

1870-006 Chancery Causes; Willis R. Dwaltney vs John C. Thomas, gdn
Isle of Wight County

other surnames: Britt

Atto. Mass 15. 50
Atto. Gen. 6. 10
Shff. " 2. 50
Cond. " 25. 50
Total \$ 49. 60

Clarke, J. J.
W. R. Swallow
vs. J. Chas. Seaps.

Jno. C. Thomas

1868.

Sept. rules Bill & filed
and decree nisi in debt.

Octo. Rules - Bill taken
for confessed & set for hearing.

Octo. Term - Decree for assets.

Jan. 11th 1869, Rept. filed.

May 1869. Decree for settlff. &
for further act. &c.

Octo. 1869. Cond.

May 1870. cond.

Sept. 16. 1870. add.
Report filed.

Oct. 1870. final decree.

Alaska

Willis R. Gwathney

vs Rice

Jas. C. Thomas Secy. &c.

1868.

Sept. Rules - Bill &c.
filed & deemed miss.

Octo. Rules - Bill taken
for confessed trial for
hearing.

Octo. 1868 Deem for act.

a

And ~~that~~ may be made, ^{perhaps} deposed, and
to this bill and signed upon ^{his} ~~their~~ cor-
poral oaths &c. To answer the same as
distinctly and particularly as if each alle-
gation were here again set forth ^(by) ~~and~~
distinctly interrogated thereto. That an account
may be taken under the direction of this
Court of all the property, monies and effects
possessed by, or come to the hands of the said
~~Defendant~~ ^{Plaintiff} as guardian as aforesaid,
or to the hands of any other person or persons by
his order or for his use, also of the personal
services of ~~the said~~ ^{your} said orator for and
on account of his said guardianship as aforesaid,
and of all proper expenditures made by the
said guardian on his behalf. That the balance
due your said orator may be ascertained and
paid to him And that such other, further
and general relief may be granted your
orator as the nature of his case may
require and to Equity shall seem meet
And your orator will ever pray &c.

Willis D. Swallow
By ~~Charles~~ ^{his} atty.

1864 disposed of some personal property all
of which she bequeathed to your orator by
her last will and testament, and all of
this came to the hands of the said John C.
Thomas your orator's guardian as aforesaid.
Your orator further alleges that while an
infant his said guardian paid out very little
or no money for him and that he served and
worked for his said guardian for several years as
clerk in his store, and in other capacities, for
all of which he has as yet received little or no
compensation. Your said orator has been
of age upwards of two years and during that
time has frequently requested his said guardian
to come to a settlement with him, and
has used every means in his power to obtain
a settlement with him but all his efforts in
that behalf have been in vain, his said guard-
ian having refused and refused to render any
account of his transactions as guardian as
aforesaid or to come to any settlement. In
due consideration whereof and foras-
much as your orator is without remedy
at law and can only be relieved by this
Hon. Court of Chancery when matters of
this kind are alone properly cognizable,
So this and therefore that justice may be
done in the premises your orator prays
that the said John C. Thomas ~~and his~~

To the Hon. H. V. Butler, Judge of the Circuit
Court of the State of Wisconsin;

I humbly complaining show-
eth to your Honor your orator Willis
H. Swettenham that sometime about the
year 1852 his father, Willis Swettenham died
in said County seized and possessed of real
estate and also possessed of some personal
property, your said orator being then an
infant under twenty one years of age.
On or about the 4th day of October 1858 your
orator being over fourteen years of age, chose
John C. Thomas as his guardian, and the
said Thomas qualified as such in the
County Court of said County on the day &
year last above mentioned and entered
into bond with Geo. W. Britz as his surety
in the penalty of \$800. conditioned for the
faithful performance of his duties as guard-
ian of your said orator and his sister Hon-
Anna W. Swettenham who also chose him for
her guardian. ^(a copy of the order of said court in relation thereto being herewith filed and attested) After becoming guardian for
your orator as aforesaid the said Thomas
collected and received all your orator's portion
of his said father's personal estate, and also
collected and received the rents and profits
for his portion of the said real estate up to the
time when your orator reached his majority.
Your orator's mother also died about the year

Received by delivery a fine copy of
the written to ~~to Mr G. Thomas~~
~~to the same on the 1st~~
Sept - 1868
Edw. J. H. H.

Edw. May 1878

Willie R. Goodhue

20.

Adm. to Geo.
Fair

Wm. B. Thomas

Sept. 1868

Acid. Bl.

Blackburn.

The Commonwealth of Virginia.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY, Greeting :

WE COMMAND YOU TO SUMMON

John C. Thomas
at residence at the Clerk's office of the Circuit
to appear ~~before the County~~ Court of Isle of Wight County, on the first ~~day of~~
Monday in September next, to answer ~~presentment of the Grand Jury of said County, made against~~
me in the ~~Court of said County, on the~~ *day of*
1868 ~~for~~ *The Bill in chancery of Willis R. Gwaltney*

And have then there this writ. Witness, N. P. YOUNG, Clerk of our said County Court, at the Court-house, the *19th* day of *August* 186 *8*, in the *93^d* year of the Commonwealth.

N. P. Young, Clerk

Executed on 17th January 1870
Thomas Dew, out
the county & in during
Ed Ely 25

Thomas

etc.

George

17th. Decr. 1870.

The Commonwealth of Virginia,

TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT—GREETING:

WE COMMAND YOU TO SUMMON Charles B. Crumpler, Thomas
J. Clements and Thomas Dees

to appear before ~~the~~ A. P. Young, com. of the circuit Court of the County of Isle of
Wight, at the Courthouse, on the 12th day of August 1870, to testify and the
truth to say in behalf of John C. Thomas
before said Court
in a certain matter of controversy in said Court pending and undetermined, between W. R.

Goaltney Plaintiff

and said Thomas Defendant

and they shall in no wise omit under the penalty of the law. And have then there
this writ.

Witness, N. P. YOUNG, com. Clerk of our said Court, this 5th day of August
A. D. 1870, in the 9th year of the Commonwealth.

A. P. Young, Com.

Mr. John H. Ward

For May ct,
1868

Recd. 6th. ap^l 68

credit the ward
with amt. recd.
from sale of negroes
of quality, est.

before the war.
Gt taken from
Mr. Hayden in
Report to Mexico
sold

11th Northern Machinery
to Boston, Mass.

Lehigh
Box 18.08 v 61

On the 2^d July 1860 John C. Thomas received
as gdn. of Willis R. Gwatney, from said
Thomas, Comm. to sell Willis Gwatney's
under decrn of County Court, the sum of
\$363.39 - as shown by his report to the
Court in the case of Gwatney vs. Gwatney
et al.

Teste J. J. Youngblood.

the Guardian has given such bond as the law requires,
in Apenalty and with security ample and sufficient.
Given under my hand as Commissioner of said Court
the day & Year first aforesaid.

A. S. Young Commr.

In the County Court of Salisburgh County. May 7th 1860. the
foregoing account having been filed in the clerks office
of said Court for one month, and no exceptions being filed thereto,
was confirmed by said Court & ordered to be recorded.

Teste A. S. Young Clk.

a copy.

Teste.

A. S. Young Clk.

W. R. G. G. G.

In act. with

Jos. C. Thomas 9th

Willis R Gwatney

1858 In account with John C Thomas his Guardian

Octo:	4	To paid John C Thomas & Co for clothing furnished in 1858. prior to qualif. of gdn. Yr. Receipt	4 58	
		" Paid E. H. Gray for shoes during same time	1 88	
Decr 1859		" p. J. A. & Co for tuition " "	18 27	
Sept.	24	" p. John C Thomas for necessary clothing "	46 98	
Octo:	3	" " this to pay Commr. for this acct. & freight:	1 50	
		" Commission on \$115.36 bal. from further acct.	5 76	
		" Balance due the ward per Contra	39 85	
1859				
July	4	By this sum received from M ^r . C Thomas Adm ^r . of Willis Gwatney dec ^r . further of ward an Settlement of his acct.		115 36
Octo	3	By interest on same 6 Months		3 46
			118 82	118 82

Commissioners Office, Salisb^y Wright County.

March 1st 1860.

To the County of Salisb^y Wright County.

Your Commissioner reports to the Court, that on the 15th day of October last, John C Thomas Guardian of Willis R Gwatney exhibited before your Commissioner a Statement of all the Money he had received he come chargeable with or had disbursed during the period embraced in the foregoing account, together with the Vouchers in Support of the disbursements, That your Commissioner embraced the said Guardian in the list of Fiduciaries - Whose accounts were before him for Settlement, which was posted at the door of the Court house of said County on the 1st day of November Court last, & on the date of this report (ten days having elapsed since said account was mentioned in said list) Made up & completed the foregoing account, and on the 3rd day of October 1859, finds a balance of \$39.85 due from the guardian to his ward. The account shows that the expenditures for the ward greatly exceeded the income of his estate, but as for the most part, they were for his necessary support, clothing & ~~Education~~ Education prior to the qualification of the guardian, they were they were allowed to be paid, to be paid out of the principal of wards estate, the

Ellis R. Gwatney

In account with John C. Thomas his guardian.

1859					
Octo. 17	To paid your portion of medl. bill to negro	1	11		
Nov. 1	" " one Hat \$1.37 - 14 th ft. clothing for bill \$4.56	5	92		
Dec. 2	" " your part land tax for 1859		92		
"	" " defer tuition in 1860	12	00		
1860					
Jan. 17	" " for shoes & clothing for bill \$5.23 ft. clks. for \$1.44	6	87		
20	" " D. Holt medl. bill to negro, your portion	1	11		
Feb. 20	" " clks. for & for ft. shoes	3	72		
26	" " ft. shoes \$3. - 28 th ft. for clothing \$3.36	6	36		
Mar. 20	" " 4 3/4 yds. janes. 59 th - 27 th ft. for making clothes \$1.38	1	97		
"	" " your part. clks. fee in suit for sol. of negro &c.	6	89		
Apr. 11	" " on trunk \$3.50 - 20 th ft. for Hat \$1.25	4	75		
Octo. 3	" Balance due the ward	355	90		
1859					
Octo. 3	By balance due the ward on former acc. made & recorded in the County Court			39	85
1860					
July 2	" Amt. Recd. from Jno. C. Thomas Count. of sale of negro under decrn of County Court, ward part,	363	39		
Octo. 3	" interest on \$39.85 one year		2	39	
"	" interest on \$363.39 for one month		1	81	
		\$	407	44	\$407 44
1860					
Octo. 5	To paid R. F. Candell cutting coat &c.	1	25		
"	" " for sundries \$1.03 - Nov. 27 th ft. 4 yds. calico \$4.00	5	02		
Dec. 11	" " for making clothing \$11.88 - 20 th ft. clks. for \$1.20	13	00		
1861					
Feb. 9	" " for making coat \$1.50 - Mar. 23 rd ft. 4 yds. cotton 44 th	1	94		
Apr. 18	" " 1 vest \$1.25 - May 24 th ft. shirt 2. Jun 10. cotton 38 th	3	63		
Jun 20	" " bill for clothing \$4.44 - 24 th Cash advanced ward & good \$11.61	16	05		
July 1	" " for Bowie knife on going into service	5	00		
Octo. 3	" " Taxes \$2.08 - 24 th 6 yds. flannel \$7.50	9	58		
"	" " Balance due the ward	321	78		
1860					
Octo. 3	By balance on last acc.			355	90
1861					
Octo. 3	" interest on same one year			21	35
		\$	377	25	\$377 25
1862					
Feb. 26	To paid for pocket book & oil \$1.13 - Mar. 2 nd ft. Spectacles 50 th	1	63		
Sept 6	" Cash advanced ward	15	00		
Octo. 3	" Balance due the ward	324	45		
1861					
Octo. 3	By balance on last year acc.			321	78
1862					
Octo. 3	" interest on same to date			19	30
		\$	341	08	\$341 08

1863	Jan. 19	To Cash advanced ward in Confederate money \$25, worth after being reduced by scale,	8 33	
	"	paid Tax on probate of your mother's will \$2.50 amount to	1 00	
	Mar. 8	" " for goods for mother in Confed. money \$19, reduced to	4 75	
	Oct. 3	" Balance due the ward	329 83	
1863	Oct. 3	By Balance due the ward on last act.	324 48	
1863	Oct. 3	" interest on same to date	19 46	
			<u>\$ 343 91</u>	<u>\$ 343 91</u>
1863	Oct. 3	By Balance due the ward brought down	329 83	
1863	Nov. 5	" interest on same to date 1 mo. & 2 days	1 75	
	"	" Balance due ward this day on his attaining 21 yrs. of age	<u>\$ 331 58</u>	
1863	Nov. 5	By Balance brought down	331 58	
1864	Mar. 23	" interest on same to date	7 74	
			<u>339 32</u>	
	"	To paid med. bill for self & mother by request, in Confederate money \$167.75 reduced by scale to	6 99	
	"	paid your taxes for 1861	2 77	9 76
1864	Mar. 23	Balance due W. R. Gwaltney	<u>\$ 329 56</u>	

Commissary Office, Isle of Wight Court House.
December 28th 1868.

To the Circuit Court of Isle of Wight County.

Pursuant to a decree of the said Court, rendered on the 21st day of October 1868, in a suit therein depending between Willis R. Gwaltney Plaintiff and John C. Thomas Defendant, directing a Commissioner of said Court to take report an account of the transactions of John C. Thomas as guardian of Willis R. Gwaltney Your Commissioner, to whom said decree was referred, issued a notice to the said parties, informing them that he had appointed the 11th day of December 1868, for taking of his office in the said account & requiring them to attend, which notices were returned executed. That the parties appeared, but the Defendant not having his evidence present the taking of said account was continued until the 28th Dec. 1868, on which day the parties again appeared before your Commissioner whereupon your Commissioner examined the Plaintiff's vouchers and other evidence laid before him, and made up and completed the foregoing account. And on the 23rd day of March 1864 finds a balance of \$329.56 due from the said John C. Thomas to the said Willis R. Gwaltney. It will be seen that the expenditures for the ward have exceeded his income, but the excess was allowed by your Commissioner because the ward, having attained the age of twenty one in 1863, was present before your Commissioner and consented to sign that said excess might be allowed.

Hence under my hand as a Commissioner of said Court, the day & year first aforesaid.

J. P. Gray, Com.

Commissioner's fee \$13.50

Staff " 1.20

A. L. Self witness for D. \$.50

Clerk \$15.20 chgo. self.

Quattrone

d. 3rd Gen. Rept.

Thomas

Jan. 11th 1869 filed

W. R. Gwatney
to G. R. Mott,
\$141.37

Rev. Parker to
for services
of chapel board

Mr Miles R. Gwaltney to (1)

19 100
1 50

In the with J. C. Thomas

1863-				
May 5	✓	To 2 Barrels corn @	5.00	10 00
"	✓	" 1 Gallon wine ..	2.00	2 00
Nov 6	✓	Repd Intst on note due H. B. Hilkey		2 50
May "		By 3 days work self & horse @ 1.50		3. 00
Nov		" going to Son & Fred & camp		1 50
				14 50
				4 50

To balance due J. C. Thomas paid 0 00

To Interest on 10.00 from May 5- to date 3 16

1866 " Balance due J. C. Thomas 13 16

1866 1st " Board ^{washing the} from the 15th July 1865 to Jan 1st 1866

✓ Making 5 1/2 months @ 15.00 per m 82 50

" Interest on this amt from Jan 1st /66 to date 23 80

" Rent of Room for furniture from July 15th 65-

the Jan 1st 1867 17 50

" To Interest from Jan 1st /67 to date 3 89

✓ Hire Steers & Cart & hands to move furniture 1 50

" Balance due J. C. Thomas \$141 37.

1866	Dr	Aunt brought over		\$68.67	
Oct-28	"	" bill	4 39	4 39	
20	"	Cash to Self	2 58	2 58	
Nov 15	"	" " "	2.00	2 00	
" 35	"	buy Collars	4 00	4 00	
"	"	Sticks Lye	4 04	4 00	
Dec 1	"	Cash to Self 3.00	6 34	3 00	
" 1	"	1 pr Gloves		63	
" 25-10		Bls Corn @ 5.00		50 00	
31		By Services year 1866			95 00
1867	Dr	Balance due for		132.02	95 00
"	Dr	Balance due J. C. Thomas		36 02	
"	"	Interest on \$33.02 to date		7 15	
1867	"	Balance due L. J. C. S with Interest 10(3)		4 17	
Jan 29	"	1 Axe		2 35	
"	"	Leoffe 1.00		1 00	
Mar 27	"	Aunt for Harriet Jones		2 50	
Apr 2	"	Cash to Self 5.00		5 00	
"	"	pr Gloves 1.13		1 13	
May 10	"	Sale Leather 75-cx		75	
"	"	Sugar 1.00		1 00	
"	"	Interest on \$13.63 to date		13.63	
"	"	Interest on 13.63 from May 10 th to date		2 66	
"	Dr	Balance due J. C. Thomas		16.29	

W. R. Mearns
 to the
 \$43.17
 \$15.29

No(2)

Mer Willis R. Swallow

In acce with J. C. Thomas

1866

Feb 14	To 6 yds jeans	(@ 50 cts)	3 00
" "	" 1 Spool Cotton	8	08
Mar 1	" 1 pr Boots	3.50	3 50
" 13	" 1/4 yd Flannel	@ 80 cts	20
" "	" 1 " Fusel Cord	25 cts	25
" "	" 1 Dye Buttons	15 cts	15
17	" 1 lb Candy	50 cts	50
7	" 1 Turchief	50 cts	50
30	" 1 Viol Extract	25 cts	25
(24)	" 1 pr Gloves	45 cts	45
Apr 2	" 1 Neck Tie	25 cts	25
" "	" Butter hair oil	25 cts	25
May 5	" Paint for Shirts	3.50	3 50
" "	" 1/2 lb Candy	(@ 50 cts)	25
19	" 1 pr Shoes	2.50	2 50
" "	" 1 Suspenders	75 cts	75
" "	" 1 Socks	25 cts	25
" "	" 1 Set Jewelry	1.25	1 25
June 7	" Ant lice punch in Rely by C.B.C.	15 50	15 50
" "	" Trimmings for Hats	4.71	4 71
July 12	" Ant hat X. Holt	6.00	6 00
18	" " " Britt	20 cts	20
Aug 20	" 1 pr Pants	2.50	2 50
" "	" 1 Neck Tie	38 cts	38
Sept 8	" 1 pr Shoes	5.25	5 25
14	" 7 yds Broad Cotton	(@ 25 cts)	1 75
23	" Cash to Self	12 00	12 00
Oct 05	" pr Brog. Shoes	2.50	2 50
" 23	"		68.67

Mrs. C. Thomas
 is to furnish
 acct. of rents
 not been before
 accounted
 for.

6.99
 95.66
 33 02
 13 63

 149.30

 142.

7.15
 266

 9.81

149.30
 200

 349.30
 24

 363.30

141.37
 26 00

 115.37
 3 89

 111.48
 16 29

 127.77
 9 81

 117.96
 16.29

 134.25

Ans. to Thomas Esq

1860 }
March 1

To Willis B. Guelling

Esq.

March 1 Do service as Clerk &c. at your store

at Green River about 2 months

✓ at \$8. per month

} \$16.00

" Carrying mail for you on route
between Springfield & Green River

1861 ✓ at \$4. per week (\$10. per mo. all²)

} \$8.00

June 15. " Service as Clerk &c. at your
store at Green R. 6 months

\$10. per month

} \$5.00

\$109.00

The last item in above acct. denied by Thomas
& not proved by Guelling but he admits that Thomas never
employed him as clerk - made this charge because
he thinks his services worth what he charges -
C. replied with. Who says Thomas' clerk did not look
upon G. as cl^k. Thanks while he was at G.'s service
not worth more than his board.

General account
against H. R.
Gwatney

Mr. Willis R. Gwaltney
in acc with J. C. Thomas

Bill to (1)	\$141.37
" " (2)	43.17
" " (3)	16.29
" " (4)	24.47

Execution for E. L. Eley shift
in favor Alexander Baker 225.30
Interest on same 2.00
Supposed to be in Clerk's office 425.30

See exp. ret'd. in 1868.

On at D Garrow you will have
6th Crumple, Thomas J. Clumbe & Thomas
Jewes Before you as barshans in my shop
the street of St St Gwotly & my self in

August 1870

John C. Thomas

Rent of M.R. Gwathys (near Jones) as follows

Dec 1860	Dec Jan 1 1861	5000	Mary	✓	12.00
" 1861	" " 1862	12.00	companion with 125 for	✓	9.00
1862	" " 1863	20.00	" " " 300 for	✓	6.66
1863	" " 1864	21.00	" " 200 for	✓	1.00
1864	1865	287.50	" " 450.60 com sup	✓	5.50

The last 3.30 I wrote (not to say as I
 drew it out as a consideration to him & of course
 the 3.30 is a comforted last to me
 as I last the companion Mary & the
 other I more comforted any to draw with steady
 will Aug 16
 1870

J. C. Gwathys

being able, in the absence of evidence, to complete
 said account on that day, continued the same
 until the date of this report, when he made
 up and completed the foregoing ^{account} marked A.
 which shows that on the 30th day of June 1868,
 there was a balance of \$140.00 due from the
 said J. C. Thomas to the said Willis R.
 Gwatney.

Given under my hand as a commissioner of
 said court, the day & year first aforesaid.

W. D. Young Com.

Comm. fee . . .	\$12.00
Shff	1.40
T. J. Clements Attorney for Thomas	.82
L. B. Beumpler " "	.50
	<u>\$14.72</u>

Gwatney Com.

*3 Rept. under
 3 days of May 1870*

Thomas

Sept. 16th. 1870. paid

1866			
Dec. 31	By balance brot. on		324 79
1867			
May 10	Int. on to this date		7 53
			331 82
"	To amt. of act. n. Gwathney to date		13 63
			318 19
1868			
June 30	Int. on to date		21 74
			339 93
"	To amt. paid shff. on Edw. n. Gwathney	}	
	for which Thomas was security in		
	favor of Alex. Baker		199 91
"	Balanced due to R. Gwathney		\$ 140 02

Commissioner's Office Isle of Wight County
Sept. 6th 1870.

To the Circuit Court of said County

Pursuant to a decree of the said Circuit Court rendered at May Term, 1870, in a suit therein depending between Willis R. Gwathney Plaintiff against John L. Thomas Defendant, directing a Commissioner of said Court to take a further account of the transactions of said Thomas as guardian of the Plaintiff &c. Your Commissioner reports to the Court that on the 13th day of July last he issued notice to the parties that he had appointed the 13th day of August, 1870, to take said account, which notice was duly executed & returned to your Commissioner. That your Commissioner, not

1863

Oct. 3	To disbursements per former act.	14 08	
	" Balance per contra	401 55	
	By balance on last year's act.		391 16
	" interest on same one year		23 47
	" Rent omitted		1 00
		<u>\$ 415 63</u>	<u>\$ 415 63</u>

1863

Oct. 3	By balance due ward brot. down		401 55
Nov. 5	" interest on same to date when ward was 21 years old		2 00
	Balance due ward		<u>\$ 403 55</u>
1864 Mar. 23	interest on same to date		9 41
			<u>412 96</u>

" "	To paid medl. bill for self & mother & your request of \$167.75 in Conf. money with	6 99	
	paid your taxes for 1861 omitted	2 77	9 76
			<u>403 20</u>

Nov. 31	By your portion of rent for 1864		5 50
			<u>408 70</u>
1865 Dec. 31	" int. to 31st. Dec. 1865		24 52
			<u>433 22</u>

	To amt. of acct. for Com, wine, May 3, 1865		
	paid & board out. provided		<u>9 56</u>
			<u>33 75</u>

1866 Dec. 31	Int. on to date		20 25
			<u>357 81</u>

	To amt. of acct. to date by \$96.00 wages of Gweller		33 03
			<u>\$ 324 79</u>

Dr Willis R. Swattow,

In account with John C. Thomas his guardian.

1860

Octo. 3	To balance due ward	383 90	
	By balance on this day as reported in former acct. filed in the court		355 90
"	Ward's services as clerk of gdw. omitted in former acct.		16 00
"	Rent of land omitted 1860		12 00
		<u>\$ 383 90</u>	<u>\$ 383 90</u>

1861

Octo. 3	To disbursements this year for former acct.	55 47	
"	Balance for contra	378 43	
	By balance on last years acct.		383 90
"	int. on same one year		23 08
"	Services rend. by word carrying mail 7 weeks @ \$10. pr. month omitted		17 50
"	rent omitted		9 00
		<u>\$ 433 43</u>	<u>\$ 433 43</u>

1862

Octo. 3	To disbursements for former acct.	16 63	
"	Balance for contra	391 16	
	By Balance on last years acct.		378 43
"	Rent omitted		6 66
"	interest on last balance		22 70
		<u>\$ 407 79</u>	<u>\$ 407 79</u>

Willis R. Swallow

vs. } Deen

John C. Thomas Sen. &c.

Oct. Term 1865

To be entered

R. H. Baker

Nov 13

Butler

Willis B. Swallow

Deff.

Vs.

J. In Chancery

John L. Thomas Esq. &c.

Deff

This cause came on this day to be heard on the bill entered for confessed as to the defendant, on whom process had been duly served and he still failing to appear and plead, answer or demur, and on ~~the~~ exhibits filed, and was argued by counsel; On consideration whereof the Court doth adjudge order and decree that a ~~commissioner~~ of this Court ~~doth~~ ~~an~~ ~~account~~ of the said defendant do render an account of his transactions as guardian of the said plaintiff before one of the commissioners of this Court: in rendering which account the said defendant is required to produce before the said commissioner all necessary papers & vouchers in his possession or under his control relating to his transactions as guardian as aforesaid in order to enable said commissioner to state said account. Which account the said commissioner will ~~state~~ examine, state settle and report to the Court with any matters specially stated deemed pertinent by himself or which may be required by any of the parties to be so stated

Gwaltney W. R.

3. Copy done

Thomas Jno. C.

Nov. 28th. Notes in?
to Dec. 11th. 1868.

At a Circuit Court Continued and held for the County
of Isle of Wight On the 21st day of October 1868.

Willis R. Swatney

against

John C. Thomas

}
} In Chancery
}

Plff

Defts

This Cause came on this day to be heard on the ~~papers~~
bill taken for Compel as to the defendant on whom
process had been duly served and he still failing to
appear and plead, answer or demur, and on exhibits
filed, and was argued by Council: On Consideration
whereof the Court doth adjudge Order and decree that
the said defendant do render an account of his transactions
as guardian of the said plaintiff before one of the
Commissioners of this Court; in rendering which
account the said defendant is required to produce
before the said Commissioner all necessary papers
and vouchers in his possession or under his control,
relating to his transactions as guardian as aforesaid
in order to enable said Commissioner to state said
account, which account the said Commissioner will
examine state settle and report to the Court with any
matters specially stated deemed pertinent by himself
or which may be required by any of the parties to
be so stated;

Teste N. P. Young Clerk.

A Copy Teste.

N. P. Young Clerk

Swallow

Dr { Decm

Thomas

~~~~~

May term 1863

To be entered

E. S. Pitt

Entered

Willis R. Swelling

Recd

v2

Proc. C. Thomas Esq. &c.

Sup-

This cause came on this day  
to be again heard upon the papers for-  
merly read and <sup>(upon the)</sup> report of Commr. Gony  
made under a decree herein of U.S.  
term 1868, <sup>(to which no exception was filed)</sup> and was argued by counsel.  
On consideration whereof the Court by con-  
sent of parties, doth adjudge over & decree  
that the said Plaintiff recover of the defend-  
ant, and that the defendant pay to the  
plaintiff one hundred dollars, and  
that the said report be recommitted for  
a further account in the taking of which  
the said report shall be taken as  
prima facie correct but liable to be con-  
tested & falsified by either of the parties.  
And the Court doth <sup>(further)</sup> adjudge over & decree  
that whatever amount the defendant  
may have paid for the plaintiff on  
an execution of Iss. of Wigh. Co. Court  
in favor of Alexander Butler shall be  
credited to said defendant in said  
further account herein directed to  
be taken, with interest &c.

W. R. Swallmer  
vs. } Copy of  
Decr  
Geo. G. Thomas Genl &c

May c. c. 1869.

July 13<sup>th</sup> to 18<sup>th</sup> 1870. noted  
to 12<sup>th</sup> Aug. 1870.

page 74,

6 Hm

4 "

6 "

climb into for them

1. day & 8 miles

Emphor do. do. 1. day

In Isle of Wight Circuit Court. May 18<sup>th</sup> 1869.

W. R. Gwaltney

Plff.

vs.

} In lby.

Jno. C. Thomas, & Son & c.

Def.

This cause came on this day to be again heard upon the papers formerly read, & on the report of Court, Young made under a decree herein of Oct<sup>r</sup> term 1868, to which no exception was filed. & was argued by Counsel. On consideration whereof the Court by consent of parties doth adjudge, order & decree that the s<sup>d</sup> plff. recover of the deft. & that the deft. pay to the plff. One hundred dollars, & that the said report be recommitted for a further act, in the taking of which, the s<sup>d</sup> report shall be taken as prima facie correct, but liable to be surcharged & falsified by either of the parties, & And the Court doth further adjudge, order & decree that whatever amount the deft. may have paid for the plff. on an execution of Isle of Wight County Court in favor of Alexander Baker, shall be credited to said deft. in said further act. herein directed to be taken with interest & c.

c Hooper

Secy.

J. P. Young, Clerk.

This suit - be removed from the  
docket - with liberty to return it as the  
instance of any party - interested.

Swatley,

N. J. Decem

Thomson

Bought claim of

Wch. term 1870

To be entered

Geo. B. Brown.

Entd 17.

Excellency

N

Shonens

This cause came on this day  
to be again heard on the papers formerly  
read and on the report of Comms.  
Young of 6<sup>th</sup> Sept. 1870 to which  
report no exceptions were filed and  
was argued by Counsel: On considera-  
tion whereof the Court conferring  
said report doth adjudge order &  
decree that ~~as much~~ of the decree herein  
of May term 1869 as directed that the  
the plaintiff should recover of the defend-  
ant, and that the defendant should  
pay to the plaintiff the sum of one  
hundred dollars be rescinded, said  
amount never having been paid;  
and that the said plaintiff now  
recover of said defendant, and that said  
defendant now pay to said plaintiff  
the sum of one hundred and forty  
dollars and two cents with interest <sup>(Thereon)</sup> from  
30<sup>th</sup> June 1868 <sup>(date paid)</sup> which amount is  
shown by the Comms. said report to  
be due from said defendant to said  
plaintiff. And the Court doth further  
adjudge order & decree that the defend-  
ant pay the costs of this suit, and that

At a County Court held for the County of Isle of  
Wight. On the 4<sup>th</sup> day of October 1858.

Rose Anna W Gwatney and Willis R Gwatney in Writing  
Made Choice of John C Thomas as their Guardian and  
thereupon, with George W Britt his Security, who justified,  
they entered into and Acknowledged their bond in  
the penalty of \$800.00 Conditions as the law directs,  
which Bond is ordered to be recorded.

Teste N. P. (Young) Clerk.  
a Copy Test H. H. Wembley D.C.

Exhibit "A"

Executed by delivering a true copy of  
 the will to William B. Guathney on the  
 7th day of Decr 1868

Wm. B. Guathney D.S.  
 for C. L. Ely Shiff

1750  
 438  
 1313  
 30  
 1343

Guathney W. B.

M. J. Bond. Probate

Shannon J. Co.

To J. H. Bond. 1868.

Bond. 11. Bond. 7. 28th Bond.

for debt.

Commissioner's Office, Isle of Wight Court House,

November 23<sup>d</sup> 1868,

To *Willis R. Gwatthery*

You are hereby notified that I have fixed upon the 11<sup>th</sup> day of December next, if fair, if not, the next fair day thereafter, (Sunday excepted) to take and settle, at my office, the following accounts:

An account of the transactions of John C. Thomas as guardian of Willis R. Gwatthery. In rendering which account the said John C. Thomas is required to produce before the Commissioner all necessary papers and vouchers in his possession or under his control, relating to his transactions as guardian aforesaid.

required to be taken by decree of Isle of Wight Circuit Court, rendered on the 21<sup>st</sup> day of October 1868, in a suit in Chancery depending in said Court, between said

*Willis R. Gwatthery Plaintiff and the said John C. Thomas Defendant.*

at which time and place you are required to attend.

Given under my hand as a Commissioner of the said Court, the day and year first aforesaid.

*J. P. Gentry* Com'r.

Executed by delivery of a true copy  
of the will to John C. Thurner and  
Willis B. Gualtney on the 24th day  
1868

E. S. Ely Jff

Commissioner's Office, Isle of Wight Court House,

*Nov. 23<sup>rd</sup>.* 1868.

To *John C. Thomas*

You are hereby notified that I have fixed upon the *11<sup>th</sup>* day of *December* next, if fair, if not, the next fair day thereafter, (Sunday excepted) to take and settle, at my office, the following accounts:

*An account of the transactions of John C. Thomas as guardian of Willis R. Gwatney. In rendering which account the said John C. Thomas is required to produce before the Commissioner all necessary papers and vouchers in his possession or control, relating to his transactions as guardian aforesaid*

required to be taken by decree of Isle of Wight Circuit Court, rendered on the *21<sup>st</sup>* day of *October* 1868, in a suit in Chancery depending in said Court, between *said*

*W. R. Gwatney plaintiff, and said J. C. Thomas Defendant.*

at which time and place you are required to attend.

Given under my hand as a Commissioner of the said Court, the day and year first aforesaid.

*A. J. Young* Com'r.  
*a copy.* *Teste A. J. Young Com'r.*

Gwaltney

3 Clear. Notice

d.

Thomas

To J. 2<sup>nd</sup> W. Aug. 1870.

Executed by delivering a true copy of the within  
to W B Gwaltney & Geo C Thomas July 19<sup>th</sup> 1870

E L Ely Sr  
for F Smith Clerk

## COMMISSIONER'S OFFICE, ISLE OF WIGHT COURT HOUSE,

To *Willis R. Gwattny* *July 13<sup>th</sup>* 1870.

Plaintiffs,

and  
To *John C. Thomas*

Defendants.

You are hereby notified that I have fixed upon the *12<sup>th</sup>* day of *August* next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office aforesaid, the following accounts:  
*A further account of the transactions of John C. Thomas as guardian of Willis R. Gwattny*

required to be taken by decree of Isle of Wight *Circuit* Court, rendered on the *18<sup>th</sup>* day of *May*, 1870, in a suit in chancery depending in said Court, between *said parties plaintiff and defendant.*

at which time and place you are required to attend.

Given under my hand as a Commissioner of said Court the day and year first aforesaid.

*A. S. Young* Com'r.