1875-004
Nansemond Co. (Suffolk)

Chancery Causes: Alphonso Royster, infant vs Margaret A. Royster etc

OVERSIZED:
Box 2
_1 broadside

CHANCERY SUMMONS.

The Commonwealth of Virginia,

To the SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Margaret A. Roysler (Widow) and Granville H, William L, and Oswell B Roysler infants by their guardian ad litem

to appear at the Clerk's Office of the Circuit *Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in* September *next, to answer a Bill in Chancery, exhibited against* them *in the said Court by*

Alphenso Roysler an infant suing by Benjamin Riddick his next friend

and have then and there this Summons. Witness, WILLIS E. COHOON, Clerk of our said Court, at his office, this 29th *day of* August *1874, in the* 99th *year of the Commonwealth.*

Teste: W E Cohoon *Clerk of the Court.*

Ros.

Com Co

Alphonso Roysler byth

v Spa in Chy

Margt A Roysler et ab

To Sept Rules 1874

1874 Aug. 29. Sachuerelle service of Writ & Proceed.

Margaret St Boniface

PB 68

Know all Men by these Presents, That we

John R. Kilby & Wilbur J. Kilby

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the sum of

Three hundred Dollars, to the payment whereof

well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our Seals, and dated this 7th day of November one thousand eight hundred and Seventy four

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the said

John R. Kilby

~~who has this day qualified before the County Court of Nansemond County as~~

who may by the Circuit Court of Nansemond County Virginia at the September term 1874 thereof appointed Commissioners to make sale of certain real estate as named in the decree of said Court made in the cause of Boyden &c. against Boyden &c. shall faithfully execute said decree & also any other decree he may in said cause be required to execute

~~shall faithfully discharge the duties of his said office~~, then this obligation is to be void or else to remain in full force.

Signed, Sealed, acknowledged and delivered in the presence of

W. E. Cochran &c.
Nans. & Co. Co.

John R. Kilby {SEAL.}
Wilbur J. Kilby {SEAL.}
{SEAL.}
{SEAL.}

County of Nansemond, To-wit : At a Court held for the said County, at the Court-house, the day of 18 , this bond was acknowledged by the obligors therein, and ordered to be recorded.

Teste ;

Roysters
v
Roysters
Cow Boys

July Term 1875

Alphonso Royster Comp & Pltf
vs
Margaret A Royster Defts
} In Chancery.

This cause came on this day to be again heard on the papers formerly read and on the report of Sale of John R Kelly Commissioner, made pursuant to the decree of this Court of the September term 1874 to which report there is no exception and was argued by counsel. On consideration whereof the Court doth confirm the said Report and doth adjudge order and decree that the said John R Kelly as Commissioner aforesaid under of the Clerk of this Court (who will deliver title bond to him on his being a party thereto) the bonds of Marmaduke Innes for Sixty eight dollars and Eighty six cents filed in this cause and collect the same with all interest due thereon and make to said Marmaduke Innes a deed with Special warranty for the land purchased by him under proceedings had in this cause and that the said John R Kelly Comr as aforesaid pay the sum of Sixty eight dollars and Eighty six cents in his hands as appears by said Report and the amount of bonds any costs that may remain unpaid and that pay the Balance to the legally qualified guardian of said Alphonso Royster, Granville, William L. and Oswell Royster and make report to Court.

Copy

Test

Willis Cochran Clk

Ryplin

to

Ryplin

Feb dec 1895

250

To the Circuit Court of Nansemond County

The Undersigned reports to the Court that pursuant to the decree of said Court made at the July Term 1875, in the cause of Alphonso Royster &c. against Margaret A. Royster &c. he has paid to said Margaret A. Royster the legally qualified guardian of Alphonso Royster, Granville, Wm L. & Oswell Royster as he was directed the sum in the said decree, and $68.86.

By M. Jones' Bond.		$68.86
Int. from 8 Nov. 1874 to 10th May 1876	}	2.08
		$70.94
To clerk fee, final account.		1.69
		$69.25
To paid Margt. Royster as guardian aforesaid as per annexed Rect.	}	69.25

A deed has been made to Marmaduke Jones for the land purchased by him under proceedings had herein.

Respectfully submitted
John R. Kilby, Comr.

1875 Feb. 13 "Rec'd of John R. Kilby Com'r. in Royster & w. Royster &c the sum of Sixty eight dollars & Eighty six cents, decreed to be paid me by decree of Circuit Court of Nansemond County, made in said cause at Feb. Term 1875

$68.86.

Maggie A Royster
for self and as guardian of
Children

1875 May 11. Rec'd as above Sixty Nine dollars & twenty five cents.

$69.25 — Maggie A Royster
for self and as guardian for children

Royster &c.

vs } Report

Royster

of payments

Filed 14 May 1875.

Suffolk Va., Oct 10th 1874

Mr Jno Kilby Com, Boston

To Suffolk Herald, Dr.

NEWSPAPER AND JOB PRINTING OFFICE,

WASHINGTON SQUARE, OVER COMMERCIAL BANK.

Oct 7	To 25 Hand Bills "Fair Ground Land"		$2 00
		Paid	
		J G Edam	

Boston

BOSTON PUBLIC LIBRARY

In the Circuit Court of Nansemond County
Sept Term 1874

Alphonso Royster an infant
suing by Bryan Riddick his
next friend. Pltfs

vs

Margaret A Royster (widow) and
Granville H. Wm L. and Osmell
Royster by their Guard ad litem Defts.

In Chancery

This cause came on this day to be
heard on the bill of the Complainants on the answer
of Margaret A Royster widow of Wm I Royster deceased
on the answer of the infant defendants by W B Cochran
their Guardian Ad Litem and on the affidavit of
E B Brittle and Benjamin Riddick and was
argued by counsel. On consideration whereof the
Court doth adjudge order and decree that John R Kelly
(who is hereby appointed a Special Commissioner for the
purpose) proceed to sell at Public Auction before the
Court House door of Nansemond County on some court
day the real estate of which the said W I Royster
died seized and possessed consisting of a small
piece or parcel of land situated in Nansemond County
on the South side of the County road leading from
Suffolk to Norfolk Virginia being one hundred and
sixty feet but deep and fifty feet wide and bounded
on the East and South by the lands of John F Pinner
on the west by the lands of Richd Tynes Jr and
on the North by the said county road which said
piece or parcel of land was conveyed to the said

by John F. Pinner sufe by deed dated 23rd day of June 1871 and duly recorded, said sale to be made after due notice thereof shall have been given by advertisement for twenty days or more at three public places in the Town of Suffolk and at the Court house door of said County, and as to one half of the purchase money on a credit of six months from the day of sale and as to the other half of the purchase money and a sufficient amount to pay all costs of this suit for cash the purchaser to be required to give a bond with good security for the deferred payments to bear lawful interest from the day of sale and the title to the said real estate to be retained until the further order of Court. But no sale shall be made hereunder until the said John R Kirby Commissioner as aforesaid shall have executed a before the Clerk of this Court in his office a bond in the penalty of Three hundred dollars with good security payable to the Commonwealth of Virginia and conditioned for the faithful performance or execution of this decree and all other decrees he may be required to execute in this cause. And the said Commissioner will make report to Court of his proceedings hereunder.

Copy

Teste

Willis E Colwell Clk

Royston &c

vs

Royston &c

To

Mr Dorsey

$176

Sept Ct A D 1874

Costs

Clk ——— $4.48

Atty Rent — 16.00

$20.48

Fee Costs

Cost $20

Royster &c
vs
Royster &al.

In the Circuit Court of
Nansemond Co.

The Undersigned, reports to the Court, That pursuant to the decree of September Term 1874, made in the above case, the Undersigned proceeded to advertise the Lot of Land in the decree named, and did on the 9th day of November 1874 (being Court day) sell at auction before the Court House door of said County the Land aforesaid, on the Terms named in the said decree, when the same was purchased by Marmaduke Jones for the sum of $176:00

of which the said Jones paid in cash the sum of $107:14

being the Cash 1/2 of Remainder.

The costs are as follows, and paid to those entitled as per rule, amended

To 5 Per cent Comm. on $176 —	$ 8.80	
" Clerks fees to date	4.18	
" Atty. 1 Day	16.00	
" Geo. D. Parker, Crier pr	2.50	
" advertising per "	2.00	
" for deed & purchaser	2.50	
" addl. costs.	2.00	$ 38:28
Balance in cash. onhand		$ 68.86

& M. Jones' Bond with security at 6 months with Interest from date for $ 68:86

Respectfully submitted
John R. Kilby Comr

1875 July 25 Rec'd of the clerk of this Court the Bond of M. Jones of $68.86, as directed by Decree of Feb. Term 1875.

John R. Kilby Com

Royster &c.
v
Royster &al.
Report of Sale

Filed 18 June 1874

Royster &c.

v.

Royster & als.

This cause came on this day to be heard on the Bill of the Complainant, on the answer of Margaret A. Royster widow of William J. Royster deceased, on the answer of the infant defendants by W. E. Cohoon their guardian ad litem and on the affidavit of E. B. Britt and Benjamin Riddick and was argued by counsel.

On consideration whereof the Court doth adjudge, order, and decree that John L. Kilby (who is hereby appointed a special Commissioner for that purpose), proceed to sell at public auction before the Court house door of Nansemond County on some Court day, the real estate of which the said William J. Royster died seised and possessed, consisting of a small piece or parcel of land situated in Nansemond County on the South side of the county road leading from Suffolk to Norfolk, Virginia, being one hundred and sixty five feet deep and fifty feet wide and bounded on the East and South by the lands of John F. Pinner, on the West by the lot of Richard Tynes jr. and on the North by the said County road;

which said piece or parcel of land was conveyed to the said William J. Royster by John F. Pinner and wife by deed dated the 23d. day of June 1871 and duly recorded; said sale to be made after due notice thereof shall have been given by advertisement for twenty days or more at several public places in the Town of Suffolk and at the Court house door of said county, and, as to one half of the purchase money, on a credit of six months from the day of sale and, as to the other half of the purchase money and a sufficient ~~costs~~ amount to pay the costs of this suit, for cash; the purchaser to be required to give a Bond with good security for the deferred payment to bear lawful interest from the day of sale, and the title to the said real estate to be retained until the further order of the Court.

But no sale shall be made hereunder until the said John R. Kilby, Commissioner as aforesaid, shall have executed before the clerk of this Court in his office, a Bond in the penalty of three hundred dollars, with good security, payable to the Commonwealth of Virginia and conditioned for the faithful performance or execution of this decree and

all other decrees he may be required to execute in this cause.

And the said Commissioner will make report to Court of his proceedings hereunder.

Royster etc.

v.

Royster & als.

September Circuit Court 1874

Decree

To be entered

Geo. T. Sloan

Entered

Roysters &
" " v
Roysters.

This cause came on this day to be again heard on the papers formerly read & on the report of sale of J. John R. Kilby, Commissioner, made pursuant to the decree of this Court of the September Term 1874 - to which report there is no exception, and was argued by Counsel: On consideration whereof the Court doth confirm the said Report & doth adjudge order & decree that the said John R. Kilby, as Comr. aforesaid, receive of the Clerk of this Court (who are directed the same to him on his leaving a receipt therefor), the Bond of Marmaduke Ivey for $ 68.86, filed in the cause, & collect the same with all Interest due thereon, & make to said Marmaduke Ivey, a Deed with special warranty for the Land purchased by him under proceedings had in this cause - and that the said John R. Kilby Comr as aforesaid pay the sum of $ 68.86, in his hands as appears by said Report & the ~~said~~ amount of said Ivey's Bond, first towards any costs that may remain unpaid & then pay the Balance to the Legally qualified Guardian of said Asphonsi Roysters, Granville H. & William L. & Oswell Roysters, & make report to Court.

Rozstu &
v

Rozstu

1895
Feb. Term
Decree to collect &
to be entered.

Gen. Term

Entered

Royster Sol: } In Chancery —
v. } In the Circuit Court of Nansemond Co.
Royster Sol.

The Undersigned E. B. Britt and
Benj^a. Riddick
Citizens of Suffolk, Nansemond Co. Va. being duly
sworn say, That we know the parties to the said
suit: That Mrs. Margaret A. Royster lives on
a Lot in Suffolk with her children, that no
income. That the small Lot & Tenement
near the suburbs of Suffolk, which ought
to be sold by said suit, ought in the opinion
of the undersigned to be sold — It produces
little or no income & it is absolutely ne-
cessary to sell it to raise money to feed
& clothe the parties, as they have no income
apart.

E. B. Britt
Benj^a Riddick

Sworn to before me
John R. Kilby
23^d Sept 1874. Notary Public
Nans^d Co. Va

Royster et al.

v

Royster et al.

affidavit.

Royster &c
v.
Royster & als.

This cause came on this day to be again heard on the papers formerly read herein, and on the report of Commissioner John R. Kilby, made in pursuance of a decree of the Circuit Court of Nansemond County pronounced at the February Term thereof 1875, and was argued by counsel.

On consideration whereof the Court doth confirm the said report, to which no exception has been filed and, nothing more remaining to be done in this cause, doth order that the same be removed from the docket of this court.

Royster &c
v.
Royster & als.

Nansemond County
Circuit Court.
June Term 1875
Final decree
To be entered
Geo. Bliss.

Entered

The joint and several answer of Granville H., William L., and Aswell B. Royster infants by Willis E. Cohoon, their guardian ad litem to the Bill of Complaint exhibited against them in the Circuit Court of Nansemond County by Alphonso Royster, an infant suing by Benjamin Riddick his next friend.

These respondents answer and say that so far as they know, the facts and statements contained in the said Bill of Complaint may be true; but that being infants and ignorant of their rights in the premises, they submit the same to the keeping of the Court and pray that no order or decree may be made herein inconsistent with their rights.

W. E. Cohoon

Gdn ad litem

Royster etc.

v.

Royster.

Answer of Infants.

The several answer of Margaret A. Royster, widow of William J. Royster deceased, in her proper person, to the Bill of Complaint exhibited against her in the Circuit Court of Hanover and County by Alphonso Royster, suing as an infant by Benjamin Riddick his next friend.

This Respondent answers and says that the facts and statements contained in the said Bill of Complaint are true; that she is willing to consent and does hereby consent to a sale of the tract of land as set forth in the prayer of the Complainant in his said Bill; and that instead of desiring to receive in money such sum as the Court may be willing to allow her in lieu of her dower in said tract of land, she desires to relinquish her right to the same and to appropriate it along with their shares of the proceeds of the said proposed sale, to the maintenance and education of the infant heirs of the said William J. Royster deceased; - for which purpose she believes that the said sale is necessary, and proper, to be made, as they have no income whatever.

Margaret A Royster

Royster ux.

v.

Royster

Answer of widow

To the Honorable George Blow,
Judge of the Circuit Court of Nansemond
County, in the State of Virginia.

Complaining respectfully sheweth unto Your Honor, your Complainant Alphonso Royster, an infant suing by Benjamin Riddick, his next friend, that William J. Royster died intestate on the 25th, day of August 1871, leaving as his heirs at law four infant children, your Complainant, Alphonso, and Granville H., William L., and Oswell B. Royster, and as his distributee and dowager, his widow, Margaret A. Royster: that the said William J. Royster died seised and possessed of a certain house and lot, situated in the Town of Suffolk, Nansemond County, and State of Virginia, fronting on Main Street of said Town and bounded, on the North, by the property of Misses Finney, on the East, by a branch, on the South, by the property of the estate of the late Andrew McAlister deceased, and on the West, by said Main Street; that the said William J. Royster also died seised and possessed of a small piece or parcel of land situated in Nansemond County on the south side of the County road leading from Suffolk to Norfolk, being one

hundred and sixty five feet deep and fifty feet wide, and bounded on the East and South by the lands of John F. Pinner, on the West by the lot of Richard Tynes Jr. and on the North by the said County Road; which land was surveyed to the said Wm. J. Royster by John F. Pinner surveyor by deed dated 23d. June 1871 and duly recorded that the said last mentioned piece or parcel of land is now subject to a division among the said heirs at law of the said intestate, subject to the dower therein of the said Margaret A. Royster, the widow of said intestate; that a division of the last mentioned tract of land cannot be conveniently made; that no one of said heirs is able to accept the said land and pay therefor to the other parties such sums of money as their respective interests therein may entitle them to; that the said land is daily depreciating in value; and that, whereas the said house and lot, first above mentioned, is a good and comfortable home for the said heirs, the said last above mentioned piece or parcel of land should be sold in the interest of said parties, and the proceeds divided among them or paid to their lawful guardians to be expended for their education and maintenance; for which purpose, the said parties are greatly in need of money; and that there are no outstanding debts due by the said William J. Royster deceased or his estate and no liens upon the real estate of which he died seised and possessed.

In consideration whereof, your Complainant, being without remedy, save in a Court of Equity, prays that the said Margaret A. Royster, the widow aforesaid, and Granville H., and William L., and Oswell B. Royster, infants, may be made parties defendant hereto and be required to answer, on oath, all the allegations herein contained, the said widow in her proper person and the infants by a guardian ad litem to be appointed for them; that the said second or last mentioned piece or parcel of land may be sold, as your Complainant says it will be to the interest of the said heirs so to do, and the proceeds divided among those entitled; that the said widow may be required to say whether she is willing to consent to a sale of the said tract of land and take in fee, in money, such sum as the Court may allow in lieu of dower; and that all further relief may be granted, consistent with equity. And, as in duty bound, your complainant will ever pray &c.

Kilby & Son
Attorneys for Plaintiff

Royster etc.

v. Bill.

Royster

Roysler
v
Roysler & al

Chancery

Chancery Note

1874 Sept Rules (1st Monday) Bill filed and
decree nisi v Defts M A Roysler,
W E Cohoon appointed Guardian ad litem
for infant defts, Ans of infant
defts filed & cause set for hearing
as to them

1874 Sept Rules (Last Monday) Bill pro confesso
to defts M A Roysler and
Cause set for hearing as to her

1874 Sept Term Decree for sale

1875 Feby Term Rep & confirmed & deed to be executed

Clay . Wales

Costs

Clk. $4.48
Atty's fee . . 16.00
$20.48
30 Sept Term
1874

Alphonso Royster, infant,
suing &c.

v. } Chy:

Royster & als.

1875 June Term
Final Decree

Hand'd. to Cir. Court.

LOT

NEAR SUFFOLK, VA.,

FOR SALE!

By virtue of a decree of Nansemond Circuit Court, I will offer for sale, before the court-house door of Nansemond Co., on

MONDAY, THE 9th DAY OF NOVEMBER NEXT,

(being court day) a

LOT OF LAND,

near Suffolk, Va., on the old Fair Ground land, belonging to the estate of William J. Royster, deceased, 50 feet front and 165 deep. It has on it a small house, and is bounded east and south by the land of Jno. F. Pinner, west by the lot of Richard Tynes, Jr., and on the north by the county road.

TERMS :---The costs and expenses and one-half the purchase money cash, and the residue in 6 months credit, bond and good security, interest from date, and title withheld till the money is all paid.

JOHN R. KILBY,

COMMISSIONER.

Oct. 12, 1874.

HERALD PRINT.