

1901-17

Southampton County Chancery. Gwaltney, P. D., Jr vs Cobb, Walter

use rent from property to pay off
debt; if it isn't enough then
sell property to satisfy lien -

W. S. Hallouet P. 77.

P. D. New all my for

no 3 In Chancey

Walter Cobb

Bill of Complaint.

1898 26th Aug. 1898

L. A. 4th Aug. 1898

In the Circuit Court of Southampton county, Virginia.

To the Hon. Robert R. Prentiss, Judge of the Circuit Court of the county of Southampton:-

Your orator, P.D.Gwaltney Jr., trading under the name and style of P.D.Gwaltney Jr. & Co., humbly complaining, shows to the court;

That during the current year he has recovered several judgments against one Walter Cobb as will appear more fully by abstracts from the records, marked "A" "B", "C" and "D" respectively, filed herewith as exhibits, and prayed to be taken and read as a part of this bill of complaint, all which said judgments have been duly docketed in the Clerk's office of the County Court of the said Southampton county, and each is founded on a claim waving the Homestead Exemption.

Your orator says that the said Walter Cobb is the owner in fee of a certain tract of land, containing 53 acres, more or less, which came to him from the estate of Benj. Cobb deceased, and, is situate about 8 miles from the Court House, in the said county and state, and which adjoins the lands of J.D. Prentiss and others.

Your orator is advised that he has, by virtue of the said judgments, a lien on the said land, and, he further says that the same will not rent for enough in five years to pay off the said liens and the costs of this suit.

In tender consideration whereof your orator prays that the said Walter Cobb may be made a defendant to this bill and required to answer the same, but an answer on oath is hereby waived as provided by the statute, proper process issue, that all proper orders and decrees may be made and enquiries entered and directed, that if it shall appear that the said rents and profits of the said real estate will not in five years satisfy your complainant, a judgment that the said real estate be sold and the proceeds thereof be applied in satisfaction of your orator's said judgment; that if such rents will so suffice the said land be rented out and the rents and profits be applied to the said judgments until the same are fully satisfied;

and that all such other, further and general relief may be given your orator
as the nature of his cause may require or to equity shall seem meet.
And your orator will ever pray, &c.

P.D. Gwaltney Jr. & Co. by

Wm S. Holland

their attorney.

Wm S. Holland p.q.

In Southampton Justice Court,

Jan'y 19th Term, 1894

J. D. Gwaltney Jr & Co. Plff.
Against

In Debt

Walter Cobb Deft.

Amounts waived -

Judgment for the Plaintiff against the Defendant for \$31.¹³ with
legal interest thereon from 1st day of Decr, 1891, till paid,
and costs, \$1.⁵⁰

Extract.

Teste: B. F. McLenore C. C.

In Southampton Justice Court,
January 19th Term, 1894

J. D. Gwaltney Jr & Co. Plff.
Against

In Debt

Walter Cobb Deft.

Amounts waived

Judgment for the Plaintiff against the Defendant for \$12.³⁴ with
legal interest thereon from 1st day of Decr, 1891, till paid,
and costs, \$1.⁵⁰

Extract.

Teste: D. J. McLennan C. C.

In Southampton *Justice* Court,
Jan'y 19 Term, 18*94*

J. D. Gwaltney & Co.
Against

Plff.

In *Debt*

Walter Cobb

Def't.

Homesick waived.

Judgment for the Plaintiff against the Defendant for \$ *2.³⁰* with
legal interest thereon from *25* day of *March*, 18*92*, till paid,
and costs, \$ *1.⁵⁰*

Extract.

Teste: *B. F. McLeune* C. C.

In Southampton Justice Court,

January 19 Term, 1894

J. D. Gwaltney Jr & Co
Against

Pliff.

In Debt

Walter Cobb

Deft.

Judgment for the Plaintiff against the Defendant for \$11.⁸⁴ with
legal interest thereon from 28 day of January, 1891, till paid,
and costs, \$1.⁵⁰

Home read waived. Extract.

Teste: B. F. McLenore C. C.

P. D. Gwathney Jr. & Co.

to. } Statement of Receipts.

Robt. H. Hester

P.D. Gwaltney, trading under the firm
name and style of P.D. Gwaltney & Co. } Plaintiff
vs.

Walter Cobb

Defendant

1898. 27th. August. Process issued to 1st. Sept. Rules.

1898 1st. Sept. Rules. Process returned executed.

Bill and exhibits filed, Deem nisi.

1898. 2nd. Sept. Rules. Bill taken for confessed
and cause set for hearing.

CLERK'S RECEIPT.

No. 39

SUITS.

Plaintiff..... J. S. Quackenbush Jr. Co.

Defendant..... Walter Lobb

Date..... August 26th, 1898

Amount of tax, - - - - \$ 1.50

Common law.....

Chancery.....

Received (date)..... August 26th.

..... L. A. Gay Clerk.

P. D. Hawatney Jr. & Co
rs

Walter Cobb

to order

Oct. 4th 1898

To be interest.

Robert R. Huntis

Entered Page # 227

P. D. Swallow & Co. Attorneys

vs.

Walter Robb

This cause came on this day to be heard on the bill of complaint taken for confessed as to the defendant upon whom process has been duly served and he still failing to appear, plead answer or demurrer and was argued by counsel:

On consideration whereof the Court doth adjudge, order and decree that one of the commissioners of this court enquire, take note and report the following enquiries and accounts:

- (1) The annual and feasible value of the land in the bill mentioned
- (2) Whether or not the land will rent for enough in five years to pay the complainant's debt including the costs of this suit
- (3) An account of the liens on said land stating their priorities, including the debt of the plaintiff, and including any taxes for state and county taxes, &c.
- 4 This matter deemed to be settled by any order which may be made by the court.

P. D. Gwynne & Co.

vs. J. S. L. Chy.

Walter Cobb

1898. 1st. Sept. Rules.

6th. LX

Executed Sept. 5th
1898 by delivering
a copy of this sum
to Walter Cobb.

J. W. Williams
Suff.

(1)

W. S. Holland p. g.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon Walter Lobb

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 Sept. 1898 next, to answer a bill in Chancery exhibited against him in our said Court by P. D. Gwathney, Trading under the firm name and style of P. D. Gwathney & Co.

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

WITNESS, L. A. GAY, Clerk, of our said Court, at the Courthouse, this 27th day of August, 1898, in the 12th year of the Commonwealth.

Teste:

L. A. Gay

C. C.

P. Sweeting & Co.
Notia v. s. of Nathl Cobb

24 October 1898
1898 by delivering
a copy of this
to Nathl Cobb

Dr Williams
Shiff

make to test when what
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the is not what it is

GEN. W. B. SHANDS.

WILLIAM SHANDS,
Commissioner in Chancery.

W. B. Shands & Son,

Attorneys at Law.

COURTS:

Southampton, Nansemond, Isle of Wight,
Surry, Sussex, and Greenville coun-
ties; State and Federal Courts at
Norfolk and Portsmouth, Va.

COLLECTION OF CLAIMS A SPECIALTY.

In Re:

vs.

Courtland, Va., 189

To Walter Cobb:

Here take notice that I shall
on the 20th day of September 1898, at his
office in the town of Suffolk, Virginia, apply
to the Hon. Robert H. Prentiss, Judge of the Circuit
Court of Southampton County, in vacation,
for a decree for inquiries and accounts
in the suit in said Circuit Court pending in
which you are defendant and I am
the Plaintiff.

P. D. Gwathney Jr. Trading
as P. D. Gwathney Jr. & Co by
Wm S. Hall and his
attorney.

P.D. Hwalling Jr. & Co.

vs. } Stat. of assets

Walter Lambly

Walter Lambly

J. D. Galloway Jr. & Co.

to } Statement of Costs

Hattie Cobb

Sum. 25. 1. Exp. 15. Receipt 15. Aug. 10. Dock 18 = 54

Railroad 1.00, entering return of fil. bill 15 = 1.50

Do. Exhibits 20. Copy 20. 1.00. Replication 15 = 1.05

2. Across 72. 4 continuances 1.00. = 1.72

Law costs first year 40. Do. 1 1/2 years ^{100%} 15 = 55

1900, Oct. Giving away papers 25 = 25

1901, Sept 2nd Paid by W. B. Steward, L. A. Gay 62.1

Shff 1.00

Law 6.50

X137.1

Total L. A. Gay 22.

P.D. Gwaltney Jr. & Co.

vs

Walter Cobb et als.

CONSIDERED

On motion of the plaintiff it is ordered that this case be
stricken from the docket without prejudice and the case dismissed.

P.D. Gwaltney Jr & Co.

vs

Walter Cobb et als.

DECREE.

To be entered

April 4th 1901.

Robert C. Smith

P.D. Gwaltney Jr. & Co.

vs

Walter Cobb et als.

complainants

On motion of the ~~plaintiffs~~ it is ordered that this case be
stricken from the docket without prejudice to the ~~plaintiffs~~.

RECEIVED
NOV 17 1901

NO 24 1901

RECEIVED

WALTER COBB ET AL.

P.D. Gwaltney Jr. & Co.