1906-004 Chancery Causes: George S. Gwaltney v Ux & W. H Gwaltney v Ux VS
Isle of Wight County
Mary E. Gwaltney v d
Petition of Mary E. Gwaltney, W. H Gwaltney v Battie O. Gwaltney

other surnames: Whitley, Edwards, Pulley, Garner, Parkerson, Presson

E. H. Williams P. Q.

Gwaetney ch dec

v. Du Chauney

Gwaetney ch dec

# Bill of Complaint

1st Jany rules 1906 Bill filed. Summons to enter on all defts except Emma A. Parkinson and C. C. Parkinson. affd. filed and proof pub. notice for 4 weeks as to them, & nisi as to all defts on whom process has been served.

2d Jany rules 1906 Bill taken for confessed and set for hearing as to all defts on whom process has been served.

1st Feby rules. Bill taken for confessed as to Emma A. Parkinson & C. C. Parkinson on order of pub. and cause set for hearing as to them

2nd vacation
Feby 9th 1906. de making this vacation came

2nd vacation
Feby. 9th 1906 de for accounts

of any liens on said land, if there are any, (your complainants say there are no liens upon the said lands), the proceeds of sale be divided among the parties entitled thereto as their interest may entitle them; that all proper orders and decrees may be made, and proper enquiries be directed; that a reasonable fee be allowed E. H. Williams, Attorney in this cause for his services; and that such other, further and general relief may be afforded your Complainants as the nature of their case may require, or to equity and good conscience shall seem meet.

And your Complainants will ever pray, etc.

Geo. L. Sweetney

Annie L. Sweetney

W.H. Sweetney

Maggie J. Sweetney

By Deming.

tney, Sallie R. Edwards, who was Gwaltney, Minnie C. Pulley, who was Gwaltney, Mary A. Garner, who was Gwaltney, Emma H. Parkerson, who was Gwaltney, Ballie O. Gwaltney, W. H. Gwaltney and George L. Gwaltney, who are tenants in common under the will and agreement heretofore mentioned. That the said Sallie R. Edwards and D. E. Edwards, her husband, executed a deed of bargain and sale conveying all of their interest and title of whatsoever nature in the estate, both real and personal , of the said Wm. H. Gwaltney, deceased, to George L. Gwaltney, Mary A. Garner, W. H. Gwaltney, Minnie C. Pulley, Ballie O. Gwaltney and Emma H. Parkerson, which deed bears date of May 1st. 1904, deed is recorded in the Clerk's office of the Circuit Court of Isle of Wight County, in deed book No. 69, page 547.

Your Complainants are informed and so charge that the said Mary E. Gwaltney renounces the Will and claims her dower in the tract of land above described.

Your Complainants are informed and so charge that the said Mary E. Gwaltney is willing to and desires, that instead of dower being assigned to her in kind, that the said land be sold free and clear of and from her dower therein, and here estate in dower be commuted and paid to her. Your Complainants are of the opinion that the interest of all parties would be promoted by the said land being so sold, and such interest commuted and paid as aforesaid.

Your Complainants say that the said tract of land cannot advantageously be partitioned in kind, into six parts exclusive of the widows dower.

For as much as your Complainants arewithout remedy save in this Honorable Court of Chancery where matters of this sort are alone and properly cognizable, they pray that the said Mary E. Gwaltney, Minnie C. Pulley and W. E. Pulley, her husband, Mary A. Garner and W. W. Garner, her husband, Emma H. Parkerson and C. C. Parkerson, her husband, and Ballie C. Gwaltney be made parties defendant to this xxxx bill of Complaint and required to answer the same, an answer under oath being hereby expressly waived as by the statute made and provided that proper process may issue that the said land be divided among the several parties entitled thereto; and if that connot be done that the said land be sold, free and clear of the dower of the said Mary E. Gwaltney as aforesaid; and after payment

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

To the Honerable Robert R. Prentis, Judge of the Circuit Court of Isle of Wight County:

Humbly complaining showeth to the Court your Complainants, Geo. L. Gwaltney and Annie L. Gwaltney, his wife, W. H. Gwaltney and Maggie J. Gwaltney, his wife.

That W. H. Gwaltney died, seised and possessed of a certain tract of land lying and being in Isle of Wight Vounty, Virginia, containing two hundred (260) and sixty acres, more or less, which land is bounded by the lands of Ben Presson, Jack Bland, Jim Presson, John A. Hall et als. It being the same land that was conveyed to the said Wm. H. Gwaltney, deceased, by Geo. T. Whitley, by deed bearing date of Jan. 1st. 1868, and recorded in D. B. No. 43 P. 426.

That the said Wm. H. Gwaltney during his life time on the 14th. day of December 1891, made his last will and testament, which contains the following provisions, viz: "I give to my daughter Mollie or Mary who has recently intercarried with Wm. W. Garner the sum of One Doolar and no more.

The remainder of the estate, both real and personal of which I shall die, seized and possessed, I give, devise and bequeath to be after my death, equally divided among and between my wife Mary E. Gwaltney and such of my children as may be living at the time of my death, except the said daughter Mollie Garner, who it is hereby expressly directed is to have no part of said remainder," which will was probated November the 8th. 1898 and is recorded in Will Bokk No. 33 P. 396. That the said Wm. H. Gwaltney during his last illness expressed the wish that the said Mary or Mollie Garner should share equally with his other children in his estate, both real and personal. That in accordance with the wish of the said Wm. H. Gwaltney, deceased, all of his children entered into an agreement that the said Mollie or Mary Garner should share equally in all the estate both real and personal of the said Wm. H. Gwaltney, which agreement is dated May 17th. 1904, and of record in the Clerk's Office of the Circuit Court of Isle of Wight County, in D. B. No. 49, page 542, and was admitted to record the 28th. day of May, 1904. That the said Wm. H. Gwaltney died the _____ day of _____ leaving surviving him his widow, Mary E. Gwal-

Geo. L. Gwaltney et als.

versus-

Mary E. Gwaltney, et als.

Petition of

Mary E. Gwaltney,

W. H. Gwaltney and

Ballie O. Gwaltney,

STATE OF VIRGINIA,

ISLE OF WIGHT COUNTY,TO-WIT:

I, E. H. Williams, a Commissioner in Chancery for the Circuit Court of the County aforesaid , in the State of Virginia, do certify that Mary E. Gwaltney, W. H. Gwaltney and Ballie O. Gwaltney, whose names are signed to the foregoing petition, personally appeared before me in my Cou ty aforesaid and made oath that the statements therein contained are true.

Given under my hand this 14th day of April, 1905.

E H. Williams.
COMMISSIONER IN CHANCERY.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

Geo. L. Gwaltney et als. .....P laintiffs.

versus- In Chancery.

Mary E. Gwaltney et als.....Defendants.

Your petitioners, Mary E. Gwaltney, W. H. Gwaltney and Ballie O. Gwaltney, would respectfully represent to the Court that on the 18th. day of March, 1905, E. H. Williams, Special Commissioner, under the decree herein of March, 3rd. 1905, having done the things by the said decree directed, exposed to sale at public auction at Isle of Wight Court House the tract of land in the bill and proceedings of this suit mentioned, at which sale your petitioners being the highest bedders, became the purchasers thereof at the sum and price of Three Thousand Seven Hundred ($3700) Dollars. That your said petitioners instead of executing their bonds for the deferred payments desire to pay the entire amount in cash, except so much thereof as upon a distributionof the proceeds of sale your petitioners shall be entitled. That your petitioner, Mary E. Gwaltney, is the widow of W. H. Gwaltney, deceased, and is entitled to a commuted dower interest in the said land to be ascertained according to the tables provided by law; and your petitioner W. H. Gwaltney and Ballie O. Gwaltney are each entitled to a one-sixth interest in the proceeds of the sale of said land after paying the expenses of this suit and sale and the commuted dower of Mary E. Gwaltney.

Your petitioners pray that upon their filing their receipts with the said E. H. Williams, Special Commissioner, of sale for their respective shares of the said proceeds of sale of the said land, that the said Mary E. Gwaltney, W. H. Gwaltney and Ballie O. Gwaltney, be credited with the respective shares of your petitioners in the statement to be made by them of the purchase price of the said land, as full and lawfully as if the same had been paid by them in cash.

And your petitioners will ever pray.

Mary E Gwaltney

Ballie O Gwaltney

W H Gwaltney

Geo. L. Gwaltney etals

vs. { SUBPOENA IN CHANCERY.

Mary E. Gwaltney etals

E. & A. Williams p. q

To 1st Jannay Rules,

Circuit Court.

1904

B 33119

Executed Dec. 22, 1 By
delivering a copy to
Mary E. Gwaltney,
Minnie C. Pulley,
W. E. Pulley, Mary A. Garner,
W. F. Garner and
Belle O Gwaltney. A. J. Stith D.S.
For R. A. Edwards Sheriff

# The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon Mary E. Gwaltney, Minnie L. Pulley and W. E. Pulley, Mary A. Garner and W. W. Garner, Emma A. Parkinson and L. C. Parkinson, and Bettie O. Gwaltney

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 First Monday in January 1905, to answer a bill in chancery, exhibited against them in our said court ~~for~~ by Geo. L. Gwaltney and Annie L. Gwaltney, W. H. Gwaltney and Maggie J. Gwaltney

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the 13th day of December 1904, and in the 129 year of the Commonwealth.

N. F. Young clerk

Geo. L. Gwaltney etals

vs. } Report of
Comm. N. J. Hanna
under the decree of Feby 9th 1905

Mary E. Gwaltney etals

---

Filed February 16th 1905

---

Ans. No, I do not.

Further this deponent saith not.

W W Garner 6

Subscribed and sworn to before me, N. F. Young, a Commissioner in Chancery, by B. F. Presson, W. E. Pulley and W. W. Garner, this 14th. day of Feb. 1905.

N. F. Young
Commissioner in Chancery.

Q. How near do you live to this land?

Ans. About a mile and a half, and have known it all my life.

Q. What do you consider a fair fee simple value of the said farm?

Ans. I think from $1800 to $2000 will be a fair fee simple value of the said farm.

Q. What do you think a fair annual value of the said land?

Ans. I think about $150 a fair annual value of the land.

Q. Do think this land could be partitioned in kind to an advantage of all parties in interest?

Ans. No sir, I do not.

Q. Do you know any party who would be willing to take the farm and pay to the other parties theirs respective shares.

Ans. No, I do not.

Further this deponent saith not.

W E Pulley

Q. Mr. Garner please state your full name, age, residence and occupation?

Ans. W. W. Garner, Isle of Wight County, age 50 years and I am a farmer.

Q. Are you well acquainted with the land of which W. H. Gwaltney died, seised and possessed?

Ans. Yes, I am tolerable well acquainted with it, I have known it for the last fifteen or twenty years.

Q. What do you consider a fair fee simple value of the said farm?

Ans. I suppose about two thousand dollars.

Q. What do you consider a fair annual value of the farm?

Ans. A Hundred and Fifty Dollars, I reckon.

Q. Do you think the land can be partitioned in kind to the advantage of all parties in interest?

Ans. I do not.

Q. Do you know of any party who will be willing to take the whole farm and pay the others their share?

Commissioner's Office, Isle of Wight, C.H.

February, 14th. 1905.

The depositions of B. F. Presson, W. E. Pulley and W. W Garnertaken before N. F. Young, Commissioner in Chancery this 14th. day of Feb. 1905, to be read as evidence in the suit of Geo. L. Gwaltney et als vs. Mary E. Gwaltney et als .

Q. Mr. Presson please state your full name, age and occupation? and residence?

Ans. B. F. Presson, Isle of Wight County, 54 years and I am a Farmer.

Q. Are you weel acquainted with the lands of which W. H. Gwaltney died, seised and possessed?

Ans. Yes, I am weal acquainted with the land. It is the adjoining farm to me.

Q. What do you consider a fair fee simple value of the said farm?

Ans. I think $2000.00 a fair fee simple value of the land .

Q. What do you consider a fair annual value?

Ans. I think $140 will be a fair annual value of the said farm.

Q. Mr. Presson you are well acquainted, you say, with the land, do you think it could be divided in kind among the several parties in interest, to advantage?

Ans. I don't think it could be done satisfactorially.

Q. Do you know of any party who will be willing to take the whole farm and pay the others their share?

Ans. No, I do not.

Further this deponent saith not.

B. F. Presson

Mr. Pulley,

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

Ans. W. E. Pulley, Isle of Wight County, 28 years and I am a Farmer.

Q. Are you well acquainted with the land of which W. H. Gwaltney died, seised and possessed?

Ans. Yes, I am well acquainted with the land.

cannot be satisfactorily partitioned in kind among the parties in interest, and none of the parties are willing to take the land and pay the others parties in interest their proper shares.

Your Commissioner reports that there are no liens on the said land for delinquent taxes or otherwise.

Respectfully submitted,

A. J. Young
Comm.

Time consumed 15 hours
Comm. fee $11.25
Stff " 100

Commissioner's Office

February 16th. 1905.

To the Circuit Court of Isle of Wight County.

Pursuant to a decree of the circuit court of Isle of Wight Countyrendered on the 9th. day of Feb. 1905, in the Chancery suit therein depending, wherein Geo. L. Gwaltney and Annie L. Gwaltney, W. H. Gwaltney and Maggie J. Gwaltney are plaintiffs and Mary E. Gwaltney, Minnie C. Pulley and W. E. Pulley, Mary A. Garner and W. W. Garner, Emma H. Parkerson and C.C.Parkerson and Ballie O. Gwaltney are defendants, it is ordered that one of the Commissioners of this court take, state and report to court the following inquiries and accounts.

F I R S T:,What is the annual and fee simple value of the land in the bill and proceedings mentioned.

S E C O N D:If there are any liens or charges upon the said land,for delinquent taxes or otherwise, and if so report said liens or charges to-gether with their priorities.

T H I R D: Whether or not the land in the bill and proceedings mentinned can be partitioned in kind, between the parties entitled thereto and if not, whether either of the parties will take the land and pay the others for their interest therein.

F O U R T H : Any matter deemed pertinent by the commissioner or which any party in interest may require to be so taken, stated and reported to court.

The undersigned, one of the commissioner of the court, to whom the papers in this cause have been referred, begs to report, that on the 10th. day of Feb. 1905, he issued notices directed to all the parties, plaintiffs and defendants, fixing on the 14th. day of Feb. 1905, at his office to take and state the inquiries heretofore mentioned, which said notices were duly executed as shown by the returns herewith filed.

Your commissioner reports that from the evidence,adduce by depositions of witnesses, which said depositions are herewith filed,that $2000.00 is a fair fee simple value and $140.00 a fair annual value of the land in the bill and proceedings mentioned. That the said land

Affidavit B
Mrs. Mary E. Gundlach.

State of Virginia,

County of Isle of Wight, to-wit:

I, E.H.Williams, a Commissioner in Chancery for the Circuit Court of Isle of Wight County, Virginia, do hereby certify that Mrs. Mary E. Gwaltney this day personally appeared before me in my County aforesaid, and made oath that she is the widow of W.H.Gwaltney and that she is sixty years old.

Given under my hand this 14th. day of April 1905.

E.H. Williams

Commissioner in Chancery.

FORM NO. 302.

Geo. L. Gwaltney et als

*vs.* { AFFIDAVIT FOR ORDER OF PUBLICATION.

Mary E. Gwaltney et als

E. A. Williams *p. q.*

Everett Waddey, Stationer and Printer, Richmond, Va } Form No. 302.

In the Clerk's Office of the Circuit Court of the County of Isle of Wight

George L. Gwaltney etals

Plaintiff,

against

Mary E. Gwaltney etals

Defendant.

This day E. A. Williams personally appeared before me, N. T. Manning Clerk of the said Court, and being duly sworn, made oath that Emma A. Parkerson and C. C. Parkerson defendant in the said suit are not resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 13th day of December 1904

N. T. Manning clerk

+8

VIRGINIA—In the Clerk's office of the Circuit Court of Isle of Wight county, in vacation, on the 13th day of December, 1904.

Geo. L. Gwaltney and Annie L. Gwaltney, W. H. Gwaltney and Maggie J. Gwaltney..... Plaintiffs.

vs. In Chancery.

Mary E. Gwaltney, Minnie C. Pulley and W. E. Pulley, Mary A. Garner and W. W. Garner, Emma H Parkerson and C. C. Parkerson, and Ballie O. Gwaltney ..... Defendants.

The object of this suit is to have partitioned a certain tract of land situated in Isle of Wight county, Virginia, and bounded by the lands of Ben Presson, Jack Bland, Jim Presson, John A. Hall et als., containing 260 acres, more or less, and being the same land of which the late Wm. H. Gwaltney died, seized and possessed, and it appearing by affidavit filed that Emma H. Parkerson and C. C. Parkerson are non-residents of the State of Virginia, it is ordered that they do appear here within fifteen days after due publication of this order in the Suffolk Herald, a newspaper circulated in this county, and do what is necessary to protect their interest in this suit and that this order be published and posted according to law.

N. PEYTON YOUNG, D. C.

E. H. WILLIAMS, p. q.

A Copy—Teste:

N. PEYTON YOUNG, D. C.

VIRGINIA—In the Clerk's office of the Circuit Court of Isle of Wight county, in vacation, on the 13th day of December, 1904.

Geo. L. Gwaltney and Annie L. Gwaltney, W. H. Gwaltney and Maggie J. Gwaltney..... Plaintiffs.

vs. In Chancery.

Mary E. Gwaltney, Minnie C. Pulley and W. E. Pulley, Mary A. Garner and W. W. Garner, Emma H Parkerson and C. C. Parkerson, and Ballie O. Gwaltney ..... Defendants.

The object of this suit is to have partitioned a certain tract of land situated in Isle of Wight county, Virginia, and bounded by the lands of Ben Presson, Jack Bland, Jim Presson, John A. Hall et als., containing 260 acres, more or less, and being the same land of which the late Wm. H. Gwaltney died, seized and possessed, and it appearing by affidavit filed that Emma H. Parkerson and C. C. Parkerson are non-residents of the State of Virginia, it is ordered that they do appear here within fifteen days after due publication of this order in the Suffolk Herald, a newspaper circulated in this county, and do what is necessary to protect their interest in this suit and that this order be published and posted according to law.

N. PEYTON YOUNG, D. C.

E. H. WILLIAMS, p. q.

A Copy—Teste:

N. PEYTON YOUNG, D. C.

Office of The Herald.

*Suffolk, Va.,* Jan. 18 1905

*I hereby certify that the order of which the annexed is a copy has been published in THE SUFFOLK HERALD in the manner prescribed by law--once a week for four successive weeks.*

Commencing 1/6/05. W. J. Kendrick

*Editor Herald.*

ESTABLISHED 1873.

Suffolk, Va., March 7 1905

M C H Williams

# To SUFFOLK HERALD, Dr.

## NEWSPAPER AND JOB PRINTING ESTABLISHMENT.

NO. 9 WASHINGTON SQUARE.

TERMS OF THIS BILL. NET CASH.

| | | | | |
|---|---|---|---|---|
| Jan | 13 | 3 inch notice Geo. W. Gwaltney vs Mary Gwaltney | 2 | 80 |
| Mch | 6 | 1 x 5 Bill - Sale of land | 1 | 00 |
| " | " | Publishing Land Sale one Time | 1 | 00 |
| | | | 4 | 80 |

Paid mch 6/05
Dan'l Clark Herald

Geo. D. Gwaltney et als.

versus-

Mary E. Gwaltney, et als.

Report of Sale by

Special Commissioner,

E. H. Willams,

law of W. H. Gwaltney, deceased, after the payment of the costs of x suit and sale.

The petition of the said Mary E. Gwaltney, W. H. Gwaltney and Ballie O. Gwaltney praying that their respective shares aforesaid be credited upon the purchase price of the said land as aforesaid, is herewith filed.

Your Commissioner is advised that the said land sold for its full value and would advise the confirmation of the said sale and that the prayer of the said petition be granted.

All of which is respectfully submitted.

E. H. Williams.
SPECIAL COMMISSIONER.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

Geo. L. Gwaltney et als.....Plaintiff.

versus- In Chancery.

Mary E. Gwaltney, et als..... .... Defendant.

The undersigned, E. H. Williams, Special Commissioner of sale, under the decree herein of March 3rd. 1905, respectfully report to the Court, that in obedience to the said decree, having first executed the bond and advertised the time, place and terms of sale as by the said decree directed, exposed to sale at public auction, at Isle of Wight C.H. in front of the Court House door, on the 18th. day of March, 1905, being Saturday, the tract of land in the bill and proceedings of this suit mentioned, of which W. H. Gwaltney, died, seised and possessed in the County of Isle of Wight, State of Virginia, containing by estimation Two Hundred and sixty (260) acres, more or less, but the said land being sold in gross and not by the acre, which land is bounded by the lands of Ben Presson, Jack Bland, Jim Presson, John A. Hall et xxals., and being the same land that was conveyed to the said W. H. Gwaltney, deceased, by Geo. T. Whitley, by deed bearing date on the 1st. day of Jan. 1868, and recorded in D. B. No. 43 at page 426, upon the following terms, to-wit:

One half cash, and the residue in two equal installments, to be evidenced by the bonds of the purchasers, payable in one and two years, with interest from date of sale until paid, with the privilege to the purchaser or purchasers of paying the whole amount of the purchase price in cash the title to be retained until the further order of this Court, at which sale Mary E. Gwaltney, W. H. Gwaltney and Ballie O. Gwaltney, being the highest bidders, became the purchasers thereof at the sum and price of Three Thousand Seven Hundred Dollars ($3700).

That the said Mary E. Gwaltney, W. H. Gwaltney and Ballie O. Gwaltney, instead of executing their bonds for the deferred payments, desire to pay the entire purchase price in cash, except so xxxx much thereof as upon a distribution of the proceeds of sale, the said Mary E. Gwaltney, W. H. Gwaltney and Ballie O. Gwaltney, shall be entitled as widow and heirs at

Teachers
Geo L. Gardiner Chas.
V. Du Chauney.
Mary E. Gardiner.

April 25th. 1905.

R E C E I V E D of E. H. Williams, Special Commissioner in the suit of Geo. L. Gwaltney et als. vs. Mary E. Gwaltney et als., the sum of $1530.71, being our distributive shares of the proceeds of the sale of the real est te in the bill and proceedings mentioned, the said amount being paid to us by being credited as part payment of the purchase price of the said land, in pursuance of our petition filed in said suit, and a decree entered therein on the 20th. day of April, 1905.

Witness: Maggie J. Gwaltney

Mary E. her + Gwaltney
Dr. Nurse

W.H. his + Gwaltney
Nurse

Ballie O. her + Gwaltney
Nurse

54
1219 10
1219 10
1219 10

R E C E I V E D of E. H. Williams, Special Commissioner,
in the cause of Geo. L. Gwaltney et als. vs. Mary E. Gwaltney et als.
$479.10, being my distributive share in the proceeds of sale of the
land of W. H. Gwaltney, deceased,
April, 29th. 1905.

G. L. Gwaltney

Recv. of E. H. Williams, Special Comr. in the cause
of Geo. L. Gwaltney et als. versus Mary E. Gwaltney et als,
$479.10 being my distribution in the proceeds of sale
of the land of which W. H. Gwaltney died, seized and
possessed.
April 29, 1905.

Mary A. Garner

Rec'd. of E H Williams Special Commissioner in Suit
of Geo L Goodlett ch als vs Mary E Goodlett ch als
Five dollars. fee for Filing the bill Goodlett
Dam. this 18th day of march 1905

Ro A. Edwards Cler

Rec'd of E H Williams Special Commissioner.
in Suit of Geo. L. Goodlett ch als vs Mary E Goodlett
ch als- May fee in Suit of 4.00

Ro A. Edwards Sheff.

All Available Text Successfully Captured

PAY TO THE ORDER OF

The Farmers Bank of Nansemond,

SUFFOLK, VA.

N. F. Young, Clerk,

N. F. YOUNG.

Pay to ANY BANK OR BANKER,
OR ORDER.
Prior Endorsements Guaranteed.

MAY 1 1905

FARMERS BANK OF NANSEMOND
SUFFOLK, VA.
W. H. JONES, Jr., Cashier.

BANK OF SMITHFIELD,
SMITHFIELD, VA.

NORFOLK NATIONAL BANK,
NORFOLK, VA.
A. B. SCHWARZKOPF, Cash'r.

Smithfield, Va. April 27th 1905 No. 64

# The Bank of Smithfield

Smithfield, Va.

Pay to the order of N. F. Young, Clerk $39.85

Thirty-nine 85/100 Dollars

Atty, Clerk, Comr & private fees in Geo. P. Gwaltney v. Mary E. Gwaltney et als

E. H. Williams, Atty

THE BANK OF S... MAY 4 1905

THE FALCONER COMPANY, BALTIMORE

Ro. A. Eaton

Smithfield, Va. April 27th 1905 No. 66

# The Bank of Smithfield

Smithfield, Va.

Pay to the order of Robt. A. Edwards, Shff. $9.00

Nine & 00/00 Dollars

Sheriff's Civil Fee in Geo. L. Gwaltney et als v. Mary E. Gwaltneyes.

APR 29 1905

E. H. Williams, Atty.

THE FALCONER COMPANY, BALTIMORE

G. F. Bowman

Pay BANK OF SMITHFIELD,
SMITHFIELD, VA.
THE NORFOLK NATIONAL BANK,
NORFOLK, VA.
A. B. SCHWARZKOPF, Cash'r.

Pay to ANY BANK OR BANKER
OR Cashier
Prior Endorsements Guaranteed.
MAY 2 1903
FARMERS BANK OF [illegible]
SUFFOLK, VA.
W. H. JONES, Jr., Cashier.

Smithfield, Va. April 29, 1905 No. 68

# The Bank of Smithfield

Smithfield, Va.

Pay to the order of Geo. P. Gwaltney $479.10

Four Hundred & Seventy-nine 10/100 Dollars

MAY 5 1905

In full of distributive share in process of sale of the W. H. Gwaltney land.

E. H. Williams, atty.

THE FALCONER COMPANY, BALTIMORE

Mrs. W. W. Garner

Smithfield, Va. April 29, 1905 - No. 69.

# The Bank of Smithfield

Smithfield, Va.

Pay to the order of Mrs. W. W. Brown $47.96

Forty Seven 96/100 Dollars

In full distribution shown in proceeds of sale of the W. H. Delaney land.

MAY 1 1905

E. H. Williams, Atty.

THE FALCONER COMPANY, BALTIMORE

Hennie C Parker

Norfolk Virginia

PAY TO THE ORDER OF
ANY BANK OR BANKER,
All Previous Endorsements Guaranteed

MAY 15 1905

BANK OF SUSSEX & SURRY,
IVOR VA.
R. M. HERRIN, - Cashier.

Smithfield, Va. May 1st 1905 No. 70

# The Bank of Smithfield

Smithfield, Va.

Pay to the order of Minnie C. Pulley $479.10

Four Hundred Seventy-nine 10/100 Dollars

In full of distribution shown in Geo. L. Gwaltney et als vs Geo. E. Gwaltney et als.

E. H. Williams, Atty.

MAY 15 1905

THE FALCONER COMPANY, BALTIMORE

Mrs Emma H Parham

C C Parham

Pay BANK OF SMITHFIELD,
SMITHFIELD, VA.
THE NORFOLK NATIONAL BANK,
NORFOLK, VA.
A. B. SCHWARZKOPF, Cash'r.

Smithfield, Va. May 3rd 1904 No. 72

# The Bank of Smithfield

Smithfield, Va.

Pay to the order of Mrs. Emma H. Patterson $479.90

Four Hundred & Seventy nine & 90/100 Dollars

In full distribution share in Geo. L. Gwaltney et als v. Mary E. Gwaltney et als.

E. H. Williams, Atty

THE FALCONER COMPANY, BALTIMORE

Leonard Dammann

Leonard Dammann

Emma Dammann

PAY TO THE ORDER OF
THE BANK OF SMITHFIELD
SMITHFIELD, VA.
THE NORFOLK NATIONAL BANK,
NORFOLK, VA.
A. B. SCHWARZKOPF, Cashier

PAY TO THE ORDER OF
ANY BANK OR BANKER,
ENDORSEMENTS GUARANTEED
MAY 11 1905
THE FIRST NATIONAL BANK
OF RICHMOND, VA.
JOHN M. MILLER, Jr., Cashier.

Smithfield, Va. May 5th 1905 No. 13.

# The Bank of Smithfield

Smithfield, Va.

Pay to the order of Seaboard Dominion $11.00

Eleven 00/100 Dollars

To pay in full Premium on Bond E. H. Williams, Pdc
Comit Geo. G. Thackeray et als. v. Mary E. Timberlake et als.

E. H. Williams, Adlr.

THE FALCON P COMPANY, BALTIMORE

Received of E.H.Williams, Special Commissioner, in the suit of Geo. L.Gwaltney et als. V. Mary E.Gwaltney et als. $479.10, being the full amount of distributive share due me as one of the heirs at law of W. H. Gwaltney, deceased, in theproceeds of the sale of the land mentioned in the above styled suit.

May 1st. 1905.

Minnie E. Pulley

Received of E. H. Williams Special Commissioner in the suit of Geo. L. Gwaltney et als . vs. Mary E. Gwaltney, et als. $479.10 in full of my distributive share in the proceeds of sale of the land in the bill and proceedings mentioned.

Emmar H. Parker

Witness
C C Parker

$5/00.

Paid of E.H. Williams, Special Commissioner, in the suit of Geo. L. Greenway et als. v. Mary E. Greenway et als. My fee of $5/00 as attorney in said cause.

E.H. Williams, Atty.

May 15, 1901.

Geo. L. Terrell et al.
V. Du Chauney
Mary E. Terrell et al.
Report of Payment
by E.H. Williams, Sp.
Comr.

E.H. Williams, Special Commissioner, in account with the suit of Geo. L. Gwaltney et als. v. Mary E. Gwaltney et als.

1905

April 2nd Suit of the purchase price of the W.H. Gwaltney tract of land 3700 00

By Amt paid R. D. Edwards, Shipyard " " " " Crier " 400 500

" " " " N. F. Young. Record Cost 3985

" " " E. H. Williams, Spl Comr. 5% on first $300. 1500

" " " " " " 2% on $3400. 6800

" " " " " " for writing deed 1000

" " " Leonard Drummond. Premium on bond 1100

" " E. H. Williams, Attorney's Fee 10000

" " Credited to Mary E. Gwaltney. Commuted Dower 57254

" " " " W.H. Gwaltney his heir Tribulin Share 47910

" " " " Bessie O. Gwaltney " " ✓ 47910

" " Paid " Geo. L. Gwaltney " " ✓ 47910

" " " " Mrs. W. W. Gwynn " " ✓ 47910

" " " " " Emma H. Parkerson " " ✓ 47910

" " " " " Minnie C. Pulley " " ✓ 47910

" " Spent in Stamps 04

3700 00 3700 00

To the Honorable Robert R. Prentis, Judge
of the Circuit Court of Isle of Wight County,
Virginia:
Geo. L. Gwaltney et als. ——— Plaintiffs,
v. In Chancery.
Mary E. Gwaltney et als. — Defendants.

The undersigned has the honor to report,
that he did under and by virtue of the
decree heretofore entered in this suit, which
bears date 20th April, 1905, convey by deed
of Special Warranty the land in the pleadings
and proceedings mentioned to Mary E.
Gwaltney, W.H. Gwaltney and Bessie E. Gwalt-
ney, and did collect from them in
the way prescribed by the aforesaid decree
the sum of Three Thousand Seven Hundred
Dollars; and did pay out the said Money
as the law directs, a Statement of which
payments and the vouchers therefor are
herewith filed and prayed to be read
as a part of this report.
The undersigned in making distribution
of the said $3700.00, first deducted from
the whole amount of the purchase price
of the said land the Attorneys fee, Special
Commissioners fee and the Costs up
to and including a final decree, and then
as enlarged the Commissioner directed
of Mary E. Gwaltney
in the Manner prescribed and directed by
the aforesaid decree; and then divided the
balance in equal shares between the heirs of W.H.
Gwaltney, deceased,
Nothing further remaining to be done in
this Cause, the undersigned, asks that the said
Cause be stricken from the docket and
he relieved of all liability from his bond and
as Special Commissioner. Respectfully submitted.
E.H. Williams, Special Commissioner.

Geo. L. Gwaltney et als

Vs.) In Chancery.

Mary E. Gwaltney et als.

Ordered (Book 6, page 403, DECREE.

To be entered February 1 1905

Robt E Hurt

We Object
E.H. Williams, D.C.
W E Fuller
Minnie G. Fuller
W W Garner
Mary A Garner
A E Grant
Sallie Grant

Circuit Court of Isle of Wright County in vacation, on the 9th. day of February 1905. -

Geo. L. Gwaltney et als.

Vs. ) In Chancery.

Mary E. Gwaltney, ey als.

By consent of the parties, in vacation, it is ordered that this cause be submitted to the Judge of this Court for such decisions and decrees therein in vacation as might be made in term, which is hereby certified to the Clerk of this Court to be entered in the Chancery order book. -

To the Clerk of the Circuit Court of Isle of Wight County:

Robert R. Martin

In the Clerk's office of the circuit court of Isle of Wight county, this 9th. day of Feb. 1905, this vacation decree was received and entered of record.

TESTE: A J Young C.C.

Geo. L. Gwaltney et als.

vs. ) IN CHANCERY.

Mary E. Gwaltney et als.

D E C R E E.

To be entered,,

February 9, 1905

Robt. Ellett

Chancery Order Book No. 6, page 400,

W. E. Caldwell

E. N. Williams, D. C.

M. E. Gwaltney,

B. F. Gwaltney

Hamid. E. Pulley

L. E. Pulley

Mary A. Garner

W. W. Garner

Circuit Court of Isle of Wight County
in vacation, on the 9th day of February 1905.

Geo. L. Gwaltney and Annie L. Gwaltney, W. H. Gwaltney and Maggie J. Gwaltney,.....Plaintiffs.

Vs. ) In Chancery.

Mary E. Gwaltney, Minnie C. Pulley and W. E. Pulley, Mary A. Garner and W. W. Garner, Emma H. Parkerson and C. C. Parkerson and Ballie C. Gwaltney,.....Defendants.

It appearing that the complainants have proceeded in the mode prescribed by law as to the defendants Emma H. Parkerson and C. C. Parkerson, by consent of parties

This cause came on this day to be heard on the bill of Complaint, taken for confessed as to the other Defendants, on whom process has been served, they still failing to appear, plead, answer or demur, and was argued by Counsel.

On consideration whereof, the Court doth adjudge, order and decree that one of the Commissioners of this Court inquire, take, state and report the following inquiries and accounts:

FIRST, what is the annual and fee simple value of the land in the bill and proceedings mentioned.

SECOND, if there are any liens or charges upon the said land for delinquent taxes or otherwise, and if so report said liens or charges together with their priorties.

THIRD, whether or not the land in the bill and proceedings mentioned can be partitioned in kind, between the parties entitled thereto and if not whether either of the parties will take the land and pay the other for their interests therein.

FOURTH, any matter deemed pertinent by the Commissioner or which any party in interest may require to be so taken, stated and reported to Court; all of which is hereby certified to the Clerk of this Court to be entered in the chancery order book.

To the Clerk of the
Circuit Court of
Isle of Wight County:

Robert R. Martin

Geo. L. Gwaltney, et als.

versus- In Chancery,

Mary E. Gwaltney, et als.

D E C R E E.

To be entered April 20,
1905.

Robert R. Harris

W. Caldwell
E. H. Williams, P.Q.
H. G. Butler
Norman G. Butler
Mary E. Gwaltney
Robert G. Gwaltney
Mary A. Gwaltney
W. H. Lewis

tive shares in the proceeds of the sale of the said land, as prayed in their said petition, after deducting the costs of suit and sale; the commuted dower interest of the said Mary E. Gwaltney, widow of W. H. Gwaltney, deceased, to be ascertained by finding the interest for one year at 6% on one-third of the purchase price after deducting the ~~costs~~ Costs of suit and sale and multiplying that interest by $8.304, it being the present value of an annuity of one dollar as per Section 2281, ~~Pollard's Annotated~~ of the Code of Virginia; and upon such collection and payment the said E. H. Williams, Special Commissioner as aforesaid, shall execute and deliver to the said Mary E. Gwaltney, W. H. Gwaltney and Ballie O. Gwaltney a good and sufficient deed in fee simple with Special Warranty for the tract of land aforesaid, taking from the said Mary E. Gwaltney, W. H. Gwaltney and Ballie O. Gwaltney their several receipts for the said amounts to be so credited on the purchase price of the said land as aforesaid in full ~~by~~ of their respective shares as the widow and heirs at law of the said W. H. Gwaltney, deceased, in the said proceeds of sale of the said tract of land.

And the Court doth further adjudge, order and decree that out of the proceeds of sale the said Special Commissioner shall pay the costs of this suit and sale ~~x~~ including a fee of $100.00 to E. H. Williams, Attorney in this ~~xxx~~ cause, and the usual fees to the Special Commissioner, and the ~~Court tax and~~ taxed costs up to and including a final decree, and then pay out the residue of such proceeds of sale as the law directs.

And the said Special Commissioner shall make report to Court.

Robert R. Martin

To the Clerk of the Circuit Court
of Isle of Wight County.

In the Clerk's Office of the Circuit Court of Isle of Wight County, this 22nd. day of April, 1905, this vacation decree was received and entered of record.

TESTE: N. B. Young C.C.

Circuit Court of Isle of Wight County, In vacation, on the 20th. day of April, 1905.

Geo. L. Gwaltney, et als. .....Plaintiff.

versus- In Chancery.

Mary E. Gwaltney, et als. .....Defendants.

This cause came on this day, by consent of parties, it appearing that the absent defendants, Emma H. Parkerson and C. C. Parkerson, have been proceeded against in the mode prescribed by law, to be again heard on the papers formerly read, on the report of sale by Special Commissioner, E. H. Williams, filed this day by leave of Court; on the petition of Mary E. Gwaltney, W. H. Gwaltney and Ballie O. Gwaltney, filed this day by leave of Court; on the affidavit of Mrs. Mary E. Gwaltney, stating her age, and was argued by Counsel.

On consideration whereof, the Court, confirming the said report of sale, to which no exceptions have been filed, doth adjudge, order and decree that the said E. H. Williams, who has heretofore been appointed a Special Commissioner in this cause, do collect and receive of and from Mary E. Gwaltney, W. H. Gwaltney and Ballie O. Gwaltney the sum of Three Thousand and Seven Hundred Dollars, in full of the purchase price of the land in the bill and proceedings of this suit mentioned, of which W. H. Gwaltney, died, seised and possessed, in Isle of Wight County, Virginia, containing by estimation Two Hundred and Sixty (260) acres, more or less, being sold however, in gross and not by the acre, adjoining the lands of Ben Presson, Jack Bland, Jim Presson, John A. Hall et als; ~~and~~ and being the same land that was conveyed to the said W. H. Gwaltney, deceased, by Geo. T. Whitley, by deed bearing date ~~of~~ January 1st. 1868, and recorded in Deed Book No. 43 at page 426, bid off by the said Mary E. Gwaltney, , W. H. Gwaltney and Ballie O. Gwaltney, at a decretal sale made in ~~said~~ this suit on the 18th. day of March, 1905; but the said Commissioner, in making said Collection of the said sum of Three Thousand Seven Hundred Dollars, shall credit the said Mary E. Gwaltney, W. H. Gwaltney and Ballie O. Gwaltney, as cash with their respec-

Geo. F. Swalley et ux.
vs. In Chancery.
Mary E. Swalley et ux.

Decree.
To be entered
March 3, 1905
Robert N. Dennis

W Consent
E. H. Williams, P.Q.
F. W. Gorrell
Mary E. Garner
A. F. Gantt
B. F. Gantt
Minnie L. Bailey
W. E. Bailey

CIRCUIT COURT OF ISLE OF WIGHT COYNTY, IN VACATION, ON THE 3d DAY OF MARCH, 1905

Geo.L.Gwaltney and Annie L.Gwaltney, W.H.Gwaltney and Maggie J.Gwaltney.....Plaintiffs.

vs. In Chancery.

Mary E.Gwaltney, Minnie C Pulley and W.E.Pulley, Mary A.Garner and W.W.Garner, Emma H.Parkerson and C.C.Parkerson, and Ballie O.Gwaltney, Defendants.

This cause came on this day, by consent of parties, (it appearing that the complainants have proceeded in the mode prescribed by law as to the defendants Emma H.Parkerson and C.C.Parkerson), to be heard on the papers formerly read, and on the report of commissioner N.F.Young filed herein on the 16th. day of February, 1905, and to which no exception has been filed, and was argued by counsel.

On consideration whereof, the court doth adjudge, order, and decree that the said report of commissioner N.F.Young be, and the same is, hereby approved, ratified, and confirmed; and that E.H.Williams, who is hereby appointed special commissioner for the purpose, proceed to sell, free and clear of the dower of Mary E.Gwaltney, the land in the bill and proceedings mentioned by public auction to the highest bidder, on the following terms: to wit, half ~~third~~ ~~for~~ cash, and the residue in two equal instalments, payable in one and two years, with interest from date of sale until paid, with the privilege to the purchaser or purchasers of paying the whole amount of the purchase price in cash, title to be retained until the further order of this court, after first advertising the time, place, and terms ~~of sale~~ thereof by hand-bills judiciously circulated for at least ten days. The sale shall be made at Isle of Wight Court-house on some Saturday. Such sale shall be made to be evidenced by the bond of the purchasers,

But before the said special commissioner shall do anything under this decree, he shall enter into a bond before the Clerk of this court in the penalty of $ 2500. , with surety by said clerk deemed sufficient, payable according to law, and conditioned for the faithful performance of his duties under this, and all subsequent decrees or orders entered in this cause/

Robert R. Prentis

TO THE CLERK OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Geo. L. Geraldney chals.
V. In Chancery.
Mary E. Geraldney chals.

Decree
In the entered April
Term. 1906.

C. D. B. No. 6, Page 469

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

Geo. L. Gwaltney et als.....Plaintiffs.

V. In Chancery.

Mary E. Gwaltney et als.----------Defendants.

This cause came on this day to be heard on the papers formerly read, and on the report of E.H.Williams, Special Commissioner under former decrees herein, and was argued by counsel.

And it appearing that the said E.H.Williams, Special Commissioner, has properly disbursed all of the money which came into his hands in this cause and done all the things decreed to be done by any former decree herein:

On consideration whereof the Court confirming the said report doth adjudge, order and decree that E.H.Williams, Special Commissioner under former decrees, be discharged and relieved from all further liability herein.

And nothing further remaining to be done in this cause it is ordered that this suit be stricken from the docket.

FORM No. 400.

Geo. L. Gwaltney etals

*vs.* { COMMISSIONER'S NOTICE.

Mary E. Gwaltney etals

We hereby accept legal service of the within Notice
E. H. Williams, P. Q.
W E Pulley
Minnie E. Pulley
Mary A Gaines
W W Gaines

Everett Waddey Co.,
Stationers and Printers,
Richmond, Va.
Form No. 400.

# Commissioner's Office,

Feby 10th 1905 ~~189~~

To Geo. L. Gwaltney and Annie L. Gwaltney, W. H. Gwaltney and Maggie J. Gwaltney, plaintiffs and Mary E. Gwaltney, Minnie C. Pulley and W. E. Pulley, Mary A. Garner and W. W. Garner, Emma H. Parkinson and C. C. Parkinson and Callie O. Gwaltney

You are hereby notified that I have fixed upon the 14th day of February 1905 ~~next,~~ if fair; if not, on the next fair day thereafter (Sunday excepted), to take and settle, at my office, the ~~account~~ of inquiries and accounts. First, what is the annual and fee simple value of the land in the bill proceedings mentioned. Second, if there are any liens or charges upon the said land for delinquent taxes or otherwise, and if so what said liens or charges together with their priorities. Third: whether or not the land in the bill proceedings mentioned can be partitioned in kind between the parties entitled thereto, and if not whether either of the parties will take the land & pay the others for their interest therein. Fourth: any matter deemed pertinent by the commissioner or which any party in interest may require to be taken, stated and reported to court required to be taken by a decree of the Circuit Court of the County of Isle of Wight rendered on the 9th day of February 1905 ~~189~~, in a suit in chancery depending in said Court between Geo. L. Gwaltney etals vs Mary E. Gwaltney etals

at which time and place you are required to attend.

Given under my hand, as Commissioner in chancery of the said court, the day and year first aforesaid.

N. F. Garner
Commr in Chy

Geo. L. Gwaltney, et als.

Versus) Commissioner's notice.

Mary E. Gwaltney, et als.

Executed by delivering a Copy of the within Notice to Mary E Gwaltney & Baller O Gwaltney each a true Copy. This 14th day of Feby 1908

T. E. Amory Deply

For Jno A. Edwards Shff

A

Commissioner's Office,

Isle of Wight, Feb. 10th.1905

To Geo. L. Gwaltney and Annie L. Gwaltney, W. H. Gwaltney and Maggie J. Gwaltney, Palintiffs and Mary E. Gwaltney, Minnie C. Pulley and W. E. Pullay, Mary A. Garner and W. W. Garner, Emma H. Parkerson and C. C. Parkerson and Ballie O. Gwaltney.

You are hereby notified that I have fixed upon the 14th. day of February, 1905, if fair; if not, on the next fair day thereafter (Sunday excepted), to take and settle, at my office, the inquiries and accounts: F I R S T, what is the annual and fee simple value of the land in the bill and proceedings mentioned. S E C O N D, if there are any liens or charges upon the said land for delinquent taxes or otherwise, and if so report said liens or charges to-gether with their priorities. T H I R D, whether or not the land in the bill and proceeding mentioned can be partitioned in kind between the parties entitled thereto, and if not whether either of the parties will take the land and pay the others for their interest therein. F O U R TH, any matter deemed pertinent by the commissioner or which any party in interest may require to be so taken, stated and reported to court. ~~xxxxxxxxxx~~ required to be taken by a decree of the Circuit Court of the County of Isle of Wight rendered on the 9th. day of Feb. 1905, in a suit in Chancery depending in said Court between Geo.L. Gwaltney et als. vs. Mary E. Gwaltney et als. at which you are required to attend.

Given under my hand, as Commissioner in Chancery on the said Court the day and year first aforesaid.

N. D. Young

Comm'r. in Chy