

1912-020 Chancery Causes: P. D. Gwathney, Junior Company vs Melvina Pretlow

50

Isle of Wight County

other SURnames: Scott,
Whitehead, Gwathney

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

DECEMBER TERM 1909.

P. D. Gwaltney, Jr. Trading as P. D. Gwaltney, Jr & Co. Plaintiffs.
Vs. In Chancery
Melvinia Pretlow.....Defendants.

This cause came on this day to be again heard on the papers formerly read and on the report of the Commissioner, A. S. Johnson, filed 3/20-1909, 1909, to which report there is no exception, and on the examination of the witnesses returned with the said report, and was argued by Counsel: x

On consideration whereof, the Court doth approve and confirm the said report, and doth adjudge, order and decree, that E. H. Williams, who is hereby appointed a Special Commissioner for the purpose, do, after having advertised the time, place and terms of sale for a period of two weeks by hand bills posted in ^{ten} five or more public places in this County, proceed to sell at public auction, to the highest bidder, at the front door of the Post-Office of Smithfield, Virginia, the tract of land in the bill and proceedings of this cause mentioned, and upon the following terms, to-wit:

One third in Cash and the remainder in two equal
Credit installments each evidenced by the
bonds of the purchaser bearing date with the day of
sale, and carrying interest from said date and title to the
said property to be retained until the balance for those money
shares have been paid
But the said Commissioner, E. H. Williams, shall receive no money under this decree until he shall enter into a bond with sufficient security in the Clerk's Office of this Court, payable to the Commonwealth of Virginia, in the penalty of \$ 700.00, and conditioned for the faithful discharge of his duties hereunder.

The said Special Commissioner shall make report to the Court.

+ And in appearing to the Court from said report took the facts and profits from said property mentioned and described in these proceedings etc. that in five years, for the first year he will have thereon

And said Commissioner shall fully maintain said property in said matters of sale.

P. S. Whalley & Co. Attys

v. In Chancery

Melvinia Putnam Deft.

Drove.

COR. # 7 § 2

1909

Dec. 6.

Aut. his.

P.S.W.

Done by Consent
to the within Deed

Geo. P. Whalley
P.S.

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

A. D. Guadalupe Jr. ————— Plaintiff
V. In Chancery.
Melvina Prouton ————— Defendant.

This Cause came on this day
to be again heard upon the papers
formerly read and by consent of
parties in term time, entered of record,
It is ordered that this Cause be
submitted to the Judge of the Circuit
Court ^{for} ~~of the County of Isle of Wight for~~
such decisions and decrees therein,
in vacation, as might be made in
term.

⁴
P. Duvalley Jr - Pcty.
V. Du Chauxery -
Melvina Pataco - Def.

Dece -

C.O.B. No. 6, page 599.

We Consent to the
within decree -

E. H. W. Whitley, Jr.

Gov. H. Whitley, Jr.
P.A.

1909.

Feb. 1.

Enter this -
P. H. W.

P. D. Gwaltney Jr. ————— Plaintiff,

V. In Chancery.

Melvina Postlaw ————— Defendant.

In which the Defendant has been duly served with
this Cause, Come on this day upon the
bill of Complaint of the said P. D. Gwaltney Jr.,
trading as P. D. Gwaltney Jr. ~~and Company~~ ^{the Defendant}
still failing to appear, answer, plead or
answer, and was argued by Counsel.

On Consideration whereof, the Court
doth adjudge, order and decree that
this Cause be referred to A. S. Johnson
one of the Commissioners of this Court, who is
directed to inquire, and report to the Court,
as follows:

1. Of what real and personal estate the
said defendant is possessed or entitled,
and its *in* sum and annual value;
2. What liens are upon the said property
by judgment, deed of trust or otherwise,
together with their priorities;
3. Whether or not the rents and profits
of the real estate in the bill and proceedings
mentioned in this Cause will satisfy
in sum the liens upon the said
land together with cost of this suit;
4. Which said inquiries the said Commissioner
shall make, after first giving notice of the time and place thereof
to all parties and report the same to Court along with any
matter specially *de* deemed pertinent by himself or required
by any party in interest to be so stated.

³
P. N. Grubbs J. - pet.
T. Du Chene -
Melvin Millar - dog.

Peace

1909.
Jan. 4.
Euterpe.
B. D. W.

C. O. B. #6 J. 593

Gwaetney Jr. & Co vs Pethow

Print tax	150
clerk	936
Convs	1750
Witnesses	100
Sheriff	100
Attorney	1500

Statement of costs
— " —

P. D. Gwaltney Jr. & Co.

vs) Chancery-----Report of Commissioner

Melvina Pretlow:

To Honorable B. D. White, Judge of the Circuit Court of the County of Isle of Wight.

The undersigned, one of the Commissioners in Chancery of your Honor's court, to whom the papers in the above entitled cause, pending in the said court, have been referred, on the 21st. day of January, 1909, at the office of E. H. Williams, Attorney at Law, in the town of Smithfield, in this county, after legal notice and proper service thereon, proceeded to execute the decree entered herein on the 4th. day of January, 1909, and took the depositions of John F. Scott and A. R. Whitehead, and, upon the request of counsel for both plaintiff and defendant, deferred the making of his report to some time after the defendant had ascertained whether or not she cared to take evidence to be read in her behalf. Your commissioner not having been requested to take any further evidence, and being advise by counsel for both parties, plaintiff and defendant, on the 20th. day of March, 1909, proceeded to make his report and to complete the execution of the said decree, and begs leave to report his findings as follows:

1st. That the said Melvina Pretlow is seized in fee simple of a tract of land of twelve acres in the said county of Isle of Wight on Marl Swamp, and, according to evidence before your commissioner the fee simple value thereof is from three to four hundred dollars and the annual value thereof is fifteen dollars.

2nd. The following liens are of record in the clerk's office of this court, and which affect the said land, to-wit:

1st. a lien by deed of trust to H. B. Folk, Trustee, dated May 20th. 1905, recorded in D.B. No. 72, page 65, conveying the said land in trust to the said trustee to secure to Jno. G. Wilson the payment of a certain note of even date with the said deed for the sum of \$146.50, payable Dec. 15th. 1905, signed by J. Clinton Pretlow and Melvina Pretlow.

2nd. a judgment in favor of P. D. Gwaltney Jr. & Co., docketed in J.L.D. No. 3, page 46, for \$28.23 with interest

thereon from Dec. 27th. 1905 till paid, and \$1.60 costs.

The debt secured by the deed of trust has priority over the judgment.

3rd. The rent of the said property, will not, according to the evidence before your commissioner, satisfy the said liens in five years, and the costs of this suit.

4th. All of which is respectfully submitted.

Johnson
Commissioner in Chancery.

Court 10 hrs	\$ 7.50
Witnesses	1.00
Sheriff	.50
	<u>9.00</u>

ABSTRACT OF A JUDGMENT OBTAINED BEFORE A JUSTICE OF THE PEACE FOR THE COUNTY OF ISLE OF WIGHT, VIRGINIA.

B.P. Chapman Son

Plaintiff.

vs. { DEBT

Melvinus Pethus M.V. Elli

Defendant.

Dumfries

, Virginia *July 5*

19*06*

Judgment that the plaintiff recover of the defendant

Forty Dollars

, with interest

thereon from the *1st* day of *December*, 19*05*, till paid, and

\$ *1.80* for his costs expended in obtaining this judgment.

M. Jordan

J. P. (SEAL)

COSTS TAXED:

Justice.....\$ *50*

Constable.....\$ *100*

Witnesses.....\$

Clerk Circuit Court.....\$ *30*

Wesley Dist. Johnson Clk

B. P. Chapman

vs. { Abstract of Judgment.

Melvin P. Shaw M. V. Ellis

Clerk's Office of the Circuit Court of the
County of Isle of Wight *July 4*
191*2*, this abstract of judgment was
received, docketed and filed.

Teste:

B. P. Chapman

Clerk.

Docketed in

J. L. D. No.

3

p

115

*Filed with papers
Swathney Jr & Co
vs
Melvin P. Shaw*

P. D. Gwaltney & Co.

vs. { Chancery.

Melvina Pretlow.

The Depositions of John F. Scott and others taken before me, A. S. Johnson, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, Virginia, on Thursday the 21st day of January, 1909, in pursuant of a decree entered in the cause in chancery in the said Court depending in which P. D. Gwaltney Jr. is Plaintiff and Melvina Pretlow Defendant, entered on the 4th day of January, 1909, to be read as evidences in said cause.

PRESENT: E.H.WILLIAMS,

Counsel for Plaintiff,

GEO.F.WHITLEY,

Counsel for Defendant.

JOHN F. SCOTT, being duly sworn, deposes and says as follows:

Examination in chief.

(BY MR. WILLIAMS):

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

A. John F. Scott: 68 years: Isle of Wight County, Farmer.

2 Q. Do you know how much Melvina Pretlow's land is worth, if so, please state your opinion of its fee simple and annual value?

A. Yes sir, its cash value is not over \$200.00 while I would not consider it would rent for over \$15.00 or \$16.00 a year, if that.

3 Q. How near do you live to this land?

A. One mile, or a mile and a quarter.

4 Q. Are you thoroughly familiar with the land?

A. Yes sir, I am.

Mr. A. R. Whitehead being duly sworn, deposes and says as follows:

(BY MR. WILLIAMS.)

5 Q. Mr. Whitehead what is your name; age, residence, and occupation?

A. A. R. Whitehead: 58 years' Smithfield, Virginia, Isle of Wight County, not anything.

6 Q. Are you familiar with the lands of Melvina Pretlaw, if so, what is its fee simple and annual value?

A. I have been all over it to-day I should think I am familiar with it, I think it worth \$350.00 or \$400.00 in fee simple, there is not more than 2 1/2 or 3 acres cleared, I should think \$15.00 or \$16.00 would be a fair price for ~~the~~ rent of it, sir.

The foregoing depositions were taken before me, A. S. Johnson, a Commissioner in Chancery of the Circuit Court for the County of Isle of Wight, at the office of E. H. Williams, Attorney at Law, in the town of Smithfield, County of Isle of Wight and State of Virginia, pursuant to notice, on the 21st. day of January, 1909.

The signatures of parties waived, by consent of counsel, the evidence being taken in shorthand.

Given under my hand this 21st. day of January, 1909.



Commissioner in Chancery.

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

P. D. Gwaltney Jr.
vs) Chancery
Melvina Pretlow:

To the parties in the above suit:

Take notice that I shall, at the office of E. H. Williams, Attorney At Law, in the town of Smithfield, in the State of Virginia and county of Isle of Wight, on Thursday, the 21st. day of January, 1909, at the hour ~~cause in chancery in the said court depending, styled as above,~~ ^{the decree entered in the} entered on the 4th. day of January, 1909, of which the following is an extract:

"On consideration whereof, the court doth adjudge, order and decree that this cause be referred to A. S. Johnson, one of the Commissioners of this Court, who is directed to inquire, and report to the court as follows:

- 1st. Of what real ~~xxxxxxx~~ and personal estate the said defendant is possessed, and its fee simple and annual value;
- 2nd. What liens are upon the said property by judgment, deed of trust, or otherwise, together with their priorities.
- 3rd: Whether or not the rents and profits of the real estate in the bill and proceedings mentioned in this cause will satisfy in five years the liens upon the said land, together with costs of this suit.
- 4th. Which said inquiries the said commissioner shall make, after first giving notice of the time and place thereof to all parties and report the same to court along with any matter specially stated, deemed pertinent by himself or required by any part in interest to be so stated.

Given under my hand as commissioner in chancery of the said court this 18th. day of December, 1909, and in the 133rd. year of the Commonwealth.

Teste, *A. S. Johnson*
Commissioner in Chancery.

I hereby acknowledge said and sufficient legal service of the above notice

A. Williams Jr.

J. D. Gwaltney Jr
vs Chas
Melvina Peltier

Comand notice

January 19th 1909.

Melvina Peltier
not being found
at her usual place
of abode, I presented
the within notice by
posting a true copy
there on the front
door of her residence
in the city of
San Francisco.

C. St. Bernard
Att'y

By

R. Aug. Edwards
D. S.

P. D. Swallow

W. S. Chancy

Melvin Preston

Report of Commission

Filed 3/20/1909

Dist. Columbia
C. W. P.

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon *Melina Pellow*

to appear at the Clerk's office of the *Circuit* Court of the *County of Isle of Wight*
at the rules to be held for the said Court, on the *3rd* Monday in *October* 190*8*,
to answer a bill in chancery, exhibited against *her* in our said court for
by J. D. Goodhue, Jr. & Co

And have then there this writ. Witness *N. P. Young* NATHANIEL P. YOUNG, Clerk of our said court, at
the court-house, the *11th* day of *October* 190*8*, and in the 12/*33rd*
year of the Commonwealth.

N. P. Young
Teste *N. P. Young*

October 16th 1908, Melvina Patten was being found at her usual place of abode, & no other member of the family being present, I executed the within process, by posting a true copy thereof on the front door of the residence of the said Melvina Patten as the law directs, in the County of Des Moines.

W. A. Edwards Atty.
of Des Moines County

Original

W. A. Edwards Atty.

VS. }
SUBPOENA
IN
CHANCERY.

Melvina Patten

W. A. Edwards Atty.
p. 9

To 2nd District
Rules,

Des Moines
Court.

1908

B 3119

Atty. Gen. Service No. 5

To the Honorable B.D.White, Judge of the Circuit Court of the County of Isle of Wight, Virginia:

Humbly complaining showeth unto the Court your complainant, P.D.Gwaltney, Jr., trading as P.D.Gwaltney Jr. & Co., that he recovered a judgement for Twenty-eight Dollars and Twenty-three cents, with interest from the 27th. day of December, 1905, until paid, and One Dollar and thirty cents costs, against Melvina Pretlow; and on the 5th. day of February, 1906, he recovered another judgement for Forty Dollars, with interest from the 1st. day of December, 1905, until paid, and One Dollar and Eighty Cents costs, against the said Melvina Pretlow. Of these judgements no part has been paid.

The said Melvina Pretlow owns a tract of land in this County containing ten acres, more or less, and bounded by the lands of John F. Scott, Moses Tynes, Joseph Jones et als.

Your complainant avers and charges that the rents and profits of this land will not in five years satisfy your complainants judgements, and that he is entitled ^{to enforce} the lien of the same by a sale of the said land.

In tender consideration whereof your complainant prays that the said Melvina Pretlow may be made a party defendant to this bill and required to answer the same, an answer under oath being waived, that proper process issue, that all proper orders and decrees may be made and inquiries directed, that if it shall appear that the rents and profits of the said land will not in five years satisfy your complainants judgements that the said land be sold and the proceeds thereof be applied **in** satisfaction of your complainant's judgements; that if such rents will so suffice the said land be rented out and the rents and profits be applied to the said judgements until the same are fully paid; that a reasonable fee be allowed your complainants attorney for his services in this cause; and that all such other, further and general relief may be given your complainant as the nature of his case may require or to equity shall seem meet.

And your complainant will ever pray.

P. D. Gwaltney Jr., trading as P. D. Gwaltney Jr. & Co.
By Counsel.

Quilley

v. Du Chouery.

Pratt

Bill of Exchange

2nd October rules 1908

Process returned ex-
ecuted. Bill filed
Hecce nisi

1st November rules 1908

Defendant still fail-
ing to appear, plead,
answer or demur, Bill
taken for confessed and
case set for hearing

Final decree 6/21/1912

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