

1917- 008
Nansemond Co (Suffolk)

Chancery Causes: A.N. Phillips et al vs George Tynes alias George Eley et al

Bright, Ferebee, Morrisette, Potts, Robinson, McDowell,
Wilson, Williams, Whitney, Mitchell, Richards, Eley, King, Saunders

Folder 1 of 2

In the Circuit Court of Nansemond County, Virginia.

A. N. Phillips et als.

vs. In Chancery.

George Tynes, sometimes known as George Eley, et als.

To the Honorable James L. McLemore, Judge of the said Court:-

Your petitioners, Robert M. Eley and Annie L. Eley, his wife,
respectfully show unto Your Honor the following facts:-

1st. That a suit is now pending in the Circuit Court of Nansemond County, Virginia, in which A. N. Phillips and others are complainants and George Tynes, sometimes known as George Eley, and others are defendants, the object of which said suit is to partition certain land in Nansemond County, Virginia, formerly belonging to William Tynes, sometimes known as William Phillips, deceased, George Tynes, sometimes known as George Eley, ~~deceased~~, and Nelson Tynes, ~~deceased~~.

2nd. That on, to-wit, the 15 day of April, 1914, and before the institution of the said suit, George Tynes, sometimes known as George Eley, ^{of} ~~one~~ the defendants, departed this life, intestate and leaving the following as his heirs at law, to-wit:-

Robert M. Eley, whose wife is Annie L. Eley;
Jason Eley, whose wife is Viney Eley;
Hester R. Mitchell, whose husband is Wise Mitchell;
Wm. H. Eley, whose wife is Leanora Eley;
J. F. Eley, whose wife is Ida L. Eley;
Lizzie A. Whitney, whose husband is Nazareth Whitney;
Alexander G. Eley, whose wife is Frances Eley; and
Martha S. Eley, unmarried.

Therefore, your petitioners pray that they be allowed to file this, their petition, ~~and~~ that they be made parties to ^{and that the relief prayed for in the bill be granted.} the said suit, ^{and} they will ever pray, etc.

Sign here, Robert M. Eley

Annie L. Eley

Robert M. Eley
Annie L. Eley

A. H. Phillip et als.

vs.

Geo. Tyner, etc. et als.

Petition of Robt M. Eley & wife.

Dated

H. E. B. L. L. L.
J. H. Corbitt

JAMES H. CORBITT

ATTORNEY AND COUNSELLOR AT LAW

SUFFOLK, VIRGINIA

In the Circuit Court of Nansemond County, Virginia.

A. N. Phillips et als.

vs. In Chancery.

George Tynes, sometimes known as George Eley, et als.

To the Honorable James L. McLemore, Judge of the said Court:-

Your petitioners, Lizzie A. Whitney and Nazareth Whitney, her husband, respectfully show unto Your Honor the following facts:-

1st. That a suit is now pending in the Circuit Court of Nansemond County, Virginia, in which A. N. Phillips and others and complainants and George Tynes, sometimes known as George Eley, and others are defendants, the object of which said suit is to partition certain land in Nansemond County, Virginia, formerly belonging to William Tynes, sometimes known as William Phillips, deceased, George Tynes, sometimes known as George Eley, ~~deceased~~, and Nelson Tynes, deceased.

2nd. That on , to-wit, the ____ day of April, 1914, and before the institution of the said suit, George Tynes, sometimes known as George Eley, one of the defendants, departed this life, intestate and leaving the following as his heirs at law, to-wit:-

Robert M. Eley, whose wife is Annie L. Eley;
Jason Eley, whose wife is Viney Eley;
Hester R. Mitchell, whose husband is Wise Mitchell;
Wm. H. Eley, whose wife is Leanora Eley;
J. F. Eley, whose wife is Ida L. Eley;
Lizzie A. Whitney, whose husband is Nazareth Whitney;
Alexander G. Eley, whose wife is Frances Eley; and
Martha S. Eley, unmarried.

Therefore, your petitioners pray that they be allowed to file this, their petition, and that they be made parties to
and that the relief prayed for in the bill be granted.
the said suit, And they will ever pray, etc.

Sign here: Lizzie A. Whitney.

Nazareth Whitney

Lizzie A. Whitney
Nazareth A. Whitney

Ant. Phillips et als,

vs.

Geo. Tyus, etc, et als

Petition of Lizzie A.
Whitney + her bond.

Sd per
G. E. Brooking,
Clerk.

JAMES H. CORBITT
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

In the Circuit Court of Hansemond County, Virginia.

A. N. Phillips et als.

vs. In Chancery.

George Tynes, sometimes known as George Eley, et als.

To the Honorable James L. McLeMore, Judge of the said Court:-

Your petitioners, Alexander G. Eley and Frances Eley, his wife, respectfully show unto Your Honor the following facts:-

1st. That a suit is now pending in the Circuit Court of Hansemond County, Virginia, in which A. N. Phillips and others are complainants and George Tynes, sometimes known as George Eley, and others are defendants, the object of which said suit is to partition certain land in Hansemond County, Virginia, formerly belonging to William Tynes, sometimes known as William Phillips, deceased, George Tynes, sometimes known as George Eley, ~~deceased~~, and Nelson Tynes, deceased.

2nd. That on , to-wit, the ____ day of April, 1914, and before the institution of the said suit, George Tynes, sometimes known as George Eley, one of the defendants, departed this life, intestate and leaving the following as his heirs at law, to-wit:-

Robert M. Eley, whose wife is Annie L. Eley;
Jason Eley, whose wife is Viney Eley;
Hester R. Mitchell, whose husband is Wise Mitchell;
Wm. H. Eley, whose wife is Leanora Eley;
J. F. Eley, whose wife is Ida L. Eley;
Lizzie A. Whitney, whose husband is Nazareth Whitney;
Alexander G. Eley, whose wife is Frances Eley; and
Martha S. Eley, unmarried.

Therefore, your petitioners pray that they be allowed to file this, their petition, and that they be made parties to the said suit, ^{and that the relief prayed for in the bill be granted.} And they will ever pray, etc.

Sign here: Alexander G. Eley.

Alexander G. Eley.
Frances Eley.

" Frances Eley.

A. N. Phelps et als.

vs.

Geo. Tyner, etc. et als.

Petition of Alex. G. Ely & wife.

Filed

G. E. Barrett,
Clerk

JAMES H. CORBITT
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

In the Circuit Court of Nansemond County, Virginia.

A. N. Phillips et als.

vs. In Chancery.

George Tynes, sometimes known as George Eley, et als.

To the Honorable James L. McLeMore, Judge of the said Court:-

Your petitioners, W^m H. Eley and Leanova Eley, his wife,
respectfully show unto Your Honor the following facts:-

1st. That a suit is now pending in the Circuit Court of Nansemond County, Virginia, in which A. N. Phillips and others are complainants and George Tynes, sometimes known as George Eley, and others are defendants, the object of which said suit is to partition certain land in Nansemond County, Virginia, formerly belonging to William Tynes, sometimes known as William Phillips, deceased, George Tynes, sometimes known as George Eley, ~~deceased~~, and Nelson Tynes, ~~deceased~~.

2nd. That on, to-wit, the ____ day of April, 1914, and before the institution of the said suit, George Tynes, sometimes known as George Eley, ^{of} one the defendants, departed this life, intestate and leaving the following as his heirs at law, to-wit):-

Robert M. Eley, whose wife is Annie L. Eley;
Jason Eley, whose wife is Viney Eley;
Hester R. Mitchell, whose husband is Wise Mitchell;
Wm. H. Eley, whose wife is Leanova Eley;
J. F. Eley, whose wife is Ida L. Eley;
Lizzie A. Whitney, whose husband is Nazareth Whitney;
Alexander G. Eley, whose wife is Frances Eley; and
Martha S. Eley, unmarried.

Therefore, your petitioners pray that they be allowed to file this, their petition, and that they be made parties to ^{and that the relief prayed for in the bill be granted.} the said suit, And they will ever pray, etc.

Sign here: W^m H. Eley -

W^m H. Eley

Leanova Eley.

Leanova Eley

A. N. Phillips & als.
vs.

Geo. Tyner, &c. et als.

Petition of W. H. Eby & wife.

Filed
J. H. Corbitt
Clerk

JAMES H. CORBITT
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

In the Circuit Court of Hansemond County, Virginia.

A. N. Phillips et als.

vs. In Chancery.

George Tynes, sometimes known as George Eley, et als.

To the Honorable James L. McLemore, Judge of the said Court:-

Your petitioner~~x~~, Martha S. Eley, unmarried,
respectfully shows unto Your Honor the following facts:-

1st. That a suit is now pending in the Circuit Court of Hansemond County, Virginia, in which A. N. Phillips and others are complainants and George Tynes, sometimes known as George Eley, and others are defendants, the object of which said suit is to partition certain land in Hansemond County, Virginia, formerly belonging to William Tynes, sometimes known as William Phillips, deceased, George Tynes, sometimes known as George Eley, ~~xxxxxx~~, and Nelson Tynes, deceased.

2nd. That on , to-wit, the 15 day of April, 1914, and before the institution of the said suit, George Tynes, sometimes known as George Eley, one of the defendants, departed this life, intestate and leaving the following as his heirs at law, to-wit:-

Robert M. Eley, whose wife is Annie L. Eley;
Jason Eley, whose wife is Viney Eley;
Hester R. Mitchell, whose husband is Wise Mitchell;
Wm. H. Eley, whose wife is Leanora Eley;
J. F. Eley, whose wife is Ida L. Eley;
Lizzie A. Whitney, whose husband is Nazareth Whitney;
Alexander G. Eley, whose wife is Frances Eley; and
Martha S. Eley, unmarried.

* and that the relief prayed for in the bill be granted.
Therefore, your petitioner~~x~~ prays^{she} that ^{her} they be allowed to file this, ^{she} their petition, and that ^{a party} they be made parties to the said suit. And ^{she} they will ever pray, etc.

Sign here: Martha S. Eley.

Martha S. Eley
Per R.M.E

A. N. Phillips et als,

vs.

Geo. Tyner, etc. et als.

Petition of Martha S. Eley.

Attest
J. E. Corbitt
Clerk

JAMES H. CORBITT
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

In the Circuit Court of Nansemond County, Virginia.

A. N. Phillips et als.

vs. In Chancery.

George Tynes, sometimes known as George Eley, et als.

To the Honorable James I. McLeMore, Judge of the said Court:-

Your petitioners, Hester R. Mitchell and Wise Mitchell, her husband, respectfully show unto Your Honor the following facts:-

1st. That a suit is now pending in the Circuit Court of Nansemond County, Virginia, in which A. N. Phillips and others are complainants and George Tynes, sometimes known as George Eley, and others are defendants, the object of which said suit is to partition certain land in Nansemond County, Virginia, formerly belonging to William Tynes, sometimes known as William Phillips, deceased, George Tynes, sometimes known as George Eley, ~~deceased~~, and Nelson Tynes, ~~deceased~~.

2nd. That on, to-wit, the ____ day of April, 1914, and before the institution of the said suit, George Tynes, sometimes known as George Eley, ^{of} on the defendants, departed this life, intestate and leaving the following as his heirs at law, to-wit:-

Robert M. Eley, whose wife is Annie L. Eley;
Jason Eley, whose wife is Viney Eley;
Hester R. Mitchell, whose husband is Wise Mitchell;
Wm. H. Eley, whose wife is Leonora Eley;
J. F. Eley, whose wife is Ida L. Eley;
Lizzie A. Whitney, whose husband is Nazareth Whitney;
Alexander G. Eley, whose wife is Frances Eley; and
Martha S. Eley, unmarried.

Therefore, your petitioners pray that they be allowed to file this, their petition, ~~and~~ that they be made parties to ^{and that the relief prayed for in the bill be granted.} the said suit, [^] And they will ever pray, etc.

Wife here: Hester R. Mitchell -

Hester R. Mitchell

Wise Mitchell

Wise Mitchell

A. A. Phillips et al.

vs.

Geo. Tyner, Jr. et al.

Petition of Hester R. Mitchell
& husband.

Filed

W. E. Barrett,
Clerk

JAMES H. CORBITT
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

In the Circuit Court of Nansemond County, Virginia.

A. N. Phillips et als.

vs. In Chancery.

George Tynes, sometimes known as George Eley, et als.

To the Honorable James L. McLeMore, Judge of the said Court:-

Your petitioners, J. F. Eley and Ida L. Eley, his wife,
respectfully show unto Your Honor the following facts:-

1st. That a suit is now pending in the Circuit Court of Nansemond County, Virginia, in which A. N. Phillips and others are complainants and George Tynes, sometimes known as George Eley, and others are defendants, the object of which said suit is to partition certain land in Nansemond County, Virginia, formerly belonging to William Tynes, sometimes known as William Phillips, deceased, George Tynes, sometimes known as George Eley, ~~deceased~~, and Nelson Tynes, deceased.

2nd. That on , to-wit, the ____ day of April, 1914, and before the institution of the said suit, George Tynes, sometimes known as George Eley, one of the defendants, departed this life, intestate and leaving the following as his heirs at law, to-wit:-

Robert M. Eley, whose wife is Annie L. Eley;
Jason Eley, whose wife is Viney Eley;
Hester R. Mitchell, whose husband is Wise Mitchell;
Wm. H. Eley, whose wife is Leanora Eley;
J. F. Eley, whose wife is Ida L. Eley;
Lizzie A. Whitney, whose husband is Nazareth Whitney;
Alexander G. Eley, whose wife is Frances Eley; and
Martha S. Eley, unmarried.

Therefore, your petitioners pray that they be allowed to file this, their petition, and that they be made parties to
and that the relief prayed for in the bill be granted.
the said suit, And they will ever pray, etc.

Signature: J. F. Eley -

Ida L. Eley

J. F. Eley
Ida L. Eley

A. N. Phillips et al.

vs.

Geo. Tyner et al.

Petition of J. L. Eley & wife.

Filed
G. E. Burroughs,
Clerk

JAMES H. CORBITT
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

In the Circuit Court of Hansemond County, Virginia.

A. H. Phillips et als.

vs. In Chancery.

George Tynes, sometimes known as George Eley, et als.

To the Honorable James L. McLemore, Judge of the said Court:-

Your petitioners, Jason Eley and Viney Eley, his wife,
respectfully show unto Your Honor the following facts:-

1st. That a suit is now pending in the Circuit Court of Hansemond County, Virginia, in which A. H. Phillips and others are complainants and George Tynes, sometimes known as George Eley, and others are defendants, the object of which said suit is to partition certain land in Hansemond County, Virginia, formerly belonging to William Tynes, sometimes known as William Phillips, deceased, George Tynes, sometimes known as George Eley, deceased, and Nelson Tynes, deceased -

2nd. That on, to-wit, the 15 day of April, 1914, and before the institution of the said suit, George Tynes, sometimes known as George Eley, one of the defendants, departed this life, intestate and leaving the following as his heirs at law, to-wit:-

Robert M. Eley, whose wife is Annie L. Eley;
Jason Eley, whose wife is Viney Eley;
Hester R. Mitchell, whose husband is Wise Mitchell;
Wm. H. Eley, whose wife is Leonora Eley;
J. F. Eley, whose wife is Ida L. Eley;
Lizzie A. Whitney, whose husband is Nazareth Whitney;
Alexander G. Eley, whose wife is Frances Eley; and
Martha S. Eley, unmarried.

Therefore, your petitioners pray that they be allowed to file this, their petition, and that they be made parties to the said suit, ^{and that the relief prayed for in the bill be granted.} And they will ever pray, etc.

Sign here, Jason Eley → Jason Eley
" " Viney Eley → Viney Eley

A. H. Phillips et al.

v.

Geo. True et al.

Petition of Jason Eley & wife.

Filed
J. H. Corbitt
Clerk

JAMES H. CORBITT
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

VIRGINIA,

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

A. N. PHILLIPS, ET ALS.,

v.

GEORGE TYNES, ET ALS.

This cause came on this day to be again heard upon the papers formerly read and upon the report of James H. Corbitt, Special Commissioner, this day filed; and was argued by counsel.

On consideration whereof it appearing to the Court from the said report and the certificate of the cashier of the National Bank of Suffolk, Suffolk, Virginia, that in pursuance of the decree entered in this cause on the 9th day of January, 1917, said commissioner has deposited the sum of FOURTEEN AND 20/100 DOLIARS to the credit of this cause in the National Bank of Suffolk, Suffolk, Virginia, subject to be withdrawn therefrom by the following parties and in the following amounts:

Julia Wilson,.....	\$4.73
Georgia Wilson,.....	4.73
Samuel McDowell,.....	4.74
Total,.....	<u>\$14.20</u>

the Court doth approve and confirm the said report and the said deposit by the said special commissioner.

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

IN THE CIRCUIT COURT OF
HANSEMOND COUNTY, VIRGINIA.

A. N. PHILLIPS ET ALS.

v.

GEORGE TYNES, ET ALS.

DECREE.

Enter Jazy 13. 1917.
Jas S. W. Moore
Under Book # 5--
Page 82-

To the Honorable James L. McLemore, Judge of the
Circuit Court of Nansemond County, Virginia:-

Your complainants, A. N. Phillips and Chine Phillips, his wife, Hattie R. Bright and C. W. Bright, her husband, Mary V. Ferebee and Z. H. Ferebee, her husband, Georgia Morrisette and Jerry Morrisette, her husband, Jennie Potts and Alfred L. Potts, her husband, Louisa Robinson and Richard Robinson, her husband, and Annie Tynes, respectfully show unto the Court the following facts:-

1st. By deed dated July 1, 1876, admitted to record in the Clerk's Office of the Circuit Court of Nansemond County, Virginia on May 19, 1886 and recorded in D. B. No. 16, page 502, one Elijah Richards and Louisa Richards, his wife, conveyed to Eliza Tynes, widow of Archer Tynes, deceased, and Nelson Tynes, George Tynes and William Tynes (children of said Archer Tynes, deceased), land described in said deed as follows:-

A parcel of land in Chuckatuck District, Nansemond County, Virginia, containing twenty acres, more or less, being part of the farm on which the grantors now reside, purchased by said Elijah Richards of Augustus Daniel and wife by deed recorded; and which twenty acres of land are bounded as follows: North by the mill pond (formerly belonging to E. E. Phillips), East by a branch, which divides the land now sold from the land of Camilla Peel (late Thos. Goodson's), South by the remainder of said Richards' land, and West by a swamp, which divides the parcel sold from the other land of the said Richards, to be held by the parties of the second part in the following proportions, that is to say,

the said Nelson Tynes to take five acres, on either side of said twenty acres and part thereof, to have and hold as his own in fee simple. The said Eliza Tynes to hold a right equal to dower, in the remaining fifteen acres, and the fee simple title to the fifteen acres to be held equally by said Nelson Tynes, George Tynes and William Tynes"

land so
2nd. The said ^{land so} conveyed stands upon the tax books of Nansemond County in the name of "Nelson Tynes' Estate", and George Tynes, sometimes known as George Eley, one of the grantees in the above-mentioned deed, has for many years, to-wit, _____ years, enjoyed the sole use, rents and profits of and from the said real estate.

3rd. The said Eliza Tynes is now dead, and, therefore, her life interest in the said land, has ceased to exist.

4th. The said Nelson Tynes, being seized and possessed as above set out, departed this life some time in or about the year 1876, leaving a widow, Effie Tynes, since deceased, and the following children:-

Jennie Potts, wife of Alfred L. Potts, Louisa Robinson, wife of Richard Robinson, Annie Tynes, Georgia Morrisette, wife of Jerry Morrisette, and Sarah Wilson (or Williams), deceased.

The said Sarah Wilson (or Williams) is survived by the following children:-

Julia Wilson (or Williams), a legitimate child, and Georgia Wilson (or Williams) and Samuel McDowell, illegitimate children.

5th. The said William Tynes, who is sometimes

known as William Phillips, is now dead, he having been survived by the following children:-

A. N. Phillips, Hattie R. Bright, wife of C. W. Bright, Mary V. Ferebee, wife of Z. H. Ferebee, W. R. Phillips, and J. Poymer Phillips.

J. Poymer Phillips is now dead, intestate, and he leaves no children.

6th. And there may be other heirs of Nelson Tynes and of William Tynes, sometimes known as William Phillips, and other persons interested in the subject to be divided or disposed of, whose names are unknown.

7th. Your complainants state, further, that the ^{said} real estate is, as they believe, susceptible of partition among the parties entitled thereto, but, if it cannot be so divided, then your complainants desire that the same may be sold and the proceeds divided among the parties according to their respective rights. Should the property not be divisible in kind, your complainants believe, and ~~here~~ state, that the interests of those who are entitled to the said real estate or its proceeds will be promoted by the sale of the whole ~~of~~ the said real estate, or by an allotment of part and sale of the residue. And complainants further desire that the said George Tynes, sometimes known as George Eley, be ordered to render a true account of the profits and income of the said land, while the same has been in his possession.

IN TENDER CONSIDERATION WHEREOF, and forasmuch as your complainants are remediless in the premises save by the aid of a court of equity, where matters of this kind are alone and properly cognizable, your complainants pray that the said George Tynes, sometimes known as George Eley, W. R. Phillips and Mattie Phillips, his wife, Samuel McDowell, Georgia Wilson (or Williams), Julia Wilson (or Williams), the unknown heirs of Nelson Tynes, deceased, and of William Tynes, sometimes known as William Phillips, deceased, and all parties unknown, be made parties defendant to this bill and be required to answer same, but not under oaths, the oaths being hereby waived; that proper process issue; that the said George Tynes, sometimes known as George Eley, be made to render unto the parties entitled thereto a true account of the profits and income of the said real estate since the same has been in his possession, which said account shall be considered in the division of the property; that the said real estate be divided between the parties entitled thereto, and, in case it cannot be partitioned and divided in kind, that the same be exposed to sale and the proceeds divided among the parties entitled thereto; that all proper orders and decrees may be made, accounts taken and inquiries directed; and that all such other further and general relief may be had as in the premises may be just and right.

Notice is hereby given that the Court will be asked to allow a reasonable fee to complainants' counsel for conducting this case.

And your complainants will ever pray, etc.

James H. Borhitt and W. P. Lipscomb P. q.

A. M. Phillips et als,

vs. In Chancery.

Geo. Tynes, sometimes
known as Geo. Eley,
et als.

BILL.

*Filed June 1, 1914
L. E. Bunker,
Clerk.*

W. P. LIFSCOMB
ATTORNEY AT LAW
SUFFOLK, VA.

CIRCUIT COURT

SECOND MONDAY IN JANUARY, MARCH, MAY,
JULY AND OCTOBER

HON. JAMES L. McLEMORE, JUDGE
GEO. E. BUNTING, CLERK
S. E. EVERETT, COMMONWEALTH'S ATTORNEY
ALEX. H. BAKER, SHERIFF
C. R. FULGHAM, COUNTY TREASURER
LEE BRITT, COMMISSIONER OF ACCOUNTS

Mansemond County Clerk's Office

SUFFOLK, VA.,

A. J. Phillips et als,
vs. In Chancery:
George Tyner et als

Process issued Apr. 29, 1914; returnable to
May Rules; Third Monday 1914.

Ord. of Pub. vs. Samuel McDowell, Georgia Nelson
(or Williams), Julia Nelson (or Williams), the unknown
heirs at law of Nelson Tyner, dec'd., and William
Tyner, dec'd. sometimes known as William Phillips.
Affidavit in own residence filed.

Cop. of ord. posted at Court-house door
May 18, 1914 Process against H. R. Phillips and
Matis Phillips directed to Norfolk County Sheriff
returned unexecuted.

Alias as to H. R. Phillips and Matis Phillips.
to Norfolk Co. Sheriff.

June Rules, 1st Monday, Alias process as to H. R. Phillips &
Matis Phillips returned & executed by Norfolk Co. Sheriff.

June Rules 2nd Monday, 1914 Bill filed & process nisi as to H. R. Phillips &
Matis Phillips.

July Rules, 1st Monday, Process nisi as to H. R. & Matis Phillips confined
Ord. of Pub. as to other debts.

Rule Notes:

Writ Tax

160

Clark

Sheriff

Atty.

Printer

Deposit \$2.34

J. F. Corbett & M. P. Phillips et al.

N. L. Phillips et al.

11

George Tyner et al.

Final Decree entered

Jan 12, 1844

11

W. R. Phillips,

Box 131 G.

R. F. D.

Berkley
N^h

Copy of Costs

James H. Corbitt & W. P. Lipscomb p. q.

Taxed in the Suit of:

A. N. Phillips et als

vs.

George Tynes et als

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA

March 30, 1916.

Writ Tax			1.50
Clerk			11.16
Sheriff (Paid Shrf. of Norfolk Co. by Clerk)			1.00
Attorney			15.00
Commissioner			10.00
Printer, for Order of Publication, etc.			14.40
Four wits. fees			<u>5.84</u>
Deposit		7.50	58.90

Date of Judgment or Final Decree 191

Paid 191

Clerk



CURTIS L. OLD
NORFOLK COUNTY
PINE BEACH, VA.

COMMONWEALTH OF VIRGINIA

HOUSE OF DELEGATES

RICHMOND.

Smalls Pk Va May 16/14

Mr Y. E. Brunting

Chick Houseman B-

Dear Sir:—

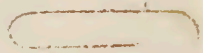
Have had the enclosed paper
in honor of all of my children and
have been unable to locate paper.
If you can find me address, will
be glad to try again

Very truly Yours

C. L. Old
Sheriff

Enclosed check for
\$1.00 for sent me

1000
1000
1000



VIRGINIA:

In the Clerk's Office of the Circuit Court of Nansemond County.

A. N. Phillips and Chine Phillips, his wife; Hattie R. Bright and C. W. Bright, her husband; Mary V. Ferebee and Z. H. Ferebee, her husband; Georgia Morrisette and Jerry Morrisette, her husband; Jennie Potts and Alfred L. Potts, her husband; Louisa Robinson and Richard Robinson, her husband; and Annie Tynes

.....Complainants.

AGAINST

George Tynes, sometimes known as George Eley; W. R. Phillips and Mattie Phillips, his wife; Samuel McDowell; Georgia Wilson (or Williams); and Julia Wilson (or Williams); and all parties unknown Defendants

The object of this suit is to partition certain land in Nansemond County, iVirginia, formerly belonging to William Tynes, sometimes known as William Phillips, deceased, George Tynes, sometimes known as George Eley, and Nelson Tynes, deceased.

And, it appearing by affidavit that diligence has been used on behalf of the complainants to ascertain in what county or corporation Samuel McDowell, Georgia Wilson (or Williams), Julia Wilosn (or Williams), the unknown heirs at law of Nelson Tynes, deceased, and of William Tynes, sometimes known as William Phillips, deceased: and all parties unknown, are, without effect, it is, therefore, ordered that the said Samuel McDowell, Georgia Wilson (or Williams, Julia Wilson (or Williams), the unknown heir sat law of Nelson Tynes, deceased, and of William Tynes, sometimes known as William Phillips, deceased, and all parties unknown appear within fifteen days after due publication of this order and do what is necessary to protect their interests.

And, no newspaper being prescribed by our said Circuit Court, it is further order and directed that this order be published once a week for four successive weeks in the Suffolk Herald, a newspaper printed in the City of Suffolk, Virginia.

C. E. BUNTING, Clerk.

James H. Corbitt and
W. P. Lipscomb, p. q.

May 8-4t.

Office of SUFFOLK HERALD.

SUFFOLK, VA., MAY 29 1914 190---

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

beginning May 8 1914-----and ending
May 29 1914-----

W J Kendrick
Editor Herald

Charges
36" \$1,440

Virginia:

In the Clerk's Office of the Circuit Court of Nansemond
County.

A.M. Phillips and
Chine Phillips, his wife;
Hattie R. Bright and
C.W. Bright, her husband;
Mary V. Ferebee and
Z.H. Ferebee, her husband;
Georgia Morrisette and
Jerry Morrisette, her husband;
Jennie Potts and
Alfred L. Potts, her husband;
Louisa Robinson and
Richard Robinson, her husband; and
Annie Tynes - - - - - Complainants.

AGAINST

George Tynes, sometimes known as
George Eley;
W.R. Phillips and
Mattie Phillips, his wife;
Samuel McDowell;
Georgia Wilson (or Williams);
and Julia Wilson (or Williams);
and all parties unknown - - - - - Defendants.

The object of this suit is to partition certain
land in Nansemond County, Virginia, formerly belonging to
William Tynes, sometimes known as William Phillips, ^{deceased} George
~~Tynes~~, sometimes known as George Eley, and Nelson Tynes, ^{deceased}.

And, it appearing by affidavit that diligence has
been used ~~by me~~ on behalf of the complainants to ascer-
tain in what county or corporation Samuel McDowell,
Georgia Wilson (or Williams), Julia Wilson (or Williams),
the unknown heirs at law of Nelson Tynes, deceased, and
of William Tynes, sometimes known as William Phillips,
deceased; and all parties unknown, are, without effect,
it is, therefore, ordered that the said Samuel McDowell,
Georgia Wilson (or Williams), Julia Wilson (or Williams),
the unknown heirs at law of Nelson Tynes, deceased, and
of William Tynes, sometimes known as William Phillips,
deceased, and all parties unknown appear within fifteen
days after due publication of this order and do what is
necessary to protect their interests.

And, no newspaper being prescribed by our said
Circuit Court, it is further ordered and directed that
this order be published once a week for four successive
weeks in the Suffolk Herald, a newspaper printed in the
City of Suffolk, Virginia.

W. P. L. L. L. Clerk.

James H. Corbitt & W. P. L. L. L. P. q.

Ord'p.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

A. N. Phillips and
Chine Phillips, his wife;
Hattie R. Bright and
C. W. Bright, her husband;
Mary V. Ferebee and
Z. H. Ferebee, her husband;
Georgia Morrisette and
Jerry Morrisette, her husband;
Jennie Potts and
Alfred L. Potts, her husband;
Louisa Robinson and
Richard Robinson, her husband; and
Annie Tynes - - - - - Complainants,

AGAINST

In Chancery.

George Tynes, sometimes known as
George Eley;
W. R. Phillips and
Mattie Phillips, his wife;
Samuel McDowell;
Georgia Wilson (or Williams);
and Julia Wilson (or Williams);
and all parties unknown - - - - - Defendants.

State of Virginia,
City of Suffolk, to-wit:-

This day personally appeared before me,

E. W. Jordan, a Notary Public in
and for the City of Suffolk and
State of Virginia, James H. Corbitt, attorney for the
complainants in the above-mentioned cause, and made oath
before me that diligence has been used on behalf of the
complainants to ascertain in what county or corporation
Samuel McDowell, Georgia Wilson (or Williams), Julia Wil-
son (or Williams), the unknown heirs at law of Nelson
Tyhes, deceased, and of William Tynes (or Phillips), de-
ceased; and all parties unknown are, without effect.

James H. Corbitt
Subscribed and sworn to before me this

29th day of April, 1914.

E. W. Jordan.

Notary Public.

my commission expires February 27, 1918.

Affidavit for Ord'n

Subscribed and sworn to before me this 13th day of May 1900

Notary Public for the State of Ohio

My commission expires the 13th day of May 1901

I, the undersigned, being a Notary Public for the State of Ohio, do hereby certify that the within and foregoing is a true and correct copy of the original of the same as the same appears from the records of the Court of Common Pleas for the County of Hamilton, Ohio, in and to which said Court the same was filed for record on the 13th day of May 1900.

Witness my hand and the seal of said State, at Cincinnati, Ohio, this 13th day of May 1900.

[Signature]

Notary Public for the State of Ohio

[Signature]

Notary Public for the State of Ohio

My commission expires the 13th day of May 1901

VIRGINIA:

In the Clerk's Office of the Circuit Court of the County of Nansemond.

A. M. Phillips et al Plff.)
vs.) In *Chancery*
George Tynnes et al Df't)

I hereby certify that on the *29th* day of *April* 19*14*

I posted a copy of the order of publication entered herein, at the front door of the Courthouse of the County of Nansemond; that being on or before the next succeeding rule day after said order was entered.

Given under my hand this *29th* day of *April*, 191*4*

G. B. Branton, Clerk,

By *[Signature]*, Deputy Clerk.

Certificate - Check
That Ord^y. has been
made.

To the Clerk of the Circuit Court of the County of
Nansemond, Virginia:-

A. N. Phillips and
Chine Phillips, his wife;
Hattie R. Bright and
C. W. Bright, her husband;
Mary V. Ferebee and
Z. H. Ferebee, her husband;
Georgia Morrisette and
Jerry Morrisette, her husband;
Jennie Potts and
Alfred Potts, her husband;
Louisa Robinson and
Richard Robinson, her husband; and
Annie Tynes - - - - - Complainants,

AGAINST

George Tynes, sometimes known as
George Eley;
W. R. Phillips and
Mattie Phillips, his wife;
Samuel McDowell;
Georgia Wilson (or Williams);
and Julia Wilson (or Williams);
and all parties unknown - - - - - Defendants.

IN CHANCERY.

Please issue summons in chancery, returnable
to Rules Third Monday in May
1914.

Jas. H. Hobbs and W. P. Lippcomb P. Q.

Direct summons for W. R. Phillips and Mattie
Phillips, his wife, to Sheriff of Norfolk County.

Direct summons for Samuel McDowell, Georgia
Wilson (or Williams), Julia Wilson (or Williams) and
George Tynes, sometimes known as George Eley, to Sheriff
of Nansemond County.

Memo

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON. George Tynes, sometimes called George Eley; W. R. Phillips and Mattie Phillips, his wife; Samuel McDowell; Georgia Wilson (or Williams); and Julia Wilson (or Williams), and all parties unknown:

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... Third ... Monday in ... May ... 1914 ..., to answer ... Bill in Chancery, exhibited against ... then

in the said Court by ... A. H. Phillips and China Phillips, his wife; Mattie R. Bright and C. W. Bright, her husband; Mary V. Percebe and A. H. Percebe, her husband; Georgia Morrisette and Jerry Morrisette, her husband; Fennie Potts and Alfred E. Potts, her husband; Louisa Robinson and Richard Robinson, her husband, and Annie Tynes.

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this... 29th, ... day of April ..., 1914 ..., in the 138 ... year of the Commonwealth.

A copy—Teste:

G. E. Bunting, Clerk.

Teste:

G. E. Bunting, Clerk.

Executed this.....day of....., 191... by delivering a true copy of the within process
to

in person, in the County of Nansemond, State of Virginia.

Sheriff.

J. H. Arbutt & W. P. Hildcomb, p. q.

A COPY
FOR

Julia Wilson (or
Williams)

vs.

In Chancery.

19...

19...
James... Rules.

.....Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 3

Page... 13

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON George Tynes, sometime known
as George Eley; W.R. Phillips and Mattie Phillips, his wife; Samuel McDowell;
Georgia Wilson (or Williams); Julia Wilson (or Williams) and all parties
unknown.

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 Third Monday in May 1914, to answer a Bill in
Chancery, exhibited against them

in the said Court by A.M. Phillips and China Phillips, his wife; Mattie R. Bright
and C.R. Bright, her husband; Mary V. Forebee and J.H. Forebee, her husband;
Georgia Morrisette and Jerry Morrisette, her husband; Jennie Potts and
Alfred L. Potts, her husband; Louisa Robinson and Richard Robinson, her husband;
Annie Tynes, a

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 29th day of
April, 1914, in the 13th year of the Commonwealth.

A copy—Teste:

G. E. Bunting, Clerk.

Teste:

G. E. Bunting, Clerk.

Executed this.....day of....., 191... by delivering a true copy of the within process
to

in person, in the County of Nansemond, State of Virginia.

Sheriff.

J. H. Corbitt & W. R. Rhipcom. &., p. q.

A COPY
FOR

George E. Myers
 sometimes known as
 George E. Myers
 vs. In Chancery.

1913...

.....*Forney*..... Rules.

.....*Third*.....Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 3...

Page..... 73

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

Norfolk
TO THE SHERIFF OF ~~NANSEMOND~~ COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON. George Tynes, sometime known as George Eley; W. R. Phillips and Mattie Phillips, his wife; Samuel McDowell; Georgia Wilson (or Williams); Julia Wilson (or Williams) and all parties unknown.

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... Third ... Monday in... May 1914 ..., to answer... a ... Bill in Chancery, exhibited against... them ...

in the said Court by. A. N. Phillips and Chine Phillips, his wife; Hattie R. Bright and C. W. Bright, her husband; Mary V. Ferebee and Z. H. Ferebee, her husband; Georgia Morrisette and Jerry Morrisette, her husband; Jennie Potts and Alfred L. Potts, her husband; Lousia Robinson and Richard Robinson, her husband; Annie Tynes, a ...

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this... 29th ... day of April ..., 1914 ..., in the 13. 8 ... year of the Commonwealth.

~~A copy~~ Teste:

Clerk

Teste:

Clerk.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON ~~George Tynes, sometimes called~~
~~George Eley; T. R. Phillips and Hattie Phillips, his wife; Samuel McDowell;~~
~~Georgia Wilson (or Williams); and Julia Wilson (or Williams), and all~~
~~parties unknown.~~

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 ~~third~~ Monday in ~~May~~ 1914, to answer a Bill in
Chancery, exhibited against ~~them~~

in the said Court by ~~A. H. Phillips and Gaine Phillips, his wife; Hattie R. Bright~~
~~and O. W. Bright, her husband; Mary V. Forabee and A. H. Forabee, her husband;~~
~~Georgia Morrinette and Jerry Morrinette, her husband; Jennie Potts and~~
~~Alfred L. Potts, her husband; Louisa Robinson and Richard Robinson, her~~
~~husband, and Annie Tynes.~~

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this ~~29th~~ day of
April, 1914, in the 13th year of the Commonwealth.

A copy—Teste:

 Clerk.

Teste:

 Clerk.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON. George Tynes, sometimes called
George Eley; W. R. Phillips and Hattie Phillips, his wife; Samuel McDowell;
Georgia Wilson (or Williams); and Julia Wilson (or Williams), and all
parties unknown.

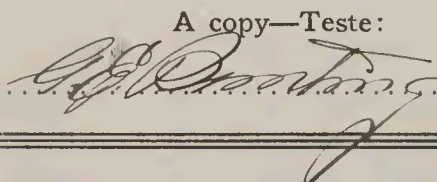
to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the
said Court, on the... Third ... Monday in ... May ... 1914 ..., to answer ... a ... Bill in
Chancery, exhibited against ... them

in the said Court by ... A. N. Phillips and Chine Phillips, his wife; Hattie R. Bright
and C. W. Bright, her husband; Mary V. Ferebee and J. H. Ferebee, her husband;
Georgia Morrisette and Jerry Morrisette, her husband; Jennie Potts and
Alfred L. Potts, her husband; Lousia Robinson and Richard Robinson, her
husband, and Annie Tynes.

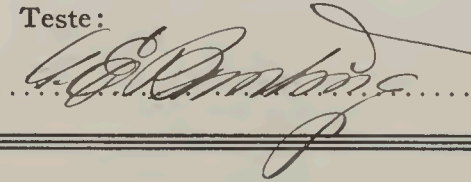
And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this ... 29th ... day of
April ..., 1914, in the 13⁸ ... year of the Commonwealth.

A copy—Teste:

 ..., Clerk.

Teste:

 ..., Clerk.

Executed this..... day of....., 191... by delivering a true copy of the within process
to

in person, in the County of Nansemond, State of Virginia.

Sheriff.

J. H. Corbitt (H. P. Publicant), p. q.

CONF
FOR

FOR
Georgia Wilson (or
Williams)

VS.

In Chancery.

19.4...

..... Rules.

..... Rules.
Sam Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 3...

Page... 23

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ^{Norfolk} ~~NANSEMOND~~ COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON ~~George Tynes, sometime known~~
~~as George Eley; W. R. Phillips and Mattie Phillips, his wife; Samuel McDowell;~~
~~Georgia Wilson (or Williams); Julia Wilson (or Williams) and all parties~~
~~unknown.~~

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 ~~Third~~ Monday in ~~May~~ 1914, to answer ~~a~~ Bill in
Chancery, exhibited against ~~them~~

in the said Court by ~~A. H. Phillips and Chine Phillips, his wife; Mattie R. Bright~~
~~and C. W. Bright, her husband; Mary V. Percebe and A. H. Percebe, her husband;~~
~~Georgia Morrisette and Jerry Morrisette, her husband; Jennie Potts and~~
~~Alfred L. Potts, her husband; Lousia Robinson and Richard Robinson, her husband;~~
~~Annie Tynes, a~~

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this ~~29th~~ day of
~~April~~ 1914, in the 13. ~~8~~ year of the Commonwealth.

A copy—Teste:

Teste:

~~G. E. Bunting~~, Clerk.

~~G. E. Bunting~~, Clerk.

in person, in the County of Nansemond, State of Virginia.

Sheriff.

J. A. Libbitt. & W. P. Hipscomb, p. q.

A COPY
FOR

W. D. Phillips

VS.

In Chancery.

1944...

..... Rules.

... *and* ... Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 3. . . .

Page. 23

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ^{Norfolk} NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON.. George Tynes, sometime known
as George Eley; W.R. Phillips and Mattie Phillips, his wife; Samuel McDowell;
Georgia Wilson (or Williams); Julia Wilson (or Williams) and all parties
unknown.

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... **Third** ... Monday in... **May 1914**, to answer..... **a** Bill in
Chancery, exhibited against... **them**

in the said Court by. **A.N. Phillips and Chine Phillips, his wife; Hattie R. Bright** ..
and C.W. Bright, her husband; Mary V. Ferebee and S.H. Ferebee, her husband; ...
Georgia Morrisette and Jerry Morrisette, her husband; Jennie Potts and ...
Alfred L. Potts, her husband; Lousia Robinson and Richard Robinson, her husband;
Annie Tynes, a

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this..... **29th** day of
..... **April**, **1914** .., in the **13.8** ... year of the Commonwealth.

A copy—Teste:

..... *G. E. Bunting*, Clerk. }

Teste:

..... *G. E. Bunting*, Clerk.

Executed this.....day of....., 191... by delivering a true copy of the within process
to

in person, in the County of Nansemond, State of Virginia.

Sheriff.

J. H. Corbett & H. P. Rife comb..., p. q.

**COPY
FOR**

Walter Phillips

VS.

In Chancery.

19.

Rules.

Monday.

NANSEMOND COUNTY COURT,

Process Book, No.....

Page.....

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

Norfolk

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON... George. Tynes, sometime known
.. as. George. Eley, W.R. Phillips and Mattie. Phillips, his wife; Samuel. McDowell;
.. Georgia. Wilson. (or. Williams); Julia. Wilson. (or. Williams). and all parties
.. unknown.

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... June... 1914..., to answer... a... Bill in
Chancery, exhibited against... them
in the said Court by. A.N. Phillips and Chine. Phillips, his wife; Hattie. R. Bright..
.. and C.W. Bright, her husband; Mary V. Ferebee and Z.H. Ferebee, her husband;
.. Georgia. Morrisette and Jerry. Morrisette, her husband; Jennie. Potts and....
.. Alfred L. Potts, her husband; Lousia Robinson and Richard Robinson her
.. husband; and Annie Tynes.

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this... 18th... day of
.. May..., 1914..., in the 138... year of the Commonwealth.

A copy—Teste:

Teste:

Clerk.

Clerk.

ORIGINAL

(Alias)

J.H. Corbitt & W.P. Lipscomb, p. q.

A.N. Phillips et als.

vs.

In Chancery.

George Tynes et als.

19. 14 ..

June Rules.

First Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 3...

Page 23.

Executed this 26 day of May, 1914, by delivering a true copy of the within process to *Ed R Phillips and Charles Phillips*

Christoph

E. L. Old
By J. M. Cunningham & Son
Sheriff.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON.. George. Tynes, sometimes called
. George. Eley; W. R. Phillips and Mattie Phillips, his wife; Samuel McDowell;
. Georgia Wilson (or Williams); and Julia Wilson (or Williams), and all.....
.. parties unknown.

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... Third..... Monday in.... May... 1914....., to answer..... a..... Bill in
Chancery, exhibited against..... them.....

in the said Court by..... A. N. Phillips and Chine Phillips, his wife; Hattie R. Bright
and C. W. Bright, her husband; Mary V. Ferebee and Z. H. Ferebee, her husband;...
. Georgia Morrisette and Jerry Morrisette, her husband; Jennie Potts and.....
Alfred L. Potts, her husband; Lousia Robinson and Richard Robinson, her.....
husband, and Annie Tynes.....

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this..... 29th..... day of
April....., 1914..., in the 138.... year of the Commonwealth.

A copy—Teste:

....., Clerk.

Teste:

....., Clerk.

Executed this day of 1911 by delivering a true copy of the within process to *Officer a constable a deputy sheriff in my* *County of Nansemond & Nansemond County* *any of the within named depts.* *May 14 1914*
in person, in the County of Nansemond, State of Virginia.

W. B. W. W. Sheriff.

J.H. Corbitt & W.P. Lipscomb, p. q.

A.N. Phillips et. als.

vs. } In Chancery.

George Tynes et. als.

1914

May Rules.

Third Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 3.

Page 123.

VIRGINIA,

IN THE CIRCUIT COURT OF NANSIMOND COUNTY:

A. N. PHILLIPS, ET ALS.

v.

GEORGE TYNES, ET ALS.

To the Honorable James L. McLemore, Judge:

The undersigned, James H. Corbitt, Special Commissioner, begs to report that pursuant to the decree entered in the aforesaid cause on the 9th day of January, 1917, he has deposited the said sum of FOURTEEN AND 20/100 DOLLARS to the credit of this cause in the National Bank of Suffolk, Suffolk, Virginia, subject to be withdrawn therefrom by the following parties and in the following amounts:

Julia Wilson,.....	\$4.73
Georgia Wilson,.....	4.73
Samuel McDowell,.....	4.74
Total,.....	<u>\$14.20</u>

as an evidence of which deposit your commissioner hereunto attaches a letter from A. Woolford, Cashier of said bank.

As nothing further remains to be done in this cause your commissioner recommends that it be removed from the docket.

Respectfully,

Jan 15, 1917.

James H. Corbitt

JAMES L. MCLEMORE, PRESIDENT
T. H. BIRDSONG, VICE-PREST.

A. WOOLFORD, CASHIER
C. E. HARGRAVE, ASST. CASHIER

CAPITAL AND SURPLUS \$270,000.00

NATIONAL BANK OF SUFFOLK

DESIGNATED CITY DEPOSITORY

SUFFOLK, VA., Jan. 13th, 1917.

Mr. James H. Corbitt,

Suffolk, Va.

Dear Sir:-

This is to acknowledge receipt of \$14.20 deposited by you as Special Commissioner in cause A. N. Phillips, et als., vs. George Tynes, et als., subject to be withdrawn from the bank by the following parties and in the following amounts:

Julia Wilson -	\$ 4.73
Georgia Wilson -	4.73
Samuel McDowell -	4.74
	\$14.20

Yours very truly,



Cashier.

W/T.

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY, VIRGINIA.

A. N. PHILLIPS ET ALS.

v.

GEORGE TYNES, ET ALS.

REPORT OF
SPECIAL COMMISSIONER.

*1917 Jan 13. filed.
J.H.M.*

JAMES H. CORBITT
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

VIRGINIA,

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

A. N. PHILLIPS, ET ALS.,

v.

GEORGE TYNES, ET ALS.

REPORT OF SPECIAL COMMISSIONER.

TO THE HONORABLE JAMES L. MCLEMORE, JUDGE:

The undersigned special commissioner begs to report that, pursuant to the decree entered in the aforesaid cause on the 31st day of October, 1916, of the ONE HUNDRED AND FORTY-TWO AND 02/100 DOLLARS he was directed to pay out and distribute he has paid out and distributed the following for which he shows receipts from the parties to whom the payments were made:

To heirs of Nelson Tynes, who owned 1/2 interest-		
Jennie Potts, 1/10	\$14.20	
Louisa Robinson, 1/10	\$14.20	
Annie Tynes, 1/10	\$14.20	
Georgia Morrisette 1/10	\$14.20	\$56.80
To heirs of William Tynes or William Phillips who owned 1/4 interest-		
A. N. Phillips, 1/16	8.88	
Hattie R. Bright, 1/16	8.88	
Mary V. Ferabee, 1/16	8.88	
W. R. Phillips, 1/16	8.87	\$35.51
To Robert M. Eley who has paid the debts of George Tynes, or George Eley, who owned 1/4 interest,-		\$35.51
TOTAL,		\$127.82

Your commissioner has been unable to find any trace ~~of~~ what-
ever of Julia Wilson, Georgia Wilson, and Samuel McDowell and still
has in has in hand the following amounts due them:

To Julia Wilson, 1/30	\$ 4.73
Georgia Wilson, 1/30	4.73
Samuel McDowell, 1/30	4.74
TOTAL,	\$14.20

Very respectfully,

James H. Corlett,
Special Commissioner.

January 8, 1917.

IN THE CIRCUIT COURT OF
NAMSEMOND COUNTY, VIRGINIA.

A. N. PHILLIPS, ET ALS.

v.

GEORGE TYNES, ET ALS.

REPORT
OF
SPECIAL COMMISSIONER.

1917 Jan 9. filed
J.S.M.

JAMES H. CORBITT
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

VIRGINIA,
IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

A. N. PHILLIPS, ET ALS.,
v.
GEORGE TYNES, ET ALS.

This cause came on this day to be again heard upon the papers formerly read and upon the report of James H. Corbitt, Special Commissioner, this day filed; and was argued by counsel.

On consideration whereof, it appearing to the Court that of the sum of ONE HUNDRED AND FORTY-TWO AND 02/100 DOLLARS in his hands that the said special commissioner by decree entered herein on the 31st day of October, 1916, ~~he~~ was ordered to pay out and distribute, he has actually paid out the sum of ONE HUNDRED AND TWENTY-SEVEN AND 82/100 DOLLARS, as follows:

To heirs of Nelson Tynes, who owned 1/2 interest-		
Jennie Potts,	1/10	\$14.20
Louisa Robinson,	1/10	\$14.20
Annie Tynes,	1/10	\$14.20
Georgia Morrisette	1/10	\$14.20
		\$56.80

To heirs of William Tynes or William Phillips who owned 1/4 interest-		
A. N. Phillips,	1/16	\$ 8.88
Hattie R. Bright,	1/16	8.88
Mary V. Ferebee,	1/16	8.88
W. R. Phillips,	1/16	8.87
		\$35.51

To Robert M. Eley who has paid the debts of George Tynes, or George Eley, who owned 1/4 interest -		\$35.51
TOTAL,-		\$127.82

and that he still has in his hands the sum of FOURTEEN AND 20/100 DOLLARS, as follows:

To Julia Wilson,	1/30	\$4.73
Georgia Wilson,	1/30	4.73
Samuel McDowell,	1/30	4.74
TOTAL,		\$14.20

the Court doth approve and confirm the said report and the payments

made by the said Commissioner, and it appearing to the Court that the said Special Commissioner has now in hand for distribution only the sum of FOURTEEN AND 20/100 DOLLARS it is adjudged, ordered and decreed that the said Special Commissioner deposit the said sum of \$14.20 to the credit of this cause in the National Bank of Suffolk, Suffolk, Virginia, subject to be withdrawn therefrom by the following parties and in the following amounts:

By	Julia Wilson,	\$4.73
	Georgia Wilson,	\$4.73
	Samuel McDowell,	\$4.74

and the said Special Commissioner will report to the Court.

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY, VIRGINIA.

A. N. PHILLIPS, ET ALS.,

v.

GEORGE TYNES, ET ALS.

DECREE.

Enterd July 9. 1917
Jas L. Moore

Under Book #5-

Page 80

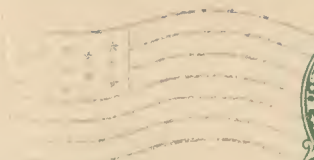
24 Hingham Mass Oct 2nd 1860
P. Portsmouth N.H.

Mr. Jos. H. Corbill

Attorney at Law
Suffolk Co

This is to certify.

that I Hester Mitchell in writing
that my Father depts. be paid out
of some respective Hester Mitchell
Edw. Lyce.



THIS SIDE OF CARD IS FOR ADDRESS

Mr Jos. H. Carbutt
Attorney at Law
Suffolk Va

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

A. N. Phillips, et als)
 ()
 v. (REPORT OF SPECIAL COMMISSIONER.
 ()
 George Tynes, et als (

The undersigned Special Commissioner, appointed by decree entered herein on the 13th day of October, 1914, begs to report that since his report, filed November 14, 1914, Robert M. Eley has paid to the Special Commissioner the balance of \$125.00 of the purchase price of the property sold, and \$7.50 interest, or a total of \$132.50, and that the said Commissioner has executed to the said Robert M. Eley a deed, with special warranty, conveying unto him the said property.

The said Special Commissioner further reports that, pursuant to the decree entered herein on November 14, 1914, he has made payments, and has a balance of \$142.02 in hand for distribution, as shown by the following statement:

To amount received from Robert M. Eley- Part payment purchase price of land	- \$ 150.00
To amount received from Robert M. Eley-Balance of purchase price of land \$125.00, Int. \$7.50	- 132.50
	<u>\$ 282.50</u>

By amount paid J.E. McGuire for printing hand bills advertising sale of land	- \$ 2.25
" amount paid J. Walter Hosier, Auctioneer	- 3.00
" amount paid Jones & Hines- 1st Premim on Special Commissioner's Bond	- 2.50
" amount paid Jones & Hines- 2nd Premium on Special Commissioner's Bond	- 2.50
" 5% commissions on \$275.00, purchase price	- 13.75
" deed to purchaser	- 10.00
" 1915 taxes on funds in hands of Commissioner	- .95
" 1916 taxes on funds in hands of Commissioner	- 2.00

TO amount brought forward - - \$ 282.50

BY amount brought forward - \$ 36.95

By Court Costs as follows:

Writ Tax	-	\$ 1.50	
Clerk	-	11.16	
Sheriff	-	1.00	
Suffolk Herald			
Order of Publication	-	14.40	
Taxed Attorney's fee	-	15.00	
Bradford Kilby, Commissioner	-	10.00	
4 Witnesses before Commissioner		5.84	- \$ 58.90

By fee allowed by court to Attorneys for plaintiff - 30.00

" paid Geo. E. Bunting, Clerk for 1912 taxes Nelson Tynes Est. sold to Commonwealth - 6.03

" paid Geo. E. Bunting, Clerk for 1914 taxes Nelson Tynes, Est. - 6.60

140.48
\$ 142.02

The said Special Commissioner reports that in accordance with the report of Bradford Kilby, Commissioner in Chancery, filed herein on October 2nd, 1914, the said balance of \$142.02 in hand should be paid out as follows:

TO heirs of Nelson Tynes, who owned

1/2 interest -		
Jennie Potts	1/10	\$ 14.20
Louise Robinson	1/10	14.20
Annie Tynes	1/10	14.20
Georgia Morri-		
sette	1/10	14.20
Julia Wilson	1/30	4.73
Georgia Wilson	1/30	4.73
Samuel McDowell	1/30	4.74
		<u>\$ 71.00</u>

TO heirs of William Tynes, or Phillips, who owned 1/4 interest -

A. N. Phillips	1/16	\$ 8.88
Hattie R. Bright	1/16	8.88
Mary V. Farebee	1/16	8.88
W.R. Phillips	1/16	8.87
		<u>\$ 35.51</u>

TO heirs of George Tynes, or Eley, who owned 1/4 interest -

Jason Eley	1/32	\$ 4.44
J. F. Eley	1/32	4.44
Robert M. Eley	1/32	4.44
Martha S. Eley	1/32	4.44
Alexander G. Eley	1/32	4.44
Lizzie A. Whitney	1/32	4.44
Wm. H. Eley	1/32	4.44
Hester R. Mitchell	1/32	4.43
		<u>\$ 35.51</u>
		<u>\$ 142.02</u>

The Special Commissioner further reports that George Tynes, sometimes known as George Eley, since the institution of the suit, died owing certain debts which have been paid by Robert M. Eley, one of the sons of George Eley, as follows:

C. J. Duke	-	\$ 17.25	
George King	-	5.85	
M. P. Hubbard &			
Company, Inc.	-	<u>15.00</u>	\$38.10

The heirs of George Tynes, sometimes known as George Eley, have requested me, out of the funds in hand that would come to them, to first pay the debts due by George Eley, and to divide the balance as the law directs. From the above report it will be seen that only \$35.51 would be coming to the heirs of George Eley, while the debts of George Eley, paid by Robert M. Eley, amount to \$38.10, consequently, the entire sum of \$35.51 should be paid to the said Robert M. Eley, and the Commissioner so recommends.

The Commissioner returns with this report the orders received by him from the said heirs of George Tynes, sometimes known as George Eley, requesting him to pay the said debts.

Oct. 9, 1916.

Respectfully,
James H. Carlett,
Special Commissioner

Phillips v. Tynes



MONTICELLO HOTEL

MONTICELLO REALTY CO
CHAS. H. CONSOLVO, PRESIDENT.

NORFOLK, VA. Dec 15-10

My dear Carrie

Dear Sir

You will find
a document inclosed
marked by my brother
Gordon Eley witnessed
by me to which I have
signed so I trust
that you have received
one from them all
Yours truly Robert M. Eley

Suffolk, Va. November 11th, 1915.

Mr. James H. Corbitt, Attorney.

Suffolk, Va.

Dear Sir:-

As one of the heirs of George Eley, sometimes known as George Tynes, I am writing to request you as Special Commissioner in the chancery suit in the Circuit Court of Hansemond County, Virginia, entitled A. N. Phillips et als against George Tynes et als sometimes known as George Eley, out of the funds that may be in your hands due the heirs of George Eley, to pay first, the debts due by the said George Eley as follows:

C. J. Duke	\$17.85
George King	5.85
M.P. Hubbard & Co., Inc	\$15.00

The debt due M. P. Hubbard & Co., Inc being represented by a note for that amount dated August 5th, 1914, and signed by Lizzie B. Eley, my mother, who signed the same in behalf of my fathers estate, he having obtained from M. P. Hubbard & Co., Inc fertilizer used on the farm for the year 1914, the balance of the funds to be divided as the law directs, between the heirs of George Eley, of which I am one.

Yours very truly,

Geo. Eley
mark

Robert H. Eley

Suffolk, Va. November 11th, 1915.

Mr. James H. Carbutt, Attorney.

Suffolk, Va.

Dear Sir:-

As one of the heirs of George Eley, sometimes known as George Tynes, I am writing to request you as Special Commissioner in the chancery suit in the Circuit Court of Hansemond County, Virginia, entitled A. W. Phillips et als against George Tynes et als sometimes known as George Eley, out of the funds that may be in your hands due the heirs of George Eley, to pay first, the debts due by the said George Eley as follows:

C. J. Duke	\$17.25
George King	5.85
M.P. Hubbard & Co., Inc	\$15.00

The debt due M. P. Hubbard & Co., Inc being represented by a note for that amount dated August 5th, 1914, and signed by Lizzie B. Eley, my mother, who signed the same in behalf of my fathers estate, he having obtained from M. P. Hubbard & Co., Inc fertilizer used on the farm for the year 1914, the balance of the funds to be divided as the law directs, between the heirs of George Eley, of which I am one.

Yours very truly,

Jason Eley
per R M E

2/15 Schwaet St
Phila. Penn.



HOTEL KAATERSKILL
KAATERSKILL, N.Y.

Nov. 16th 1915

Mr James, H. Gortitt

Suffolk, Va.

Dear Sir,

I enclose find the
note which was of Mrs
through my Brother Robt M.
Ely, concerning the debt
and the sale of land
and the settlement of same which
is in your hands I submit to the
same

Yours Respectfully
J. Franklin Ely

Phillips
Eley

Suffolk, Va., November 11th, 1915.

Mr.. James H. Corbitt, Attorney.
Suffolk, Va.

Dear Sir:-

As one of the heirs of George Eley, sometimes known as George Tynes, I am writing to request you as Special Commissioner, in the chancery suit in the Circuit Court of Nansemond County, Virginia, entitled A. N. Phillips et als against George Tynes sometimes known as George Eley et als, out of the funds that may be in your hands due the heirs of George Eley, to pay first the debts due by the said George Eley as follows:

C. J. Duke	\$17.25
George King	5.85
M. P. Hubbard & Co., Inc	\$15.00

The debt due M. P. Hubbard & Co., Inc being represented by a note for that amount dated August 5th, 1914, and signed by Lizzie B. Eley, my mother, who signed the same in behalf of my fathers estate, he having obtained from M. P. Hubbard & Co., Inc, fertilizer used on the farm for the year 1914, the balance of the funds to be divided as the law directs, between the heirs of George Eley, of which I am one.

Yours very truly,

J. Franklin Eley

Huffolk, Va., November 11th, 1915.

Mr. James H. Garbitt, Attorney.

Huffolk, Va.

Dear Sir:-

As one of the heirs of George Eley, sometimes known as George Tynes, I am writing to request you as Special Commissioner, in the chancery suit in the Circuit Court of Hanover County, Virginia, entitled A. H. Phillips et als against George Tynes sometimes known as George Eley et als, out of the funds that may be in your hands due the heirs of George Eley, to pay first the debts due by the said George Eley as follows:

G. J. Duke	\$17.16
George King	5.85
M. P. Hubbard & Co., Inc	\$15.00

The debt due M. P. Hubbard & Co., Inc being represented by a note for that amount dated August 5th, 1914, and signed by Lizzie B. Eley, my mother, who signed the same in behalf of my fathers estate, he having obtained from M. P. Hubbard & Co., Inc, fertilizer used on the farm for the year 1914, the balance of the funds to be divided as the law directs, between the heirs of George Eley, of which I am one.

Yours very truly,

(Mar) Martha S. Eley Beck

921 Redmon St

10 / 11 1915 Indianapolis
Jas. H. Corbitt, At At Low. Ind

Suffolk Va

Dear Sir. a short time ago
i received a letter from
R. M. Eley My Brother stating
that if i was willing for
Fathers depts shall be settled
out of same when a
Final settlement for the land
will be mad I owe 1st ar 10 for
me to please in farm you
so i will state to you
in this letter that i am
willing from

Alexander. G. Eley

921 Redmon St

Indianapolis Indiana

*Phillips
v.
Eley*
Suffolk, Va. November 11th, 1915.

Mr. James H. Corbitt, Attorney.

Suffolk, Va.

Dear Sir:-

As one of the heirs of George Eley, sometimes known as George Tynes, I am writing to request you as Special Commissioner in the chancery suit in the Circuit Court of Nansemond County, Virginia, entitled A. N. Phillips et als against George Tynes et als sometimes known as George Eley, out of the funds that may to in your hands due the heirs of George Eley, to pay first, the debts due by the said George Eley as follows:

C. J. Duke	\$17.25
George King	5.85
M.P. Hubbard & Co., Inc	\$15.00

The debt due M. P. Hubbard & Co., Inc being represented by a note for that amount dated August 5th, 1914, and signed by Lizzie B. Eley, my mother, who signed the same in behalf of my fathers estate, he having obtained from M. P. Hubbard & Co., Inc fertilizer used on the farm for the year 1914, the balance of the funds to be divided as the law directs, between the heirs of George Eley, of which I am one.

Yours very truly,

Lizzie B. Eley

Phillips

Tynes

Suffolk, Va., November 11th, 1915.

Mr. James H. Corbitt, Attorney.

Suffolk, Va.

Dear Sir:-

As one of the heirs of George Eley, sometimes known as George Tynes, I am writing to request you as Special Commissioner, in the chancery suit in the Circuit Court of Nansemond County, Virginia, entitled A. W. Phillips et als against George Tynes sometimes known as George Eley et als, out of the funds that may be in your hands due the heirs of George Eley, to pay first the debts due by the said George Eley as follows:

C. J. Duke	\$17.25
George King	5.85
M. P. Hubbard & Co., Inc	\$15.00

The debt due M. P. Hubbard & Co., Inc being represented by a note for that amount dated August 5th, 1914, and signed by Lizzie B. Eley, my mother, who signed the same in behalf of my fathers estate, he having obtained from M. P. Hubbard & Co., Inc, fertilizer used on the farm for the year 1914, the balance of the funds to be divided as the law directs, between the heirs of George Eley, of which I am one.

Yours very truly,

William H. Eley

P. Smith

Suffolk, Va., November 11th, 1915.

Mr. James H. Corbitt, Attorney.

Suffolk, Va.

Dear Sir:-

As one of the heirs of George Eley, sometimes known as George Tynes, I am writing to request you as Special Commissioner, in the chancery suit in the Circuit Court of Hanseman County, Virginia, entitled A. H. Phillips et als against George Tynes sometimes known as George Eley et als, out of the funds that may be in your hands due the heirs of George Eley, to pay first the debts due by the said George Eley as follows:

C. J. Duke	\$17.25
George King	5.85
M. P. Hubbard & Co., Inc	\$15.00

The debt due M. P. Hubbard & Co., Inc being represented by a note for that amount dated August 5th, 1914, and signed by Lizzie B. Eley, my mother, who signed the same in behalf of my fathers estate, he having obtained from M. P. Hubbard & Co., Inc, fertilizer used on the farm for the year 1914, the balance of the funds to be divided as the law directs, between the heirs of George Eley, of which I am one.

Yours very truly,

Hester R. Mitchell

Nov 17th 1916-

In the Circuit Court
of Nansemond County.

A. N. Phillips et als

v.
George Tyner et als

Report of
Special Commissioner

1916 Octo. 31. J. H. C.

JAMES H. CORBITT
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

A. N. PHILLIPS, et als,	)	
	)	
v	)	DECREE.
	)	
GEORGE TYNES et als.	)	

This cause came on this day to be again heard on the papers formerly read, and upon the report of James H. Corbitt, Special Commissioner, this day filed, and was argued by counsel. Upon consideration whereof, the court doth approve and confirm said report; and it appearing to the court that the special commissioner after paying all expenses of sale, costs, and so forth, in these proceedings has a balance of \$142.02 in hand for distribution, which said amount should be distributed among the heirs of Nelson Tynes, the heirs of William Tynes, sometimes known as William Philips, and the heirs of George Tynes, sometimes known as George Eley, as follows:

To heirs of Nelson Tynes, who owned			
1/2 interest -			
Hennie Potts	1/10,	\$14.20	
Louise Robinson,	1/10	14.20	
Annie Tynes,	1/10	14.20	
Georgia Morri-			
sette,	1/10	14.20	
Julia Wilson,	1/30	4.73	
Georgia Wilson,	1/30	4.73	
Samuel McDowell,	1/30	4.74	\$71.00
To heirs of William Tynes, or Philips,			
who owned 1/4 interest -			
A. N. Philips	1/16	8.88	
Hattie R. Bright,	1/16	8.88	
Mary V. Ferebee,	1/16	8.88	
W. R. Philips,	1/16	8.87	\$35.51
To heirs of George Tynes or Eley,			
who owned 1/4 interest -			
Jason Eley,	1/32	4.44	
J. F. Eley,	1/32	4.44	
Robert M. Eley,	1/32	4.44	
Martha S. Eley,	1/32	4.44	
Alexander G. Eley,	1/32	4.44	
Lizzie A. Whitney	1/32	4.44	
Wm. H. Eley	1/32	4.44	
Hester R. Mitchell,	1/32	4.43	\$35.51
\$142.02			

And it appearing from the said report that George Tynes, sometimes known as George Eley, since the institution of this suit, died owing certain debts which have been paid by Robert M. Eley, one of the sons of George Eley, as follows:

C. J. Duke,	_____	\$17.25
George King,	_____	5.85
M. P. Hubbard, & Co.	_____	15.00
Total,	_____	<u>\$38.10</u>

and that the heirs of George Tynes sometimes known as George Eley have requested the commissioner out of the funds in his hands that would come to them, to first pay the debts due by George Eley and to divide the balance as the law directs; and it further appearing that the debts due by the said George Eley are in excess of what would be his share in the said estate, it is ordered, adjudged and decreed that the said James H. Corbitt, Special Commissioner, pay out and distribute the said sum of \$142.02 in his hands, as follows:

To heirs of Nelson Tynes, who owned		
1/2 interest -		
Jennie Potts, 1/10	\$ 14.20	
Louise Robinson 1/10	14.20	
Annie Tynes, 1/10	14.20	
Georgia Morrisette, 1/10	14.20	
Julia Wilson 1/30	4.73	
Georgia Wilson, 1/30	4.73	
Smauel McDowell, 1/30	4.74	\$71.00
To heirs of William Tynes, or William		
Philips, who owned 1/4 interest -		
A. N. Philips 1/16	\$ 8.88	
Hattie R. Bright, 1/16,	8.88	
Mary V. Ferebee 1/16	8.88	
W. R. Philips, 1/16	8.87	\$35.51
To Robert M. Eley, who has paid the debts of		
George Tynes, or George Eley, who owned		
1/4 interest -		\$35.51

And the said Special Commissioner will report to the Court.

VIRGINIA.
IN THE CIRCUIT COURT OF
HANSEMOND COUNTY.

A. N. PHILIPS ET ALS.
v.
GEORGE TYNES ET ALS.

DECREE.

Octo. 31. 1916.

Enter,

Jas. M. L. Moore

Under Book 5-

Page 64

JAMES H. CORBITT
ATTORNEY AND COUNSELLOR AT LAW
SUFFOLK, VIRGINIA

Virginia:

In the Circuit Court of Nansemond County.

A. N. Phillips et als,

vs.

George Tynes, sometimes known as
George Eley, et als.

This cause came on this day to be again heard on the papers formerly read, and upon the report of James H. Corbitt, Special Commissioner, this day filed, and was argued by counsel.

UPON CONSIDERATION WHEREOF, the Court doth approve and confirm the report of the said Special Commissioner, and it appearing to the Court that the property directed to be sold by decree entered in this cause on the 13th day of October, 1914, was advertised in accordance with the requirements of the said decree, that the sale was well advertised and was held on a day when the weather was good, and no objection being made to the confirmation of the said sale, by any of the parties in interest, it is adjudged, ordered and decreed that the sale of the said property to Robert M. Eley, one of the parties to this suit, as reported by said Special Commissioner, for the sum of \$275.00 be, and the same hereby is, confirmed; and it appearing to the Court that said Robert M. Eley has paid \$150.00 of the purchase money in cash to the said Special Commissioner, and desires a period not to exceed one year from the date of sale within which to pay the balance of \$125.00, it is, further, adjudged, ordered and decreed that, upon the payment to the Special Commissioner of the said balance of \$125.00, he execute to said Robert M. Eley or to whomever he may direct a deed, with special warranty, conveying ^{unto him} ~~the~~ the said property.

And it is further adjudged, ordered and decreed that said Special Commissioner shall disburse the \$150.00 already

paid as follows:-

FIRST. He shall pay all costs and expenses of the sale.

SECOND. He shall pay to the Clerk of this Court all costs taxable in the suit, including the fee allowed Commissioner Bradford Kilby for his report filed ^{October 2} ~~July 13~~, 1914; and \$30. to James H. Corbitt and W. P. Lipscomb, their attorneys' fee for conducting this suit.

THIRD. To the Treasurer of Mansemond County the amount of delinquent taxes for the year 1912, and also the taxes for the year 1914.

The residue of the cash payment then in the hands of the Special Commissioner he shall retain until said Robert M. Eley, the purchaser, shall pay the remainder of the purchase money, at which time he shall report to Court for further decree.

And this cause is continued.

Phillips et al.

vs.

Fyres, et al.

Deceit confirming sale.

Entered Nov. 14. 1914.

Jas L M Lmore.

Under Book No. 4-

Page 676-

Enter first

Virginia:

In the Circuit Court of Nansemond County.

A. N. Phillips et als,

vs.

George Tynes, sometimes known
as George Eley, et als.

TO THE HONORABLE JAMES L. MCLEMORE, JUDGE:-

The undersigned James H. Corbitt, Special Commissioner, reports that, pursuant to a decree entered in this cause on the 13th day of October, 1914, he proceeded, after having advertised the time, place and terms of sale in the manner directed in the aforesaid decree, to sell at public auction the real estate of which William Tynes, sometimes known as William Phillips, deceased, George Tynes, sometimes known as George Eley, now deceased, and Nelson Tynes, deceased, died seized and possessed, also fully set forth and described in the said decree and as shown by a copy of the hand bill, marked "Exhibit A." hereunto attached and made a part of this report, and that at the aforesaid sale Robert M. Eley became the purchaser thereof for the sum of \$275.00, he being the highest bidder. He paid \$150.00 cash and asked for the term of one (1) year from day of sale within which to pay the balance of \$125.00.

Your Commissioner reports that the sale of the property was well advertised, that the weather was good on the day of sale, that the property brought \$25.00 more than the estimated fee-simple value thereof as fixed by Commissioner Bradford Kilby in his report of ^{October 2,} ~~July 13,~~ 1914, and that, consequently, your Commissioner thinks the sale should be confirmed.

Very respectfully,

James H. Corbitt

Special Commissioner.

Commissioner's Sale

OF

REAL ESTATE!

By authority of a decree entered on the 13th of October, 1914, in the chancery cause of A. N. Phillips et als, vs George Tynes, etc. et als, pending in the Circuit Court of Nansemond county, Virginia, the undersigned will sell at public auction, to the highest bidder, in front of the Law Building, in Suffolk, Virginia, on

Saturday, Oct. 31, 1914

AT 12 O'CLOCK, M.

The following property, located in Nansemond County, Va.:

"A parcel of land in Chuckatuck District, Nansemond county, Va., containing twenty acres, more or less, being part of the farm on which the grantors now reside, purchased by said Elijah Richards of Augustus Daniel and wife by deed recorded; and which twenty acres of land are bounded as follows: North by the mill pond (formerly belonging to E. E. Phillips); East by a branch which divides the land now sold from the land of Camilla Peel (late Thos. Goodson's); South by the remainder of said Richards' land; West by a swamp, which divides the parcel sold from the other land of the said Richards," said real estate having been sold and conveyed to Eliza Tynes, widow of Archie Tynes, deceased, and Nelson Tynes, George Tynes, and William Tynes (children of said Archer Tynes, all now deceased) by Elijah Richards and Louisa Richards, his wife, by deed dated July 1, 1876, and recorded in the County Clerk's Office in D. B. No. 16, page 502.

Terms: One-third cash, one-third on a credit of twelve months, and the residue on a credit of two years from the day of sale, the credit installments to bear interest from the day of sale; bonds for the deferred payments to be taken from the purchaser, and the title to be retained until the further order of Court; with the right to the purchaser to pay the entire purchase price on the day of sale, if he so desires.

The sale is subject to confirmation by the Court.

JAMES H. CORBITT, Special Commissioner.

October 14, 1914.

VIRGINIA — In the Clerk's Office of the Circuit Court of Nansemond County:—

I, G. E. Bunting, Clerk of the Circuit Court of Nansemond County, Virginia, do certify that the bond required of James H. Corbitt as Special Commissioner under the decree of said Court, entered on the 13th day of October, 1914, in the chancery cause pending in said Court, between A. N. Phillips et als. complainants, and George Tynes, etc., et als, defendants, has been executed with security deemed sufficient by me.

Given under my hand this 14th day of October, 1914.

G. E. BUNTING, Clerk.

Phillips et als.

vs.

Tynes, etc, et als.

~~Decree~~ Confirming sale.
Report of Special commis.

1914 Nov. 14. filed
J.H.M.

Under Book No. 4 -
Page 675-

Virginia:

In the Circuit Court of Nansemond County,

A. N. Phillips et als,

vs.

George Tynes, sometimes known
as George Eley, et als.

This cause came on this day, to be again heard on the papers formerly read, and upon the report of Commissioner Bradford Kilby, filed October 2, 1914, to which report there is no exception; and was argued by counsel.

ON CONSIDERATION WHEREOF, it appearing unto the Court, from said report, that the real estate in the bill mentioned can not be conveniently divided in kind between the several parties entitled to share therein; that no party will take the entire property and pay therefor to the other parties such sums of money as their interests therein may entitle them to; that the interest of those entitled to the said property will be promoted by a sale of the entire property, rather than an allotment of part and sale of the residue; that the labor and improvements put upon the place, and the taxes paid thereon, by George Tynes, sometimes known as George Eley, deceased, (who had sole charge of said property for the twenty years preceding his death) about off-set all benefits derived by him from the occupation of said property; the Court doth approve and confirm the said report, and doth adjudge, order and decree that James H. Corbitt, who is hereby appointed a special commissioner for the purpose, do proceed, after having first advertised the time, place and terms of sale by hand-bills posted in conspicuous places in the county of Nanse-

mond fifteen days before the day of sale, ^{to sell,} at public auction,
the following real estate of which William Tynes, sometimes
known as William Phillips, deceased, George Tynes, sometimes
known as George Eley, now deceased, and Nelson Tynes, de-
ceased, died seized and possessed, said real estate being
bounded and described as follows:

"A parcel of land in Chuckatuck District, Nanse-
mond County, Virginia, containing twenty acres, more or less,
being part of the farm on which the grantors now reside, pur-
chased by said Elijah Richards of Augustus Daniel and wife by
deed recorded; and which twenty acres of land are bounded as
follows: North by the mill pond (formerly belonging to E.E.
a branch which divides the land now sold from
Phillips), East by ^{the} land of Camilla Peel (late Thos. Good-
son's), South by the remainder of said Richards' land, and
West by a swamp, which divides the parcel sold from the other
land of the said Richards; said real estate having been sold
and conveyed to Eliza Tynes, widow of Archer Tynes, deceased,
and Nelson Tynes, George Tynes, and William Tynes (children
of said Archer Tynes, all now deceased) by ~~XXXXXXXXXXXX~~
Elijah Richards and Louisa Richards, his wife, by deed dated
July 1, 1876, and recorded in the County Clerk's Office in
D. B. No. 16, page 502; and upon the following terms, to-wit,
one-third cash, one-third on a credit of twelve months, and the
residue on a credit of two years from the day of sale, the
credit installments to bear interest from the day of sale; tak-
ing from the purchaser bonds for the deferred payments, and the
title to be retained until the further order of Court; with the
right to the purchaser to pay the entire purchase price on the

day of sale, if he so desires.

But the said special commissioner, James H. Corbitt, shall receive no money under this decree until he shall have entered into bond, with a sufficient security, in the Clerk's Office of this Court, payable to the Commonwealth of Virginia, in the penalty of \$500, and conditioned for the faithful performance of his duties hereunder.

And the said special commissioner is directed to report his proceedings hereunder to the Court.

And this cause is continued.

A. N. Phillips et al.

vs.

Geo. Tynes, etc. et al.

Decree confirming Report
of Commissioner, Bradford
Hilby.

Enter Octo. 13. 1916

Jas M. Lomax.

Witness that said

has been given

Order Book 4 -

Page 667.

W. P. LIPSCOMB
ATTORNEY AT LAW
SUFFOLK, VA.

In the Circuit Court of Hansemond County, Virginia.

A. N. Phillips et als,

vs.

George Tynes, sometimes known
as George Eley, et als.

This day came counsel for complainants and presented to the Court the separate petitions of Jason Eley and Viney Eley, his wife; J. F. Eley and Ida L. Eley, his wife; Robert M. Eley and Annie L. Eley, his wife; Marth~~s~~ S. Eley; Alexander G. Eley and Frances Eley, his wife; Lizzie A. Whitney and Nazareth A. Whitney, her husband; Wm. H. Eley and Leanora Eley, his wife; and Hester R. Mitchell and Wise Mitchell, her husband; setting forth the fact that they are the heirs at law of George Tynes, sometimes known as George Eley, one of the defendants in this suit, who died just prior to its institution, and praying that they be made parties to the said suit; which said petitions are hereby ordered filed and said petitioners are hereby made parties defendant to this suit.

A.N. Phillips et als.

vs. Chancery.

Geo. Tynes, etc. et als.

Decree making Jason

Eley et als parties

defendant.

Enter, July 12, 1914.

As Lullmore.

*Entered in Chancery
Under Book No. 4.
Page 655.*

W. P. LIPSCOMB
ATTORNEY AT LAW
SUFFOLK, VA

In the Circuit Court of Nansemond County, Virginia.

A. N. Phillips et als,

vs.

George Tynes, sometimes known
as George Eley, et als.

This cause, in which complainants have proceeded against Samuel McDowell, Georgia Wilson (or Williams), Julia Wilson (or Williams) in the mode prescribed by law against absent defendants, and as to the unknown heirs at law of Nelson Tynes, deceased, and of William Tynes, sometimes known as William Phillips, deceased, and all parties unknown, in the mode prescribed by law against unknown defendants, came on this day to be heard on the bill and upon the petitions of Robert M. Eley and others, heirs at law of George Tynes, sometimes known as George Eley, ^{one of the defendants,} who departed this life just prior to the institution of this suit, asking that they be made parties to the suit; the said bill being taken for confessed as to the defendants W. R. Phillips and Mattie Phillips, they having been duly served with process and still failing to appear and plead, answer and demur to the said bill; and was argued by counsel for complainants.

Upon consideration whereof, the Court doth adjudge, order and decree that the papers in this cause be referred to one of the commissioners of this Court, who shall take and state and report to Court the following accounts:-

(1). An account of the estate of which William Tynes, sometimes known as William Phillips, deceased, George Tynes, sometimes known as George Eley, now deceased, and

Nelson Tynes, deceased, died seized and possessed, together with its fee-simple and annual value.

(2). The liens thereon, if any, together with their amounts, dignities and priorities, and whether the said real estate has ever been sold for delinquent taxes.

(3). Whether the said real estate is divisible in kind among the parties entitled thereto, without a sacrifice of interest.

(4). Whether any of the parties in interest will take the whole of the said real estate, and pay to the other parties in interest for their respective shares therein.

(5). If said real estate be not divisible in kind, whether it will be to the best interest of all concerned to sell the said real estate, and divide the proceeds thereof among those entitled to receive the same.

(6). Whether all parties in interest are properly before the Court.

(7). Whether any party in interest, or his or her ancestor, has received any rents, issues, profits, or usufruct of any kind, from said real estate, for which he or she has not accounted to the others interested therein, and, if so, the amount so received and not accounted for.

(8). Any other matter deemed pertinent by said commissioner, or which may be required to be so stated by any party in interest.

And the said commissioner will make report of all transactions under this decree to the Court.

And this cause is continued.

✓
A.W. Phillips et als.

vs. Chancery.

Geo. Tynes, etc. et als.

Decree of Reference.

Enter, July 13, 1914.

J. S. McNamee.

*Entered in Chancery
Order Book No. 4-
Page 656.*

To A.N. Phillips and Chine Phillips, his wife, Hattie R. Bright and C.W. Bright, her husband, Mary V. Ferebee and Z.H. Ferebee, her husband, Georgia Morrisette and Jerry Morrisette, her husband, Jennie Potts and Alfred Potts, her husband, Louisa Robinson and Richard Robinson, her husband, and Annie Tynes, Complainants.

and George Tynes, sometimes known as George Eley, W.R. Phillips and Mattie Phillips, his wife, Samuel McDowell, Georgia Wilson or Williams, Julia Wilson or Williams, Jason Eley and Viney Eley, his wife, J.F. Eley and Ida E. Eley, his wife, Robert M. Eley and Annie L. Eley, his wife, Martha S. Eley, Alexander G. Eley, and Frances Eley, his wife, Lizzie A. Whitney and Nazareth A. Whitney, her husband, Wm. A. Eley and Leonora Eley, his wife, Hester R. Mitchell and Wise Mitchell, her husband, and all parties unknown.

Defendants.

You are hereby notified that on the 24th day of August 1914 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 to be taken, stated, settled and reported to court in pursuance of the decree of the Circuit Court of Nansemond County Va. rendered on the 13th. day of July 1914 in the suit in chancery pending in said court, to which you are parties plaintiff and defendant, to-wit:

- (1) An account of the estate of which William Tynes, sometimes known as William Phillips, deceased, George Tynes, sometimes known as George Eley, now deceased, and Nelson Tynes, deceased, died seized and possessed, together with its fee-simple and annual value.
 - (2) The liens thereon, if any, together with their amounts, dignities and priorities and whether the said real estate has ever been sold for delinquent taxes.
 - (3) Whether the said real estate is divisible in kind among the parties entitled thereto, without a sacrifice of interest.
 - (4) Whether any of the parties in interest will take the whole of the said real estate and pay the other parties in interest for their respective shares therein.
 - (5) If the said real estate be not dividible in kind, whether it will be to the best interest of all concerned to sell the said real estate and divide the proceeds thereof among those entitled to receive the same.
 - (6) Whether all parties in interest are properly before the court.
 - (7) Whether any party in interest or his or her ancestor has received any rents, issues or profits or usufruct of any kind from said real estate for which he or she has not accounted to the others interested therein, and of so, the amount so received and not accounted for.
 - (8) Any other matter deemed pertinent by said commissioner or which may be required to be so stated by any party in interest.
- Given under my hand as Commissioner in Chancery of said Court the 10th. day of August 1914.

Bradford Kilby

Commissioner in Chancery.

174 Service of the above notice is hereby accepted this day of August, 1914.

Robert M. Eley

Anna L. Eley

Service is hereby accepted for complainants
this 20th of August, 1914
James H. Corbett, Jr.
U. P. L. procm, N. Y.

To A.M. Phillips and Chine Phillips, his wife, Mattie R. Bright and C.W. Bright, her husband, Mary V. Ferebee and E.H. Ferebee, her husband, Georgia Morrisette and Jerry Morrisette, her husband, Jennie Potts and Alfred Potts, her husband, Louisa Robinson and Richard Robinson, her husband, and Annie Tynes, Complainants.

and George Tynes, sometimes known as George Eley, W.R. Phillips and Mattie Phillips, his wife, Samuel McDowell, Georgia Wilson or Williams, Julia Wilson or Williams, Jason Eley and Viney Eley, his wife, J.F. Eley and Ida F. Eley, his wife, Robert M. Eley and Annie L. Eley, his wife, Lizzie A. Whitney and Nazareth A. Whitney, her husband, Martha S. Eley, Alexander G. Eley and Frances Eley, his wife, M.M. Eley and Leonora Eley, his wife, Rester R. Mitchell and Wise Mitchell, her husband, and all parties unknown.

Defendants.

You are hereby notified that on the th 24 day of August 1914, 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 to be taken, stated and settled and reported to court in pursuance of the decree of the Circuit Court of Nansemond County, Va. rendered on the 13th. day of July 1914, in the suit in chancery pending in said court to which you are parties defendant and plaintiff, to-wit:

(1) An account of the estate of which William Tynes, sometimes known as William Phillips, deceased, George Tynes, sometimes known as George Eley, now deceased, and Nelson Tynes, deceased, died seized and possessed, together with its fee-simple and annual value.

(2) The liens thereon, if any, together with their amounts, dignities and priorities, and whether the said real estate has ever been sold for delinquent taxes.

(3) Whether the said real estate is divisible in kind among the parties entitled thereto, without a sacrifice of interest.

(4) Whether any of the parties in interest will take the whole of the said real estate and pay the other parties in interest for their respective shares therein.

(5) If the said real estate be not divisible in kind, whether it will be to the best interest of all concerned to sell the said real estate and divide the proceeds thereof among those entitled to receive the same.

(6) Whether all parties in interest are properly before the court.

(7) Whether any party in interest or his or her ancestor has received any rents, issues or profits or usufruct of any kind from said real estate for which he or she has not accounted to the others interested therein, and if so, the amount so received and not accounted for.

(8) Any other matter deemed pertinent by said commissioner or which may be required to be so stated by any party in interest.

Given under my hand as Commissioner in Chancery of said court the 10th. day of August 1914.

Bradford Hilby

Commissioner in Chancery

Service of the above notice is hereby accepted this
day of August, 1914.

Hester R. Mitchell

Wise Mitchell

To A.N. Phillips and Chine Phillips, his wife, Hattie R. Bright and C.W. Bright, her husband, Mary V. Ferebee and Z.H. Ferebee, her husband, Georgia Morrisette and Jerry Morrisette, her husband, Jennie Potts and Alfred Potts, her husband, Louisa Robinson and Richard Robinson, her husband, and Annie Tynes, Complainants.

and
George Tynes, sometimes known as George Eley, W.R. Phillips and Mattie Phillips, his wife, Samuel McDowell, Georgia Wilson or Williams, Julia Wilson or Williams, Jason Eley and Viney Eley, his wife, J.F. Eley and Ida L. Eley, his wife, Robert M. Eley and Annie L. Eley, his wife, Martha S. Eley, Alexander G. Eley, and Frances Eley, his wife, Lizzie A. Whitney and Nazareth A. Whitney, her husband, Wm. H. Eley and Leonora Eley, his wife, Hester R. Mitchell and Wise Mitchell, her husband, and all parties unknown.

Defendants.

You are hereby notified that on the 24 day of August 1914 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 to be taken, stated, settled and reported to court in pursuance of the decree of the Circuit Court of Nansemond County Va. rendered on the 13th. day of July 1914 in the suit in chancery pending in said court, to which you are parties plaintiff and defendant, to-wit:

(1) An account of the estate of which William Tynes, sometimes known as William Phillips, deceased, George Tynes, sometimes known as George Eley, now deceased, and Nelson Tynes, deceased, died seized and possessed, together with its fee-simple and annual value.

(2) The liens thereon, if any, together with their amounts, dignities and priorities and whether the said real estate has ever been sold for delinquent taxes.

(3) Whether the said real estate is divisible in kind among the parties entitled thereto, without a sacrifice of interest.

(4) Whether any of the parties in interest will take the whole of the said real estate and pay the other parties in interest for their respective shares therein.

(5) If the said real estate be not divisible in kind, whether it will be to the best interest of all concerned to sell the said real estate and divide the proceeds thereof among those entitled to receive the same.

(6) Whether all parties in interest are properly before the court.

(7) Whether any party in interest or his or her ancestor has received any rents, issues or profits or usufruct of any kind from said real estate for which he or she has not accounted to the others interested therein, and of so, the amount so received and not accounted for.

(8) Any other matter deemed pertinent by said commissioner or which may be required to be so stated by any party in interest.

Given under my hand as Commissioner in Chancery of said Court the 10th. day of August 1914.

Bradford Kilby
Commissioner in Chancery.

Service of the above notice is hereby accepted this
day of August, 1914.

Alexander Eley.
Francis Eley.

To A.N. Phillips and Chine Phillips, his wife, Mattie R. Bright and C.F. Bright, her husband, Mary V. Perebee and W.H. Perebee, her husband, Georgia Morrisette and Jerry Morrisette, her husband, Jennie Potts and Alfred Potts, her husband, Louisa Robinson and Richard Robinson, her husband, and Annie Tynes, Complainants.

and George Tynes, sometimes known as George Eley, F.R. Phillips and Mattie Phillips, his wife, Samuel McDowell, Georgia Wilson or Williams, Julia Wilson or Williams, Jason Eley and Viney Eley, his wife, J.P. Eley and Ida F. Eley, his wife, Robert M. Eley and Annie L. Eley, his wife, Lizzie A. Whitney and Nazareth A. Whitney, her husband, Martha S. Eley, Alexander G. Eley and Frances Eley, his wife, M.R. Eley and Leonora Eley, his wife, Rester B. Mitchell and Wise Mitchell, her husband, and all parties unknown.

Defendants.

You are hereby notified that on the 24th day of August 1914, 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 to be taken, stated and settled and reported to court in pursuance of the decree of the Circuit Court of Hansemond County, Va. rendered on the 13th day of July 1914, in the suit in chancery pending in said court to which you are parties defendant and plaintiff, to-wit:

(1) An account of the estate of which William Tynes, sometimes known as William Phillips, deceased, George Tynes, sometimes known as George Eley, now deceased, and Nelson Tynes, deceased, died seized and possessed, together with its fee-simple and annual value.

(2) The liens thereon, if any, together with their amounts, dignities and priorities, and whether the said real estate has ever been sold for delinquent taxes.

(3) Whether the said real estate is divisible in kind among the parties entitled thereto, without a sacrifice of interest.

(4) Whether any of the parties in interest will take the whole of the said real estate and pay the other parties in interest for their respective shares therein.

(5) If the said real estate be not divisible in kind, whether it will be to the best interest of all concerned to sell the said real estate and divide the proceeds thereof among those entitled to receive the same.

(6) Whether all parties in interest are properly before the court.

(7) Whether any party in interest or his or her ancestor has received any rents, issues or profits or usufruct of any kind from said real estate for which he or she has not accounted to the others interested therein, and if so, the amount so received and not accounted for.

(8) Any other matter deemed pertinent by said commissioner or which may be required to be so stated by any party in interest.

Given under my hand as Commissioner in Chancery of said court the 10th day of August 1914.

Bradford Kilby

Commissioner in Chancery.

Service of the above notice is hereby accepted this
_____ day of August, 1914.

Wm. H. Eley

Leonora Eley

To A.B. Phillips and Thine Phillips, his wife, Mattie R. Bright and C.B. Bright, her husband, Mary V. Ferebee and E.H. Ferebee, her husband, Georgia Morrisette and Jerry Morrisette, her husband, Jennie Potts and Alfred Potts, her husband, Louisa Robinson and Richard Robinson, her husband, and Annie Tynes, Complainants.

and
George Tynes, sometimes known as George Eley, F.B. Phillips and Mattie Phillips, his wife, Samuel Mcowell, Georgia Wilson or Williams, Julia Wilson or Williams, Jason Eley and Vinay Eley, his wife, J.F. Eley and Ida F. Eley, his wife, Robert E. Eley and Annie Eley, his wife, Lizzie Whitney and Nazareth L. Whitney, her husband, Martha C. Eley, Alexander C. Eley and Frances Eley, his wife, M.H. Eley and Leonora Eley, his wife, Bessie C. Mitchell and Miss Mitchell, her husband, and all parties unknown.

Defendants.

You are hereby notified that on the 24th day of August 1914, 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 to be taken, stated and settled and reported to court in pursuance of the decree of the Circuit Court of Hansemond County, Va. rendered on the 15th day of July 1914, in the suit in Chancery pending in said court in which you are parties defendant and plaintiff, to-wit:

(1) An account of the estate of which William Tynes, sometimes known as William Phillips, deceased, George Tynes, sometimes known as George Eley, now deceased, and Nelson Tynes, deceased, died seized and possessed, together with its fee-simple and annual value.

(2) The liens thereon, if any, together with their amounts, dignities and priorities, and whether the said real estate has ever been sold for delinquent taxes.

(3) Whether the said real estate is divisible in kind among the parties entitled thereto, without a sacrifice of interest.

(4) Whether any of the parties in interest will take the whole of the said real estate and pay the other parties in interest for their respective shares therein.

(5) If the said real estate is not divisible in kind, whether it will be to the best interest of all concerned to sell the said real estate and divide the proceeds thereof among those entitled to receive the same.

(6) Whether all parties in interest are properly before the court.

(7) Whether any party in interest or his or her ancestor has received any rents, issues or profits or usufruct of any kind from said real estate for which he or she has not accounted to the others interested therein, and if so, the amount so received and not accounted for.

(8) Any other matter deemed pertinent by said commissioner or which may be required to be so stated by any party in interest.

Given under my hand as commissioner in Chancery of said court the 10th day of August 1914.

Bradford Kilby
Commissioner in Chancery.

Service of the above notice is hereby accepted this
day of August, 1914.

Lizzie C. Whitney.

Nazareth A. Whitney.

chard

To A.N. Phillips, and Chine Phillips, his wife, Mattie R. Bright and C.W. Bright, her husband, Mary V. Perebee and Z.H. Perebee, her husband, Georgia Morrisette and Jerry Morrisette, her husband, Jennie Potts, and Alfred Potts, her husband, Louisa Robinson and Richard Robinson, her husband, and Annie Tynes, complainants.

and
George Tynes, sometimes known as George Eley, A.R. Phillips and Mattie Phillips, his wife, Samuel McDowell, Georgie Wilson, or Williams, Julia Wilson or Williams, Jason Eley and Viney Eley, his wife, J.F. Eley and Ida L. Eley, his wife, Robert W. Eley and Annie L. Eley, his wife, Martha S. Eley, Alexander S. Eley, and Frances Eley, his wife, Lizzie A. Whitney and Nazareth A. Whitnes, her husband, M.H. Eley and Leonora Eley, his wife, Hester S. Mitchell and Wise Mitchell, her husband, and all parties unknown.

Defendants.

You are hereby notified that on the 24th day of August 1914, 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 to be taken, stated and settled and reported to court in pursuance of the decree of the Circuit Court of Hansemond County, Va. rendered on the 13th day of July 1914, in the suit in chancery pending in said court to which you are parties defendant and plaintiff, to-wit:

(1) An account of the estate of which William Tynes, sometimes known as William Phillips, deceased, George Tynes, sometimes known as George Eley, now deceased, and Nelson Tynes, deceased, died seized and possessed, together with its fee-simple and annual value.

(2) The liens thereon, if any, together with thier amounts, dignities and priorities, and whther the said real estate has ever been sold for delinquent taxes.

(3) Whether the said real estate is divisible in kind among the parties entitled thereto, without a sacrifice of interest.

(4) Whether any of the parties in interest will take the whole of the said real estate and pay the other parties in interest for their respective shares therein.

(5) If the said real estate be not dividible in kind, whether it will be to the best interest of all concerned to sell the said real estate and divide the proceeds thereof among those entitled to receive the same.

(6) Whether all parties in interest are properly before the court.

(7) Whether any party in interest or his or her ancestor has received any rents, issues or profits or usufruct of any kind from said real estate for which he or she has not accounted to the others interested therein, and if so, the amount so received and not accounted for.

(8) Any other matter deemed pertinent by said commissioner or which may be required to be so stated by any party in interest.

Given under my hand as Commissioner in Chancery of said Court the 10th day of August 1914.

Bradford Kilby

Commissioner in Chancery.

17 Service of the above notice is hereby accepted this day of August, 1914.

Jason Eley

Viney Eley

Robert M Eley answer
for us Aug 24th 14

To A.M. Phillips and Chine Phillips, his wife, Mattie R. Bright and C.T. Bright, her husband, Mary V. Ferebee and Z.H. Ferebee, her husband, Georgia Morrisette and Jerry Morrisette, her husband, Jennie Potts and Alfred Potts, her husband, Louise Robinson and Richard Robinson, her husband, and Annie Tynes, Complainants.

and George Tynes, sometimes known as George Eley, W.R. Phillips and Mattie Phillips, his wife, Samuel McLowell, Georgia Wilson or Williams, Julia Wilson or Williams, Jason Eley and Viney Eley, his wife, J.P. Eley and Ida L. Eley, his wife, Robert W. Eley and Annie L. Eley, his wife, Martha L. Eley, Alexander G. Eley, and Frances Eley, his wife, Lizzie A. Whitney and Sazereth A. Whitney, her husband, M.H. Eley and Leonora Eley, his wife, Wester A. Mitchell and Wise Mitchell, her husband, and all parties unknown.

Defendants.

You are hereby notified that on the ²⁴ day of August 1914 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 to be taken, stated, settled and reported to court in pursuance of the decree of the Circuit Court of Henric County Va. rendered on the 13th day of July 1914 in the suit in Chancery pending in said court, to which you are parties plaintiff and defendant, to-wit:

- (1) an account of the estate of which William Tynes, sometimes known as William Phillips, deceased, George Tynes, sometimes known as George Eley, now deceased, and Nelson Tynes, deceased, died seized and possessed, together with its fee-simple and annual value.
- (2) The liens thereon, if any, together with their amounts, dignities and priorities and whether the said real estate has ever been sold for delinquent taxes.
- (3) Whether the said real estate is divisible in kind among the parties entitled thereto, without a sacrifice of interest.
- (4) Whether any of the parties in interest will take the whole of the said real estate and pay the other parties in interest for their respective shares therein.
- (5) If the said real estate be not divisible in kind, whether it will be to the best interest of all concerned to sell the said real estate and divide the proceeds thereof among those entitled to receive the same.
- (6) Whether all parties in interest are properly before the court.
- (7) Whether any party in interest or his or her ancestor has received any rents, issues or profits or usufruct of any kind from said real estate for which he or she has not accounted to the others interested therein, and of so, the amount so received and not accounted for.
- (8) Any other matter deemed pertinent by said commissioner or which may be required to be so stated by any party in interest.

Given under my hand as Commissioner in Chancery of said Court the 10th day of August 1914.

Bratford Kilby
Commissioner in Chancery.

W.F.H. Service of the above notice is hereby accepted this day of August, 1914.

Martha S. Eley
J.W. R.M. Eley

To A.M. Phillips and Chine Phillips, his wife, Mattie B. Bright and C.B. Bright, her husband, Mary V. Ferebee and L.H. Ferebee, her husband, Georgia Morrisette and Jerry Morrisette, her husband, Jennie Potts and Alfred Potts, her husband, Louisa Robinson and Richard Robinson, her husband, and Annie Tynes, Complainants.

and

George Tynes, sometimes known as George Eley, F.B. Phillips and Mattie Phillips, his wife, Samuel McLowell, Georgia Wilson or Williams, Julia Wilson or Williams, Jason Eley and Viney Eley, his wife, J.W. Eley and Ida W. Eley, his wife, Robert W. Eley and Annie L. Eley, his wife, Lissie L. Whitney and Lazaroth L. Whitney, her husband, Martha L. Eley, Alexander S. Eley and Frances Eley, his wife, M.H. Eley and Leonora Eley, his wife, Bester L. Mitchell and Wise Mitchell, her husband, and all parties unknown.

Defendants.

You are hereby notified that on the ^{24th} day of *August* 1914, 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 to be taken, stated and settled and reported to court in pursuance of the decree of the Circuit Court of Hanover County, Va. rendered on the 13th day of July 1914, in the suit in chancery pending in said court to which you are parties defendant and plaintiff, to-wit:

(1) An account of the estate of which William Tynes, sometimes known as William Phillips, deceased, George Tynes, sometimes known as George Eley, now deceased, and Nelson Tynes, deceased, died seized and possessed, together with its fee-simple and annual value.

(2) The liens thereon, if any, together with their amounts, dignities and priorities, and whether the said real estate has ever been sold for delinquent taxes.

(3) Whether the said real estate is divisible in kind among the parties entitled thereto, without a sacrifice of interest.

(4) Whether any of the parties in interest will take the whole of the said real estate and pay the other parties in interest for their respective shares therein.

(5) If the said real estate be not divisible in kind, whether it will be to the best interest of all concerned to sell the said real estate and divide the proceeds thereof among those entitled to receive the same.

(6) Whether all parties in interest are properly before the court.

(7) Whether any party in interest or his or her ancestor has received any rents, issues or profits or usufruct of any kind from said real estate for which he or she has not accounted to the others interested therein, and if so, the amount so received and not accounted for.

(8) Any other matter deemed pertinent by said commissioner or which may be required to be so stated by any party in interest.

Given under my hand as Commissioner in Chancery of said court the 10th. day of August 1914.

Bradford Kilby
Commissioner in Chancery.

Service of the above notice is hereby accepted this
_____ day of August, 1914.

J. F. Eley

Chas. L. Eley

Virginia,

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

A.N. Phillips et als.)

v.

George Tynes et als.)

In Chancery.

Commissioner's office,

Suffolk, Va. Aug. 24, 1914.

To Honorable James L. McLemore, 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, 1914 in the suit in chancery pending in said court between A.N. Phillips et als, Complainants and George Tynes et als, Defendants, the undersigned, Bradford Kilby, on of the Commissioners in Chancery of said court, respectfully reports as follows:

That on the 10th. day of August 1914, your commissioner gave notice to the parties to said suit that he would proceed on the 24th day of August 1914, at his office in Suffolk, Va. to make the several inquiries required by said decree to be made by one of the commissioners in chancery of said court.

That sufficient and legal service of the said notice was duly accepted by the parties to said suit as will appear by the endorsements on the notices herewith returned.

That on the 24th. day of August 1914, at his affice, your commissioner took the depositions of W.R. Phillips, Robert M. Eley,))

Hobday L. Saunders and W. A. King
touching said inquiries which depositions are herewith returned.

That from the testimony of said witnesses and from information otherwise obtained, your commissioner reports as follows:

(1)

The real estate of which William Tynes, sometimes known as William Phillips, George Tynes, sometimes known as George Eley, and Nelson Tynes, died seised and possessed, is as follows:

A parcel of land described by a deed dated July 1, 1876 and recorded in Deed-book No. 16, page 502 in Nansemond County Clerk's office, Va. by which Elijah Richards and Louisa Richards, his wife, conveyed to Eliza Tynes, widow of Archer Tynes, deceased, and Nelson Tynes, George Tynes, and William Tynes, (children of said Archer Tynes, deceased), the said land, described as follows:

" A parcel of land in Chuckatuck District, Nansemond County, Virginia, containing twenty acres, more or less, being part of the farm on which the grantors now reside, purchased by said Elijah Richards of Augustus Daniel and wife by deed recorded; and which twenty acres of land are bounded as follows: North by the mill pond (formerly) belonging to E. E. Phillips), East by the land of Camilla Peel, (late Thos. Goodson's); South by the remainder of said Richards' land and West by a swamp, which divides the parcel sold from the other land of the said Richards, to be held by the parties of the second part in the following proportions, that is to say, the said Nelson Tynes to take five acres, on either side of said twenty acres and part thereof, to have and to hold as his own in fee-simple. The said Eliza Tynes to hold a right equal to dower, in the remaining fifteen acres, and the fee-simple title to the fifteen acres to be held equally by said Nelson Tynes, George Tynes and William Tynes."

The fee-simple value of said land is about \$ 250. 00.

The annual value of said land is about \$ 20. 00.

(2)

There are no liens on said land.

It has been sold ~~for~~ to the Commonwealth for delinquent taxes for the year 1912, said sale having taken place on Jan. 5, 1914 and the amount of delinquent taxes being \$4.86.

Taxes for the year 1913 have been paid.

(3)

The said real estate is not divisible in kind among the parties entitled thereto, without a sacrifice of interest.

(4)

No one in interest will take the whole of the said real estate and pay the other parties in interest for their respective shares.

(5)

It will be to the best interest of all parties concerned to sell the said real estate and divide the proceeds thereof among those entitled to receive the same, *and not to allot a part and sell the residue.*

(6)

All parties in interest are properly before the court.

(7)

George Eley has had sole charge of the said real estate for the past twenty years, and has received the usufruct from the same, which was very small, only about three acres being in cultivation. He never rented the land or sold any wood therefrom, but cut some fire wood for his own use. He paid the taxes on said real estate, kept up the wood fences and put wire fence around part of it, and cleared some of the land, about three acres. From the testimony, your commissioner is of the opinion that the payment of the taxes, and the labor and improvements George Eley put upon the place about off-set all benefits he derived from the same. He did not live upon the property, as there is no dwelling on the same. The real estate is situated about one-half mile back from the Main County Road.

(8)

There is no other matter deemed pertinent by your commissioner or which may be required to be so stated by any party in interest. W.R. Phillips, Mattie Phillips, Robert M. Eley and Alexander G. Eley, all being witnesses from Norfolk, Va. appeared in person before your commissioner and should be allowed fees for their attendance and mileage.

Respectfully submitted this 24th. day of August 1914.

Bradford Kilby
Commissioner in Chancery.

Comr.'s fee: \$10.

Attorney's fee:

The interests of the several parties to this suit in said land or the proceeds thereof are as follows:

(1)

Heirs of Nelson Tyner who owned $\frac{1}{2}$ interest in said land.
1) Jennie Patts, a daughter $\frac{1}{10}$; Louisa Robinson, a daughter $\frac{1}{10}$; Annie Tyner, a daughter $\frac{1}{10}$; Georgia Morrisette, a daughter $\frac{1}{10}$; Julia Wilson, a grand-daughter $\frac{1}{30}$; Georgia Wilson, a grand-daughter $\frac{1}{30}$; and Samuel McDowell, a grand-son, $\frac{1}{30}$, the last three being the children of Sarah Wilson deceased, a daughter of Nelson Tyner.

(2)

Heirs of William Tyner or Phillips, who owned an $\frac{1}{4}$ interest in said land: A. N. Phillips $\frac{1}{16}$; Hattie R. Bright, $\frac{1}{16}$; Mary V. Forebee, $\frac{1}{16}$, and W. R. Phillips, $\frac{1}{16}$, all four being children of Wm Tyner.

(3)

Heirs of George Tyner or Eley who owned an $\frac{1}{4}$ interest:
Jason Eley, $\frac{1}{32}$; J. F. Eley, $\frac{1}{32}$; Robt. M. Eley, $\frac{1}{32}$; Martha S. Eley, $\frac{1}{32}$; Alexander H. Eley, $\frac{1}{32}$; Lizzie A. Whitney, $\frac{1}{32}$; Wm. N. Eley, $\frac{1}{32}$; Hester R. Mitchell, $\frac{1}{32}$; all eight being children of George Tyner.

Bradford Kilby
Comr. in Chancery.

W.A.King, being duly sworn, deposes as follows:

Q. What is your name, age, residence, occupation and are you acquainted with the land in the bill mentioned?

A. W.A.King, Treas. of Suffolk, formerly Nansemond County Deputy Tr.; age, 60 years; residence Suffolk; I know the land well.

Q. What in your opinion is the fee-simple value of it, also its annual value?

A. Fee-simple value about \$200. and annual value about \$25.

And further this deponent saith not.

Signature waived.

Hobday^X Saunders, being duly sworn, deposes as follows:

Q. What is your name, age, residence, occupation and are you acquainted with the land in the bill mentioned in this cause?

A. Hobday^X Saunders, age thirty-two, farmer, live in Chuckatuck District in Nansemond County, I know the land well. It is very near mine. It is poor land, marshy, and only about 3 acres cleared.

Q. What in your opinion is the fee-simple and annual value of it?

A. Fee-simple ~~about~~ from \$250. to \$300. and the annual value about \$15.

And further this deponent saith not.

Signature waived.

Robert M. Eley, being duly sworn, deposes as follows:

Q. What is your name, age, residence, occupation and are you acquainted with the land in the bill mentioned in this cause?

A. Robert M. Eley, age 43; residence, Norfolk, Va.; occupation, head waiter of the Monticello Hotel. I know the land. My father, George Eley, ~~has lived on and~~ had ^{sole} charge of the said land for the past 20 years. He paid the taxes on the land and kept it up, by cultivating it, clearing up a few acres, probably three acres or more, and fenced a part of it with wire fencing. My father never rented the land, and never lived on it. He used what produce he raised on it. He did not cut and sell any timber or cord wood off of the place, but did cut some fire wood for his own use. It is not on the Main Road but about one and one-half miles back from the Main County Road.

There is no residence on the place, only a little hut in which plows and tools could be stored. The taxes on the place amounted to \$3. or \$4. per year. I think the taxes and what my father spent in keeping up the place would about equal the rental value of the land for each year.

And further this deponent saith not.

Signature waived.

W.R. Phillips, being duly sworn, deposes as follows:

Q. What is your name, age, residence, occupation?

A. W. R. Phillips, 47 years old, live in Norfolk County and work on a farm.

Q. Are you one of the parties interested in this land mentioned in this suit?

A. Yes sir. I have not seen the land in a long time, but I reckon paying the taxes and keeping up the place was as much as the use of the place was worth.

A. N. Phillips et als
v. } In Chancery
George Eley et als

Report of Bradford Kilby
Comm. in Chancery under
decree of July 13, 1914.

Dtd Oct. 2, 1914.
H. B. Pemberton
J. B. Pemberton
