1908-012
Nansemond Co (Suffolk) Chancery Cause: Chester A. Tynes, infant vs S.E. Everett, gdn

Brockwell

Folder 1 of 2

SOUTHERN BELL TELEPHONE No. 117.
SOUTHERN STATES TELEPHONE No. 2994.

OFFICE OF
S. E. EVERETT,
ATTORNEY AT LAW.

PRACTICES IN STATE AND FEDERAL COURTS.
ROOMS NOS. 1 AND 2 BREWER BUILDING.

In the Matter of {

Suffolk, Va., Jan. 3, 1903.

Mr. J. T. Butler,

Norfolk, Va.

My dear Sir:

Please make out your bill dating from the 1st of July, 1901, to the 1st of January 1903. Also make out a bill for the debts prior to the 1st of [illegible]. Mr. Tynes is now in the office and says that he wishes those back [illegible] paid and I will have to get an order of Court to [illegible] before I can pay the debt, so send me bill and I will attend to the matter at once.

Yours truly,

Dic. S. [illegible]

S. E. Everett

Exhibit 1, filed with plaintiff's bill.

SOUTHERN BELL TELEPHONE No. 117
SOUTHERN STATES TELEPHONE No. 2994

LAW OFFICE
OF
S. E. EVERETT

PRACTICES IN STATE AND
FEDERAL COURTS
ROOMS NOS. 1 AND 2 BREWER BUILDING

In the Matter of ----------

Suffolk, Va., March 26, 1904.

Mr. J. T. Butler,

Norfolk, Va.

Dear Mr. Butler:

You will find enclosed an answer for Chester Tynes to sign and acknowledged before a Notary. This is an answer to a bill I have filed to have sold the saw-mill timber on the farm in Nansemond County. I have been offered twelve hundred and fifty dollars for the timber and I do not think it will injure the farm in the least. There are nymbers of acres of timber on it and enough to keep the farm up as long as there is any land. I will try to make the sale next week. Please sign and return at once.

Yours very truly,

S. E. Everett

Exhibit "2", filed with plaintiff's bill.

2

SOUTHERN BELL TELEPHONE No. 117
SOUTHERN STATES TELEPHONE No. 2994

LAW OFFICE
OF
S. E. EVERETT

PRACTICES IN STATE AND
FEDERAL COURTS
ROOMS NOS. 1 AND 2 BREWER BUILDING

In the Matter of {

Suffolk, Va.,
June 21, 1904.

Mr. J. T. Butler,
Norfolk, Va.

Dear Sir:

In reply to your letter I will say that I would have answered before but I was trying to close the matter up before I replied. I have made sale of the timber at last. I had very much trouble in trying to make sale and get the sale confirmed, but I did close it up last Friday, I think, and they paid the money over to me and it is now in bank. As soon as I can get before the Judge to have him order me to pay it out I will let you hear from me.

Yours very truly,

S. E. Everett

Dic. S. E. E.

Exhibit "3", filed with plaintiff's bill.

3

S. E. EVERETT,
ATTORNEY AT LAW,
ROOMS NOS. 1 AND 2 BREWER BUILDING.
BOTH PHONES.

SUFFOLK, VA., Sept. I3, I904.

Mr. J. T. Butler,

Norfolk, Va.

Dear Mr. Butler:

Please make out an account of everything that Chester Tynes owes you from the 2nd day of August, I904, and I will send you check for it. I can pay these bills now as they come due monthly. Take all the rents that I get hereafter and pay the back bills so eventually I will get out, but I can not pay the money that I have in hand that the timber sold for any faster than the bills are made. It is in the hands of the Court and I can do no further than they say. However, I am satisfied by the first of the year I will be able to pay all these bills. I have been offered a tremendous price for the land in Sussex County. I think it my duty to get it at once and have sold for the benefit of the children. I was offered yesterday over the phone $7500. I have been advised by disinterested people to act and act promptly. If not, it will be a loss to the children.

Very truly yours,

S. E. Everett.

Dic. S. E. E.

Exhibit "4", filed with plaintiff's bill.

4

S. E. EVERETT,
ATTORNEY AT LAW,
ROOMS NOS. 1 AND 2 BREWER BUILDING.
BOTH PHONES.

SUFFOLK, VA., Oct. 21, 1904.

Mr. J. T. Butler,
Norfolk, Va.

Dear Mr. Butler:

I was down to Norfolk on Wednesday to see you butcould not find you any where. I wish you would come up to see me. I feel satisfied that I can satisfy you that these accounts will be paid about the first of the year. I have some rents coming in the first of the year, but I have sent forthe tenant to come in to see me and if it is satisfactory to him I will let him have the money to pay the rent now and that I can send to you. This I think will be satisfactory to him.

I have also possibly about three hundred dollars worth of wood out there. I will start in cutting that the first of next week. I ought to be able to get a sale for that about the first of the year. That with the rents that I am going to get ought to pay all the back bills and the Court will allow me to pay the bills,as I have written you before, from the 2nd of August out of the money that the timber sold for heretofore.

Yours very truly,

Dic. S. E. E.

S. E. Everett

Exhibit "5", filed with plaintiff's bill.

5

S. E. EVERETT,
ATTORNEY AT LAW,
ROOMS 1 AND 2 BREWER BUILDING.
BOTH PHONES.

SUFFOLK, VA., May 6/ 1905.

Mr. C. Whittle Sams,

Norfolk, Va.

Dear Sir:

Your letter received. I am in Court to-day. Will let you have reply in full in a few days. Will be glad to take the matter up with you.

Yours very truly,

Dic. S. E. E.

S. E. Everett

Exhibit "6", filed with plaintiff's bill.

6

S. E. EVERETT,
ATTORNEY AT LAW.
ROOMS 1 AND 2 BREWER BUILDING.
BOTH PHONES.

SUFFOLK, VA., May II, 1905.

Mr. C. Whittle Sams,

Norfolk, Virginia.

Dear Sir:

Enclosed you will please find my check for $34.75 payable to J. T. Butler and C. A. Tynes. This $34.75 is all that I have in hand as Special Commissioner. I also have in hand a little rent after paying the taxes, repairs on same, etc. I would mail the same to-day but do not do so because I wish to look over the account and arrange my receipt so that the date will be correct. In other words Mr. Butler has an old account here that was against the children when I qualified. I am not going to take the money that is paid to me and pay the old bills and leave mine unpaid. I will straighten out the whole thing and send receipt to you and check and when they sign the receipt covering a certain period when I was guardian you can hand the check to them and send receipt to me. There is no reason why all bills they owe have not been paid or shall not be paid. It is the fault of Mr. Butler. I might say him alone. They are always after having the bills paid but I have never suggested to do anything for these children but what those people down there would be the first ones to oppose it. I do not believe that they really mean it that way but their actions have always been that way. They seem to think that I ought act by the children as their father, to pay their bills but not to charge anything against the children. The children have a farm here in this county that I took charge of. This makes the second year and when I took hold of it the children's people and father together had allowed it to go down to nothing. I had to have houses built on it in order to get tenants and it is just getting so now that it will pay a little something. I spent three times more on the farm that I got

S. E. EVERETT,
ATTORNEY AT LAW,
ROOMS 1 AND 2 BREWER BUILDING.
BOTH PHONES.

SUFFOLK, VA.,

Mr. C. Whittle Sams, (2),

off of it. Of course, this was done by the court's allowing me to take a little money for which some real estate sold ~~for~~ in a creditor's suit of their grandfather's sometime ago. There is now five hundred and eighty and 44/100 dollars in bank on interest account. This is for some timber that was sold on the land last year. To show you how inconsistent these people have been they actually opposed a sale of this timber and there was no other way of paying the board, etc. of the children except by this. The court allowed me to spend three hundred dollars on them. The $34.75 that I send you to-day is the remainder of that three hundred dollars. I think if I would petition to the court and ask him for this $580.44 to be spent on the children for their education, etc. that he would be glad to have it done, but I do not believe that the expenses of this boy ought to be so heavy when he is working every day and not going to school at all and is about grown. I paid him from August 2nd to January 2nd about twenty-five dollars per month. If he has got to work, and yet if he has to work hard and yet lack twenty-five dollars per month of paying his expenses I think they better send him up here to me and let me see if I can't let him rest and take care of him as cheap. However, I am going to pay over to him everything that I have in hand for him and then we can take up the question as to how the balance of it will have to be paid.

Yours very truly,

Dic. S. E. E.

S. E. Everett

7

Exhibit " 7 ", filed with plaintiff's bill.

S. E. EVERETT,
ATTORNEY AT LAW.
ROOMS 1 AND 2 BREWER BUILDING.
BOTH PHONES.

SUFFOLK, VA., May 15, 1905.

Mr. C. Whittle Sams,

Norfolk, Va.

Dear Sir:

Enclosed you will please find my check and receipt. I think this receipt will cover what you asked. You can send this receipt in and I will close my account as commissioner and will also straighten the other up at once. I have not had time to go carefully over your letter. There is something about this account that I will call your attention to later. You have only heard one side of it. I prefer talking to you rather than writing. I may be in Norfolk this week. At the same time I will go over the account and place it before you as I understand it and pay as far as I have anything to pay with or all that I believe to be due and as to the other account we can take that up hereafter.

Yours very truly,

Dict. S. E. E.

S. E. Everett

Exhibit "8", filed with plaintiff's bill.

8

S. E. EVERETT,
ATTORNEY AT LAW,
ROOMS 1 AND 2 BREWER BUILDING.
BOTH PHONES.

SUFFOLK, VA., May 16, 1905.

Mr. C. Whittle Sams,

Norfolk, Va.

Dear Sir:

I have been over my account as guardian of Chester A. Tynes and about closed it up. July 8th, 1904, the ward was indebted to me in the amount of $2.06. In December, 1904, I received the rent of the farm, $250.00, and Chester had a half interest in that, so I will owe him about $125.00. I owe some taxes, I think amounting to about $80.00 or $100.00, up in Sussex County. I have written a letter and as soon as I find out what they are I will have them paid and send you the remainder for Chester. I note what you say about getting an order from the Court to withdraw the money that ~~the land sold for~~ is in bank and pay the bills of Chester Tynes. This is money that their land sold for and now the question is as to whether this money can be taken to pay their back bills. In other words as you remember the law is that you must sell the land before the bills are made and if made before the Court can not afterwards allow the land to be sold to pay for bills, etc. It is true that these were for necessaries but even in a case of necessaries can an infant's land be charged? Look into the matter and give me some light on the subject and I will be glad to have it done at once.

Yours very truly,

Dic. S. E. E.

S. E. Everett

Exhibit "9", filed with plaintiff's bill.

9.

S. E. EVERETT,
ATTORNEY AT LAW,
ROOMS 1 AND 2 BREWER BUILDING.
BOTH PHONES.

SUFFOLK, VA.,

Dear Sir,

Not to go To Court To-day.
Have heard nothing about the Taxes on land in Surry, Therefore did not let you hear from me.
Will send what I have on hand to you to-morrow and then we will talk about the other.

Very truly,
S. E. Everett

Received Monday
June 5th 1905

Exhibit "10", filed with plaintiff's bill.

10

S. E. EVERETT,
ATTORNEY AT LAW,
ROOMS 1 AND 2 BREWER BUILDING.
BOTH PHONES.

SUFFOLK, VA., June 7, 1905.

Mr. C. Whittle Sams,

Norfolk, Va.

Dear Sir:

Enclosed you will find check for all I have in hand for Chester A. Tynes. I have heard nothing from the Clerk of Surry County concerning the taxes up there, but will arrange to pay that some other way if I have to advance the money. I received a letter from up there yesterday saying that a fire had cross this timber on this land covering about three or four hundred acres. I tried to get these people to agree to have asale of this timber sometime last year but they would not. I think I even went as far as to tell Mr. Butler that I would advance the money and pay all his bills if he would willingly come in and have the timber sold. I did this because I knew that the income from the money invested would be sufficient after then to pay all bills and run the children. They want all bills paid yet at the same time have their way as to what shall be done. This is all I have in hand for him. I can pay all bills if they would listen to me and now he will have to take such steps as he may see fit. I think the Judge at any time will give me an order on Bank to pay all bills since August 2nd, 1904, I do not think that we will be able to get at the back bills. This timber now in Surry County will have to be sold because some of it is going to die within the next twelve months. If I get time I am going to bring suit to-day to have it sold. If I could get time to get down there to see you I think I could explain it to you and you would agree with me in thinking that my actions have been right from beginning to end. You will lose less time than I would if you will come up here. You can come on the ten o'clock train in the morn-

S. E. EVERETT,
ATTORNEY AT LAW,
ROOMS 1 AND 2 BREWER BUILDING.
BOTH PHONES.

SUFFOLK, VA., June 7th 1905

ing and return on the twelve, or on the five in the afternoon and return at nine fifty-four at night. Send me receipt covering bills since my qualification, but not after ~~of~~ August 2nd, 1904. I qualified on the 8th of July, 1901. There is money in bank that I can draw to pay the bills since August 2nd, 1904. I prefer making my check payable to Mr. Butler and Chester so that if the receipts should be misplaced I will have it.

Yours very truly,

H. E. Everett

Exhibit "11", filed with plaintiff's bill.

no letter from June 7 to Aug 8.
Must take it that answer is favorable

11

S. E. EVERETT,
ATTORNEY AT LAW,
SUFFOLK, VA.

Suffolk, Va., Sept. 21, 1905.

Mr. C. Whittle Sams,

Norfolk, Va.

Dear Mr. Sams:

I have just put a petition before Judge Prentis concerning the Butler-Tynes matter. I can not see how this money could be paid on the back debts of Chester A. Tynes. I think the Judge is of the same opinion. Hpwever, he says that he is perfectly willing, if you can satisfy him about the law on the question, to enter an order having this money spent in this way. I feel the same way and will not opposeiit in any way, but I am not satisfied as to the law on the question. The Judge will be here all next week, I suppose, and if you will let me know what day you can come up here I will try to make an engagement with him to hear you. My idea about this matter is the same that it has always been: take this money in bank and pay the expenses of my wards from August 2nd, 1904, and to let me take the annual income and pay on the back debts and in this way we will finally be able to work it all out. I get two hundred and fifty dollars this year rent and after paying the taxes, etc, I will have about one hundred dollars to pay on Chester's claim. I am inclined to think, even if the law will allow it to be done, that Mr. Butler will never recover for the one hundred and twenty-seven dollars that was due before I qualified. I think I have been over this matter with you before giving you my reason, however, when I see you I will go over it with you again. Now if you will take the $127.00 from the bill I will in two years about pay Mr. Butler all that is due him by Chester and pay it out of the rent of the farm without touching

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S. E. EVERETT,
ATTORNEY AT LAW,
SUFFOLK, VA.

the money in bank. I want you to understand that I am perfectly willing to do anything that can be done and I know the Judge feels the same way and if you will let me hear from you I will take pleasure in trying to get a hearing before the Judge.

Yours very truly,

S. E. Everett.

Dic. S. E. E.

M.

Exhibit "14", filed with plaintiff's bill.

15 copies req'd

14

S. E. EVERETT.
ATTORNEY AT LAW.
SUFFOLK, VA.

Suffolk, Va., Dec., IIth., I905.

Mr. C. Whittle Sams,

Norfolk, Va.

Dear Sir:

Just received your letter and have just been to see the Judge. He will not be back here until Thursday morning, at which time I will put the petition before him and I think he will allow me to withdraw the money in the Bank and pay Chester's bills for the present time but not including the back bills before August the 2nd.. I904.

Will you please make me out a bill for his expenses since August the 2nd., I904, and also give credits for the amounts that I have paid since that time.

I know that I have paid $I50.00 of the money that the timber sold for and made you a small payment outside of that, but you can leave out all except the $I50.00 and I will get all that I can out of Bank now to pay the present expenses and let the rent etc., go on the old bills.

Let me have this by Thursday morning.

I have been without a Stehographer for over a month except a few days and have been behind in my work, hence the delay.

If you wish to make a motion for my removal as Guardian I have no objection. I think really it would give me better satisfaction. I will drop the matter but I would not allow you or anybody else to satisfy the court that there was cause for my removal.

Please have the bill that you send me O. K. by Chester A. Tynes.

Yours very truly,

S. E. Everett.

Dict.

15

Exhibit "15", filed with plaintiff's bill.

S. E. EVERETT,
ATTORNEY AT LAW,
SUFFOLK, VA.

Suffolk, Va., August 8, 1905.

Mr. C. Whittle Sams,

Norfolk, Va.

Dear Sir:

I reckon I am due you an apology for not answering your letter before. The reason I have not answered is because I have been unable up to this time to tell what these people are going to do. The father of these boys ~~isxixxxxx~~ has been in town about a month. He is gone now. He came to see me several times and I understand that he employed him an attorney to bring suit to sell his interest in the land in Sussex County.. If this be true it will not be necessary for us to file this petition before the Judge because it could be paid out of the other funds. I do not know whether this will be done or not. I will try to see his attorney one day this week and write you as soon as I find out what is to be done.

Yours very truly,

Dic. S. E. E.

S. E. Everett

Exhibit "12", filed with plaintiff's bill.

13. Commonwealth

12

S. E. EVERETT,
ATTORNEY AT LAW,
SUFFOLK, VA.

Suffolk, Va., August 30, 1905.

Mr. C. Whittle Sams,

Norfolk, Va.

Dear Sir:

As soon as you get home from your vacation please let me know and I will take up the matter about ~~check~~ which we have been corresponding.

Very truly yours,

Dic. S. E. E.

S. E. Everett

Exhibit "13", filed with plaintiff's bill.

Now take
14 & 15

13

Norfolk, Va., January 24th, 1906.

Mr. S. E. Everett,

Attorney At Law,

Suffolk, Virginia.

Dear Sir:

On December 11th, you wrote to me in reply to a letter which I wrote you on December 9th, 1905, with reference to the matters unsettled and pending between you and Mr. Butler of this City, in connection with the amounts due him on account of the board and support of your ward, Mr. Chester A. Tynes.

By your letter of September 21st, 1905, we were led to believe that something definite would at last be done by you in connection with this matter. Nothing was done, which was the occasion of my writing the letter of December 9th. In reply to your letter of December 11th, I wrote you on December 12th, giving an account of Mr. Butler's claim in full. Since this time we have heard nothing from you .

I think that the circumstances in connection with this claim are such as to justify the final exhaustion of our patience, and Mr. Butler has decided that if this matter be not, within the next week, put into a more satisfactory condition, he will proceed to have you removed from the guardianship, and ask for a full accounting of your transactions as guardian.

Yours truly,

C. WHITTLE SAMS .

Dict. - C. W. S.

Exhibit "A.", filed with Plaintiff's bill

Read J.

Norfolk, Virginia, Jan.29th, 1906.

Mr. S. E. Everett,

Attorney At Law,

Suffolk, Virginia.

Dear Sir:

Your letter of January 27th, has been duly received, with its enclosure of check for $50.00, which I hereby acknowledge to have received on behalf of my client, Mr. J. T. Butler.

We have applied this money to the extinguishment of the second item in the account contained in our letter to you of December 12th, 1905, that is to the item of balance for the year 1903, $41.70, the balance of $8.30, we applied on the 3d item of that account of $127.23, leaving that item now $118.93.

A complete re-statement of Mr. Butler's bill up to February 1st, 1906, would, therefore, be as follows:

To bal. of acct. due to July 1st, 1901,		$127.19
" " " " " from Jan.2d,1904, to August 2d, 1904,		118.93
" amt. due from March 12,1905,to Aug.1,1905,		69.75
" " " " Aug.1,1905,toOct.1,1905,		30.00
" " " " Oct.1,1905,toFeb.1,1906,		60.00
Total ----------		$405.87

We would of course prefer to apply this $50.00 upon the first item of this account, that is the amount due to July 1st, 1901, but did not do so,because we presumed from the correspondence heretofore had, that you could not have meant to have paid a portion of that claim, and so applied it to the first item of what we might call the new account.

RB

Jan 29, 1906.

On fully talking over the situation with Mr. Butler, we desire to know if your two wards execute and acknowledge a paper, requesting you to resign from your position as guardian, whether you would do so.

Yours truly,

C. WHITTLE SAMS.

Dict. - C. W. S.

Exhibit "B.", filed with plaintiff's bill.

no reply,

Read next page, C.

B

Norfolk, Virginia, March 9th, 1906.

Mr. S. E. Everett,

Attorney At Law,

Suffolk, Virginia.

Dear Sir:

I herewith enclose a request from Chester A. Tynes , that you resign from the position of guardian which you now occupy with reference to him and his estate.

Please let me know whether you will comply with his request in this matter or not, and oblige,

Yours truly,

C. WHITTLE SAMS .

Dict. - C. W. S.

Enc.

Exhibit "C.", filed with plaintiff's bill.

No reply.

Read mark D, next page.

C

Norfolk, Va., March 20th, 1906.

Mr. S. E. Everett,

Attorney At Law,

Suffolk, Virginia.

Dear Sir:

I herewith enclose two communications, one from Chester A. Tynes, and the other from his grandmother, Mrs. Brockwell, requesting you to resign from the position which you occupy as his guardian.

Please let me know whether you will comply with their request.

Yours truly,

C. WHITTLE SAMS .

Dict. - C. W. S.

Exhibit "D.", filed with plaintiff's bill.

Read E next page, next

D

Norfolk, Virginia, March 19th, 1906.

Mr. S. E. Everett,

Suffolk, Virginia.

Dear Sir:

After having carefully thought over the matter of your retention of the position which you occupy as my guardian, about which you spoke to me in Suffolk, during my recent visit there, I now desire to state that it is my deliberate wish and decided preference that you resign from the position which you occupy as my guardian, and that you proceed to tender your resignation at once, and render a full accounting of your transactions in that capacity.

By doing so, you will oblige,

Yours truly,

CHESTER A. TYNES.

Virginia,

Corporation of the City of Norfolk, To-Wit:

I, J. Sydney Smith, a Notary Public for the Corporation aforesaid, in the State of Virginia, do hereby certify that Chester A. Tynes, whose name is signed to the writing above, bearing date on the 19th day of March, 1906, has acknowledged the same before me in my Corporation aforesaid.

My Commission expires on the 1st day of October, 1908.

Given under my hand this 19th day of March, 1906.

J. SYDNEY SMITH.
Notary Public.

E

Exhibit "E.", filed with plaintiff's bill.

Read Y next page sept

Norfolk, Virginia, March 16th, 1906.

Mr. S. E. Everett,

Suffolk, Virginia.

Dear Sir:

As the grandmother of Chester A. Tynes, and naturally having his interest at heart in all matters, I desire that you resign from the position of guardian which you hold with reference to him and his estate, as I believe it would be to his interest to have his affairs attended to by some other person whom he might choose. He is now of a sufficient age to make an intelligent choice in this matter, and I would be obliged to you if you would retire from your position as his guardian.

Yours truly,

MRS. P. W. BROCKWELL.

WITNESSES.

R. L. Brockwell.

J. A. Brockwell.

Exhibit "F.", filed with plaintiff's bill.

Record next page next

F

Norfolk, Virginia, March 30th , 1906.

Mr. S. E. Everett,

Attorney At Law,

Suffolk, Virginia.

Dear Sir:

As we have received no answer to our last communication containing a request from your ward and his grandmother, that you resign from your position as his guardian, this is to notify you that unless such resignation be made within a week from this time, that we will begin proceedings in the proper Court looking to your removal from this position which you hold. This will be done at the request of your ward, Chester A. Tynes.

Yours truly,

C. WHITTLE SAMS .

Dict. - C. W. S.

Exhibit "G.", filed with plaintiff's bill.

G

Read K + L mgt

Norfolk, Va., April 5th, 1906.

Mr. S. E. Everett,

Attorney At Law,

Suffolk, Virginia.

Dear Sir:

You are correct in the supposition contained in your letter of March 31st, that I had not received your letter of March 30th, when I wrote you my last letter.

Yesterday Chester Tynes called to see me about the matter of your guardianship, and asked me to inform you that his preference was that his grandmother, Mrs. P. W. Brockwell, should be his guardian.

In your letter of March 30th, you state that you wish to know who it is that he desires to have appointed in your place, and I now write in answer to that request.

While waiting for you to hear from Mr. Tynes on this point, as you say you think you should do, I would be obliged to you if you would send us a statement of your annual accounts, filed in this connection.

Yours truly,

C. WHITTLE SAMS.

Dict. - C. W. S.

H

Exhibit "H.", filed with plaintiff's bill.

Norfolk

Read and filed

Norfolk, Virginia, April 11th , 1906.

Mr. S. E. Everett,

Attorney At Law,

Suffolk, Virginia.

Dear Sir:

I again call upon you to send me a statement of your annual accounts, in connection with your guardianship of Chester A. Tynes.

Yours truly,

C. WHITTLE SAMS .

Dict. - C. W. S.

Exhibit "I", filed with plaintiff's bill.

Read ll.

S. E. EVERETT.
ATTORNEY AT LAW,
SUFFOLK, VA.

January 27th 1906.

Mr. C. Whittle Sam,

Norfolk, Va.

Dear Sir ;

Enclosed you will find my check for $50.00. Please send me a receipt for same. I have not collected all of the rent due yet but this makes your client over paid. I have been busy why I did not apply to the Judge and get other in bank. Since you have written letters as you have I would prefer your coming up here and look over the books also and making out your petition before the Judge.

Very truly yours,

Dict.S.E.E./F/R/

S. E. Everett

Exhibit "J.", filed with plaintiff's bill.

Go back to B

J

S. E. EVERETT.
ATTORNEY AT LAW,
SUFFOLK, VA.

March 30th, 1906.

Mr.C. Whittle Sams,

Norfolk, Va.

Dear Sir:

Your letter and papers enclosed received. I have communicated with the father of Chester A. Tynes, and as soon as I receive a reply, will let you hear from me. I feel that I ought to consult his wishes about this matter before I resign.

I am satisfied that his father would like to know whom Chester would choose. You had better at once give me the name, so that I can write another letter to their father. I do not know that he has any preference, but I am sure he would write and ask about it.

Let me hear from you and I will be able to settle on something in a few days, I think.

Very truly yours,

S. E. Everett

Dict.S.E.E./E.P.

Exhibit "K.", filed with plaintiff's bill.

K

Exhibit "L.", filed with plaintiff's bill.

S. E. EVERETT.
ATTORNEY AT LAW,
SUFFOLK, VA.

March 21st, 1908.

Mr. I. Waitte Pack,

Norfolk, Va.

Dear Sir:

Your last letter received. I suppose you had not at the time received my letter in reply to your first. I expect to hear from the father of Chester Tynes before I do anything.

I think the proper thing for you to do is to meet up here, go with me before the judge and let me hear what you have got to say about it and if you can give me reason for making the demand, enough to satisfy the judge, I am satisfied that he will do so. At the same time I do not wish it understood that I am trying to hold the position.

I have done what I could for these children and all I ask is to be treated right in the matter. If you and your followers cannot wait until I hear from the father of Chester, go ahead do anything you see fit. I am ready to meet you at any time. I repeat that the proper thing for you to do is to come to see me, give your reasons why you ask this and I will go with you to the Judge's office and let you give him your reasons for doing second whatever is required by you and the judge, I will do. I am not going to simply reply to you, "Yes, I will get out, do as Mr. East says," without any reason

L

S. E. EVERETT,
ATTORNEY AT LAW,
SUFFOLK, VA.

No. 2.

or anything else. You are now at liberty to take any steps you see fit and as promptly as you wish.

Very truly yours,

S. E. Everett

Exhibit "L.", filed with plaintiff's bill.

Returned to H.

L

S. E. EVERETT,
ATTORNEY AT LAW.
SUFFOLK, VA.

April 25th, 1910.

Mr. C. Whittle Sams,

Norfolk, Va.

Dear Sir:

I am up and in the office again. I am going to lay my account of guardian of Chester A. Tynes before the commissioner. I notice you have written the clerk, asking whether I have gone out my annual account or not. There has been none made, but I will make it at once to relieve their mind of all suspicion. It has worried me a great deal and I have never gotten anything out of it, but I believe it will do as good and I have fully made up my mind to never act as guardian again.

Very truly yours,

S. E. Everett

Dict. E. E. E. /cw.

Exhibit "U.", filed with plaintiffs' bill.

COMMISSIONER OF ACCOUNTS
OF CIRCUIT COURT.

COMMISSIONER IN CHANCERY.

LAW OFFICES OF
LEE BRITT.

SUFFOLK, VA., May 1, 1906-

Mr. C. Whittle Sams,

Norfolk, Va.

Dear Sir:-

Replying to your letter received recently I beg to say that Mr. S. E. Everett met me several days ago and stated that he would speedily submit his account as guardian of Chester A. Tynes to me, which was some days before you instituted suit against him.

He stated that he had been and was perfectly willing for you to come up and go over his books asntaining the account of his transactions as such guardian.

As soon as the account is made up you can obtain full information about the status of his affairs as guardian.

Yours truly,

Lee Britt
Comr Accts

Exhibit "O.", filed with plaintiffs' bill.

O

End of Exhibit

S. E. EVERETT.
ATTORNEY AT LAW,
SUFFOLK, VA.

April 16, 1904.

Mr. O. F. Fenn,

Norfolk, Va.

Dear Sir:

I am very sorry, indeed, to inform you that I have been sick for the past week, and have not been able to attend to the matter referred to in yours of the 11th inst. Will let you hear from me as soon as I am able to be up.

Yours truly,

S. E. Everett,
Per Greg Kendrick

Exhibit "M.", filed with plaintiff's bill.

M

Chesha A. Tynes

vs.

L. E. Everett.

Bill.

1906 May 7th Filed

Chester A. Tynes, who sues etc.

vs.

S. E. Everett.

This cause came on this day againcto be heard on the papers formerly read and on the report of W. J. Kilby, Commissioner in Chancery, filed March 8th, 1907, and also on the report of S. E. Everett, Guardian of the said Chester A. Tynes, to which report there is no exception, and was argued by counsel.

On consideration whereof the court doth confirm said report, which report shows the final settlement of the transaction of the said S. E. Everett, guardian of the said Chester A. Tynes, who is now twenty-one years of age; and nothing further remaining to be done it is ordered that this cause be stricken from the docket.

I consent to this decree.

W. Little Sams

Atty for Chester A. Tynes.

Chester A. Tynes, who sues, etc.

vs.

E. E. Everett.

Entered March 9, 1908.

Miles & McSmoke

Entered in Chancery Order
Book No. 4, page 232.

Chester A. Tynes by his next friend, T. T. Brodnax

vs.

E. H. Everett, guardian of Chester A. Tynes.

e

Interested, and to the best knowledge, [illegible], through the advice of counsel and personal of that appeared to be his friends, have [illegible] his complaint and demands that your respondent resign and let some one else take his place without giving any cause except one, that your respondent had not made out an annual report.

Your respondent further says that he has no objection whatever to the matter being referred to one of the Commissioners in Chancery of your Honor's Court. Your respondent is ready to render a statement in full of all his transactions.

And now having answered the complainant's bill, this respondent will ever pray, etc.

S. E. Everett Respondent
by Charles A. Lyons.

State of Virginia,
County of Tazewell. To-wit:

This day personally appeared before me, the undersigned, a Notary Public for the County aforesaid, S. E. Everett and made oath that the statements set in the foregoing answer are true.

Given under my hand this ___ day of July, 1906.

Notary Public.

Emma R.
S. E. Brown
Treasurer

To the Honorable R. R. Prentis,

Judge of the Circuit Court,

For the County of Nansemond.

Your orator, Chester A. Tynes, an infant under the age of twenty-one years, of the City of Norfolk, Virginia, who sues by P. W. Brockwell, his next friend, humbly complaining showeth to your Honor:

That on or about the 1st day of July, 1901, S. E. Everett qualified as his guardian, and as such has had charge of his estate.

That as guardian it was the duty of the said S. E. Everett, under the provisions of Section 2678 of the Code of Virginia, to submit annual accounts of his transactions, including a statement of all receipts and disbursements, as such guardian, and to provide, so far as it were possible, out of the proceeds of his estate, for the expenses incident to the maintenance and education of his ward.

That instead of doing so, although much more than four years have elapsed since the date of his qualification, no account has been submitted of his receipts and disbursements.

That in addition to this, a large amount of indebtedness has been allowed to accumulate, on account of his board. The full account of which is as follows:

To bal. of account due to July 1st, 1901,	$127.19
" " " " " from Jan. 2d, 1904, to Aug. 2d, 1904,	118.93
" amt. due from March 12, 1905, to Aug. 1st, 1905,	69.75
" " " " Aug. 1st, 1905, to Oct. 1st, 1905,	30.00
" " " " Oct. 1st, 1905, to Feb. 1st, 1906,	60.00
" " " " Feb. 1, 1906, to May 1, 1906,	45.00
Total ----------	$450.87

The whole of this amount is due to Mr. J. T. Butler, of the City of Norfolk, for board, at the rate of $15.00 a month for your orator, and the said liability continues to grow at that rate, all of which, except the first item of $127.19, has fallen due during the guardianship of the said S. E. Everett, amounting to $323.68.

Repeated efforts have been made to collect from the defendant the amount due for the board of your orator, but only such payments have been made by him on that account, as to still leave this large sum outstanding.

The unsatisfactory nature of the relations between your orator and his guardian, has caused your orator and those interested in his welfare, much uneasiness and worry, and the said S. E. Everett has been requested in writing by your orator to resign from his position as guardian, and to render an account of his guardianship. Neither of which requests has he yet complied with.

Mrs. P. W. Brockwell, the grandmother of your orator, has also requested the said S. E. Everett in writing, to resign from the position which he now occupies, as she considers it for the best interests of her grandson, his ward, that such should be done, and another appointed in his stead, by your Honor.

Your orator herewith files as exhibits with this bill, marked exhibits, A., B., C., D., E., F., G., H. and I, copies of letters written by his counsel, on January 24th, 1906, January 29th, 1906, March 9th, 1906, March 20th, 1906, the request of Chester A. Tynes, March 19th, 1906, and of Mrs. P. W. Brockwell, dated March 16th, 1906, and the letters of his counsel dated March 30th, 1906, April 5th, 1906 and April 11th, 1906; and the letters of said S. E. Everett, marked Exhibits 1 to 15, and also more recent letters of his,

marked exhibits J., K., L., M. and N., and the letter of Lee Britt, Commissioner of Accounts, for the Circuit Court of Nansemond County, marked exhibit O., dated May 1st, 1906; and prays that the same may be taken as a part of this bill.

Your orator further alleges and charges, that his said guardian has been derelict in the discharge of his duties as such guardian, and that he is wholly unsatisfactory to him.

And further, that the bond given by him, is entirely too small, and is inadequate to the proper protection of his interests.

Your orator therefore prays, that under the power vested in this honorable Court, by Section 2609 of the Code of Virginia, the said S. E. Everett be removed from his office of guardian, and another be appointed in his place, and that he be required to make a full statement and settlement of this guardianship account; that the bond of the said S. E. Everett be increased to an amount of at least $4,000.00, with good security, and that such other and further relief may be granted unto your orator as is adapted to the nature of his case, and agreeable to Equity and good conscience. And may a summons issue against the said defendant hereinbefore named, etc. And your orator will ever pray, etc.

A. Little Sams

p.q.

Virginia,

Corporation of the City of Norfolk, To-Wit:

This day Chester A. Tynes appeared in person before me, E. Ashton Goodwyn, a Notary Public for the Corporation aforesaid, in the State of Virginia, and made oath that the matters in the foregoing bill, stated as of his own knowledge are true, and those stated from information derived from others, he believes to be true.

Given under my hand this 7th day of May, in the year 1906.

E. Ashton Goodwyn

Notary Public.

Chesler A Tynes &c
vs In Chancery
S E Everett

1906. April 30th. Process issued returnable to May Rules 1st Monday.

" May 7th. Process returned Executed on the defendant. Bill filed and decree nisi vs said deft

" " 24th Decree nisi confirmed and cause set for hearing.

6 A Types &c
25 Chancery
Notes
S E Everett.

Report by
Major Reily
in this case
in the hands
of S. E. Everett
March 12th 1907

C W Sams &c

C A Pynes &c

vs } In Chancery

S E Everett.

1908

March 9th

Final Decree

Costs

Clerk	5.22
Taxpd	1.50
Shff	50
Atty	15.00
Comr.	25.00
	$47.22

Chester A. Tynes, an infant under the age of twenty-one years,
who sues by P. W. Brockwell, his next friend,

Vs.

S. E. Everett;

Summons in Chancery to first May rules, 1906.

Tax $1.50 pd.

C. Whittle Saunders

p. q.

Tynes

vs.

Everett.

Memorandum.

No. 272 Main Street
rooms 4, 6 and 7.

Notary Public.

C. Whittle Sams,
Attorney-at-Law,
Norfolk, Va.

Office:
Southern Bell 'Phone, No. 1105.
Southern States 'Phone, No. 390.
Residence:
Southern Bell 'Phone, No. 1683.

April 28th, 1906.

Clerk of the Circuit Court,
For Nansemond County,
Suffolk, Virginia.

Dear Sir:

I enclose herewith a check to your order for $1.50 to cover the writ-tax in the suit which I desire you to forthwith institute, and the memorandum in this suit.

Please issue a summons at once, and let me know that you have done so.

Yours truly,

C. Whittle Sams

Dict. - C. W. S.
Enc.

272 Main Street
rooms 4, 6 and 7.

Notary Public.

C. Whittle Sams,
Attorney-at-Law,
Norfolk, Va.

Office:
Southern Bell 'Phone, No. 1105.
Southern States 'Phone, No. 390.
Residence:
Southern Bell 'Phone, No. 1683.

May 8th, 1906.

Mr. R. R. Smith, Clerk,
Of the Circuit Court for Nansemond Co.,
Suffolk, Virginia.

Dear Sir:

I herewith enclose bill in the case of Chester A. Tynes vs. S. E. Everett, which I desire you to mark as filed at this rules.

Let me hear from you to the effect that this has been done, and oblige,

Yours truly,

C. Whittle Sams

Dict. - C. W. S.
Enc.

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON S E Everett

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the First Monday in May 1906, to answer a Bill in Chancery, exhibited against him in the said Court by Chester A Tynes an infant under the age of twenty one years who sues by P W Brockwell his next friend.

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 30th day of April, 1906, in the 130th year of the Commonwealth.

A copy Teste:
R R Smith, CLERK.
By A P Gomer Deputy Clerk

Teste:
R R Smith, CLERK.
By A P Gomer Deputy Clerk

C Whittle Sams, p. q.

Chesley A Tynes
an infant &c

VS. } IN CHANCERY.

S E Everett

1906

May Rules.

First Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 3

Page 14

Executed this 30th day of April 1906 by delivering a true copy with Process to S E Everett in My County,

A A Bacon Sh'ff
By E Ryland Deputy

No. 272 Main Street
rooms 4, 6 and 7.

Notary Public.

C. Whittle Sams,
Attorney-at-Law,
Norfolk, Va.

Office:
Southern Bell 'Phone, No. 1105.
Southern States 'Phone, No. 390.
Residence:
Southern Bell 'Phone, No. 1683.

June 18th, 1906.

Mr. A. P. Gomer, Deputy Clerk,
Circuit Court for Nansemond Co.,
Suffolk, Virginia.

Dear Sir:

On May 28th, you wrote me that Mr. Everett had the papers in the suit filed against him by Chester A. Tynes, according to the usual privilege extended to attorneys of taking papers from the Clerk's office.

I think he certainly would have had time enough by now to have duly studied these papers, and to have filed any pleadings which he may desire to file. I therefore write to ask you whether any pleadings have been filed, and whether he still has these papers. If they be not now returned to the Clerk's office, I will bring the matter to the attention of the Judge of that Court.

Please tell me whether this case be in such a condition that it could be set for trial at the July term of the Court, beginning Monday, July 9th, and whether that be the only day on which the case could be set for hearing during the term.

Yours truly,

C. Whittle Sams

Dict. - C. W. S.

No. 272 Main Street
Rooms 4, 6, 7 and 8.
Notary Public

C. Whittle Sams
Attorney at Law
Norfolk, Va.

Office:
Southern Bell Phone, No. 1105
Southern States Phone, No. 390
Residence:
Southern Bell Phone, No. 1683

E. E. Holland, Esq.
Suffolk, Va.

Dear Sir:

I have no objection to Mr. Everett making his statement out with reference to both his wards, provided it do not embarrass the account with the one whom I represent, nor burden him or his estate with any additional costs which this might occasion. I appreciate the fact that there must be many items in common in these two accounts, but as I represent only one of them you will no doubt also see the propriety of these two conditions.

Yours truly,
C. Whittle Sams

Oct. 16th 1906.

No. 272 Main Street
rooms 4, 6 and 7.

Notary Public.

C. Whittle Sams,
Attorney-at-Law,
Norfolk, Va.

Office:
Southern Bell 'Phone, No. 1105.
Southern States 'Phone, No. 390.
Residence:
Southern Bell 'Phone, No. 1683.

May 23d, 1906.

Mr. R. M. Smith, Clerk,
Circuit Court for Nansemond Co.,
Suffolk, Virginia.

Dear Sir:

Please let me know whether Mr. S. E. Everett have filed any pleading in the suit recently instituted against him by Chester A. Tynes, and oblige,

Yours truly,

C. Whittle Sams

Dict. - C. W. S.

In hands of
S & Everett
Innocent Sale
Answer in a few
days

No. 272 Main Street
rooms 4, 6 and 7.

Notary Public.

C. Whittle Sams,
Attorney-at-Law,
Norfolk, Va.

Office:
Southern Bell 'Phone, No. 1105.
Southern States 'Phone, No. 390.
Residence:
Southern Bell 'Phone, No. 1683.

May 29th, 1906

Mr. A. P. Gomer,

Deputy Clerk,

Suffolk, Virginia.

Dear Sir:

Yours of the 28th has been duly received.

The practice which you refer to, is familiar to me, as it applies also in this City. I think Mr. Everett has had ample opportunity, however, by this time, to have examined the bill and its exhibits, which has been filed against him. As he is the sole party defendant to the suit, and as the exhibits constitute largely the evidence in the suit, I think that those papers should be returned to the Clerk's office. And I now ask you to take up that matter, and report to me on the subject.

Yours truly,

C. Whittle Sams

Dict. - C. W. S.

No. 272 Main Street
Rooms 4, 6, 7 and 8.
Notary Public

C. Whittle Sams
Attorney at Law
Norfolk, Va.

Office:
Southern Bell Phone No. 1105
Southern States Phone No. 390
Residence:
Southern Bell Phone No. 1683

March 30th, 1907.

Mr. Robert R. Smith, Clerk of the
Circuit Court for Nansemond Co.,
Suffolk, Virginia.

Dear Sir:

I enclose herewith certain exceptions to the report filed in the suit of Chester A. Tynes vs. S. E. Everett, by Wilbur J. Kilby, Special Commissioner, on March 8th, 1907, which I wish you would file in that suit, letting me know that you have done so, and oblige,

Yours truly,

C. Whittle Sams

Dict. - C. W. S.
Enc.

Filed April 1st 1907

No. 272 Main Street
Rooms 4. 6. 7 and 8.

Notary Public

C. Whittle Sams
Attorney at Law
Norfolk, Va.

Office:
Southern Bell Phone, No. 1105
Southern States Phone, No. 390
Residence:
Southern Bell Phone, No. 1683

November 24th , 1906.

Judge W J. Kilby,

Attorney At Law,

Suffolk, Virginia.

Dear Sir:

Please let me know whether the account has been rendered by Mr. Everett, of his transactions as guardian of Chester A. Tynes and his brother, before you, and how I can get a copy of the same.

Yours truly,

C. Whittle Sams

Dict. - C. W. S.

Received of S. E. Everett, Guardian of Chester A. Tynes, $242.24, in full settlement of all due the said Chester A. Tynes by the said Guardian, S. E. Everett. The said Chester A. Tynes is now twenty-one years of age and desires that the suit instituted by him through his next friend against the said S. E. Everett be now dis-missed. The cost in the above suit will be paid by C. Whittle Sams, Attorney for Chester A. Tynes.

C. Whittle Sams

Attorney for Chester A. Tynes.

Chester A. Tynes,

vs.

S. E. Everett.

S. E. Everett, Guardian of Chester A. Tynes makes to the court the following report in the cause of Chester A. Tynes, etc. vs. S. E. Everett.
As reported by W. J. Kilby, Commissioner in Chancery on January 8th, 1907, there

	was a balance due the ward of			$132.28
March 16th,	balance on rent for 1907.			25.00
"	"	to 1/2 repairs by E. F. Luke,	5.08	
"	29th "	" insurance, Woodward & Elam	3.75	
June 11th	"	" taxes, S. T. Ellis	1.67	
April 20th	"	" taxes, town,	3.66	
	By int. on $132.28 from January 8th, 1907.			8.00
	By int. on $25.00 for 1 year			1.50
1908.				
Feb.	To 1/2 tax on land		18.66	
"	"	" bond, Woodward & Elam,	3.75	
"	By 1/2 rent of farm, 1907.			125.00
"	To 5% com. on $159.50		7.97	
	To leases made with tenant,		5.00	
	To balance, receipt of ward		242.24	
			$291.78	$291.78

Respectfully,
S. E. Everett

Report of
S E Everett—
Guardian—

1908 March 9th filed

Everett Waddey Co.,
Stationers and Printers,
Richmond, Va.
Form No. 400

Commissioner's Office, Suffolk, Va.

To Chester A. Tynes, an infant under the age of twenty-one years, who sues by P. W. Brockwell, his next friend, Complainant

and

S. E. Everett Defendant.

You are hereby notified that on the 4th, day of October 1906, at my office, in Suffolk, Va., (at which time and place you are required to attend), I shall take, state and settle the following accounts which ~~are~~ is to be taken, stated and settled and reported to Court in pursuance of the decree of the Circuit Court of Nansemond County Va., rendered the 13th, day of July, 1906, in the suit in chancery pending in said Court to which you are parties, plaintiff and defendant, to-wit:

An account of the transactions of the said defendant, S. E. Everett, as Guardian of said Chester A. Tynes, together with any other matter deemed pertinent by myself, or which may be required by either of the parties to said suit to be stated.

Given under my hand, as Commissioner in Chancery of said Court, the 22d, day of September, 1906

Wilbur J. Kilby
Commissioner in Chancery.

Sufficient and legal service of this notice is hereby accepted and acknowledged by us, this 29th day of September 1906.

F. W. Brockett

F. E. Everett,

Form No. 400.

vs. } COMMISSIONER'S NOTICE.

Virginia,

Circuit Court for the County of Nansemond,to-wit:

Chester A. Tynes,per next friend, Complainant.

vs. } In Chancery.

S.E. Everett, Defendant.

Commissioner's Office,
Suffolk, Va. 7th. March 1907.

To Honorable Robert R. Prentis,Judge of the Circuit Court for the County of Nansemond.

In pursuance of the decree of the Circuit Court for the County of Nansemond, pronounced on the 13th. day of July,1906, in the Chancery Cause pending in said Court between Chester A. Tynes,per next friend,Complainant ,and S.E. Everett,Defendant,the undersigned,Wilbur J. Kilby, one of the Commissioners in Chancery of said court, respectfully reports as follows:

That on the 22nd. day of September,1906,after the papers in said cause had been placed in his hands with the request that he proceed to execute said decree,he gave notice to the parties to said cause that he would proceed on the 4th. day of October, 1906, at his office in Suffolk, Virginia,to take,state and settle the account required by said decree to be taken,stated and settled by one of the commissioners of said court.

That sufficient and legal service of the notice was duly accepted and acknowledged by P. W. Brockwell,the next friend of said Chester A. Tynes,Complainant, and the said S.E. Everett,Defendant, as will appear by the endorsations on the notice which is herewith returned.

That the proceedings before your commissioner were adjourned day after day from said 4th. day of October, 1906, until this day, when the said account has been completed,the same being an account of the transactions of said S.E. Everett,as Guardian of said Chester A. Tynes.

The result is as follows:

Dr. Chester A. Tynes, ~~son~~ of Robert H. Tynes, the second,
In account with S.E. Everett, Guardian, Cr.

1901					
July 8	The Guardian qualified.				
	To paid Robert R. Smith, Clerk of Court, his fee on qualification of the guardian.	per rec't.	1	50	
Aug. 19	" " F.A. Wagner for hauling lumber from Suffolk to the farm of the ward,	per rect.	7	24	
Nov. 1	" " George Holmes wages for carpenter's work on houses on said farm,	per rect.	37	50	
	" " Robt. R. Allen for building material used in said houses,	per rect.	17	77	
5	" " Norfleet and Brother for nails used in said houses,	per rect.	6	08	
9	" " J. B. Philhower for lumber used in said houses,	per rect.	61	60	
	By cash of Wilbur J. Kilby, Comr. in the suit of Parker vs. Tynes from the sale of ward's land,				125
11	To paid A.V. Sturgeon for bricks used in said houses,	per rect.	8	50	
16	" " David C. Lyon for lumber used in said houses,	per rect.	20	09	
23	" " David F. Darden bill for work as brick mason and plasterer and for material used in said houses,	per rect.	53	30	
30	By ward's share of rent for 1901 received from David F. Darden,				100
Dec. 1	To Fee for services in suit of ward against his former guardian,		25		
	Amounts carried forward		238	58	225

1901						
Dec. I		Amounts brought forward,		238	58	225
	I3	To paid C. O. Harrell and Co. for shingles used on said houses, per rect.		2I	I3	
	I4	" " Harper and West for insurance on buildings, per rect.		5		
		" " Harper and West for other insurance on buildings, per rect.		4	87	
		" " Sydney T. Ellis,Treas. taxes for 1900 on ward's land, per rect.		I0	22	
		" " Sydney T. Ellis,Treas. taxes for 1901 on ward's land, per rect.		9	I5	
		By cash of Wilbur J. Kilby,Comr. in the suit of Parker vs. Tynes from the sale of ward's land,				I25
	I5	To Amount charged by Guardian for supervising repairs on said buildings etc.		I2	50	
1902						
Feb. 22	"	paid David F. Darden for bricks and lumber used in repairs, per rect.		I2	50	
		By additional rent for 1901 received from David F. Darden				I2 50
	25	To paid Woodward and Elam for furnishing surety for the Guardian,per rect.		5	25	
March 22	"	" Robert R. Smith,Clerk of Court, his fee on taking new bond of guardian per rect.		I	50	
April I4	"	" J. T. Butler for board and clothing furnished the ward, per rect.		32	I9	
July 8	"	5 per cent coms. on $362.50,		I8	I3	
		By Balance due the Guardian,				8 52
				37I	02	37I 02

1902							
July 8	To Balance due the Guardian brought on,			8	52		
Oct. 22	By Cash of Wilbur J. Kilby,Comr. in the suit of Parker vs. Tynes from the sale of ward's land.					250	52
Nov. 15	To paid Robt. H. Tynes,father of the ward,for clothing,per rect.			5			
29	" " Sydney T. Ellis,Treas. taxes for 1902 on ward's personalty,per rect.			1	51		
Dec. 6	" " Richard S. Boykin,Treas. taxes for 1902 on ward's personalty, per rect.			2	93		
9	" " David F. Darden one-half of bill for smoke-house built on the farm of ward and his brother, per rect.			12	50		
	By ward's share of rent of farm for 1902,					112	50
1903							
Jan. 10	To paid J.T. Butler for clothing,school books, and other necessaries, per rect.			243	95		
13	" " Woodward and Elam for supplying the surety on the Guardian's bond, per rect.			3	75		
Feb. 20	" " Sydney T. Ellis,Treas. ward's share of taxes on land for 1902. per rect.			9	15		
June 3	" " travelling expenses to Waverly to look after interest of ward in land,			2	50		
July 8	" 5 per cent coms. on $363.02			18	15		
	" Balance due the ward,			55	06		
				363	02	363	02

1903							
July 8	By Balance due the ward brought on,					55	06
Sept. 5	" ward's share of rent for 1903,					112	50
	To paid David F. Darden one-half of $225. rent due by him for 1903 to-wit: $112.50, and one-half of $75. to-wit: $37.50, in settlement of his claim for building tenement houses, and repairing the barn on said farm etc. as per award of arbitrators.			150			
	By one-half of $75. refunded by said David F. Darden,					37	50
	To Fee for appearance before said arbitrators in behalf of the ward,			5	00		
1904							
April 7	To paid Woodward and Elam for surety of the guardian, per rect.			3	75		
June 22	" " Robt. H. Tynes for clothing for the ward, per rect.			5	00		
29	" " Sydney T. Ellis Treas. ward's share of taxes for 1903 on land, per rect.			8	63		
July 8	By Interest for one year on $55.06,					3	30
	To 5 per cent coms. on $153.30,			7	67		
	" Balance due the ward			28	31		
				208	36	208	36
1904							
July 8	By Balance due the ward, brought on,					28	31
Dec.30	" ward's share of rent of farm for 1904,					125	
1905							
Jan. 13	To paid Harper and West for insurance on buildings , per rect.			5			
April 25	" " Woodward and Elam for furnishing surety for the guardian, per rect.			3	75		
	Amounts carried forward			8	75	153	31

1905						
April 25		Amounts brought forward		8 75	153	31
May 13	To paid	David F. Darden for cleaning up and burning brush on ward's farm, per rect.		2 13		
June 10	" "	J.T. Butler on account of support of ward for 1903, per rect.		125		
July 8	By	interest for one year on $128.31				170
July 8	To	5 per cent coms. on $126.70		6 34		
	"	Balance due the ward		12 79		
				155 01	155	01
1905						
July 8	By	Balance due the ward brought on			12	79
29	To paid	Sydney T. Ellis, Treas. ward's taxes on land for 1905, per rect.		9 76		
Dec. 30	By	ward's share of rent for farm for 1905			125	
1906						
Jan. 27	To paid	C. Whittle Sams Attorney for the ward, per rect.		50		
April 30	" "	R.S. Boykin, Treas. ward's taxes for 1905 on personalty, per rect.		3 66		
	" "	Woodward and Elam for furnishing surety for the guardian, per rect.		3 75		
May 5	" "	Sydney T. Ellis, Treas. ward's taxes for 1905 on personalty per rect.		I 68		
	" "	Sydney T. Ellis, Treas ward's taxes for 1905 on land, per rect.		II 64		
July 8	By	interest on $12.79 for one year,				77
	" "	on $125. for 5 months,			3	13
	To	5 per cent coms. on $128.90,		6 45		
	"	Balance due the ward,		54 75		
				141 69	141	69
1906						
July 8	By	Balance due the ward brought on			54	75
Dec. 30	By	ward's share of rent of farm for 1906			100	
1907						
Jan. 8	"	interest on $54.75 for 6 months,			1	64
	To paid	Sydney T. Ellis, Treas ward's share of taxes on land for the year 1906, per rect.		19 03		
		Amounts carried forward		19 03	156	39

1907					
Jan. 8	Amounts brought forward,		19 03	156	39
	To 5 per cent coms. on $101.64		5 08		
	" Balance due the ward,		132 28		
			156 39	156	39
1907					
Jan.8	By Balance due the ward brought on,			132	28

Respectfully submitted this 7th. day of March, 1907.

Wilbur J. Kilby.

Commissioner in Chancery.

Commissioner's fee $20.00

Typewriter's fee 5.00

Tynes, per friend

v. } In Chy.

Everett, Gdn.

Report of Comr.
under decree of
13th. July 1906.

1907 March 8th Filed
ABG S.C

WILBUR J. KILBY,
ATTORNEY AT LAW,
SUFFOLK, VIRGINIA.

Chester A. Tynes, who sues &c.

S. E. Everett.

By mutual consent of the parties to this suit, it is hereby agreed that the Chancery suit now pending in the Circuit Court of Tennessee County, Arkansas, styled Chester A. Tynes, an infant, who sues by P. H. Brockwell, his next friend is plaintiff, and S. E. Everett, is defendant

Estelle Sams
atty for plaintiff.

S. E. Everett

Consent of
parties for
Vacation case

Virginia,

Circuit Court for the County of Nansemond, To-Wit:

Chester A. Tynes, per next friend,	Plaintiff.
vs.	In Chancery.
S. E. Everett.	Defendant.

The plaintiff, by his Attorney, hereby excepts to the report filed in this cause, on the 8th day of March, 1907, by Wilbur J. Kilby, Commissioner in Chancery, and states as grounds for exception to the same, that in the account of the said S. E. Everett, as guardian of Chester A. Tynes, there are two items of credit for cloathing, on November 15th, 1902, and June 22d, 1904, of $5.00 each, which this plaintiff believes to be improper, and that there is omitted altogether from the said account, item of $625.00, with which he should have charged himself on account of one-half of the sale of certain timber, cut from the farm in Nansemond County, and sold for $1250.00.

Respectfully submitted, this 30th day of March, 1907.

O. Tuttle Saws

p.q.

The above exception is withdrawn this 13th day of February 1908.

O. Tuttle Saws

p.q.

Chester A. Tynes,
per next friend,

vs.

S. E. Everett.

Exceptions to Report of

Wilbur J. Kilby,

Commissioner in Chancery.

1907 April 18th
Filed
A.D.G.L.C

this Court for such decisions and decrees therein in
question as might be made in term

Typed

TS

Signed

5

Robert R. Rentis

Delivered at Carnegie Hall

2000 No. 4 Jan. 99

Judges,

Part Three in Five

Quarters - E E E

In the Circuit Court for the County of Nansemond.

Chester A. Tynes, Complainant.

vs.

S. E. Everett.

This cause, which has been regularly matured at rules, came on this day to be heard upon the bill and exhibits filed therewith and the answer of the defendant, with general replication thereto, and was argued by counsel. Whereupon it is ordered and decreed by the court, that the account of the transactions of the said defendant, as guardian of Chester A. Tynes, be referred to one of the commissioners of this court to state the receipts and disbursements which have been made since the qualification of the said defendant together with any other matter deemed pertinent by the Commissioner or which he may be required to state in connection by either of the parties hereto. and that this cause be continued.

Chester A. Ingles
who sues &c.
vs.
S. E. Everett.

Decree

Enter July 13, 1906
Robert R. Willis

Entered in Chancery
Order Book No. 4
Page 77.

We consent to this decree.
A. Victor Sams
E. E. Holland
Atty for defendant.

In the Circuit Court of Hennepin County

Chester A. Lyons, by next friend &c

vs

L. E. Ewell, Guardian of Chester A. Lyons

On motion of defendant by counsel leave is given him to file his answer in this cause, which is accordingly done.

Entered July 9, 1906

Robert R. Curtis

Entered in Chancery
Orders Book No. 4.
Page 73.