

1914-016

Chancery Causes: P. D. Gwaltney, Junior & Company vs L.

D. Banks & Lt

178

Isle of Wight County

Other SURNAMES: Gwaltney,
Holloway, Delk, Chapman

Gwaltney Jr & Co

vs { Chancery
L D Banks et al

Bill

2nd May rules 1914
Process returned ex parte
to d. Bill filed. Clerk
mini

3rd May rules 1914
Defendants not appearing.
Cause set for
hearing

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

P. D. Gwaltney, Jr. trading as P. D. Gwaltney, Jr. and Company
vs) Chancery

L. D. Banks and Virginia C. Banks.

TO HONORABLE B. D. WHITE,

JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Humbly complaining, sheweth unto the Court:

That your complainant, P. D. Gwaltney, Jr., is a merchant, of the Town of Smithfield, County of Isle of Wight and State of Virginia, trading under the firm name and style of P. D. Gwaltney, Jr. and Company.

That on the 20th. day of March, 1908, your complainant recovered against L. D. Banks, before M. F. Jordan, a Justice of the Peace for the County of Isle of Wight and State of Virginia, a judgment for the sum of sixty dollars and fifteen cents, with interest thereon from December 5th. 1907, till paid, with costs amounting to \$2.50, which was duly docketed in the Clerk's Office of this Court in Judgment Docket No. 3, page 75, on the 23rd. day of March 1908:

That execution issued upon said judgment and there was no personal property upon which said execution might be levied and the amount of said indebtedness made and paid over to your complainant:

That Elizabeth Banks, mother of said L. D. Banks, died, intestate, several years ago, leaving her surviving several sons and daughters among which was the defendant herein, L. D. Banks, seized and possessed of a certain tract of land in the County of Isle of Wight containing, by survey, 57.25 acres, more or less:

That the heirs of the said Elizabeth Banks, all being of age, on the 24th. day of October, 1913, made partition of said

land, among themselves, by their deed bearing that date, in which it appears that 11.45 acres, bounded by the lands of W. R. Cox and James Banks, was allotted, assigned and partitioned to the defendant L. D. Banks for his share and portion in said tract of land, which said deed of partition is of record in the Clerk's Office of this Court Deed Book No. 83, page 52, to which is attached a plat of said tract of land showing the several subdivisions thereof, and which shows, definitely, that portion thereof allotted and assigned to said L. D. Banks.

That your complainant is advised that he has the right to have the land belonging to the said L. D. Banks subjected to the payment of his judgment herein mentioned; and,

For-as-much as your complainant is remediless save in a court of equity where matters of this kind are alone and properly cognizable, your complainant prays that said L. D. Banks and Virginia C. Banks, his wife, may be made parties defendant to this Bill; and required to answer the same, but not under oath, answer under oath being hereby expressly waived; that proper process may issue; and that the land belonging to said L. D. Banks, herein described, may be subjected to the payment of your complainants judgment, and also any other indebtedness that may be found of record against said L. D. Banks.

Notice is hereby given that a proper fee for counsel conducting this suit will be asked to be allowed by the Court during the progress of this proceeding.

And your complainant will ever pray, etc.

P. D. Gwaltney, Jr.

By George F. Whitley, his counsel.

¹
Grootmey J. H.

v} Chancery 178
L D Banks et al

Filed
In the CLERK'S OFFICE of the
CIRCUIT COURT,
OF THE
COUNTY OF ISLE OF WIGHT

this 16 day of May 1914
Wm. A. Johnson, Clerk

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

To the Clerk of the Circuit Court of the saidnCounty:

Issue

summons for L. D. Banks and Virginia C. Banks to appear at your office at the rules to be holden on the Third Monday in May, 1914, to answer P. D. Gwaltney, Jr. Trading as P. D. Gwaltney, Jr. and Company, a bill to be then exhibited against them, on the chancery side of said court.

George F. Whitley, p.q.

P. D. Gwaltney, Jr., &c.

vs) Chancery - 1/18

L. D. Banks et al.

Filed
in the Clerk's Office of the
CIRCUIT COURT,

OF THE

COUNTY OF ISLE OF WIGHT

this 18th day of May 1914

Wm. C. Johnson (Per)

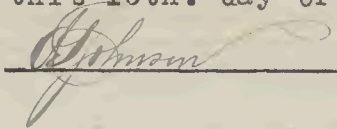
Not finding Virginia Banks at her usual place of abode I executed the within summons this the 18th day of May 1914 by serving a true copy of the same on L. D. Banks her husband for the said Virginia Banks, and I further executed the same by serving a true copy on L. D. Banks in person both within the County of Isle Of Wight.

R. Aug. Edwards
Sheriff.

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

To the Sheriff of the County of Isle of Wight, Greeting:
We command you that you summon Lenius D. Banks and
Virginia C. Banks, his wife, to appear in the Clerk's
Office of our Circuit Court of the County of Isle of
Wight, at the rules to be holden for said Court, on
the Third Monday in May, 1914, to answer a bill in
chancery to be exhibited against them by P. D. Gwaltney,
Jr., trading as P. D. Gwaltney, Jr. & Company. And have
then and there this writ.

Witness, A. S. Johnson, Clerk of our said Court,
at the Courthouse, on this 16th. day of May, 1914.


Clerk.

P. D. Gwaltney, Jr. & Co.,

VS) DE C R E E:

L. D. Banks, et als.

1914
Feb. 5.
Enter this.
B.D.W.

C. O. B. # 7, Page 251

GEORGE F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

OCTOBER TERM.

P. D. GWALTNEY, JR. & CO.....Plaintiff,

--VS--

L. D. BANKS, et als.....Defendants. *
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It appearing from statement of counsel for plaintiff,
made at bar, that all things in this suit have been amicably
settled between the parties thereto, *on motion of the complainant &* the COURT doth adjudge, order
and decree that said suit be stricken from the docket.

Gwaltney, Jr. & Co.

VS. { ABSTRACT OF JUDGMENT.

L. D. Banks and G. W. Holloway

Clerk's Office of the Circuit Court of the
County of Isle of Wight--May 19, 1914
19-----, this abstract of judgment was
received, docketed and filed.

Teste: A. S. Johnson,

Clerk

Docketed in

J. L. D. No 3 p 171

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

----- P. D. Gwaltney Jr. & Co. ----- Plaintiff

vs. { DEBT

----- L. D. Banks and Geo. W. Holloway ----- Defendant.

----- Isle of Wight Co. -----, Virginia, Sept. 23, ----- 1908

Judgment that the plaintiff recover of the defendant s Fourteen & 03/100-----

----- Dollars -----, with interest

thereon from the 24th. ----- day of December, -----, 1906, till paid, and

\$ 3.25 ----- for his costs expended in obtaining this judgment.

----- J. P. [SEAL]

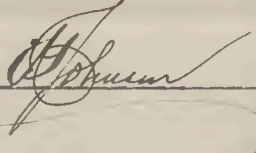
COSTS TAXED:

Justice \$ 1.00

Constable \$ 1.50

Witnesses \$

Clerk Circuit Court . . \$.75

A copy, Teste,  Clerk.

KNOW ALL MEN BY THESE PRESENTS, that I, George W. Delk, of the town of Smithfield, County of Isle of Wight and State of Virginia, for value received, do hereby assign and transfer unto P. D. Gwaltney, Jr., of the said town of Smithfield, all of my right, title and interest in and to a certain judgment of record in the Clerk's Office of the Circuit Court of the County of Isle of Wight and State of Virginia, in judgment Docket No. 3, page 129, in which I am plaintiff, against L. D. Banks, for the sum of \$11.10, with interest thereon from December 29, 1909 till paid, and \$2.50 costs.

Witness my hand and seal this 19th. day of May, 1914.

George W. Delk (SEAL)

State of Virginia,

County of Isle of Wight, to-wit:

I, Sadie M. Matthews, a Notary Public for the County of Isle of Wight, State of Virginia, do hereby certify that George W. Delk, whose name is signed to the writing above bearing date May 19th. 1914, has acknowledged the same before me in my said County.

Given under my hand this 21 day of May, 1914.

Sadie Matthews
Notary Public.

My commission expires
Mar. 12, 1918

*Original Certificate
Dated 18th*

11

KNOW ALL MEN BY THESE PRESENTS, that I, J. M. Chapman,
of the Town of Smithfield, County of Isle of Wight and
State of Virginia, for value received, do hereby assign
and transfer unto P. D. Gwaltney, Jr., of the said Town
of Smithfield, all of my right, title and interest in
and to a certain judgment of record in the Clerk's Office
of the Circuit Court of the County of Isle of Wight and
State of Virginia, in Judgment Lien Docket No. 3, page
128, in which I am plaintiff, against L. D. Banks, for
the sum of \$12.00, with interest thereon from March 8th.
1911 till paid, and \$2.50 costs,

Witness my hand and seal this 19th. day of
May, 1914.

J. M. Chapman (SEAL)

State of Virginia,

County of Isle of Wight, to-wit:

I, Sadie ~~X~~. Matthews, a Notary Public for the County of
Isle of Wight, State of Virginia, do hereby certify that
J. M. Chapman, whose name is signed to the foregoing
writing, bearing date the 19th. day of May, 1914, has
acknowledged the same before me in my said County.

Given under my hand this 21 day of May, 1914.

Sadie Matthews
Notary Public.

My commission expires
Mar 12, 1918