leifheit, a Notary Public in and for the City and County of New York, in the State of New York, personally appeared R. R. Blount, who after being duly sworn according to law, deposes and says that he knew Miss Lizzie A. Tynes, who died at the City Hospital, New York City, March 17th, 1924; that just before her death he learned from her that she had secreted her money at her temporary residence 326 West 52nd Street, New York City; that he accompanied Mrs. Emma Diggs of Norfolk, Virginia, a sister of the deceased, to the said address where, in his presence, the said Emma Diggs located and took charge of the said money which amounted to Four Hundred and Thirty-five (\$435.00) Dollars in United States currency; that Gaston Diggs, son of the said Emma Diggs was also present and that in his presence, the said Emma Diggs handed to him (R. R. Blount) out of the said Four Hundred and Thirty-five (\$435.00) Dollars, Two Hundred and Twenty-nine (\$229.50) Dollars and fifty cents to pay certain incidental bills itemized as follows: for Rodney Dale, undertaken, 239 West 53rd Street, New York City, Two Hundred and Eight Dollars (\$208.50) and fifty cents, for Mrs. Washington, 422 West 52nd Street, for care of Miss Tynes' trunk, One (\$1.00) Dollar, for Mrs. Morris, 326 West 52nd Street, for Miss Tynes' lodging, Four (\$4.00) Dollars, for Dr. Ernest R. Alexander, 34 West 129th Street., for professional service to Miss Tynes, Three (\$3.00) Dollars, for telegram and parcel post package to 1810 O'Keefe Street, Norfolk, Virginia, One (\$1.00) Dollar,

for transportation of Miss Tynes body from New York to Norfolk,
Twelve (\$12.00) Dollars; that the balance of Two Hundred and
Five (\$205.50) Dollars and fifty cents was retained by the said
Emma Diggs; and that a trunk and other belongings of the said
Lizzie Tynes were taken possession of by the said Emma Diggs.

R.R. Blount (Seal)



STATE OF NEW YORK, S. S.

City and County of New York, _____, to-wit:

Subscribed and sworn to before me this 6th day of _____
December, _____, 1924. In testimony whereof I have hereunto set
my hand and official seal, the day, month and year aforesaid.

My Commission expires 30th day of March, 1926.

192 .

Henry Reifheit
Notary Public.
NOTARY PUBLIC, QUEENS COUNTY No. 633
KINGS CO. CLERK No. 89, REG. No. 6104
N. Y. CO. CLERK No. 210, REG. No. 6215
(COMMISSION EXPIRES MARCH 30, 1926)

4
VIRGINIA: IN THE CIRCUIT
COURT OF ISLE OF WIGHT
COUNTY.

Richard H. Tynes et als.

vs:::

Emma Diggs.

AFFIDAVIT.

W. W. Foreman, p.q.

Filed.

R. A. Edwards
clerk

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—Greeting:

WE COMMAND YOU, That you summon Emma Diggs.,

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules
to be holden for the said Court on the Fifth Monday in June, 1925,
to answer ~~an amended bill and petition in chancery.~~
~~www.wwww~~ her,
in our said Court by Richard H. Tynes et als.,

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 13th day of June, 1925, and in the 149th year of the Commonwealth.

N. G. Evans ✓ Clerk.

9

Service of the within summons
accepted this 22nd day of June,
1925.

Emma Diggs.

By E. A. Bishop
Her counsel.

VIRGINIA:

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

Richard H. Tynes, George P. Godwin, David
Ryer, Lula Robertson, Nannie Holloway, adults,
and Gertrude Tynes, Etta Edwards, (formerly
Etta Parsons), Gracie Parsons, Nellie Parsons,
Beatrice Parsons, Garnett Parsons, Rufus Par-
sons, Odell Parsons, Zachariah Parsons, Frank
Holloway, Willie Holloway and Theresa Hollo-
way, infants who sue by Hayden Parsons, their
next friend.....COMPLAINANTS.

VS IN CHANCERY.

Emma Diggs, Emmett Tynes and Henderson Tynes. RESPONDENTS.

ANSWER OF EMMA DIGGS, EMMETT TYNES AND HENDERSON TYNES.

The joint and several answer of Emma Diggs, Emmett
Tynes and Henderson Tynes to an amended bill of complaint ex-
hibited against them in the aforesaid Court by Richard H. Tynes,
George P. Godwin, David Ryer, Lula Robertson, Nannie Holloway,
adults, and Gertrude Tynes, Etta Edwards (formerly Etta Parsons),
Gracie Parsons, Nellie Parsons, Beatrice Parsons, Garnett Par-
sons, Rufus Parsons, Odell Parsons, Zachariah Parsons, Frank
Holloway, Willie Holloway and Theresa Holloway, infants, who
sue by Hayden Parsons, their next friend.

These respondents, now and at all times hereafter, sav-
ing and reserving to themselves all benefit of exceptions which
can or may be had or taken to said bill of complaint, for an-
swer thereto, or to so much thereof as they are advised that
it is material to answer, answer and say:

1. That the allegations contained in paragraph one of said bill are true.

2. That the allegations contained in paragraph two of said bill are true.

3. That it is true that your respondents had in hand and took possession of the sum of four hundred and thirty-five dollars (\$435.00) belonging to the decedent, Lizzie A. Tynes; that they buried Lizzie A. Tynes and paid the expenses for said burial and other expenses that exceed the said amount of four hundred and thirty-five dollars (\$435.00); that no administrator has ever qualified on the estate of said Lizzie A. Tynes, deceased, and at the proper time respondents will account to the Commissioner in Chancery to whom this cause will be referred, for all sums received by them and for all expenditures made. That all other personal effects of the decedent are now in the possession of your respondents subject to such disposition as the Court may make thereof.

4. That the allegations contained in paragraph four of said bill are true.

5. That respondents believe the allegations contained in paragraph five of said bill are true, but call for strict proof.

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

Emma Diggs
Emma Tynes
Henderson Tynes
BY E. A. Bilinsky
Counsel.
E. A. Bilinsky
Counsel.

15 ~~476~~
VIRGINIA:

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

RICHARD H. TYNES ET ALS.
COMPLAINANTS.

VS

EMMA DIGGS ET ALS.
RESPONDENTS.

ANSWER OF
EMMA DIGGS, EMMETT TYNES AND
HENDERSON TYNES, TO AMENDED BILL.

*Filed & rdn Court -
6/4/25.*

EUGENE A. BILISOLY
ATTORNEY AT LAW
210-212 LAW BUILDING
NORFOLK, VIRGINIA

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

Richard H. Tynes, George P. Godwin,
David Ryer, Lula Roberson, Nannie
Holloway, Etta Edwards, (formerly
Etta Parsons), Gracie Parsons, Nel-
lie Parsons, Frank Holloway, Willie
Holloway, Theresa Holloway and Ger-
trude Tynes, adults, and Beatrice
Parsons, Garnett Parsons, Rufus
Parsons, Odell Parsons and Eacha-
riah Parsons, infants, who sue by
Hayden Parsons, their next friend.....Complainants.

vs

Emma Diggs, Emmett Tynes and Hen-
derson Tynes.....Respondents.

The answer of Emma Diggs, Emmett Tynes and Henderson
Tynes to a petition heretofore filed in this cause by Richard
H. Tynes et als., for answer thereto, or so much thereof as
it is material that respondents should answer, answer and
say:

That the allegations as to the Commissioner's report
contained in the aforesaid petition are true, and your re-
spondents join in the prayer of said petition.

And now having fully answered, pray hence to be dis-
missed with their reasonable costs, etc.

Emma Diggs
Emmett Tynes
Henderson Tynes
BY

E. A. Belinsky
COUNSEL.

E. A. Belinsky
COUNSEL.

10
VIRGINIA:

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

RICHARD H. TYNES ET ALS.

COMPLAINANTS.

VS

EMMA DIGGS, EMMETT TYNES and

HENDERSON TYNES. RESPONDENTS.

ANSWER OF

EMMA DIGGS, EMMETT TYNES and
HENDERSON TYNES.

EUGENE A. BILISOLY
ATTORNEY AT LAW
LAW BUILDING
NORFOLK - VIRGINIA

VIRGINIA:

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

Richard H. Tynes, George P. Godwin, David
Ryer, Lula Robertson, Nannie Holloway, Adults,
and Gertrude Tynes, Etta Edwards (formerly
Etta Parsons), Gracie Parsons, Nellie Parsons,
Beatrice Parsons, Garnett Parsons, Rufus Par-
sons, Odell Parsons, Zachariah Parsons, Frank
Holloway, Willie Holloway and Theresa Hollo-
way, infants who sue by Hayden Parsons, their
next friend..... COMPLAINANTS.

vs. IN CHANCERY

Emma Diggs..... RESPONDENT.

ANSWER OF EMMA DIGGS.

The answer of Emma Diggs to a bill of complaint exhibited
against her in the aforesaid Court by Richard H. Tynes, George
P. Godwin, David Ryer, Lula Robertson, Nannie Holloway, adults,
and Gertrude Tynes, Etta Edwards (formerly Etta Parsons), Gracie
Parsons, Nellie Parsons, Beatrice Parsons, Garnett Parsons, Rufus
Parsons, Odell Parsons, Zachariah Parsons, Frank Holloway, Willie
Holloway and Theresa Holloway, infants, who sue by Hayden Parsons,
their next friend.

This respondent, now and at all times hereafter, saving
and reserving to herself all benefit of exception which can or
may be had or taken to said bill of complaint, for answer thereto,
or to so much thereof as she is advised that it is material to
answer, answers and says:

1. That the allegations contained in paragraph one of said bill are true.

2. That the allegations contained in paragraph two of said bill are true.

3. That it is true that your respondent had in hand and took possession of the sum of four hundred and thirty-five dollars (\$435.00) belonging to the decedent, Lizzie A. Tynes; that she buried Lizzie A. Tynes and paid the expenses for said burial and other expenses that exceed the said amount of four hundred and thirty-five dollars (\$435.00); that no administrator has ever qualified on the estate of said Lizzie A. Tynes, deceased, and at the proper time respondent will account to the Commissioner in Chancery to whom this cause will be referred, for all sums received by her and for all expenditures made. That all other personal effects of the decedent are now in possession of your respondent subject to such disposition as the Court may make thereof.

4. That the allegations contained in paragraph four of said bill are true.

5. That respondent believes the allegations contained in paragraph five of said bill are true, but calls for strict proof.

And now having fully answered the complainants' bill, this respondent prays hence to be dismissed with her reasonable costs in this behalf expended, and she will ever pray, etc.

BY

Lemuel D. Diggs

E. A. Belisery

COUNSEL.

E. A. Belisery

COUNSEL.

5
VIRGINIA.

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

RICHARD H. TYNES ET ALS.
COMPLAINANTS.

VS.

EMMA DIGGS. RESPONDENT.

ANSWER OF EMMA DIGGS.

EUGENE A. BILISOLY
ATTORNEY AT LAW
210-212 LAW BUILDING
NORFOLK, VIRGINIA

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

Richard H. Tynes, George P. Godwin, David Ryer,
Lula Roberson, Nannie Holloway, Etta Edwards,
(formerly Etta Parsons), Gracie Parsons, Nel-
lie Parsons, Frank Holloway, Willie Holloway,
Theresa Holloway, and Gertrude Tynes, adults,
and Beatrice Parsons, Garnett Parsons, Rufus
Parsons, Odell Parsons and Zachariah Parsons,
infants, who sue by Hayden Parsons, their next
friend. Complainants.

vs. In Chancery.

Emma Diggs, Emmett Tynes, and Henderson
Tynes. Respondents.

To The Honorable B. D. White, Judge.

The undersigned, Etta Edwards, (formerly Etta Parsons),
Gracie Parsons, Nellie Parsons, Frank Holloway, Willie Holloway,
Theresa Holloway, and Gertrude Tynes, your petitioners, respect-
fully represent unto your honor that in the bill and amended bill
of complaint heretofore filed by all of the complainants named in
the caption of this petition, in a suit brought in your Honor's
Court to settle the estate of Lizzie A. Tynes, deceased, and to di-
vide or partition said estate among the heirs-at-law of the said de-
cedent, your petitioners were erroneously designated as infants as
will more fully appear by reference to the said bill and amended
bill of complaint therein, the record of which suit is hereby re-
ferred to and prayed to be made a part of this petition, and

Whereas, your Commissioner in Chancery, E. H. Williams, to
whom this matter was referred, has stated, at the conclusion of the
first (1st) paragraph of his report, that from the testimony of
certain witnesses taken before him, that the said Etta Edwards,
(formerly Etta Parsons), Gracie Parsons, Nellie Parsons, Frank Hol-
loway, Willie Holloway, Theresa Holloway and Gertrude Tynes are not
properly before the Court, and

Whereas, your said Commissioner in Chancery has further
stated, in paragraph Two (2) of his said report, that in the bill
and amended bill of complaint hereinbefore mentioned and referred
to, that your petitioners have been improperly made parties to this

(2)

suit as infants, the object of this petition is to bring the said parties properly before the Court. ,

Your petitioners therefore pray that they may be made parties complainant to said suit in their own proper persons; that Emma Diggs, Emmett Tynes and Henderson Tynes, respondents in said suit as well as the complainants therein may be made parties to this petition; that process may be issued thereon, to be served upon the parties so asked to be made respondents to this petition; that the said Emma Diggs, Emmett Tynes and Henderson Tynes may be made respondents to this petition; and that your petitioners may be granted such other and further relief as the nature of their case may require, or to equity may seem meet, and they will ever pray, etc.

Etta Edwards (formerly Parsons)

Gracie Parsons

Nellie Parsons

Frank Holloway

Willie Holloway

Theresa Holloway

Gertrude Tynes

BY COUNSEL

W. W. Foreman

COUNSEL

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

Richard Tynes et als.

vs. In Chancery

Emma Diggs et als.

PETITION

Legal service accepted for
Respondents this 7th day of
of October, 1925, by

E. A. Bihnsky
Their Counsel.

W. W. Foreman
Attorney at Law
Attucks Building

Norfolk Virginia

Telephone 21795

VIRGINIA:

IN THE CIRCUIT COURT FOR ISLE OF WIGHT COUNTY.

RICHARD H. TYNES, GEORGE P. GODWIN, DAVID
RYER, LULA ROBERTSON, NANNIE HOLLOWAY, adults,
and GERTRUDE TYNES, ETTA EDWARDS (formerly
ETTA PARSONS), GRACIE PARSONS, NELLIE PARSONS,
BEATRICE PARSONS, GARNETT PARSONS, RUFUS PAR-
SONS, ODELL PARSONS, ZACHARIAH PARSONS, FRANK
HOLLOWAY, WILLIE HOLLOWAY, and THERESA HOLLOWAY,
infants who sue by HAYDEN PARSONS, their next
friend.COMPLAINANTS.

VS. IN CHANCERY

EMMA DIGGS.....DEFENDANT.

TO THE HONORABLE B.D. WHITE, JUDGE OF SAID COURT:

The undersigned, Emmett Tynes and Henderson Tynes, your
petitioners, respectfully represent unto your Honor that Richard
H. Tynes, George P. Godwin, David Ryer, Lula Robertson, Nannie
Holloway, adults, and Gertrude Tynes, Etta Edwards (formerly
Etta Parsons), Gracie Parsons, Nellie Parsons, Beatrice Parsons,
Garnett Parsons, Rufus Parsons, Odell Parsons, Zachariah Parsons,
Frank Holloway, Willie Holloway and Theresa Holloway, infants,
who sue by Hayden Parsons, their next friend, on behalf of them-
selves brought a suit in your Honor's Court to settle the estate
of Lizzie A. Tynes, deceased, and to divide or partition said
estate among the heirs-at-law of the said Lizzie A. Tynes, de-
ceased.

Your petitioners further show unto your Honor that Emma
Diggs is made defendant to said suit, as will more fully appear
by reference to the papers therein, the record of which suit is
hereby referred to and made a part of this petition.

Your petitioners further represent unto your Honor that the gravamen of said suit is as to the settlement of the estate of Lizzie A. Tynes, deceased, and a division of the real estate in kind among the heirs of Lizzie A. Tynes, deceased, if such division can be made, and if such division cannot be made, that said real estate of which the said Lizzie A. Tynes died seized and possessed be sold and the proceeds be divided among the heirs-at-law of the said Lizzie A. Tynes, deceased, in such amounts as each may be entitled to receive.

Your petitioners further represent that they are the illegitimate children of Mary Eliza Tynes, who is deceased, and who was a sister of Lizzie A. Tynes, deceased, and that they are not made parties, either complainants or respondents.

Your petitioners therefore pray that they may be made parties respondents to said suit; that the complainants be required to amend their bill so as to show petitioners' interest in the matter of controversy in said suit, and so as properly to make these respondents thereto; that the said complainants in said suit as well as the said respondents therein, may be made parties to this petition; that process may be issued thereon, to be served upon the party so asked to be made respondent to this petition; and grant unto your petitioners such other and further relief as the nature of your petitioners' case may require, and as in duty bound they will ever pray, etc.

BY COUNSEL

COUNSEL.

8

257

VIRGINIA:

IN THE CIRCUIT COURT FOR ISLE OF
WIGHT COUNTY.

RICHARD H. TYNES ET ALS.

COMPLAINANTS.

VS

EMMA DIGGS. DEFENDANT.

IN CHANCERY

PETITION OF

EMMETT TYNES and HENDERSON TYNES.

1475

May 4th

E. A. Bilisoly
B. A. T.

EUGENE A. BILISOLY
ATTORNEY AT LAW
210-212 LAW BUILDING
NORFOLK, VIRGINIA

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

AMENDED BILL.

Richard M. Tynes, George P. Godwin, David Ryer, Lula Roberson, Nannie Holloway, adults, and, Gertrude Tynes, Etta Edwards, (formerly Etta Parsons), Gracie Parsons, Nellie Parsons, Beatrice Parsons, Garnett Parsons, Rufus Parsons, Odell Parsons, Zachariah Parsons, Frank Holloway, Willie Holloway, and Theresa Holloway, infants, who sues by Hayden Parsons, their next friend.

Complainants.

vs; In Chancery.

Emma Diggs, Emmett Tynes and Henderson Tynes.

Respondents.

To The Honorable B. D. White, Judge Of Said Court:

Your complainants, Richard M. Tynes, George P. Godwin, David Ryer, Lula Roberson, Nannie Holloway, adults, and, Gertrude Tynes, Etta Edwards, (formerly Etta Parsons), Gracie Parsons, Nellie Parsons, Beatrice Parsons, Garnett Parsons, Rufus Parsons, Odell Parsons, Zachariah Parsons, Frank Holloway, Willie Holloway, and Theresa Holloway, infants, who sues by Hayden Parsons, their next friend, respectfully represents:

That on the 3rd day of December, 1924, they exhibited in this Court their original bill of complaint against Emma Diggs, Respondent, wherein they set forth:

1. That your complainants are brothers, half brothers, sisters, neices and nephews, respectively, of, and sole heirs at law of Lizzie A. Tynes, deceased; that the said Lizzie A. Tynes was in her lifetime seised and possessed in fee simple of certain real estate situate in the County of Isle of Wight, Virginia, described as follows:

" All of that certain peice or parcel of land and the improvements thereon, lying and being in the County of Isle of Wight and State of Virginia, on the South East side of the road leading from Smithfield to the Court House in the County aforesaid. It being a part of the lot purchased by the said Lizzie A. Tynes from George W. Jordan and recorded in the Clerk's Office of the Circuit Court of Isle of Wight County in Deed Book 64 at Page 182, and being at a distance of twelve

and one-half ($12\frac{1}{2}$) feet from the North East corner of a lot owned or formerly owned by Leroy Robinson; thence in a Southwesterly direction one hundred thirty-seven and one-half ($137\frac{1}{2}$) feet in the rear of the lots of Leroy Robinson, Willie Bailey and Isabella Taylor to James R. Jordan's property; thence in a Southeasterly direction along the line of said James R. Jordan's, forty-two (42) feet, to A. J. Cofer's line; thence in a Northeasterly direction along the line of A. J. Cofer's, parallel with the first named line one hundred thirty-seven ($137\frac{1}{2}$) and one-half feet; thence in a Northwesterly direction forty-two (42) feet in a straight line to the starting point, being a part of the lot that was conveyed to the said Georgia W. Jordan by a deed duly recorded in the Clerk's Office of the Circuit Court of Isle of Wight County herein referred to," and,

" All that certain peice and parcel of land with the improvements thereon, lying and being in the County of Isle of Wight and State of Virginia, on the Southeast side of the road leading from Smithfield to the Court House of the said County, and beginning at a point in the said road at the Northwest corner of the lot now, or formerly owned by George P. Godwin and running down the Godwin line at right angles with the said road a distance of one hundred forty-two (142) feet; then parallel with the said road in a Southwesterly direction a distance of sixty-two and one-half ($62\frac{1}{2}$) feet to the corner of said Lizzie A. Tynes' land; thence along the line of said Lizzie A. Tynes, Northwesterly to the center of the lot now, or formerly owned by Leroy Robinson; thence in an Easterly direction along the line of said Leroy Robinson twelve and one-half ($12\frac{1}{2}$) feet to the corner of said Leroy Robinson's line, one hundred (100) feet to the road; thence along said road fifty (50) feet to the beginning. It being the same land that was conveyed to the said Lizzie A. Tynes by Georgia W. Jordan by her deed dated October 24th. 1907 and duly recorded in the Clerk's Office of the Circuit Court of Isle of Wight County in Deed Book 75 at Page 329, " and,

A one-half ($\frac{1}{2}$) undivided interest in,

" All that certain tract, peice or parcel of land, lying, being and situate in Newport Magisterial District, County of Isle of Wight, Virginia, in what is known as "Slab Town" about two (2) miles from Smithfield, and being described as follows:

" Commencing at a corner of a ditch on the roadside on the corner of G. R. Atkinson's land as decended to him by his father; thence South fifty (50) degrees East to a marked pine along the line of Colonel Thomas'; thence South fourteen ($14\frac{1}{2}$) degrees East along the said Thomas 's line to a

small pine at the head of a ravine; thence down the said ravine to the corner on said Thomas and Tynes and Miss Mary Whitfield's land; thence up another ravine Northeast along the said Tynes land to a small tree between the said Jordan and said Tynes, and George R. Atkinson, to the beginning. It being the same peice or parcel of land conveyed to the said Lizzie A. Tynes and her brother, Richard H. Tynes by George F. Whitley, Special Commissioner by his deed dated February 4th. 1918 and duly recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, in Deed Book 87 at Page 335," and,

Four Hundred and Thirty-five (\$435.00) Dollars in United States Currency and other personal effects.

2. That while being so seized and possessed, the said Lizzie A. Tynes, deceased, departed this life on the seventeenth (17th) day of March, 1924, intestate and left surviving her, Richard H. Tynes, George P. Godwin, David Ryer, Lula Roberson, Nannie Holloway, Emma Diggs, Gertrude Tynes, Etta Edwards (formerly Etta Parsons), Gracie Parsons Nellie Parsons, Beatrice Parsons, Garnett Parsons, Rufus Parsons, Odell Parsons, Zachariah Parsons, Frank Holloway, Willie Holloway, and Theresa Holloway, as her brother, half-brothers, sisters, neices, nephews, nephews by the half-blood and neice by the half-blood, respectively, and sole heirs at law.

3. That the said Emma Diggs took possession of the said Four Hundred and Thirty-five (\$435.00) Dollars and other personal effects belonging to the said Lizzie A. Tynes at her death, and have not in any way accounted to your complainants for their interests therein.

4. That your complainants, Richard H. Tynes, George P. Godwin, David Ryer, Lula Roberson, Nannie Holloway, adults, and Gertrude Tynes, Etta Edwards, (formerly Etta Parsons,) Gracie Parsons, Nellie Parsons, Beatrice Parsons, Garnett Parsons, Rufus Parsons, Odell Parsons, Zachariah Parsons, Frank Holloway, Willie Holloway, and Theresa Holloway, infants, own an undivided interest in the

above described real and personal estate and are entitled to have partition made of the same.

5. That the said real estate is, as they beleive, not suscep-
tible to partition in kind among the parties entitled thereto,
and that your complainants believe, and here state, that the inter-
est of those who are entitled to the said real estate or its pro-
ceeds, will be promoted by a sale of the whole of the same.

IN TENDER CONSIDERATION WHEREOF, and for as much as your
Complainants are without remedy, save in a Court of Equity, where
matters of this kind are cognizable, they pray that the said Em-
ma Diggs may be made a party defendant to this bill, and be re-
quired to answer the same, though not under oath, (oath being
hereby expressly waived); that proper process be issued, that
partition may be decreed and made of the said real estate to the
parties thereto entitled according to their respective rights;
that if the said real estate cannot be conveniently divided in
kind, that it may be sold and the proceeds divided among the par-
ties entitled thereto according to their respective shares; that
a reasonable fee be allowed counsel for your Complainants for
his services in conducting this suit; that all proper orders and
decrees be made, accounts taken, and inquiries directed, and that
your Complainants may have all such other further and general
relief in the premises as the nature of the case may require, or
to Equity may seem meet, and your Complainants will ever pray.

But your said Complainants respectfully represent that
they, without any intention so to do, erroneously failed to state
that Emmett Tynes, and Henderson Tynes, are the illegitimate
children of Mary Elizabeth Tynes, deceased, who was a sister of
the said Lizzie A. Tynes, deceased, and as such illegitimate
nephews, are heirs at law of the said Lizzie A. Tynes, deceased,
and entitled to share in the distribution of her estate. And
to correct this defect this amended bill is hereby filed.

WHEREFORE, in concurrence with the prayer of the petition in this cause filed by the said Emmett Tynes and Henderson Tynes, and for as much as your complainants are without remedy, save in a Court of Equity, where matters of this kind are cognizable, they pray that the said Emmett Tynes and Henderson Tynes along with Emma Diggs be made parties respondent to this amended bill, and be required to answer the same, though not under oath, oath being hereby expressly waived; that proper process be issued, that partition may be decreed and made of the said real estate to the parties thereto entitled according to their respective rights; that if the said real estate cannot be conveniently divided in kind, that it may be sold and the proceeds divided among the parties entitled thereto according to their respective shares; that a reasonable fee be allowed counsel for your complainants for his services in conducting this suit; that all proper orders and decrees be made, accounts taken and inquiries directed, and that your complainants may have all such other, further and general relief in the premises as the nature of the case may require, or to equity may seem meet, and your complainants will ever pray.

Richard H. Tynes

George P. Godwin

David Ryer

Lula Roberson

Nannie Holloway

Gertrude Tynes

Etta Edwards

Gracie Parsons

Mellie Parsons

Beatrice Parsons

Garnett Parsons

Rufus Parsons

Odell Parsons

Zachariah Parsons
Frank Holloway
Willie Holloway
Theresa Holloway

Complainants, by Counsel.

D. W. Foreman.
Counsel.

12
VIRGINIA:
IN THE CIRCUIT COURT OF ISLE
OF WIGHT COUNTY.

Richard H. Tynes et als.

vs.

Emma Diggs et als.

AMENDED BILL

W. W. Foreman
Attorney at Law
Attucks Building
Norfolk Virginia

Telephone 21795

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Richard H. Tynes, George P. Godwin, David Ryer, ✓ *
Lula Roberson, Nannie Holloway, adults, and *
Gertrude Tynes, Etta Edwards (formerly Etta Par- *
sons), Gracie Parsons, Nellie Parsons, Beatrice *
Parsons, Garnett Parsons, Rufus Parsons, Odell *
Parsons, Zechariah Parsons, Frank Holloway, *
Willie Holloway and Theresa Holloway, infants, *
who sues by Hayden Parsons, their next friend *

-----COMPLAINANTS. *

VS:

* IN CHANCERY.

Emma Diggs, ✓ -----DEFENDANT. *

TO THE HONORABLE B. D. WHITE, Judge.

Your complainants, Richard H. Tynes, George P. Godwin, David Ryer, Lula Roberson, Nannie Holloway, adults, and Gertrude Tynes, Etta Edwards (formerly Etta Parsons), Gracie Parsons, Nellie Parsons, Beatrice Parsons, Garnett Parsons, Rufus Parsons, Zechariah Parsons, Frank Holloway, Willie Holloway and Theresa Holloway, infants, who sues by Hayden Parsons, their next friend, humbly complaining, sheweth unto the Court the following case:

1. That your complainants are brother, half brothers, sisters, neices and nephews, respectively, of, and sole heirs at law of Lizzie A. Tynes, deceased; that the said Lizzie A. Tynes was in her lifetime seised and possessed in fee simple of certain real estate situate in the County of Isle of Wight, Virginia, described as follows:

" All of that certain peice or parcel of land and the improvements thereon, lying and being in the County of Isle of Wight and State of Virginia, on the South East side of the road leading from Smithfield to the Court House in the County aforesaid. It being a part of the lot purchased by the said Lizzie A. Tynes from Georgie W. Jordan and recorded in the Clerk's Office of the Circuit Court of Isle of Wight County in Deed Book 64 at Page 182, and being at a distance of twelve and one-half ($12\frac{1}{2}$) feet from the North East corner of a lot owned or formerly owned by Leroy Robin-

son; thence in a Southwesterly direction one hundred thirty-seven and one-half ($137\frac{1}{2}$) feet in the rear of the lots of Leroy Robinson, Willie Bailey and Isabella Taylor to James R. Jordan's property; thence in a Southeasterly direction along the line of said James R. Jordan's forty-two (42) feet, to A. J. Cofer's line; thence in a Northeasterly direction along the line of A. J. Cofer's parallel with the first named line one hundred thirty-seven ($137\frac{1}{2}$) and one-half feet; thence in a Northwesterly direction forty-two (42) feet in a straight line to the starting point, being a part of the lot that was conveyed to the said Georgia W. Jordan by a deed duly recorded in the Clerk's Office of the Circuit Court of Isle of Wight County herein referred to," and

" All that certain peice and parcel of land with the improvements thereon, lying and being in the County of Isle of Wight and State of Virginia, on the Southeast side of the road leading from Smithfield to the Court House of the said County, and beginning at a point in the said road at the Northwest corner of the lot now, or formerly owned by George P. Godwin and running down the Godwin line at right angles with the said road a distance of one hundred forty-two (142) feet; then parallel with the said road in a Southwesterly direction a distance of sixty-two and one-half ($62\frac{1}{2}$) feet to the corner of said Lizzie A. Tynes' land; thence along the line of said Lizzie A. Tynes Northwesterly to the center of the lot now, or formerly owned by Leroy Robinson; thence in an Easterly direction along the line of said Leroy Robinson twelve and one-half ($12\frac{1}{2}$) feet to the corner of said Leroy Robinson's line, one hundred (100) feet to the road; thence along said road fifty (50) feet to the beginning. It being the same land that was conveyed to the said Lizzie A. Tynes by Georgia W. Jordan by her deed dated October 24th. 1907 and duly recorded in the Clerk's Office of the Circuit Court of Isle of Wight County in Deed Book 75 at Page 329," and

A one-half ($\frac{1}{2}$) undivided interest in,

" All that certain tract, peice or parcel of land, lying,

being and situate in Newport Magisterial District, County of Isle of Wight, Virginia, in what is known as " Slab Town " about two (2) miles from Smithfield, and being described as follows:

" Commencing at a corner of a ditch on the roadside on the corner of G. R. Atkinson's land as decended to him by his father; thence South fifty (50) degrees East to a marked pine along the line of Colonel Thomas; thence South fourteen (14) degrees East along the said Thomas' line to a small pine at the head of a ravine; thence down the said ravine to the corner on said Thomas and Tynes and Miss Mary Whitfield's land; thence up another ravine Northeast along the said Tynes land to a small tree between the said Jordan and said Tynes, and George R. Atkinson, to the beginning.

It being the same peice or parcel of land conveyed to the said Lizzie A. Tynes and her brother, Richard H. Tynes by George F. Whitley, Special Commissioner by his deed dated February 4th. 1918 and duly recorded in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, in Deed Book 87 at Page 335," and

Four Hundred and Thirty-five (\$435.00) Dollars in United States Currency and other personal effects.

2. That while being so seised and possessed, the said Lizzie A. Tynes, deceased, departed this life on the seventeenth (17th) day of March, 1924, intestate and left surviving her, Richard H. Tynes, George P. Godwin, David Ryer, Lula Roberson, Nannie Holloway, Emma Diggs, Gertrude Tynes, Etta Edwards (formerly Etta Parsons), Gracie Parsons, Nellie Parsons, Beatrice Parsons, Garnett Parsons, Rufus Parsons, Odell Parsons, Zechariah Parsons, Frank Holloway, Willie Holloway and Theresa Holloway, as her brother, half-brothers, sisters, neices, nephews, nephews by the half-blood and neice by the half-blood, respectively, and sole heirs at law.

3. That the said Emma Diggs took possession of the said Four Hundred and Thirty-five (\$435.00) Dollars and other personal effects belonging to the said Lizzie A. Tynes at her death, and have not in any way accounted to your complainants for their interests therein.

4. That your complainants, Richard H. Tynes, George P. Godwin, David Ryer, Lula Roberson, Nannie Holloway, adults, and Gertrude Tynes, Etta Edwards (formerly Etta Parsons), Gracie Parsons, Nellie Parsons, Beatrice Parsons, Garnett Parsons, Rufus Parsons, Odell Parsons, Zechariah Parsons, Frank Holloway, Willie Holloway and Theresa Holloway, infants, own an undivided interest in the

above described real and personal estate and are entitled to have partition made of the same.

5. That the said real estate is, as they believe, not susceptible to partition in kind among the parties entitled thereto, and that your Complainants believe, and here state, that the interest of those who are entitled to the said real estate or its proceeds, will be promoted by a sale of the whole of the same.

IN TENDER CONSIDERATION WHEREOF, and for as much as your Complainants are without remedy, save in a Court of Equity, where matters of this kind are cognizable, they pray that the said Emma Diggs may be made a party defendant to this bill, and be required to answer the same, though not under oath, (oath being hereby expressly waived); that proper process be issued, that partition may be decreed and made of the said real estate to the parties thereto entitled according to their respective rights; that if the said real estate cannot be conveniently divided in kind, that it may be sold and the proceeds divided among the parties entitled thereto according to their respective shares; that a reasonable fee be allowed counsel for your Complainants for his services in conducting this suit; that all proper orders and decrees be made, accounts taken, and inquiries directed, and that your Complainants may have all such other further and general ^{relief} in the premises as the nature of the case may require, or to Equity may seem meet, and your Complainants will ever pray.

Complainants:

Richard H. Tynes.
George P. Godwin.
David Ryer.
Lula Roberson.
Nannie Holloway.
Etta Edwards.
Gracie Parsons.
Stellie Parsons.
Beatrice Parsons.
Garnett Parsons.
Rufus Parsons.
Odell Parsons.

Zechariah Parsons.
Frank Holloway.
Willie Holloway.
Gertrude Tynes.
Theresa Holloway.

Sam W. Foreman. Counsel.

VIRGINIA: IN THE CIRCUIT
COURT OF ISLE OF WIGHT COUN-
TY.

Richard H. Tynes et als

Complainants.

vs.: In Chancery.

Emma Diggs, Defendant.

BILL OF PARTITION.

W. W. Foreman, p.q.

Attucks Building.

(Phone. 21795.)

2nd December Rules 1924. Process
returned executed upon Emma Diggs
Decree Ni Si as to her; *But for*
3rd December Rules 1924.
Defendant Emma Diggs not yet
appearing to, plead, demur, or
answer, bill taken for con-
fessed and cause set down for
hearing. *as to her.*

Deposit -
\$1750
for Clerk

22
R. H. Synn et al
V. G. # 454.
Emma Duggo

A copy.

Filed. Apr. 14-76.

Teste:

H. A. Emmert
ceht

No.

Know all Men by These Presents: That we

E.A. Bilisoly and W.W. Foreman

principal ,

and

Independence Indemnity Co. of
Philadelphia

surety ,

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of **three thousand dollars**

to the payment whereof well and truly to be made we bind ourselves and each of us, our and each of our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

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

IN TESTIMONY WHEREOF, the said E. A. Bilisoly and W. W. Foreman

principal ,

has hereto set his hand and affixed his seal;

and the said Independence Indemnity Company of Philadelphia

surety ,

by

Alvan Aronheim

, its duly authorized

agent and attorney in fact, has caused its corporate name and seal to be hereunto affixed, the said seal to be attested

by the signature of the said

Alvan Aronheim

, its said agent and attorney

in fact, this, the

14th

day of

April

A. D. 1926

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound E. A. Bilisoly and

W. W. Foreman, who were by a decree entered on April 1st, 1926, in the Circuit

Court of Isle of Wight County, Virginia, in the Chancery cause of Richard H.

Tynes et als. vs. Emma Diggs, et als, number 454, which said suit is now pending

appointed as Special Commissioners,

shall faithfully discharge the duties of his office or trust as such Special Commissioners

, then the above obligation to be void, or else to remain in full force and virtue.

E. A. Bilisoly

[SEAL]

W. W. Foreman (Seal)

Independence Indemnity Co.

By

Alvan Aronheim

Its duly authorized agent and attorney in fact.

Attest:

Alvan Aronheim

Agent and attorney in fact.

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 14th

day of April

1926,

this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

A copy Teste

N. A. Edwards

N. A. Edwards

Clerk.

V. C. HODGES

W. W. FOREMAN

HODGES & FOREMAN
ATTORNEYS AND COUNSELLORS-AT-LAW
NOTARIES PUBLIC

ROOMS 309-310 ATTUCKS BUILDING

NORFOLK, VA.

Nov. 29th, 1924.

Mr. R.A. Edwards,
Clerk C. C. I. of W. Co.,
Isle of Wight, Virginia.

Re: Richard H. Tynes et als vs. Emma Diggs.

Dear Sir:

We are inclosing herewith bill and memorandum in the above styled cause and check for Seven Dollars and Fifty Cents (\$7.50) to cover cost of filing same.

Kindly issue process in this matter at your earliest convenience, and oblige,

Very truly yours,

Hodges & Foreman.

WWF/P. Enc.

Hodges & Foreman
ATTORNEYS AND COUNSELLORS-AT-LAW
SUITE 309-310 ATTUCKS BUILDING
NORFOLK, VA.

June 11th, 1925.

Mr. R. A. Edwards, Clerk,
Circuit Court of I. of W. County,
Isle of Wight Court House, Va.

Re: Richard H. Tynes et als
vs.
Emma Diggs et als.

Dear Sir:

I am inclosing herewith amended bill in the above styled cause with a request that you forward the new process for these respondents to me as I have arranged with their attorney to accept service for them. As soon as this is done I shall make return to you promptly.

Upon referring to this amended bill you will note that I have left blank the date of filing the original bill. Kindly fill in this date for me before filing, and obligè,

Very truly yours,

W. W. Foreman

EUGENE A. BILISOLY
ATTORNEY AT LAW
LAW BUILDING
NORFOLK - VIRGINIA

May 20th, 1925.

R.A. Edwards, Esq, Clerk,
Circuit Court for Isle of Wight County,
Isle of Wight Court House, Va.

Dear Sir:-

I enclose herewith a petition in the chancery matter of Richard H. Tynes et als vs Emma Diggs, and an Order filing the same.

Judge White requested me to state to you that he had left the date of the month of May blank, so that you could put any date on it that fitted your record.

If you will send the process against Emma Diggs to me as the Attorney for her, I shall accept service of the same and return to you.

Yours truly,

E. A. Bilisoly

Hodges & Foreman
ATTORNEYS AND COUNSELLORS-AT-LAW
SUITE 309-310 ATTUCKS BUILDING

NORFOLK, VA.

October, 15th, 1925.

Mr. R. A. Edwards, Clerk,
C. C. Isle of Wight Co.,
Isle of Wight, Virginia.

Re: Lizzie A. Tynes Estate.

R. H. Tynes et als vs. Emma Diggs et als.

Dear Sir:

I saw Judge White this morning in Portsmouth and got him to enter an order granting the Complainants in the above styled cause leave to file additional papers in same. In my haste I overlooked this exception to the Commissioners report even after having him to set a date for a hearing on it.

Kindly file this with the other papers in the case and oblige,

Very truly yours,

W W Foreman

WWF/f.

Hodges & Foreman
ATTORNEYS AND COUNSELLORS-AT-LAW
SUITE 309-310 ATTUCKS BUILDING
NORFOLK, VA.

February 8th, 1926.

Mr. R. A. Edwards, Clerk,
Circuit Ct. Isle of Wight Co.,
Isle of Wight, Virginia.

Re: Tynes et als vs. Diggs et als.

Dear Sir:

On October 15th, 1925 I sent you a letter containing an exception to the Commissioner's report in the above styled cause and requested you to place it with the other papers in the matter. I received a letter from Judge White this morning containing his final decision in the matter and stating that he did not find the exceptions to the report among the papers he has.

Judge White will be in Portsmouth Friday of this week and I am planning to see him at that time for the purpose of having him enter a decree sustaining my exceptions and I shall appreciate it very much if you will mail them to him at Lynhaven, Va. so that he may have them when I see him.

Thanking you in advance for this courtesy, I am,

Very truly yours,

WWF/F.

W. W. Foreman

EUGENE A. BILISOLY
ATTORNEY AT LAW
210-212 LAW BUILDING
NORFOLK, VIRGINIA

February 27th, 1926.

Judge B.D.White,
Isle of Wight Court House,
Isle of Wight County, Va.

My Dear Judge:-

Since I saw you in Portsmouth, I wrote to you and asked that if you were going to be in this City, to advise me, as I wished to see you in reference to the matter of Tynes et als vs Diggs, the decree in which you stated you would enter ~~us~~ on the first day of March.

Before you enter this decree, I am asking that you kindly look at the testimony in the case and you will find that witnesses for the plaintiff who contested the authenticity of the signature to the notes, admitted that the decedent bought a horse from one of my clients, and also admitted that the decedent owed to another one of my clients the sum of \$175.00. The horse we claim was represented by a note for \$100.00, and we also claim that the \$175.00 was included in the note for \$375.00. Granting that the signatures were forged, my two clients referred to above, were certainly entitled to recover for the price of the horse and the \$175.00, which one of the witnesses admitted the decedent told him was due.

I am calling your attention to the above, because I think if I could get the decree modified to the above extent, it would save me the trouble of having to attempt to appeal this case, as the amount involved is rather small and the record is rather long, and the time it will take would be over a year.

I know you are always willing to do the right thing, and if you consistently can allow the above sums which do not seem to be disputed, I think then the record based upon your conclusion, will be correct. If you do see this my way, I wish you would kindly hold up entering the decree until I can get in touch with Foreman.

With best wishes, and thanking you for your kindness, I remain,

Yours truly,

E. A. Bilisoly

W. W. FOREMAN

WITH HODGES AND FOREMAN

ATTORNEY AND COUNSELLOR-AT-LAW

SUITE 309-310 ATTUCKS BUILDING

NORFOLK, VIRGINIA

August 5th, 1926.

Mr. R. A. Edwards, Clerk,
Circuit Court, Isle of Wight Co.,
Isle of Wight, Virginia.

Re: R. H. Tynes et als-vs-Emma Diggs et als.

Dear Sir:

I am inclosing herewith report of the Special Commissioners on the sale of the property involved in the above styled cause accompanied by an Order confirming said report and sale.

By consent of all parties, through their respective counsel, the Order is to be entered in vacation as of August, 4th, 1926.

Very truly yours,

W. W. Foreman,

WWF/F. Inc.

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

Please issue process in the following case:

Richrd H. Tynes, George P. Godwin, David Ryer,
Lula ~~Roberson~~, Nannie Holloway, adults and
Gertrude Tynes, Etta Edwards (formerly Etta
Parsons), Gracie Parsons, Nellie Parsons, Bea-
trice Parsons, Garnett Parsons, Rufus Parsons,
Odell Parsons, Zechariah Parsons, Frank Hol-
loway, Willie Holloway and Theresa Holloway,
infants, who sues by Hayden Parsons, their
next friend-----COMPLAINANTS.

VS:::

Emma Diggs,-----DEFENDANT.

IN CHANCERY.

Emma Diggs may be found at 1810 O'Keefe Street, Norfolk,
Virginia.

Returnable to next rules.

W. W. Foreman, p.q.

1
VIRGINIA: IN THE CLERK'S
OFFICE OF THE CIRCUIT COURT
OF ISLE OF WIGHT COUNTY.

Richard H. Tynes, et als.

Complainant.
VS: In Chancery.

Emma Diggs, Defendant.

W. W. Foreman, p.q.

MEMORANDUM:

Nov 30 to 24
Filed

VIRGINIA: IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY

Richard H. Tynes, Et als

Complainants

Vs.

In Chancery

Emma Diggs, Et als

Defendants

This cause came on this day, by consent, to be again heard upon the papers heretofore read and upon the final report of Special Commissioners, E. A. Bilisoly and W. W. Foreman, this day filed and to which no exception have been taken and was argued by counsel.

Upon consideration whereof, the Court doth confirm said report of said Special Commissioners and it appearing that said Special Commissioners have carried out all of their duties and have accounted for all funds which came into their hands, it is ordered that the Special Commissioners be discharged.

And nothing further remaining to be done in this cause it is ordered that the same be removed from the docket.

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

Richard H. Tynes, et als.

Vs.

Emma Diggs, et als.

We have seen this decree:

W. H. Foreman
Counsel for all Complain-
ants.

E. A. Bilinsky
Counsel for all defendant.

FINAL DECREE

Enter, this 5th day of

January, 1931.

B. W.
Judge.

Book 8
page 579

VIRGINIA:

IN THE COURT OF THE COUNTY OF ISLE OF WIGHT.

In vacation
on the 4th day of August 1926.

RICHARD H. TYNES ET ALS

COMPLAINANTS

VS

ELMA DIGGS ET ALS

DEFENDANTS

Which by consent of all parties, by counsel, is made a vacation cause,

This cause came on this day to be again heard upon the papers formerly read, and upon the report of the Special Commissioners as to the sales of the respective properties in the bill and proceedings mentioned, and was argued by Counsel.

herin
And it appearing ~~to the Court~~ that pursuant to a decree entered on the first day of April, 1926, ~~by the Circuit Court for the County of Isle of Wight, Virginia,~~ the said Special Commissioners did on the 8th day of May 1926, after first having advertised the time, *and* terms, ~~at~~ place of sale in The Smithfield Times, a newspaper published in the Town of Smithfield, Virginia, in the ~~County of Isle of Wight Virginia,~~ for four successive weeks, expose for sale at the front door of the Post Office in the Town of Smithfield, ~~va.~~, the real estate mentioned in the bill and proceedings in said cause, at which sale Alexander Hall became purchaser of the first and second lots or parcels of land with the improvements thereon, as mentioned and described in the bill filed in this cause, he being the highest bidder, for the sum of Fifteen Hundred Dollars (\$1500.00) and Richard H. Tynes became the purchaser of the Forty Acre tract of land mentioned and described in the *said* bill ~~filed in this cause,~~ for the sum of One Thousand And Five Dollars (\$ 1005.00). The said Forty Acre tract being sold as a whole although the decedent, Lizzie A. Tynes, was seised and possessed of *only* a one-half undivided interest in said tract, the other one-half being owned by *said* Richard H. Tynes, ~~one of the Complainants herein,~~ which makes the purchase price of the said Forty- Acre tract Five Hundred *And* Two Dollars *and* Fifty Cents (\$ 502. 50), *which* the amount the estate

will be entitled to out of the proceeds of the sale. That at said sale the aforesaid purchasers deposited the sum of Seven Hundred and Fifty Dollars (\$ 750.00) , as required by the notice aforesaid, ~~as an evidence of their faith,~~ and the said sum being now on deposit to the credit of said Commissioners , in the Metropolitan Bank And Trust Company, in the City of Norfolk, Virginia.

Whereupon, the Court doth confirm said report, ^{and said sales} and doth ~~judge~~, order and decree that said Special Commissioners, make, execute and deliver,

upon the payment to them of the said sums for said respective properties ^{as set out in said report,} and upon receiving the balance due from said

purchasers for said respective properties, they shall deposit the same in Metropolitan Bank ^{and} Trust Company, Norfolk, Virginia to their credit as

such Special Commissioners, to await further orders herein.

Handwritten notes: ^{and} ^{another have} ^{reput their proceedings} ^{permanently} ^{all of which is} ^{certified to the Clerk of the Court to be entered} ^{in Vacation}

Signature: J. D. White

VIRGINIA: Clerk of the Circuit Court of the County of
Isle of August 7 26 9 o'clock A. M.
Vacation decree
to record.

Tell R. A. Edwards

By E. Kay Wills
D.C.

VIRGINIA:

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

RICHARD H. TYNES ET ALS.

COMPLAINANTS.

VS

EMMA DIGGS ET ALS.

DEFENDANTS.

ORDER CONFIRMING REPORT OF
SPECIAL COMMISSIONERS.

*I have seen this
E. A. Bilisoly
p.d.*

*W. W. Foreman,
P.g.*

*Book 8
page 336*

EUGENE A. BILISOLY
ATTORNEY AT LAW
LAW BUILDING
NORFOLK - VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

*
*
RICHARD H. TYNES, et als-----COMPLAINANTS.*
*
VS. *
*
EMMA DIGGS, et als-----DEFENDANTS. *
*

DECREE.

DECREE CONFIRMING SECOND REPORT OF SPECIAL COMMISSIONERS
AND DIRECTING DISTRIBUTION.

This cause, which has been made a vacation cause by consent of all parties through their Attorneys, came on this day, by consent, to be again heard upon the papers heretofore read, and upon the second report of Special Commissioners, E. A. Bilisoly and W. W. Foreman, this day filed and to which no exceptions have been taken, and was argued by counsel.

And it appearing from said report that pursuant to a decree entered in this cause the ____ day of August, 1926, the said Special Commissioners did execute and deliver to Alexander Hall and Richard H. Tynes, a deed each conveying to each of them the land directed by that decree so to be conveyed; after having first collected from the said Alexander Hall and Richard H. Tynes the sums of \$1,000.00 and \$252.50, respectively, the balance due by each on the purchase price of the property conveyed by the deeds aforesaid; and that said sums have been deposited to the credit of this cause in the Metropolitan Bank and Trust Company of Norfolk, Virginia, making a total to the credit of this cause in said Bank of \$2,338.95.

It is ordered and decreed that the aforesaid Special

Commissioners shall check upon the funds so to the credit of this cause to the following parties and in the following amounts:

To E. A. Bilisoly and W. W. Foreman, Special Commissioners, \$55.83, being their commission on \$2,338.95.

To E. A. Bilisoly and W. W. Foreman, Attorneys, for drawing two Special Commissioner's deeds, one to Alexander Hall and one to Richard H. Tynes, \$20.00.

To W. H. Chapman, Sheriff, for crying the Special Commissioners' Sale, \$12.50.

To E. H. Williams, for Commissioner in Chancery fee \$100.00 less \$60.00 rent money from one Binford collected and applied on said fee by said Commissioner in Chancery, and which said \$60.00 has been credited to this cause.

To R. Lee Page, for Special Commissioner's bond premium, \$10.00.

To R. A. Edwards, Clerk, \$31.65 for court costs, writ tax, Clerk's fee, etc., \$63.83 for 1924 taxes, making a total of \$95.48.

To W. E. Laine, Treasurer, for 1925 taxes, \$28.30.

To The Smithfield Times, for advertising sale of property, \$30.00.

To Bank of Smithfield, Smithfield, Virginia, for balance due on note of Lizzie Tynes, deceased, \$270.00.

To Emma Diggs, for one horse, \$100.00.

To Smithfield Water Company, Smithfield, Virginia, for balance due on water bill, \$17.10.

To Alfred Diggs, for repairs to property, \$19.90.

And it appearing to the Court that the above ordered disbursements aggregate \$759.11, leaving a balance to the credit of this cause of \$1,582.34; and that Lula Roberson, Nannie Holloway, Richard Tynes, Gertrude Tynes, and Emma Diggs, are entitled to two-

fifteenth, or \$210.64 each; that Geo. P. Godwin, and David Ryer are entitled to one-fifteenth, or \$105.32 each; that Etta P. Edwards, Grace Parsons, Nellie Parsons, Beatrice Parsons, Garnett Parsons, Rufus Parsons, Odell Parsons and Zachariah Parsons are entitled to one-sixtieth or \$26.33 each; and that Frank Holloway, Willie Holloway, Theresa Holloway, Emmett Tynes, and Henderson Tynes, are entitled to one-seventy-fifth, or \$21.07 each.

The Court doth further order and decree that said Special Commissioners do check upon the funds to the credit of this cause to the following parties and in the following amounts:

To E. A. Bilisoly and W. W. Foreman.....	\$ 75.83
To W. H. Chapman.....	12.50
To E. H. Williams.....	100.00
To R. Lee Page & Co.....	10.00
To R. A. Edwards, Clerk.....	95.48
To W. E. Laine, Treas.....	28.30
To the Smithfield Times.....	30.00
To Bank of Smithfield.....	270.00
To Emma Diggs.....	100.00
To Smithfield Water Company.....	17.10
To Alfred Diggs.....	19.90
To W. W. Foreman, Atty. for Nannie Holloway.....	210.64
To W. W. Foreman, Atty. for Richard Tynes.....	210.64
To W. W. Foreman, Atty. for Lula Roberson.....	210.64
To W. W. Foreman, Atty. for Gertrude Tynes.....	210.64
To E. A. Bilisoly, Atty. for Emma Diggs.....	210.64
To W. W. Foreman, Atty. for Geo. P. Godwin.....	105.32
To W. W. Foreman, Atty. for David Ryer.....	105.32
To W. W. Foreman, Atty. for Etta P. Edwards.....	26.33
To W. W. Foreman, Atty. for Grace Parsons.....	26.33
To W. W. Foreman, Atty. for Nellie Parsons.....	26.33
To W. W. Foreman, Atty. for Beatrice Parsons.....	26.34
To W. W. Foreman, Atty. for Garnett Parsons.....	26.33
To W. W. Foreman, Atty. for Rufus Parsons.....	26.33
To W. W. Foreman, Atty. for Odell Parsons.....	26.33
To W. W. Foreman, Atty. for Zachariah Parsons.....	26.33
To W. W. Foreman, Atty. for Frank Holloway.....	21.07
To W. W. Foreman, Atty. for Willie Holloway.....	21.07
To W. W. Foreman, Atty. for Theresa Holloway.....	21.07
To E. A. Bilisoly, Atty. for Emmett Tynes.....	21.07
To E. A. Bilisoly, Atty. for Henderson Tynes.....	21.07
Total.....	<u>\$2338.95</u>

Said Special Commissioners shall make report to the Court of all said disbursements; ~~and the further hearing of this cause is reserved.~~

VIRGINIA.

IN THE CIRCUIT COURT OF ISLE
OF WIGHT COUNTY.

RICHARD H. TYNES, et als
COMPLAINANTS.

VS. IN CHANCERY.

EMMA DIGGS, et als,
DEFENDANTS.

ORDER.

I have seen this
W. W. Foreman,
Counsel for Complainants.
E. A. Bilinsky
Counsel for Respondents

1926.
Sept. 24.
Entered this
B.W.

W. W. Foreman, Atty.,
1008 Church St.,
Norfolk, Virginia.

Book 8
345

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

.....
Richard H. Tynes, et als. Complainant. :

vs.)

: DECREE.
:

Emma Diggs, et als. Defendant. :
:

.....

This cause came on this day to be again heard upon the papers formerly read, and upon the report of Commissioner in Chancery, E. H. Williams, filed on the ^{26th} day of September, 1925, ^{and upon the} ~~to which report~~ ^{said report} exceptions were taken by the complainants herein, (which said exceptions sets forth in substance, that the following alleged claims are forgeries: one of Emma Diggs for the principal sum of One Hundred and Fifty (\$150.00) Dollars, evidenced by a paper writing dated May, 15th, 1922, marked "Exhibit H", ~~one of George T. Diggs for one (1) horse, for the principal sum of One Hundred (\$100.00) Dollars, evidenced by a paper writing dated March, 10th, 1923, marked "Exhibit I",~~ one of Walter T. Diggs for the principal sum of One Hundred (\$100.00) Dollars, evidenced by a paper writing dated December, 6th, 1920, marked "Exhibit J", and one of Waymond Diggs for the principal sum of Three Hundred and Ninety (\$390.00) Dollars, evidenced by a paper writing dated March, 29th, 1921, marked "Exhibit K", all of which said paper writings are attached to said Commissioner's report,) upon the depositions taken before said Commissioner in ~~Chancery~~ and the exhibits therewith filed ^{and} ~~all~~ returned along with ~~his~~ said report.

Upon consideration whereof, ~~and after the exceptions here-
in referred to, said Commissioner's report having been duly ar-
gued by counsel for all parties hereto,~~ it is adjudged, ordered and decreed that the said exceptions be, and they are hereby sus-

tained, and the said report of ^{Said} Commissioner ~~in Chancery, Williams~~ be, and the same is in all other respects ~~fully~~ confirmed.

It is further ~~ordered and~~ adjudged that Richard H. Tynes, George P. Godwin, David Ryer, Lula Roberson, Nannie Holloway, Etta Edwards (formerly Etta Parsons), Gracie Parsons, Nellie Parsons, Frank Holloway, Willie Holloway, Theresa Holloway, and Gertrude Tynes, adults, Beatrice Parsons, Garnett Parsons, Rufus Parsons, Odell Parsons and Zachariah Parsons, who sue~~x~~ in this cause by their next friend, Hayden Parsons; Emma Diggs, Emmett Tynes and Henderson Tynes are the owners of the legal fee simple title in and to all of the real estate mentioned and described in paragraphs one (1) and two (2) of Section one (1) in the bill~~s~~ filed in this cause, and a legal fee simple title to an undivided interest in and to the real estate described in paragraph Three (3) of Section one (1) of said bill~~s~~, and the legal title to one lot of personal property which is itemized and described in the concluding paragraph of the answer to question three (3) of said Commissioner's report and the cash money (Four Hundred and Thirty-five (\$435.00) Dollars), mentioned in paragraph Four (4) of Section one (1) of said bill~~s~~, and Forty-five (\$45.00) Dollars cash from a burial Association, mentioned in said concluding paragraph of the answer to said question three (3) of Commissioner Williams report.

And it is further adjudged, ordered and decreed that E. A. Bilisoly and W. W. Foreman, who are hereby appointed Special Commissioners for the purpose, shall forthwith offer for sale to the highest bidder, at Public Auction, before the Post Office in the town of Smithfield, Virginia, at such hours and day as they may deem expedient, the property herein mentioned and referred to, upon the terms of all cash, after having first given notice of the time, place and terms of sale by advertisement once a week for four (4) consecutive weeks in the Smithfield Times, a newspaper published and having a general circulation in Isle of Wight County, Virginia.

But ^{act} Before said Special Commissioners shall proceed to ~~sell~~
~~under this decree~~ the property herein mentioned and described, as hereinabove or-
dered, they shall ^{execute before the Clerk of this Court} first enter into a bond in the ~~sum of~~ ^{penalty of}
Three thousand (\$ *3000.00*) Dollars, with surety to be approved
by ^{said} the Clerk ~~of this Court~~, conditioned upon the faithful per-
formance of their duties as such Special Commissioners, ^{under this}
^{or any future decree herein}

And the said Special Commissioners shall report their pro-
ceedings, ~~to this Court, likewise reporting to this Court for con-~~
~~firmation, any sale made by them of the property hereinabove men-~~
~~tioned and referred to.~~

~~And the further hearing of this cause was reserved.~~
*And the defendants having indicated their
intention of applying to the Supreme Court of
appeals for an appeal from this decree
it is ordered that the execution of the same
be suspended for a period of sixty days
from the date of the entry hereof, upon
execution by them of a bond in the penalty
of \$250.00 conditioned according to law.*

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

R. H. Tynes, et als.

vs.) In Chancery.

Emma Diggs, et als.

D E C R E E.

Enter *1st* day of February, 1926.

[Signature]
Judge.

*I have seen this
deceit*

*E. A. Bilinsky
Atty for Emma
Diggs et al
Defendants*

*Appraiser noted value
of \$200.00 required*

Book 8 p. 326

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Richard H. Tynes, George P. Godwin, David Ryer,
Lula Roberson, Nannie Holloway, Etta Edwards,
(formerly Etta Parsons), Gracie Parsons, Nel-
lie Parsons, Frank Holloway, Willie Holloway,
Theresa Holloway, and Gertrude Tynes, adults,
Beatrice Parsons, Garnett Parsons, Rufus Par-
sons, Odell Parsons, and Zachariah Parsons,
infants, who sue by Hayden Parsons their next
friend. -----Complainants.

vs.

In Chancery.

Emma Diggs, Emmett Tynes and Henderson Tynes.
Respondents.

On motion of the Complainants, Etta Edwards, (formerly Etta
Parsons), Gracie Parsons, Nellie Parsons, Frank Holloway, Willie
Holloway, Theresa Holloway, and Gertrude Tynes, leave is hereby
granted to file a petition in this cause and it is accordingly
filed, and the Clerk is directed to issue process.

Richard Tynes et als.

vs.

Emma Diggs et als.

1975
Oct. 10th
Entered
P.M.

LEAVE TO FILE PETITION

Book 8
page 297

VIRGINIA:

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

Richard H. Tynes, George P. Godwin, David
Ryer, Lula Robertson, Nannie Holloway,
adults, and Gertrude Tynes, Etta Edwards,
(formerly Etta Parsons), Gracie Parsons,
Nellie Parsons, Beatrice Parsons, Garnett
Parsons, Rufus Parsons, Odell Parsons,
Zabhariah Parsons, Frank Holloway, Willie
Holloway and Theresa Holloway, infants who
sue by Hayden Parsons, their next friend.....COMPLAINANTS.

VS. IN CHANCERY

Emma Diggs, Emmett Tynes and Henderson Tynes...RESPONDENTS.

This day came the respondents by Counsel and asked
leave to file their answer to an amended bill of complainants
heretofore filed against them in this cause, which leave being
granted, the same was accordingly filed.

314

416

416

VIRGINIA:

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

RICHARD H. TYNES ET ALS.
COMPLAINANTS.

VS

EMMA DIGGS ET ALS.
RESPONDENTS.

DECREE ALLOWING ANSWER TO
AMENDED BILL TO BE FILED.

Entw.

June 4th 1925

BRW

Over

*Book 8
Page 280*

*1925
June 4th
Entw. the
BRW*

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

RICHARD H. TYNES ET ALS.

COMPLAINANTS.

VS

EMMA DIGGS, EMMETT TYNES and
HENDERSON TYNES.

RESPONDENTS.

This day came the respondents by Counsel and asked leave to file their answer to a certain petition heretofore filed in this cause by Richard H. Tynes et als., which leave being granted, the same is accordingly filed.

13

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE
OF WIGHT COUNTY.

RICHARD H. TYNES ET ALS.
COMPLAINANTS.

VS

EMMA DIGGS, EMMETT TYNES
and HENDERSON TYNES.
RESPONDENTS.

ORDER

Allowing answer to be filed.

VALLEY PAPER

VIRGINIA:

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

RICHARD H. TYNES ET ALS.

COMPLAINANTS.

VS

EMMA DIGGS.

DEFENDANT.

This day came Emmett Tynes and Henderson Tynes, and asked leave to file their petition in this cause; which leave being granted the same is accordingly filed.

7 4/16
VIRGINIA.

IN THE CIRCUIT COURT FOR
ISLE OF WIGHT.

RICHARD H. TYNES ET ALS.

COMPLAINANTS.

VS IN CHANCERY

EMMA DIGGS.

DEFENDANT.

ORDER ALLOWING PETITION OF
EMMETT TYNES and HENDERSON
TYNES TO BE FILED.

May 4 - 1925

Enter.

B.D.M.

See Judge's note on
petition.

Book 8
page 279

VIRGINIA:

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

Richard H. Tynes, George P. Godwin,
David Ryer, Lula Robertson, Nannie
Holloway, adults, and Gertrude Tynes,
Etta Edwards (formerly Etta Parsons),
Gracie Parsons, Nellie Parsons, Beatrice
Parsons, Garnett Parsons, Rufus Parsons,
Odell Parsons, Zachariah Parsons, Frank
Holloway, Willie Holloway and Theresa
Holloway, Infants, who sue by Hayden
Parsons, their next friend.....COMPLAINANTS.

VS. IN CHANCERY.

Emma Diggs.....RESPONDENT..

DECREE OF REFERENCE.

This day came Emma Diggs, the respondent, by Counsel, and asked leave to file her answer in this cause, which leave being granted, the same is accordingly filed, and the cause is accordingly set for hearing.

This cause came on this day to be heard upon complainants' bill of complaint, taken for confessed, upon respondent's answer thereto, and general replication, and was argued by Counsel.

On consideration whereof the Court doth adjudge, order and decree that this cause be and the same hereby is referred to one of the Commissioners of this Court who is directed to inquire and report to the Court as follows:

1. Whether all necessary parties are properly before the Court; *and if any of the parties are infants, the ages and place of residence and next of kin are ascertained.*
2. Whether the said Lizzie A. Tynes, deceased, died intestate, and if she died intestate, whether or not all of her heirs-at-law and distributees are parties to this suit and properly before the Court;

3. All property real and personal of which the said Lizzie A. Tynes, deceased, was seized and possessed, or to which she was entitled at the time of her death, with the liens, if any thereon, and their priorities, together with all ~~taxes due thereon~~ *together with the location and description of the same* ~~County of Isle of Wight, Virginia, the State of Virginia, and the United States of America.~~

4. All of the just debts owing by the estate of the said Lizzie A. Tynes, deceased, at the time of her death, together with the names of each creditor and the amounts of their debts;

5. Who are the owners of the real estate mentioned and described in the bill of complaint and the interests of each owner, *and how the same was acquired*

6. Whether partition of the ^{entire} real estate, mentioned and described in the bill of complaint can be conveniently made to advantage, and if partition ^{not} ~~of the said real estate cannot be conveniently made to advantage~~, whether a sale thereof and a distribution of the proceeds of such sale according to the respective rights of those entitled thereto will promote the interests of the owners of the said real estate;

~~7. Whether any party will accept all of said real estate, and pay therefor to the other parties such sums of money as their interests therein may entitle them to.~~

7~~8~~. Whether there are creditors of any deceased person who was a tenant in common, joint tenant, or co-parcener in said real estate entitled to have the proceeds of such deceased person's part, if any, applied according to the rights of any creditors, if any; and if there are such creditors, the nature, amounts and priorities of their claims.

9. To ascertain and report the fee simple and annual values of the real estate mentioned and described in the bill of complaint.

10. Any matters not specially stated, but deemed pertinent by the Commissioner himself, or required by any party to be so stated.

Which said inquiries the Commissioner shall make, after having first given notice of the time and place thereof to all parties thereto, or their counsel, and report the same to the Court along with any matters specially stated.

6

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

RICHARD H. TYNES ET ALS.
COMPLAINANTS.

VS

EMMA DIGGS, RESPONDENT.

DECREE OF REFERENCE.

1925.
Apr. 2.
Entered
B.D.W.

Book 8 page 270

We consent to this,
Richard H. Tynes et als, Comp.,
By: J. W. Foreman, Counsel.
Emma Diggs by E. A. Bilisoly,
counsel.

EUGENE A. BILISOLY

ATTORNEY AT LAW
210-212 LAW BUILDING
NORFOLK, VIRGINIA

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

*****)
Richard H. Tynes, George P. Godwin, David Ryer,)
Lula Roberson, Nannie Holloway, adults, and)
Gertrude Tynes, Etta Edwards (formerly Etta Par-)
sons), Gracie Parsons, Nellie Parsons, Beatrice)
Parsons, Garnett Parsons, Rufus Parsons, Odell)
Parsons, Zachariah Parsons, Frank Holloway, and)
Theresa Holloway, and Willie Holloway, infants,)
who sues by Hayden Parsons, their next friend.)

Complainants.)

vs.)

AN ORDER.)

Emma Diggs, Emmett Tynes and Henderson Tynes,)

Respondents.)

*****)

On motion of the complainants, Richard H. Tynes, George P. Godwin, David Ryer, Lula Roberson, Nannie Holloway, adults, and Gertrude Tynes, Etta Edwards (formerly Etta Parsons), Gracie Parsons, Nellie Parsons, Beatrice Parsons, Garnett Parsons, Rufus Parsons, Odell Parsons, Zachariah Parsons, Frank Holloway, Willie Holloway and Theresa Holloway, infants, who sues by Hayden Parsons, their next friend, in ^{this} ~~the~~ ~~above styled~~ cause, ~~and it appearing to~~ ~~the court that good cause exists therefor,~~ leave is hereby granted to file an amended bill in ^{this cause} ~~the same,~~ ^{the same is} ~~and it is accordingly ordered.~~ ^{filed.}
And the Clerk is directed to issue process.

21
H
VIRGINIA:
IN THE CIRCUIT COURT OF
ISLE OF WIGHT COUNTY.

Richard H. Tynes et als.

vs.

Emma Diggs et als.

Book 8
P. 280
ORDER

4435
June 4

Enter

BOW

1925.

Judge.

COMMONWEALTH OF VIRGINIA:

~~TO THE SHERIFF OF ISLE OF WIGHT COUNTY~~ ^{The Sargeant Of The City Of Norfolk;} Greeting:

We command you that you summon Emma Diggs.,

(1810 O'keefe Street-, Norfolk, Va.)

to appear at the Clerk's Office of the Circuit Court of the County of
Isle of Wight at the rules to be holden for the said Court on the
-----Third-----Monday in-----December-----, 1924-----, to answer a bill
in chancery exhibited against-----her-----in our said Court by

;;;;;;;;;Richard H. Tynes et als.,;;;;;;;;;;

And have then and there this writ.

Witness, R. A. Edwards, Clerk of our said Court, at the Court-
house, this-----2nd-----day of-----December-----, 1924-----, and in
the-----149th-----year of the Commonwealth.

R. A. Edwards Clerk.

R. H. Tynes et als.,

Vs. In Chancery.

Emma Diggs.,

Returnable to Third Monday in
December 1924., (2nd Rules) of
Isle Of Wight County Clerks Of-
fice; Isle Of Wight, Va.

W. V. Foreman p. q.

Executed in the City of Norfolk,
Va., this the 4 day of Dec 1924

by serving a Copy heresef on

Emma Diggs

IN PERSON.

C. H. TUMBLESON,

St. of Norfolk, Va.

By W. V. Foreman Deputy

R. C. Hodges
1008 Church St

VIRGINIA: IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY

Richard H. Tynes, et als Complainants

Vs.

In Chancery

Emma Diggs, et als

Defendants

FINAL REPORT OF SPECIAL COMMISSIONERS

The undersigned, E. A. Bilisely and W. W. Foreman, Special Commissioners, heretofore appointed in this cause, respectfully report to the Court as follows:

That pursuant to the decree entered in this cause on the 24th day of September 1926, they did execute and deliver to Alexander Hall and Richard H. Tynes, deeds conveying to each of the said parties the land directed by said decree so to be conveyed; after having first collected from said parties the sums of \$1,000.00 and \$252.50, respectively, the balance due by each, respectively, on the purchase price of the property conveyed by the aforesaid deeds; which said sums were deposited to the credit of this cause in the Metropolitan Bank & Trust Company of Norfolk, Virginia, making a total, deposited to the credit of this cause, the sum of \$2,338.95. The various sums having been collected being itemized as follows:

For sale of said real estate	\$2,002.50
For personalty	69.75
For rents	206.70
For rents (by E. H. Williams)	<u>60.00</u>
TOTAL	2,338.95

Said Special Commissioners then checked upon said funds, being directed by said decree, to the following parties and in the following amounts:

E. A. Bilisoly and W. W. Foreman	\$ 75.83
W. H. Chapman	12.50
E. H. Williams	100.00-
R. Lee Page & Co.	10.00
R. A. Edwards, Clerk	95.48
W. E. Laine, Treas.	28.30
Smithfield Times	30.00
Bank of Smithfield	270.00
Emma Diggs	100.00
Smithfield Water Company	17.10
Alfred Diggs	19.90
W. W. Foreman, Atty. for Nannie Holloway	210.64
W. W. Foreman, Atty. for Richard Tynes	210.64
" " " " " Lula Roberson	210.64
" " " " " Gertrude Tynes	210.64
E. A. Bilisoly, " " Emma Diggs	210.64
W. W. Foreman, Atty. for Geo. P. Godwin	105.32
" " " " " David Ryer	105.32
" " " " " Etta P. Edwards	26.33
" " " " " Grace Parsons	26.33
" " " " " Nellie Parsons	26.33
" " " " " Beatrice Parsons	26.34
" " " " " Garnett Parsons	26.33
" " " " " Rufus Parsons	26.33
" " " " " Odell Parsons	26.33
" " " " " Zachariah Parsons	26.33
" " " " " Frank Holloway	21.07
" " " " " Willie Holloway	21.07
" " " " " Theresa Holloway	21.07
E. A. Bilisoly, " " Emmett Tynes	21.07
" " " " " Hendersen Tynes	21.07
Total	\$2,338.95

Amount Collected
Amount paid out

\$2,338.95

\$2,338.95	\$2,338.95
<u>\$2,338.95</u>	<u>\$2,338.95</u>

E. A. Bilisoly
Special Commissioner

W. W. Foreman
Special Commissioner

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

Richard H. Tynes, et als.

Vs. (In Chancery)

Emma Diggs, et als.

*1934
Jan 5
Filed*

FINAL REPORT

E. A. Bilisoly and
W. W. Foreman,
Special Commissioners.

METROPOLITAN BANK AND TRUST COMPANY

SEABOARD NATIONAL BANK

68-48

NORFOLK, VA.

Sept. 27, 1926

1926

No.

31

PAY TO THE
ORDER OF

E. A. Bilisoly, City, for Henderson Synes

\$ 21⁰⁷/₁₀₀

Twenty-one and

⁷/₁₀₀

DOLLARS

FOR

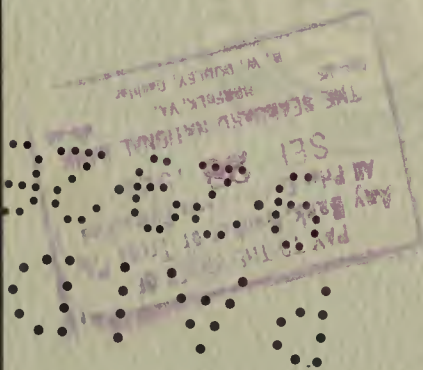
¹/₇₅ Share in Lizzie
Synes Estate

E. A. Bilisoly
W. W. Foreman

Special Commissioners

E. C. Dillinsly Atty
for Henderson Tynes

E. C. Dillinsly



METROPOLITAN BANK AND TRUST COMPANY

SEABOARD NATIONAL BANK

68-48

NORFOLK, VA.

Sept. 27

1926, No. 30

PAY TO THE
ORDER OF

E. A. Bilinsky, Atty. for Emmett Lynes

\$ 21⁰⁷/₁₀₀

Twenty-one and ⁷/₁₀₀ DOLLARS

FOR

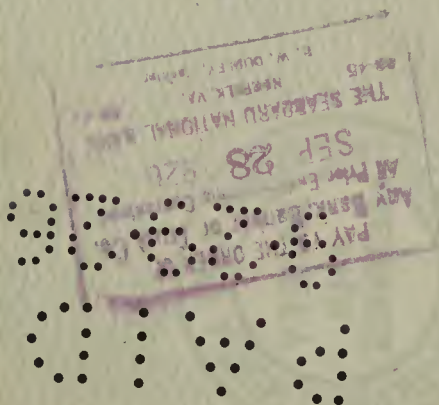
¹/₇₅ share in Lizzie
Lynes Estate

E. A. Bilinsky
W. W. Foreman,

Special Commissioners

METROPOLITAN BANK AND TRUST COMPANY BALTIMORE

E. A. Bilinsky, Atty
for Emmet Tynes
E. A. Bilinsky



METROPOLITAN BANK AND TRUST COMPANY⁶⁸⁻⁴⁸

NORFOLK, VA. Sept. 27, 1926 No. 29

PAY TO THE ORDER OF J. W. Foreman, Atty. for Theresa Holloway \$ 21⁰⁷/₁₀₀

EXACTLY **TWENTY ONE DOLLARS SEVEN CENTS EXACTLY** DOLLARS

FOR 1/5 Share in Lizzie
Tynes Estate
THE FALCONER COMPANY BALTIMORE

E. A. Bilinsky
J. W. Foreman
Special Commissioners

W W Foreman, Atty.
for Theresa Holloway

METROPOLITAN BANK AND TRUST COMPANY⁶⁸⁻⁴⁸

NORFOLK, VA. Sept. 27, 1926. No. 28

PAY TO THE
ORDER OF

W. H. Foreman, Atty. for Willie Holloway \$ 21⁰⁷/₁₀₀

EXACTLY **TWENTY ONE DOLLARS SEVEN CENTS** EXACTLY DOLLARS

FOR

1/25 Share in Lizzie
Ignes Estate

E. A. Delinsky
W. H. Foreman
Special Commissioners,

W. W. Foreman, Atty for
Willie Holloman

METROPOLITAN BANK AND TRUST COMPANY⁶⁸⁻⁴⁸

NORFOLK, VA. *Sept. 27,* 192*6,* No. *27*

PAY TO THE
ORDER OF *W. W. Foreman, Atty for Frank Holloway* \$ *21*^{*07*}/_{*11*}

EXACTLY TWENTY ONE DOLLARS SEVEN CENTS EXACTLY DOLLARS

FOR *1/5 share in Lizzie Lynes*
Estate *E. A. Bilinsky*
W. W. Foreman
Special Commissioner.

W. W. Foreman, City.
for Frank Holloway.

METROPOLITAN BANK AND TRUST COMPANY 68-48

NORFOLK, VA. Sept. 27, 1926. No. 26

PAY TO THE
ORDER OF

H. H. Foreman, Atty. for Zachariah Parsons \$ 26 ³³/₁₁

EXACTLY **TWENTY SIX DOLLARS THIRTY THREE CENTS EXACTLY** DOLLARS

FOR

1/60 Share in Lizzie
Tynes Estate

E. A. Biliraly,
H. W. Foreman,
Special Commissioners.

W. W. Foreman, Atty.
for Zachariah Parsons

METROPOLITAN BANK AND TRUST COMPANY⁶⁸⁻⁴⁸

NORFOLK, VA. *Sept. 27,* 192*6,* No. *25*

PAY TO THE
ORDER OF

W. H. Foreman, Atty. for Odell Persons \$*26*^{*33*}/_{*100*}

EXACTLY **TWENTY SIX DOLLARS THIRTY THREE CENTS EXACTLY** **DOLLARS**

FOR *1/60 share in Lizzie*
Tynes Estate

E. A. Biliroly
W. H. Foreman
Special Commissioners

Wm. Foreman, Atty.
for Odell Parsons.

METROPOLITAN BANK AND TRUST COMPANY ⁶⁸⁻⁴⁸

NORFOLK, VA.

Sept. 27, 1926, No. 24

PAY TO THE
ORDER OF

H. H. Foreman, Atty. for Rufus Parsons \$26 ³³/₁₀₀

EXACTLY **TWENTY SIX DOLLARS THIRTY THREE CENTS** EXACTLY **DOLLARS**

FOR

1/60 Share in Lizzie Lynes
Estate

E. A. Bilinsky
H. H. Foreman

Special Commissioners,

W.D. Foreman Atty.
for Rufus Parsons

METROPOLITAN BANK AND TRUST COMPANY 68-48

NORFOLK, VA. *Sept. 27,* 192*6,* No. *23*

PAY TO THE
ORDER OF

W. W. Foreman, Atty. for Garnett Parsons \$ *26* ^{*33*}/_{*100*}

EXACTLY **TWENTY SIX DOLLARS THIRTY THREE CENTS** EXACTLY **DOLLARS**

FOR

*1/60 Share in Lizzie
Tynes Estate*

*E. A. Bulindly
W. W. Foreman
Special Commissioners*

W. W. Foreman Atty.
for Garnett Parsons.

METROPOLITAN BANK AND TRUST COMPANY ⁶⁸⁻⁴⁸

NORFOLK, VA. *Sept. 27th* 192*6*. No. *22*

PAY TO THE
ORDER OF

H. H. Foreman, Atty. for Beatrice Parsons \$ *26*^{*34*}_{*11*}

EXACTLY TWENTY SIX DOLLARS THIRTY FOUR CENTS EXACTLY **DOLLARS**

FOR

*1/60 Share in Lizzie
Tyne's Estate*

E. A. Bilisoly

H. H. Foreman

Special Commissioners

W. W. Foreman, Atty.
for Beatrice Parsons

METROPOLITAN BANK AND TRUST COMPANY ⁶⁸⁻⁴⁸

NORFOLK, VA.

1926, No. 21

PAY TO THE
ORDER OF

H. R. Foreman, City of Norfolk, Va. for Nellie Parsons \$26 ³³/₁₀₀

Twenty-six and ³³/₁₀₀ DOLLARS

FOR *1/60 Share in Lizzie
Tynes Estate*

*E. A. Bulandy
W. W. Foreman,
Special Commissioner,*

W W Foreman, Atty. for
Nellie Parsons,

W W Foreman, Trustee

927 + 01

0142

927 1

0142

METROPOLITAN BANK AND TRUST COMPANY ⁶⁸⁻⁴⁸

NORFOLK, VA.

27 1926, No. 20

PAY TO THE
ORDER OF

W. W. Foreman, City of Grace Parsons \$26 ⁽³³⁾

Twenty-six and ³³/₁₀₀ DOLLARS

FOR

1/60 Share in Lizzie
Synes Estate

E. A. Bilinsky
W. W. Foreman.
Special Commissioner

W. Foreman, Atty. for
Grace Parsons

W. Foreman, Trustee

927 + 01

0144

927 7

0144

METROPOLITAN BANK AND TRUST COMPANY 68-48

NORFOLK, VA.

Sept. 27, 1926, No. 19

PAY TO THE
ORDER OF

W. W. Foreman, Atty. for Etta P. Edwards \$26³³/₁₀₀

Twenty six and 33/100

33/100

DOLLARS

FOR

1/60 Share in Lizzie
Tyner Estate

E. A. Biliraly
W. W. Foreman.
Special Commissioners

W. W. Foreman, Atty. for
Etta P. Edwards

W. W. Foreman, Trustee

921-01

01w0

921-1

01w0

METROPOLITAN BANK AND TRUST COMPANY 68-48

NORFOLK, VA. Sept 27, 1926, No. 18

PAY TO THE
ORDER OF

H. W. Foreman, City for David Ryer \$105 ³²/₁₀₀

One Hundred and ³²/₁₀₀ DOLLARS

FOR ¹/₅ share in Leizzie Tynes
Estate

E. A. Bingham
W. W. Foreman,
Special Commissioners

W. W. Foreman, Atty. for
David Ryer,
W. W. Foreman, Trustee

927 + 01

0174

927 7

0174

METROPOLITAN BANK AND TRUST COMPANY 68-48

NORFOLK, VA.

Sept. 27, 1926, No. ~~25~~ 17

PAY TO THE
ORDER OF

W. A. Foreman Atty for Geo. P. Godwin :: \$105 ³²/₁₀₀

One Hundred, Five and ³²/₁₀₀ DOLLARS

FOR

¹/₁₆ share in Lizzie
Lynes Estate

G. A. Biliely

W. A. Foreman.

Special Commissioner

H. W. Foreman, Atty for
Geo. P. Godwin

H. W. Foreman, Trustee

921 + 01

01 + 01

921 + 01

01 + 01

SEABOARD NATIONAL BANK

METROPOLITAN BANK AND TRUST COMPANY 68-48

NORFOLK, VA. *Sept. 27,* 1926, No. *16*

PAY TO THE
ORDER OF

E. A. Bilisoly, Atty. for Lizzie Tynes \$ *210* ^{*64*}/_{*100*}

Two Hundred Ten and ^{*64*}/_{*100*} *—* DOLLARS

FOR

*2/5 Share in Lizzie
Tynes Estate*

*E. A. Bilisoly
W. W. Foreman*

Special Commissioners

E. A. Bilinsky
Atty.
for Lizzie Tyner
E. A. Bilinsky

00000

00000

PAY TO THE ORDER OF
ANY BANK OR BANKER OF THE C.A.
AT THE END OF THE MONTH
SELF 28 1920
THE LEANING NATIONAL BANK
CORP.
ROCHESTER, N.Y.
W. W. BULLLEY, Cashier

METROPOLITAN BANK AND TRUST COMPANY 68-48

NORFOLK, VA. Sept. 27th 1936 No. 15

PAY TO THE
ORDER OF

J. H. Foreman, Atty for Gertrude Tynes \$ 210 ⁶⁴/₁₀₀

Two Hundred, Ten and ⁶⁴/₁₀₀ DOLLARS

FOR

²/₁₅ Share in Lizzie
Tynes Estate.

E. A. Bylinolsy
J. H. Foreman,
Special Commissioners

W. W. Foreman, Atty. for
Gertrude Lynes
W. W. Foreman, Trustee

921 + 01

0140

921 + 1

0140

METROPOLITAN BANK AND TRUST COMPANY 68-48

NORFOLK, VA.

Sept. 27, 1926

No. 14

PAY TO THE
ORDER OF

W. W. Foreman, Atty. for Julia Roberson

\$ 210

⁶⁴/₁₀₀

Two Hundred and ⁶⁴/₁₀₀ DOLLARS

FOR

²/₁₅ share in Lizzie

Synes Estate

E. A. Silinsky

W. W. Foreman

Special Commissioner

W. W. Foreman, Atty for,
Lula Roberson
W. W. Foreman, Trustee

927 + 01

017 + 01

927 + 01

017 + 01

METROPOLITAN BANK AND TRUST COMPANY ⁶⁸⁻⁴⁸

NORFOLK, VA. *Sept 27th* 1926, No. *13*

PAY TO THE
ORDER OF

W. W. Foreman, Atty. for Richard H. Lynes \$ *210*^{*64*}

Two Hundred Ten and 64/100 DOLLARS

FOR *2/15 share in Lizzie
Lynes Estate.*

E. A. Biligoly
W. W. Foreman,
Special Commissioners

W. W. Foreman, Atty. for
Richard H. Lynes.
W. W. Foreman, Trustee

927 + 03

0145

927 7

0145

METROPOLITAN BANK AND TRUST COMPANY⁶⁸⁻⁴⁸

NORFOLK, VA.

Sept. 27, 1926, No. 12

PAY TO THE
ORDER OF

J. W. Foreman, Atty. for Mamie Holloway \$ 210 ⁶⁴/₁₀₀

Two Hundred-Ten and ⁶⁴/₁₀₀ DOLLARS

FOR

215 Shares in Ligne
Lynes Estate

E. A. Delaney
J. W. Foreman

Special Commissioner

W. W. Foreman, Atty for
Nannie Holloway

W. W. Foreman, Trustee

PAID
92525

METROPOLITAN BANK AND TRUST COMPANY 68-48

NORFOLK, VA. *Sept. 27,* 1926. No. *11*

PAY TO THE
ORDER OF

Alfred Diggs

\$ *19*^{*90*}/_{*11*}

~~NINETEEN~~ *Nineteen* DOLLARS: *and 90/100* ~~NINETY~~ CENTS EXACTLY

DOLLARS

FOR

Repair work

E. A. Bullocky
W. W. Foreman,

Special Commissioners

Alfred DeGra

1000

THE ORDER OF
THE TRUST CO
OF
SMITHFIELD, VA.
OCT 5 1926
BANK OF SMITHFIELD, VA.
CASHIER

METROPOLITAN BANK AND TRUST COMPANY 68 48

NORFOLK, VA. Sept. 27, 1926. No. 10

PAY TO THE
ORDER OF

Smithfield Water Co \$17 ¹⁰/₁₀₀

EXACTLY SEVENTEEN DOLLARS TEN CENTS EXACTLY

DOLLARS

FOR

Water bill

E. A. Bilinsky

W. W. Foreman

Special Commissioners,

FOR DEPOSIT
TO THE CREDIT OF
THE SMITHFIELD WATER CO.
J. M. CHAPMAN,
SECY. & TREAS.

278
X

卷之四

FILE HIM ON D.

101 PAGE 5

PAY TO THE ORDER OF
 THE FARMERS & MERCHANTS BANK
 JAS. R. ROWELL, Jr., Cashier
 65-234
 OCT 4 1926
 65-234

SEABOARD NATIONAL BANK
METROPOLITAN BANK AND TRUST COMPANY 68-48

NORFOLK, VA.

Sept. 27, 1926, No. 9

PAY TO THE
ORDER OF

Emma Biggs or E. A. Bilisoly \$100⁰⁰/₁₀₀

One Hundred and

FOR One Horse

100 DOLLARS

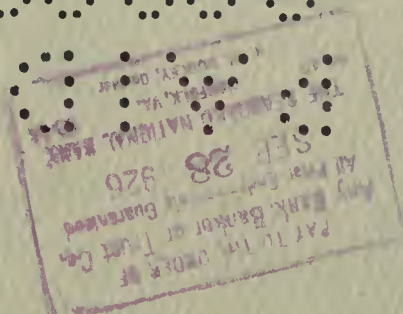
E. A. Bilisoly

W. W. Foreman

Special Commissioners,

Emma Diggs.
By E A Silinsky
all
E A Silinsky

000000



82 2 Jan 1927 504
METROPOLITAN BANK AND TRUST COMPANY 68-48

NORFOLK, VA. Sept. 27, 1926. No. 8

PAY TO THE
ORDER OF

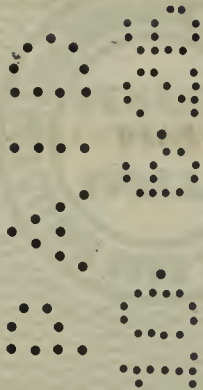
Bank of Smithfield \$ 270⁰⁰/₁₁

~~EXACTLY TWO HUNDRED SEVENTY DOLLARS EXACTLY~~
Two Hundred and seventy DOLLARS

FOR

Lizzie Tyne note
Tyne et als vs. Diggs et als

E. A. Bullock
W. W. Foreman,
Special Commissioner



PAY TO THE ORDER OF
ANY BANK, BANKER OR TRUST
All Prior Endorsements Guaranteed

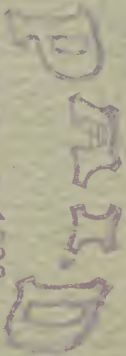
OCT 4 1926

BANK OF SMITHFIELD
68-233 SMITHFIELD
JOHN I. COOPER

THE FIRST NATIONAL BANK OF SMITHFIELD

COLLECTOR OF TAXES

OCT 6 1926



METROPOLITAN BANK AND TRUST COMPANY 68-48

NORFOLK, VA. Sept. 27, 1926 No. 7

PAY TO THE
ORDER OF

A. E. Laine, Treas. \$28 ³⁰/₁₀₀

~~Twenty eight dollars and~~ ³⁰/₁₀₀ ~~cents~~ EXACTLY DOLLARS

FOR

State Taxes
Lizzie Lynes Estate

E. A. Pignatelli
W. W. Foreman,
Special Commissioners

Pay Bank of Smithfield
Smithfield, Va. or Order
W. E. Laine, Treasurer

PAY TO THE ORDER OF
ANY BANK, BANKER OR TRUST
All Prior Endorsements Guaranteed

OCT 11 1921

BANK OF SMITHFIELD, VA.
68-233

METROPOLITAN BANK AND TRUST COMPANY 68-48

NORFOLK, VA. Sept. 27, 1926 No. 6

PAY TO THE
ORDER OF

R. A. Edwards, Clerk \$95 ⁴⁸/₁₀₀

~~NINETY FIVE DOLLARS FORTY EIGHT CENTS EXACTLY~~ ⁴⁸/₁₀₀ DOLLARS

FOR

Taxes, Court Costs etc
in *Times vs Diggs et al*

E. A. Peljinsky
W. W. Foreman,
Special Commissioners

Pay to the Order of
BANK OF SMITHFIELD
SMITHFIELD, VA.
R. A. EDWARDS, Clerk of Court
ISLE OF WIGHT COUNTY

337.32

OCT 11 1926

PAY TO THE ORDER OF
JOHN I. COHEN, BANKER OF TRUST CO.
SMITHFIELD, VA.
OCT 8 1926
AT Prior Endorsements Guaranteed

METROPOLITAN BANK AND TRUST COMPANY 68-48

NORFOLK, VA.

Sept. 27, 1926

No. 5

PAY TO THE
ORDER OF

E. H. Williams

\$40⁰⁰/₁₀₀

EXACTLY FORTY DOLLARS EXACTLY

Forty and

no/100

DOLLARS

FOR

Balance on Com. fee
in Tyne vs Diggs

E. A. Gilinsky

W. W. Foreman

Special Commissioners

Theresa

ANY BANK TO THE ORDER OF
W. P. H. BANKER & TRUST
DEPOSITS GUARANTEED
OCT 13 1920
SOUTHFIELD
MICHIGAN

METROPOLITAN BANK AND TRUST COMPANY 68-48

NORFOLK, VA.

Sept. 27, 1926

No. 4

PAY TO THE
ORDER OF

H. H. Foreman

\$12 ⁵⁰/₁₀₀

Twelve and 50/100

DOLLARS

FOR

H. H. Chapman

E. A. Gilisoly

W. W. Foreman

Special Commissioner

RECEIVED

W. W. Foreman,
W. W. Foreman, Trustee

W. W. Foreman,

W. W. Foreman,

W. W. Foreman,

W. W. Foreman,



No. 3

September 10, 1926.

Metropolitan Bank & Trust Co.

CHICAGO NATIONAL BANK

Pay to the order of E. A. Bilisoly
Ten and 00/100 Dollars

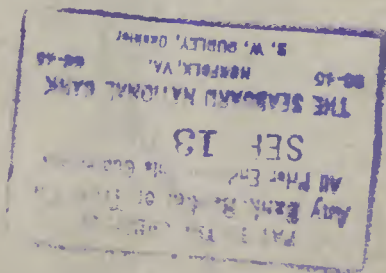
\$10⁰⁰/₁₀₀

Bond premium refunded

E. A. Bilisoly
W. W. Foreman
Special Commissioner

E. A. Bilyaly

PAID
9-13-26





No. 2

September 10, 1926.

Metropolitan Bank & Trust Co.

SEABOARD NATIONAL BANK

Pay to the order of E. A. Bilisoly & W. W. Foreman
Seventy-five and $\frac{83}{100}$ Dollars

\$75 $\frac{83}{100}$

Sept 11 1926 & U.S. Bank

E. A. Bilisoly
W. W. Foreman
Special Commissioners

E A Bulwoly and
H H. Foreman

By E A Bulwoly
Atty

PAID

91328



No. 1

Sept. 10th

1926.

Metropolitan Bank & Trust Co.
New York, N.Y.

Pay to the order of The Springfield Times
Thirty and no/100 Dollars

\$30⁰⁰/₁₁

U.S.  Bond.

E. A. Bilisoly
S.W. Foreman
Special Commissioners

Smithfield Times

THE NORFOLK NATIONAL BANK
NORFOLK, VA.
SEP 16 1926
THE METROPOLITAN BANK & TRUST CO.
NORFOLK, VA.
PAY TO THE ORDER OF

Pay ANY BANK OR BANKER
OR ORDER
All Prior Endorsements Guaranteed
SEP 13 1926
THE MERCHANTS & FARMERS BANK
68-234 SMITHFIELD, VA.
JAS. R. POWELL JR. Cashier

VIRGINIA.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

RICHARD H. TYNES, ET ALS----COMPLAINANTS.*

VS.

IN CHANCERY.

EMMA DIGGS, ET ALS-----DEFENDANTS.*

SECOND REPORT OF SPECIAL COMMISSIONERS.

The undersigned, E. A. Bilisoly and W. W. Foreman,
Special Commissioners, heretofore appointed in this cause,
respectfully report to the Court as follows:

That pursuant to the decree entered in this cause on
August 7th, 1926, they did execute and deliver to Alexander Hall
and Richard H. Tynes, deeds conveying to each of the said parties
the land directed by said decree so to be conveyed; after having
first collected from the said Alexander Hall and Richard H. Tynes,
the sums of \$1,000.00 and \$252.50, respectively, the balance
due by each respectively on the purchase price of the property
conveyed by the aforesaid deeds; which said sums they deposited
to the credit of this cause in the Metropolitan Bank and Trust
Company of Norfolk, Virginia, making a total, deposited to the
credit of this cause, of \$2,338.95. The various sums having been
collected being itemized as follows:

Deposited on realty date of sale.....	\$ 750.00
Deposited on personalty.....	69.75
Collected from rents.....	206.70
Collected from rents by E. H. Williams.....	60.00
Alexander Hall balance on realty.....	1000.00
Richard H. Tynes balance on realty.....	252.50
Total.....	\$2338.95

Expenses incident to this cause and debts against
the estate involved totaled.....\$ 759.11

Balance for distribution.....\$1579.84

Expenses and debts are itemized as follows:

Special Commissioners fee.....	\$ 55.83
Drawing deeds.....	20.00
Auctioneers fee.....	12.50
Commissioner in Chancery fee.....	100.00
Special Commissioners' Bond premium.....	10.00
Town and County taxes.....	63.83
State taxes.....	28.30
Writ tax, court costs and Clerks fee, etc.....	31.65
Advertising sale of property.....	30.00
Lizzie Tynes' note.....	270.00
Emma Diggs, for horse.....	100.00
Water bill balance.....	17.10
Repairs to property.....	19.90
Total debts and expenses.....	\$ 759.11

We further report that of the aforesaid residue sum of
\$1,579.84, the following named distributees are entitled to the
respective share and amount set off against their names:

Lula Roberson, 2/15 or.....	\$ 210.64
Nannie Holloway, 2/15 or.....	210.64
Richard H. Tynes, 2/15 or.....	210.64
Gertrude Tynes, 2/15 or.....	210.64
Emma Diggs, 2/15 or.....	210.64
Geo. P. Godwin, 1/15 or.....	105.32
David Ryer, 1/15 or.....	105.32
Etta P. Edwards, 1/60 or.....	26.33
Grace Parsons, 1/60 or.....	26.33
Nellie Parsons, 1/60 or.....	26.33
Beatrice Parsons, 1/60 or.....	26.34
Garnett Parsons, 1/60 or.....	26.33
Rufus Parsons, 1/60 or.....	26.33
Odell Parsons, 1/60 or.....	26.33
Zachariah Parsons, 1/60 or.....	26.33
Frank Holloway, 1/75 or.....	21.07
Willie Holloway, 1/75 or.....	21.07
Theresa Holloway, 1/75 or.....	21.07
Emmett Tynes, 1/75 or.....	21.07
Henderson Tynes, 1/75 or.....	21.07
Total.....	\$1579.84

Respectfully reported.

E. A. Bilinsky
Special Commissioner.

J. W. Foreman
Special Commissioner.

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

RICHARD H. TYNES, et als
COMPLAINANTS

VS. IN CHANCERY.

EMMA DIGGS, et als
DEFENDANTS.

REPORT

after Aug 7, 1926

I have seen this
W. W. Foreman,
counsel for Complainants.
E. A. Bullock,
counsel for Respondents

W. W. Foreman, Atty.,
1008 Church St.,
Norfolk, Virginia.

VIRGINIA:

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

RICHARD H. TYNES ET ALS.

COMPLAINANTS.

VS

EMMA DIGGS ET ALS.

DEFENDANTS.

TO THE HONORABLE B.D. WHITE, JUDGE OF SAID COURT:

We, the undersigned Special Commissioners, respectfully report unto your Honor that by virtue of a decree of the Circuit Court for the County of Isle of Wight, in the chancery cause of Richard H. Tynes et als vs Emma Diggs et als, entered on the first day of April, 1926, by said Circuit Court, after having advertised the time, terms and place of sale in The Smithfield Times, a newspaper published in the Town of Smithfield, in the County of Isle of Wight, Virginia, for four successive weeks, we, the said Commissioners, offered and exposed for sale, at the front door of the Post Office in the ^{Smithfield,} Town of ^{County,} Isle of Wight, Virginia, the real estate mentioned in the bill and proceedings in said cause, on the 8th day of May, 1926, at which sale Alexander Hall became the purchaser of the first and second lots or parcels of land, with the improvements thereon, as mentioned and described in the bill filed in this cause, he being the highest bidder, for the sum of Fifteen Hundred Dollars (\$1500.00); and Richard H. Tynes became the purchaser of the forty acre tract of land mentioned and

E. A. BILISOLY
ATTORNEY AT LAW
NORFOLK, VA.

described in the bill filed in this cause, for the sum of One Thousand and Five Dollars (\$1005.00). The said forty acre tract was sold as a whole, although the decedent, Lizzie A. Tynes, was seized and possessed of a one-half undivided interest in said tract, the other one-half being owned by Richard H. Tynes, which makes the purchase price of the said forty acre tract Five Hundred and Two Dollars and Fifty Cents (\$502.50, the amount the estate will be entitled to out of the proceeds of this sale. That at said sale the said purchasers deposited the sum of Seven Hundred and Fifty Dollars (\$750.00), as required by the notice aforesaid, as an evidence of their good faith, and said sum is now on deposit to the credit of your Commissioners, the undersigned, in The Metropolitan Bank & Trust Company, in the City of Norfolk, Virginia.

We further report that we believe the said properties brought fair prices at said sale, considering the present condition of the real estate market in this section, and we most respectfully recommend that said sales be confirmed.

All of which is respectfully submitted.

E. A. Bilisoly
W. J. Foreman
Special Commissioners.

23
VIRGINIA:
IN THE CIRCUIT COURT FOR THE
COUNTY OF ISLE OF WIGHT.

RICHARD H. TYNES ET ALS.

COMPLAINANTS.

VS

EMMA DIGGS ET ALS.

DEFENDANTS.

REPORT OF SPECIAL COMMISSIONERS.

After 8 May 1926

EUGENE A. BILISOLY
ATTORNEY AT LAW
LAW BUILDING
NORFOLK - VIRGINIA

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

Richard H. Tynes, George P. Godwin, David Ryer,
Lula Roberson, Nannie Holloway, Etta Edwards,
(formerly Etta Parsons), Gracie Parsons, Nel-
lie Parsons, Frank Holloway, Willie Holloway,
Theresa Holloway, and Gertrude Tynes, adults,
Beatrice Parsons, Garnett Parsons, Rufus Par-
sons, Odell Parsons, and Zachariah Parsons,
infants, who sue by their next friend, Hayden
Parsons,Complainants.

vs. In Chancery.

Emma Diggs, Emmett Tynes, and Henderson Tynes.
Respondents.

To The Honorable B. D. White, Judge.

Now comes Richard H. Tynes, George P. Godwin, David Ryer,
Lula Roberson, Nannie Holloway, Etta Edwards, (formerly Etta Par-
sons), Gracie Parsons, Nellie Parsons, Frank Holloway, Willie Hol-
loway, Theresa Holloway, and Gertrude Tynes, adults, Beatrice Par-
sons, Garnett Parsons, Rufus Parsons, Odell Parsons, and Zachariah
Parsons, infants, who sue by Hayden Parsons their next friend, Com-
plainants in the above styled suit and excepts to the report of
Commissioner In Chancery E. H. Williams, filed on the _____ day
of September, 1925, on the following grounds:

That the Commissioner erred in attempting to adjudicate the
claims of Emma Diggs, George T. Diggs, Walter T. Diggs, Waymond
Diggs, and Richard H. Tynes, alleged or editors of the estate of
Lizzie A. Tynes, deceased.

The said alleged creditors have a full and complete remedy
at law and should have been required by said Commissioner to pur-
sue such remedy.

That even if the Court should hold that the said Commissioner
had a right to attempt to adjudicate the alleged claims of the par-
ties aforesaid, he still erred in basing his decision, as to the
genuineness of the purported signature of Lizzie A. Tynes contained
on said alleged claims, on the "Hearsay" testimony of Richard Tynes
that the said decedent had stated to him "That she owed some of the

Digg's some money and was therefore going to New York for the purpose of paying it back".

The great dissimilarity between the acknowledged signature of the said decedent contained on three letters written by her at widely separated periods during her lifetime and the purported signature on the alleged claims should have determined the issue of the genuineness of the purported signature on the alleged claims adversely to the alleged claimants.

The alleged claims herein referred to are designated in the ~~referred to in~~ said Commissioner's report as exhibits "H", "I", "J", and "K", and the letters herein referred to are designated as exhibits "B", "I", and "J".

Dated at Norfolk, Virginia, October, 5th 1925.

Richard H. Tynes

George P. Godwin

David Ryer

Lula Roberson

Nannie Holloway

Etta Edwards (formerly Parsons)

Gracie Parsons

Stellie Parsons

Frank Holloway

Willie Holloway

Theresa Holloway

Gertrude Tynes

Beatrice Parsons

Garnett Parsons

Rufus Parsons

Odell Parsons

Zachariah Parsons

W. W. Foreman
COUNSEL.

20
VIRGINIA:
IN THE CIRCUIT COURT OF ISLE
OF WIGHT COUNTY.

Richard H. Tynes et als.

vs.

Emma Diggs et als.

EXCEPTION TO COMMISSIONER'S
REPORT

Oct 5, 1925

W. W. Foreman
Attorney at Law
Attucks Building

Norfolk Virginia

Telephone 21795.

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Richard H. Tynes, George P. Godwin, David Ryer,
Lula Roberson, Nannie Holloway, Etta Edwards,
(formerly Etta Parsons), Gracie Parsons, Nellie
Parsons, Frank Holloway, Willie Holloway,
Theresa Holloway, and Gertrude Tynes, adults,
Beatrice Parsons, Garnett Parsons, Rufus Parsons,
Odell Parsons, and Zachariah Parsons, infants,
who sue by their next friend, Haydon Parsons,
Complainants.

vs.

In Chancery.

Emma Diggs, Emmett Tynes, and Henderson Tynes.
Respondents.

TO THE HONORABLE B. D. WHITE, JUDGE.

Now comes Richard H. Tynes, George P. Godwin, David Ryer,
Lula Roberson, Nannie Holloway, Etta Edwards, (formerly Etta
Parsons), Gracie Parsons, Nellie Parsons, Frank Holloway, Willie
Holloway, Theresa Holloway, and Gertrude Tynes, adults, Beatrice
Parsons, Garnett Parsons, Rufus Parsons, Odell Parsons, and
Zachariah Parsons, infants, who sue by Hayden Parsons their next
friend, Complainants in the above styled suit and excepts to the
report of Commissioner In Chancery E. H. Williams, filed on the
26th day of September, 1925, on the following grounds:

That the Commissioner erred in attempting to adjudicate the
claims of Emma Diggs, George T. Diggs, Walter T. Diggs, Waymond
Diggs, and Richard H. Tynes, alleged creditors of the estate of
Lizzie A. Tynes, deceased.

The said alleged creditors have a full and complete remedy
at law and should have been required by said Commissioner to
pursue such remedy.

That even if the Court should hold that the said Commissioner had a right to attempt to adjudicate the alleged claims of the parties aforesaid, he still erred in basing his decision, as to the genuineness of the purported signature of Lizzie A. Tynes contained on said alleged claims, on the "Hearsay" testimony of Richard Tynes that the said decedent had stated to him "That she owed some of the Digg's some money and was therefore going to New York for the purpose of paying it back.

The great dissimilarity between the acknowledged signature of the said decedent contained on three letters written by her at widely separated periods during her lifetime and the purported signature on the alleged claims should have determined the issue of the genuineness of the purported signature on the alleged claims adversely to the claimants.

The alleged claims herein referred to are designated in the said Commissioner's Report as exhibits "H", "I", "J", and "K", and the letters herein referred to are designated as exhibits "B", "I", and "J".

Dated at Norfolk, Virginia, October, 5th 1925.

Richard H. Tynes
George C. Godwin
David Ryer
Lula Roberson
Nannie Holloway
Etta Edwards
Gracie Parsons
Nellie Parsons
Frank Holloway
Willie Holloway
Theresa Holloway
Gertrude Tynes
Beatrice Parsons

Garnett Parsons
Rufus Parsons
Odell Parsons
Zachariah Parsons
By Counsel.

D. W. Foreman.
COUNSEL.

RECORDED & INDEXED
U.S.A.

19
VIRGINIA:
IN THE CIRCUIT COURT OF
ISLE OF WIGHT COUNTY.

Richard H. Tynes, et als.

vs.

Emma Diggs, et als.

Oct 5, 1925

EXCEPTIONS TO COMMISSIONERS
REPORT

W. W. Foreman, p. q.