

1897-25

Southampton County Chancery. Pretlow, Pattie V. vs Doles, J. T. et al

Injunction restraining defendant
from using property until
Court can settle mortgage.

Doles, Louise L. (Wife)

7
4
5
9 } Denson, H. L.
De Saussure, Wm. P.
Vanderslice, S. P.

Commercial Building
Building & Loan Ass'n.
Richmond, Va.

Preblow J. V.

W. Bill & Co.

Dobbs J. T.

1894. 1st Cch Rules filed
J. M. K. K. K.
C. R.

C

JAMES L. MCLEMORE.

Attorney-at-Law.

COURTLAND, VIRGINIA.

Everett Wadley Co., Stationers and Printers, Richmond, Va.

To
The Hon. Court Hill Judge Circuit Court
for Southampton County.
In Chancery.

Your complainant Fattie W. Dretlow.
complaining sheweth to the Court that
on or about the 7th day of June 1893 she
loaned to J. F. Dole of the County of South-
ampton the sum of One Hundred Dollars,
taking from him a bond executed by said
J. F. Dole and Louise L. Dole his wife for
the said sum of \$100- payable on demand;
that in addition to the bond as aforesaid,
your complainant took from said J. F. Dole
a writing wherein is conveyed to her "Two bay
mares (One named Anna & one named Daisy) and
One top buggy & harness" which sale, however,
was to be void if the bond as aforesaid was
paid on demand - all of which will appear
by reference to the said bond and the
conveyance (which latter instrument has
been duly recorded in the Clerk's Office
of the County Court of Southampton) herewith
filed marked "A" & "B" as exhibits in this cause.

Your complainant avers & charges that
the said conveyance upon a true interpretation
of its intent & meaning is none other than

a chattel mortgage. its purpose being to secure the payment of the loan for \$100. as aforesaid.

Your complainant would state further that demand has time and again been made upon the said J. T. Doherty for the payment of the said sum of \$100. but that he has as often failed to pay the same on any part thereof; that your complainant believes & charges that she has the right to foreclose the said mortgage, by a sale of the property therein conveyed, and disposition of the proceeds according to the rules of law & equity; that said property is in its nature movable chattels, therefore of uncertain duration and inefficient security as the same or some part thereof may die or be otherwise destroyed. that said property is still in possession of defendant,

In tender consideration whereof and forasmuch as your complainant is without a remedy save in the court where matters of this kind are alone & properly cognizable to the end therefore that justice may be done your complainant prays that J. T. Doherty may also be made a party defendant to this bill & required to answer the allegations contained in the same; that the property conveyed in

the said mortgage or conveyance may be
sold under the direction of the court, and
your complainant's bond paid to his suit of
the proceeds thereof, that an injunction
may issue restraining the defendant or any
other person from using the property conveyed
in said mortgage or from disposing of the same,
that reasonable fees may be allowed to plaintiff's
counsel conducting this cause: that all such
decrees may be entered accounts taken, &
such further general special relief granted
as the nature of the case may require or to
equity may seem meet. And your complainant
will ever pray.

Ja. L. McLenore Jr.

Intlow Pp.

v. { Bill & Ex.

Doles et al.

1895. 30. Aug. filed
L.A. Ray b.b.

J.B. Prince
JAMES L. MCLEMORE,

Attorney-at-Law,

COURTLAND, VIRGINIA.

Everett Wadley Co., Stationers and Printers, Richmond, Va.

To, The Honorable Robert R. Prentiss, Judge of the Circuit Court
Court for Southampton County. In Chancery,

Complaining sheweth to the Court you complainant Pattie V. Pe
Pretlow, that she recovered a judgment for \$100. with interest and
cost against J. T. Doles in the Circuit Court of Southampton County
at the November term thereof, ¹⁸⁹⁴ an extract of which judgment is here-
with filed marked "A". That no part of said judgment has been paid.

That said J. T. Doles owns a tract of land in the town of Ivor,
in this County situated on the North side of Main Street in said town
fronting 73 ft. on said Street, and running back 210 ft., said lot is be-
bounded by the lands of J. S. Jones, B. F. Bell, the County road or
Main Street, and others and has upon it a nice dwelling; that he has a
 $\frac{1}{6}$ interest in all the real estate of which his father R. M. Doles
died seized, consisting of three tracts of land situate near Ivor Va.
and aggregating 1108 acres which estate is undivided and is subject
to a life estate therein of his mother, Mrs. Lizzie Doles, all of
which will appear by reference to a certified copy of said will here-
with filed marked "B",

Your Complainant avers and charges that in addition to your
oratrix' and other judgments on said land, there is a Deed of Trust
on the lot at Ivor executed to H. Denson, Wm. P. DeSaussure and S. P. V
Vanderslice, trustees to secure a debt of \$600. due to the Commercial
Building & Loan Association of Richmond Va. that said deed of trust
is subsequent to your complainant's judgment, as the same was not re-
corded until 7th of May 1895, Your complaint avers and charges
that the rents and profits of this land will not in five years pay
the liens against the same and she is therefore entitled to enforce
her lien by a sale of the said property.

In tender consideration whereof, your complainant prays that
J. T. Doles, H. L. Denson, Wm. P. DeSaussure & S. P. Vanderslice,
Trustees of the Commercial Building & Loan Association of Richmond
Va., and the Commercial Building and Loan Association of Richmond Va.

may be made defendants to this bill and required to answer the same
thst all proper orders and decrees may be made and enquiries directed
that if it shall appear that the said rents and profits of said real
estate will not in five years satisfy your complainants' judgments, and
the liens against the same, that the real estate or sufficient thereof
be sold to satisfy your complainants' debt and the cost of this suit;
that if said rents will so suffice, the said land be rented out and
the rents and profits be applied to the said judgment until the same
is fully satisfied; and that all such other, further and general relief
may be given your complainant as the nature of her case may require, or
to equity shall seem meet. Notice is hereby given that the Court will
be asked to allow reasonable fees to plaintiffs' counsel conducting
this cause. And your complainant will ever pray, &c.

Price & McLeone p.p.

Will of
Robt. M. Dales

Exhibit

" " "B"
" "

1895. 2. Sept- filed

I. Robert M. Dole of the County of Southampton State of Virginia, being of sound mind and memory do make this my last Will and Testament, in the manner and form to wit:

1st I wish all my just debts paid
2nd I leave to my beloved wife Lizzie Dole during her single or natural life all of my property Real, personal and mixed of what nature or kind soever and wheresoever the same may be at the time of my death, for her support and for the education of my children especially the three youngest. Lizzie May Dole, Shelly Lynn Dole and James Blanton Dole.

3rd In the event of my wife's death or marriage I will that my three youngest children - Lizzie May - Shelly Lynn & James Blanton Dole, shall each have one thousand dollars the balance of my property to be equally divided between all of my children;

4th I hereby nominate constitute and appoint my beloved Wife Lizzie Dole as Executor of this my last will and testament and I hereby request the Court to allow her to qualify without security. In witness whereof I have hereunto set my hand and seal this the 5th day of January 1883 in the presence of the subscribing witnesses

Robert M. Dole 

Witnesses

K. M. Usguhark.

A. J. Stephenson.

John T. H. Branch.

Mills J. Powell.

At a Court held for the County of South-
ampton on the 19th day of February 1883
This last will and testament of Robert M.
Dole dec. was proved by the Oaths of K. M.
Usguhark, John T. H. Branch & Mills
J. Powell. three of the subscribing witnesses
thereto and ordered to be recorded. And
on the Motion of Lizzie Dole, the
Executrix therein named, who made oath
according to law, and entered into and
acknowledged a bond in the penalty
of sixteen thousand dollars, conditioned
as the law directs. (but without security,
the will directing that none should be
required, and the court requiring none)
which bond is ordered to be recorded
Certificate is granted the said
Lizzie Dole for obtaining a probate
of the said will in due form.

Teste

L. R. Edwards, b.l.

A Copy

Teste B. F. McLenore b.l.

For value received I hereby sell to
Mrs Patten Portlow Two bay Horses
(one named Anna and one named Adey)
and one top buggy and harness to
have and to hold

The conditions of this sale is such
that should I will and truly pay
to Mrs Patten Portlow my bond of
even date herewith for One Hundred
Dollars payable on demand and
bearing interest from date then
this sale to be null and void
Otherwise to be in full force and
effect

Witness my hand and seal this
7th day of June 1893

County of Southampton } J. J. Dorris (Seal)
State of Virginia } Justice

I J. C. Davis a Notary Public
in and for the County and State aforesaid
do certify that J. J. Dorris whose
Name is signed to the writing
above bearing date the 7th day
of June 1893 has acknowledged
the same before me in my County
aforesaid. Witness my hand
this 7th day of June 1893
J. C. Davis N.P.

"B"

Sales

to 3 Boys

Pullow

1894 Mch 26" Recd

A.R.

Examd

✓

Recorded D.B. 43

Page 196

75/

Paid

Southampton County: In the Clerk's office March 26th 1894: The foregoing Bill of Sale from J. V. Baker to J. W. Pullow was this day received and with the certificate annexed admitted to record.
Attest: J. B. McJannet Clerk

Dorritow

Ri } Summ.

Dales

1894. 1st Oct Rules

bin. let.

Executed Sept. 29th
1894 by delivery, a
copy of this Deed to
Mrs. Dales the wife
of the within named
J. V. Dales and Ex;
I handed it to her, she
being a member of the family of
J. Dales over the age of
twenty one the said J. Dales
not being found at his usual
place of abode. R. J. Williams
deft for J. Williams
McLennan. per

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON.....

J. T. Dolis

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the *1st* Monday in *October* next, to answer a Bill in Chancery exhibited against *him* in our said Court by *Miss Pattie V. Pretlow*

And this *he* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, T. M. HOWARD, Clerk of our said Court, at the Courthouse, this *26* day of

September, 189*8*, in the 11*9*th year of the Commonwealth.

TESTE:

T. M. Howard, C. C.

Britton P. V.
Dr. $\frac{1}{3}$ Stobbech
Dales J. J.

Stake lent in by suit of
P. V. Britton to J. P. Dales

Clerk P. M. 86.	\$ 5.77
Shiff J. W. W.	.50
Labor J. L. M.	16.50

Clerk's Costs in Judg

Alapay

\$ 22.77
1.68

2.445

Rest: J. W. Howard, C. C.

Cambridge 79
July 2nd 1895

For value rec I think sent into Bond
P.P.P. two big ones, one named Anna
One name Daisy one top sugar &
harness - to hold to hold - &c
June 7/93 -

J.T. Dolan.
Mch 26/94 recorded -

Overlook

Dr" ^{1/2} Stat Rules

Dales.

1st Act Rules

✓

Pattie V. Britton) Atty

Or "

J. T. Dales.

3rd Chancery

Deft.

1894. Sept 26" Process to 1st Act Rules

" 1st Act Rules Process ret'd. Executed, Bill
+ Ex filed + deared nisi.

" 2d Act Rules, Bill + Ex filed

" 2d Act Rules, Bill taken for
confessed + cause set
for hearing.

Pittow
r. 3 Decree
Dols.

1894 Nov. 9
To be returned.
CPR —

Ench 685

220-9

Fretton P. P.

vs.

Decree

Dols J. J.

This day this cause came on to be heard upon the bill taken for confessed exhibit filed, and was argued by counsel. On consideration whereat the Court doth adjudge order & decree, that unless the said defendant shall pay to the plaintiff or her Attorney the sum of \$100 with interest thereon from June 7. 1893, within sixty days from the date hereof, and shall also pay the costs of this suit, that J. M. William Sheriff, who is hereby appointed a special Commissioner for the purpose, (who after giving 30 days notice by poster in three or more public places) sell for cash at Iron Va. the chattel property described in the mortgage marked "A" & filed as an exhibit in this cause, & after paying the bond as aforesaid ~~cost~~ of \$100 - due to the defendant herein, with the accrued interest, and the costs of this suit including fee of \$15.00, to plaintiffs Counsel pay over the balance to J. J. Dols or his legal representative. Said Commr. will report to Court.

Chittow P.V.

Stok Cash

Dales J P

100.
17
700
100

17.00
100

117.
34.45
156.45

24.48

180.93

15
145.93

95. 11 9
93 1 7
2.10.

210.
33 1/2
630
636
105
7.14.7
210.
281.47

95 11. 9
40. 3 36
5 7. 13

State of Leach in Chy suit of
P. V. Pettlow & J. T. Dole

Clerk, J. M. H.	\$5.77
Shff. J. W. W.	.50
Laborer J. L. M.	16.50
	\$22.77

Test: J. W. Howard. l. b.

July 2^d 1893.

Memorandum.

Mr. B. F. McLemon Geo. Let. Let. Will please Copy R. M. Bales Will
to be used as an exhibit in suit of P. V. Priddy vs Bales.

In Southampton Circuit Court,
November Term, 1894

P. V. Prattow

Pliff.

Against

In

Shakbury

J. J. Dole

Deft.

Judgment for the Plaintiff against the Defendant for \$100- with
legal interest thereon from 7th day of January, 1893, till paid,
and costs, \$39.⁴⁵

Extract.

Teste: B. F. McLenore C. C.

Fullow

vs 3 Sum

Dols et als

1895 1st Sept. Rules

Cur: Cl:

Executed this 2nd
day of Aug 1895
by delivering a
true copy of the
within process to
S P Vandenslice
in person
at St Baker
Sherriff

THE COMMONWEALTH OF VIRGINIA

Sheriff of Henric County
TO THE ~~SHERIFF OF SOUTHAMPTON COUNTY~~, GREETING:

WE COMMAND YOU TO SUMMON

J. J. Doles, H. L. Deason, Wm. F. De Saussure + S. F. Vanderslice, Trustees of the Commercial Building & Loan Association of Richmond, Va. and the Commercial Building & Loan Association of Richmond Va.

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the *first* Monday in *September 1895* next, to answer a Bill in Chancery exhibited against *them* in our said Court by *P. W. Fretlow*

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

WITNESS, *L. A. Gay* T. M. HOWARD, Clerk of our said Court, at the Courthouse, this *24th* day of

August, 189*5*, in the *120th* year of the Commonwealth.

TESTE:

L. A. Gay, C. C.

By *A. B. Urquhart, Jr.* D.C.

Frederick F. V.

V.S. } Statement of Rules
Does et als.

F. V. Follens

Plaintiff

vs. } In Chancery

J. T. Dolan, N. L. Denson, Wm. P. De Saussure & S. P. Vandewater
Trustees of the Commercial Building & Loan Association
of Richmond vs. and The Commercial Building & Loan
Association, of Richmond vs. Defendants

1895, 24th Aug. Process Sps. to 1st Sept. Rules.

1895, 1st Sept. Rules. Process returned executed.

Bill and exhibits filed, Deem nisi vs.

Defendants,

1895, 2nd Sept. Rules. Bill taken for confessed
and cause set for hearing.

Executed on the 27th day of August 1895 by delivering
 a true copy of the within process to H. L. Denoon, and
 Wm. P. De Saussure, and on the 29th day of August 1895
 by delivering a true copy to L. P. Kountz Secretary & Treasurer
 of The Commercial Building & Loan Association of
 Richmond V., wherein the said H. L. Denoon, Wm. P. De Saussure
 and L. P. Kountz reside and wherein the principal office
 of the said Commercial Building & Loan Association is
 located.

For paid
 Sergeant }

Ed Doneybough to J. J. J.
 For Chas H. Epps Sergeant
 City of Richmond

W. H. H.

against

debt

Also et al

1895 1st Sept Rivers

Car. Ct.

THE COMMONWEALTH OF VIRGINIA,

Sergeant of the City of Richmond
TO THE ~~SHERIFF OF SOUTHAMPTON COUNTY~~, GREETING:

WE COMMAND YOU TO SUMMON

J. J. Dales, H. L. Deussen, Wm. S. De Laussure, and S. F. Vandevoske
Trustees of the Commercial Building & Loan Association of Richmond Va. and the Commercial Building & Loan Association of Richmond, Va.

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the *first* Monday in *September, 1895*, to answer a Bill in Chancery exhibited against *them* in our said Court by *D. V. Fretlow*

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

WITNESS, *L. A. Gay*
T. M. HOWARD, Clerk of our said Court, at the Courthouse, this *24* day of *August*, 189..., in the 11...th year of the Commonwealth.

TESTE:

L. A. Gay, C. C.

By *ATB Urquhart, Jr. D.L.*

Tutlow
against  sum.

Dales et als

1895 1st Sept Rules
leir: let:

J. J. Dales not being
found at his usual
place of abode I de-
livered a copy of
this sum to his wife
Mrs J. J. Dales she being
a member of his family
over the age of
twenty and explained
its purport to her.

W. E. Pardon
for J. W. Williams Esq
McLennan & Drimmer P. 7.

(1)

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

J. I. Doles, H. L. Deussen, Wm. P. De Saussure & S. P. Vanderlice trustees of The Commercial Building & Loan Association of Richmond Va. and The Commercial Building and Loan Association of Richmond Va.

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the *first* Monday in *September 1895* ~~next~~, to answer a Bill in Chancery exhibited against *them* in our said Court by *P. V. Pittlow*.

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

WITNESS, *L. A. Gay* ~~T. M. HOWARD~~, Clerk of our said Court, at the Courthouse, this *24* day of

August, 18*95*, in the 1*2*^{*th*} year of the Commonwealth.

TESTE:

L. A. Gay, C. C.

By A. B. Urquhart Jr. D. C.

\$100 ⁰⁰/₁₀₀

On demand with interest from
date I promise to pay to Miss Patten
V Poetlow the just and full sum of
One Hundred Dollars for value
received.

And I hereby waive the benefit of
my homestead and all other exemptions
in regard to this debt

Witness my hand this 7th day
of June 1893

J. J. Dole
Louise L. Dole.

100.
6.
\$106.
Ints to Oct 15/94. ¹⁰⁰
\$8 ¹³/_{108.13}

Pretoria P.V.

vs } Statement of costs

Dolus et al.,

Pratt & P.V.

VS

Statement of Costs

Does it also.

Sum 25. Copy. 13. Another Sum 25 - Copying 13 =	76
Another Sum 25 - 3 Copies 39. rect. 18. atty. 10. Docks 18 =	110
rule 50. entering return 35 - file bill 15. 2 24. 75 =	175
rule 50. 1 Decm 72. late Costs 40. fil. away papers 25 -	187
paid L.A. 4 day	15
Chase	15
DD J.M.R.	50
Shiff	50
Shiff Transmored	50
Songt Richmond	1.50
Law & C	16.50
	\$24.63

Pretlow,

Vs. Decree

Dones et als.

1895 Sept. 23rd.

To be entered

Robert H. Hines.

drawn from document

*Exposed
Entered
page 24*

P.V.Pretlow,

Vs.

Decree.

J.T.Doles et als.

This cause which has been regularly matured at rules, came on this day to be heard upon the bill and exhibits filed bill taken for confessed as to all the defendants, and was argued by Counsel. On consideration whereof, the Court doth adjudge order and decree that this cause be referred to one of the Commissioners of this Court who will report to Court the following:

1st. An account of the lien debts against the said J.T.Doles with their priorities.

2nd. An account of the real estate of the said J.T.Doles with its annual and fee simple value, and whether or not the rents and profits arising from the same, will in five years pay the liens reported against the same.

3rd. Any other matter specially stated deemed pertinent by the Commissioner or required to be stated by any interested party.

Pretlow,

Vs.

Dolan, et als.

It appearing from statements of plaintiff's Counsel
that the matters in controversy in this cause have been settled out of
On motion of the plaintiff, the Court
Court by compromise, doth adjudge order and decree that this cause be
removed from the docket.

679
12
2
2
6
2
2
2
2
2