1908-029 Chancery Causes: P. D. Gwaltney, Jurien & Company vs Austin Gholston & Julia

Isle of Wight County Gholston

other SURNAMES: Gwaltney, Winnegan, Jolliff

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P. Gwaltney & Bro. &c
vs
P. P. Gwaltney Jr &c.
In Chancery

Austin Shackleford

2nd May rules 1908
Summons returned executed. Bill filed.
Decree nisi

3rd May rules 1908
Defendants fully failing to appear and plead, answer or demur, Bill taken for confessed and Cause set for hearing

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

complainants' judgment, and that he is entitled to enforce the lien of the same by a sale of the said property.

In tender consideration whereof your complainant prays that the said Austin Gholston and Julia Gholston may be made parties defendant to this bill and required to answer the same, answer under oath being hereby expressly waived as by the Statue in said case made and provided; that proper process issue, that all proper orders and decrees may be made and inquiries be directed; that if it shall appear that the said rents and profits of the said real estate will not in five years satisfy your complainants judgments that the said real estate be sold and proceeds thereof be applied in satisfaction of your complainants said judgments; that is 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 is fully satisfied; that reasonable fees be allowed your complainants Attorney for his services in this suit; 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 and good conscience shall seem meet.

And your complainant will ever pray, &c.

P. D. Gwaltney Jr. Trading as
P. D. Gwaltney Jr. & Co.
By Counsel-

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

P.D.Gwaltney, Jr., trading as P.D.Gwaltney,Jr. & Co., Plaintiff.

V. In Chancery

Austin Gholston et al----------Defendant.

Humbly complaining showeth to the Court your complainant P.D. Gwaltney, Jr. trading as P.D.Gwaltney, Jr. & Company, that on the 14th day of November,1905, at Smithfield,Virginia, before M F Jordan, Justice of the Peace, of the said County of Isle of Wight, he recovered a judgment for $42.44, with interest thereon from the 13th day of October 1902, until paid, and $1.60 cost, against the said Austin Gholston and Hampton Winnegan, which said judgment has been duly docketed in the Clerks' office of said County, an extract of which judgment marked "EXIBIT A",is herewith filed and prayed to be read as a part of this bill; and that on the 14th day of November, 1905, at Smithfield, Virginia, before the Justice aforesaid,he recovered a judgment for $15.61, with interest from the 29th day of November, 1902, until paid, and $1.60 cost, against Hampton and the said Austin Gholston, which said judgment has been duly docketed in the Clerks' office aforesaid, and an extract of which judgment, marked "EXIBIT B", is herewith filed and prayed to be read as a part of this bill.

The said Austin Gholston owns a tract of land in the County of Isle of Wight, containing, by estimation, twenty acres, more or less, and bounded by the land of C.H. Hart et als.

It being the same land which was conveyed to the said Austin Gholston by deed from Mary E.Jollill et al, a certified copy of which said deed is herewith filed, marked "EXIBIT C", and prayed to be read as a part of this bill.

That Julia Gholston, wife of the said Austin Gholston, has the continued right of dower in the land aforesaid.

Your complainant avers and charges that the rents and the profits of this land will not in five years satisfy your

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P. D. Gwathmey & Co.

vs. { SUBPOENA IN CHANCERY.

Austin Roberts et al

E. H. Williams p. q.

To 2nd May Rules,

Circuit Court.

1907

B 33119

Executed May 16th 1908, by delivering a true copy of the within summons to Austin Goodloe in person, & a copy thereof to said Austin Goodloe for his wife Julia Goodloe, in the County of Goochland.

W. A. Edwards
Sh'ff. C. H.

The County of Goochland

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon Austin Gholston and Julia Gholston

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 May 1908, to answer a bill in chancery, exhibited against them in our said court for by P D Gwaltney, Jr. trading as P D Gwaltney Jr & Co

And have then there this writ. Witness ~~NATHANIEL F. YOUNG~~, Clerk of our said court, at the court-house, the 15 day of May 1908, and in the ~~12~~ 132 year of the Commonwealth.

A Johnson

Dist. A Johnson

Dep

P. F. Gwathney Jr.
vs
W. Du Chauleny
Austin Chesteen et al

Decree -

1908
June 10.
Enter this.
B. D. C.

C. & B. No. 6 - page 562

In the Circuit Court of the County of Isle of Wight:

P.D. Gwaltney, Jr.,----------Plaintiff.

Vs. In Chancery.

Austin Gholston et al----------Defendants.

This cause came on this day to be heard on the bill of complaint of the said P.D.Gwaltney,Jr., trading as P.D.Gwaltney, Jr., & Company, the defendants still failing to appear, answer, plead or demur 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 defendants are possessed or entitled, and its fee-simple and annual value;

2. What liens are upon the said property by judgment, deed of Trust or otherwise, to-gether with their priorities;

3. Whether or not the ~~land~~ rents and profits of the real estate in the bill and proceedings in this cause mentioned will ~~rent out for~~ satisfy in five years ~~for enough to pay~~ the liens upon the said land to-gether with the 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, or their counsel, and report the same to the Court, along with any matter specially stated deemed pertinent by himself or required by any party in interest to be so stated.

5. Whether the proper parties to this cause are properly before the Court.

P. S. Graftey Jr. & C. Pltf.
v. In Chancery
Austin Thweatt. Deft.

D E Crea

C. B.

C. O. B. No. 6 page 588

We Consent to the
within decree.
E. N. Williams. P.Q.
G. F. Whitley, Pd.

1908.
Dec. 8.
Entered this
B. D. C.

Paid Costs

Writ tax	1.50
Clerk	4.91
Comr	2.50
Sheriff	1.00
Atto	15.00
	$24.91

Clerk cost. Writ tax Comr fee paid to Clerk

In the Circuit Court of Isle of Wight County:

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

V. In Chancery.

Austin Ghoulston----------Defendant.

This cause came on this day to be again heard on the papers formerly read and on the statement of Counsel for plaintiff and defendant that a settlement of the matters in this cause has been made .

On consideration whereof, the Court doth adjudge, order and decree that this suit be stricken from the docket.

Notice was given of the ex cution of the decree herein of June 10th. 1908, and I attended at the office of E. H. Williams, Attorney, in the town of Smithfield, in pursuance to the terms of said notice and was informed, by counsel for plaintiff and defendants that all matters involved in this suit had been settled.

_____ Commissioner in Chancery.

$2.50 fee.

Mary E. Jolliff, et al.

To) Bargain and Sale.

Austin Gholston,

A copy,

Ex Exhibit "C"

State of Virginia,

County of Isle of Wight, to-wit:

I, C. H. Hart, a Notary Public in and for the said County in the State of Virginia do certify that Mary E. Jolliff & Mary F. Jolliff whose names are signed to the writing above bearing date the 24th. day of Sept. 1888 has acknowledged the same before me in the County aforesaid.

Given under my hand this 28th. day of Sept. 1888.

C. H. Hart, N. P.

In the County Court Clerk's Office of Isle of Wight County, Feby. 4th 1889, this deed was received and with the certificate annexed, admitted to record.

Teste, N. F. Young, Clk.

Pr. N. F. Young, D. C.

A copy, Teste, _____ C.C.

All Available Text Successfully Captured

Mary E. Jolliff, et al.

To) Bargain and Sale. D. B. No. 53, p. 92.

Austin Gholston.

THIS DEED, Made the 24th. day of September in the year of our Lord one thousand eight hundred and eighty eight between Mary E. Jolliff widow of Thomas Jolliff, deceased, and Mary F. Jolliff, daughter of Thomas Jolliff deceased, and his wife of the County of Isle of Wight, in the State of Virginia, of the one part, and Austin Gholston of the aforesaid County and State of the other part,

WITNESSETH:- that in consideration of the sum of Eighty Dollars to them in hand paid the receipt whereof is hereby acknowledged, the said Mary E. Jolliff and Mary F. Jolliff, do grant with general warranty unto the said Austin Gholston and to his heirs and assigns forever the following real estate, to-wit: All of their right, title and interest in a tract of land of 20 acres more or less belonging to the estate of Thomas Jolliff, decd; and bounded as follows, on the South and west by the lands of Simon Atkins decd; on the east by the Patsey Allmond land and on the North by the land of C. H. Hart and also our right title and interest if any in another tract of land of 25 acres more or less adjoining the above tract, we intend by this deed to convey all of our right, title and interest in all the land belonging to Thomas Jolliff Est. all lying in the county of Isle of Wight & State of Virginia, together with all and singular the appurtenances belonging to the same. And the said Mary E. Jolliff & Mary F. Jolliff covenants that they have the right to convey the said land to the said grantee, that the said grantee shall have quiet possession of the said land, that they have done no act to incumber the said land and that they will execute such further assurances of the said land as may be requisite.

Witness the following signatures and seals:

Mary E. her x mark Jolliff, (SEAL)

Witness, C. H. Hart,

Mary F. her x mark Jolliff, (SEAL)

All Available Text Successfully Captured