

1879-016

Nansemond Co. (Suffolk)

Chancery Causes: Jesse Byrd & i

vs Henrietta Rawls et al

Laurence, Everett H

Costs

Clerk. \$10.00

Att: Fees 31.50

Comm^{rs}. 15.00

\$56.50

Virginia:

At Rules, in the Clerk's Office of the
Circuit Court of Nansemond County,
on Wednesday, the 9th. day of February,
1876.

Jesse Byrd and Melissa, his wife Complainants.
 against } In Chancery
Henrietta Rawls and Clara
Lawrence (both infants) Defendants.

On the motion of the Complainants, by Counsel, Peter
B. Prentiss is appointed guardian ad litem, to the defend-
ants, in this suit; and it is ordered that notice be given the
said guardian of his appointment, by serving on him a
copy of this order.

Teste,

Peter B. Prentiss, Clerk

1876. February 9th I acknowledge service of the foregoing order,
and that I have received a copy thereof

Peter B. Prentiss,

Guardian ad litem

Jesse Byrd & Melissa, his
wife.

vs { order of the court: ad litem

Henrietta Rawls and Clara
Lawrence (both infants)

Suffolk, Va., _____ 187

Mr Chas. R. Kilby, *owner*

TO "Suffolk Herald," DR.

Newspaper and Job Printing Establishment,

WASHINGTON SQUARE, NEAR MAIN ST.

1876

Oct. 25 Ad ~~Land~~ for sale in Holy Neck, Byrd to Byrd

3 1/2 in. 4 times

6 50

" 100 1/6 Bills same

2 00

8 50July 15th 77

Rec'd Payment,

E. E. Hathaway

Herald

Byrd's

Case

1877

Byrd's 8.10

John D. Lee

CHANCERY SUMMONS.

The Commonwealth of Virginia,

To the SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *Hermietta Raols and*
Clara Lawrence (both infants)

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 *February* next, to answer a
Bill in Chancery, exhibited against them
in the said Court by *Jesse Byrd and Melissa, his wife*

and have then and there this Summons. Witness, *Peter B. Prentiss*
~~WILLIS L. CONNOR~~, Clerk of our said Court, at
his office, this *24th* day of *January* 187*6*, in the *100th*
year of the Commonwealth.

Teste:

Peter B. Prentiss Clerk of the Court.

Kelly & son. p. 9

Jesse Byrd & Melisa, his
wife

vs { Sum^s in Chy:

Hermietta Rawls Lali:
infants.

To Feby: Rules, 1876.

Know all Men by these Presents,

That we, *John R. Kilby and Wilbur J. Kilby*

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

Four Hundred (400)

Dollars, to the payment

whereof, well and truly to be made to the said Commonwealth, 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 9th day of November in the year one thousand eight hundred and Seventy-Six, and in the 101st year of the Commonwealth.

And we hereby waive our Homestead exemption, as to this obligation.

The Condition of this Obligation is such, That if the above bound

John R. Kelby

was by a decree of
who ~~has~~ this day qualified before the Circuit Court of Nansemond County. pronounced

on the 10th day of October 1876, in the Chancery Cause of Jesse Byrd and Melissa, his wife Plaintiff against Henrietta Rawls and Clara Lawrence (both infants) Defendants, appointed a Commissioner to make sale of certain Real Estate, in said Cause described shall faithfully discharge his duties as such Commissioner under said Decree; and all other Decrees he may be required to execute in said Cause shall faithfully discharge the duties of his said trust, then the above obligation to be void, or else to remain in

full force and virtue.

Executed in
presence of
~~the Court~~

Peter B. Prentiss. Clerk

John R. Kilby
 Wilbur J. Kilby

Wilbur J. Kilby

Seal.

Seal.

{ Seal. }

{ Seal. }

{ Seal. }

John R. Kilby, Commrth:

To E. Bond

Commonwealth.

Nov. 9th 1876 Executed after

1878 Oct. 26th. Received of John R. Kilby Court,
seventy-one dollars and fourteen cents
being my share of the surplus pro-
ceeds of the sale of the Zachariah
Rawls' land, paid to me under
decree of April term of Cause-
mond County Circuit Court in
the year 1877, pronounced in the
chancery cause of Jesse Byrd
Tal. vs. Henrietta Rawls.

\$71.14

Anne H. Byrd

Witness:

Wm. J. Jones.

At a Circuit Court held for Lawrence County, the
10th day of April, 1877.

Jesse Byrd and Melissa his wife . . . Plaintiffs

Against } In Chancery

Hermietta Rawls and Clara Lawrence

(both infants) . . . Defendants.

This cause came on this day to be again heard on the papers formerly read herein and on the Report of Commissioner John R. Kiehl, made by him in this cause in pursuance of a decree of this Court pronounced at the October Term thereof in the year 1876, and on the affidavit of James Byrd, and was argued by counsel.

On consideration whereof the Court doth confirm the said Report, to which no exception has been filed, and doth adjudge, order and decree that the debt of twenty-five dollars by Commissioner William J. Kiehl, in his Report in this cause dated the 19th day of August 1876, reported to be due by Jesse Byrd to the estate of Zachariah Rawls, deceased, as rent for the real estate sold under proceedings had in this cause be, and the same is hereby, set aside, cancelled and annulled.

And the Court doth further adjudge, order and decree that said Commissioner, John R. Kiehl, receive of the Clerk of this Court, (who will deliver the same to him and take from him a receipt therefor), the Bond of Jesse Byrd and

James Byrd, filed in this cause with said Report of said Commissioner. John R. Kelly, said Bond being for the sum of two hundred and ninety (290) dollars, dated the 13th day of November 1876, and payable to said Commissioner John R. Kelly, six months after date with interest from date; and that said Commissioner, John R. Kelly proceed to collect the principal and interest of said Bond, when the same shall have become due, or that he receive the same, before due should the obligors desire to pay the same, and that said Commissioner, John R. Kelly, with said money when collected or paid proceed to pay first all unpaid costs of this suit, and then to himself the sum of forty dollars and sixty-nine cents, costs and expenses paid by him in this cause, and to Dr. Robert C. Everett the sum of fifty-three dollars and thirty seven cents with interest on fifty dollars and thirty-five cents paid thereof from the 30th day of September 1876 to day of payment. And that said Commissioner John R. Kelly, after making the payments aforesaid, pay the residue of said money and distribute the same as follows, to wit: To Melissa Byrd, wife of Jesse Byrd one-third thereof, to the guardian lawfully appointed of Henrietta Rawls for her, being an infant under twenty-one years of age, one-third, and to the guardian lawfully appointed, of Clara Lawrence

for her, being an infant under twenty-one years of age, one-third.

And said Commissioner, John R. Killy, will execute to said Jesse Byrd a Deed with special warranty in the usual form conveying to him the real estate purchased by him under proceedings had in this cause, when the principal and interest of said Bond shall have first been paid and not until then.

And said Commissioner will make report to Court of his proceedings under this decree.

a copy

Teste:

Peter B. Prentiss, Clerk.

Byrd & Co
vs J. Coffey Deene
Rawls & al

To the Circuit Court of Nausemond
County, Virginia

In pursuance of a decree of
said Court pronounced at the April
Term thereof in the year 1877 in a
cause in Chancery in said Court
depending between Jesse Byrd and
Anna Melissa his wife, Plaintiffs
and Henrietta Rawls and others, De-
fendants, a copy of said decree
being hereto annexed: the under-
signed respectfully reports to Court that
he has received of the Clerk of said
Court the Bond of Jesse Byrd and
James Byrd mentioned and described
in said decree as a Bond for \$290,
dated the 13th day of November 1876
and payable to the undersigned
six months after date thereof with
interest from date, and that he
has finally collected the princi-
pal of said Bond and all in-
terest due thereon and has paid
all unpaid costs of said cause
and has distributed the residue
as said decree directs and as
the following statement and
receipts will fully show

Statement.

1878
July 13

By principal of said Bond
" Int. from 13th, Nov. 1876 to
13 July 1878 -
earned on

\$ 290 00

28 73
\$ 318 73

brought-on		\$ 318 73
To Amount due John R. Kilby Comr.		
and retained by him as per		
said decree principal	\$ 40.69	
" Int. from 13 Nov. 1876		
to 26 Oct. 1878. =	4.75	\$ 45 44
To paid Dr. R. C. Everett as		
per said decree fret.	\$ 53.37	
" " Same interest as \$50.35.		
from 30 Apr. 1876 to		
26 Oct. 1878.	6.50	\$ 59 87
		\$ 105 31
Balance		\$ 213 42
To paid Anna Melissa Byrd, wife		
of Jesse Byrd, 1/3 of \$ 213.42		
per said decree fret.	\$ 71 14	
" " Henrietta Rawls 1/3 of \$ 213.42		
per said decree fret	71 14	
" " Clara Lawrence 1/3 of \$ 213.42		
per said decree & fret.	71 14	\$ 213 42

Your Commissioner further reports to Court that as directed by said decree he has made to said Jesse Byrd a deed with special warranty in the usual form conveying to him the real estate purchased by him under proceedings had in said cause

Respectfully submitted this 26th day of October 1878

John R. Kilby Comr.

1878 Oct. 26th. Received of John R. Kilby, Court.
fifty nine and $87/100$ dollars, charged as paid
to me in the foregoing statement, being
in full of my claim against the
Estate of Yachariah Rawls deceased.
\$59.87.

Ro. C. Everett
By Wilbur J. Kilby. Atty.

Jesse Byrd & wife

vs. } In Chy.

Hennetta Rawls & al.

Report of collections

26 Oct. 1878

1878. Octo: 26th: Filed
clk

Mr Zachariah Rowland Est., District No. 1.

1876.

To WM. ELEY, Treasurer of Nansemond County.

	Dols.	Cts.
To State Tax on 82 acres Land, value \$ 205, at 50 cts on \$100...	1	03
To State Tax on Personal Property, value \$, at 50 cts. on \$100...		
Total State Tax on Land and Property.....	1	03
To County Levy, 50 per cent. on State Tax.....		52
To Parish Levy, 20 per cent. on State Tax.....		21
To County and District School Tax on Property, 6½ cts. on \$100.....		13
State Capitation \$1, County Capitation 50 cts.....		
Total Tax on all subjects.....	1	89
December 1st, five per cent. added		

RECEIVED PAYMENT.

THOMAS A. HOWELL, }
Assessor.

from J R Kelly Esq
Wm Eley, Treasurer.
J, Deputy.

Zachariah Rowles Est.

\$1.89



Rec'd of J R Kilby Com, Three Dollars
for selling the Zack Rawls Land
Nov 13th 1896

Geo Parker Chin

LANDS

NEAR HOLY NECK, NANSEMOND COUNTY,

FOR SALE!

By virtue of a Decree of the Circuit Court of Nansemond County, Va., made in the suit of Byrd and wife against Rawls and others, I will offer for sale at Public Auction, before the Courthouse door of said County,

On MONDAY, the 13th Day of November, 1876,
BEING COURT-DAY,

The land of which Zachariah Rawls died seized and possessed, being a tract of 52 acres, more or less, in Holy Neck District, and adjoining the lands of James R. Jones, James E. Holland and John H. Smith, on which land is a small one story house and 2 or 3 small outhouses.

TERMS--Costs and Expenses CASH.

The residue on a credit of six months, with bond and good security, waving homestead, carrying interest from date and title to be retained till the order of court.

JOHN R. KILBY, Com'r.

At a Circuit Court held for Henricmond County -
the 10th day of October, 1876.
Jesse Byrd and Melira his wife . . . Plaintiffs
against & In Chancery
Henrietta Rawls and Clara Lawrence,
(both infants) . . . Defendants.

This cause came on this day to be again heard
on the papers formerly read therein and on the
Report of Commissioner William J. Kelly, made in
pursuance of a decree of this Court, entered at
the April Term thereof, 1876 in said cause, and
on the depositions of R. C. Everett and Albert K. Rawls
filed with said Report and was argued by
Counsel.

On consideration whereof the Court doth con-
firm the said Report to which no exception has
been filed and doth adjudge, order and decree
that John R. Kelly who is hereby appointed Spe-
cial commissioner for that purpose, proceed
to sell before the Court house door of Henricmond
County, Virginia at public auction on some
Court day, the real estate of which Zechariah
Rawls died seized and possessed, described as
fifty-two (52) acres of land more or less, situated
in Holz Neck District, in said County and
bounded by the lands of James R. Jones, James E.
Holland and John H. Smith, having on it a small
one story house, of one room, and two or three small
log houses. That said commissioner proceed to

Sell said real estate for cash enough to pay the expenses of the sale and the costs of this suit; and that for the residue of the purchase price he take bond with good security, bearing interest from the day of sale and payable to himself as said Commissioner, six months after date.

And that said commissioners give notice of the day of said sale by advertisement once a week for three successive weeks in the "Suffolk Herald" a newspaper published in the Town of Suffolk and for at least fifteen days by printed notices posted on the premises and in the neighborhood thereof and at the Court house door of said County. And that said Commissioner retain the title to said land until further order of this Court, and before proceeding to make said sale that he execute in the presence of the clerk of this Court in his office a Bond in the penalty of four hundred dollars with good security payable to the Commonwealth of Virginia and conditioned for the faithful execution of this decree and all other decrees he may be required to execute under proceedings in this cause.

And the Court doth further adjudge, order and decree that for the use and occupation of said real estate for one year ending in the month of October 1876, Jesse Byrd pay to

1
said Commissioner and that said Commissioner collect and receive of him the sum of twenty-five dollars being the annual value of said land.

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

a copy,
Teste,

Peter B. Prentiss. Clerk.

Costs

Clerk.	\$10.00	Paid. Peter B. Prentiss. Clerk.
Att. Gen.	31.50	Paid Mr. R. Kilby
Commis ^r :	15.00	Paid Wilbur J. Kilby <u>Commr.</u>
	<u>\$56.50</u>	

Byrd & wife
vs J Copy Decree
Rauls et al—

To The Circuit Court of Nansemond Co. Va.
 The undersigned reports to Court, that
 pursuant to the decree of said Court, made at
 the October Term 1876 of said Court, in the
 cause therein pending wherein Lepe Byrd and wife
 are plaintiffs and Henrietta Rauls &c are
 defendants, He proceeded to advertise the
 sale of the Land of Zachariah Rauls decd,
 as described in said decree, in the manner
 directed & did on Monday the 13th day of
 November 1876 sell at auction before the
 Court house door of said County the said
 Land, containing 52 acres more or less,
 when the same was purchased by Lepe Byrd
 at the price of Three hundred & forty dollars = \$340.00
 He paid expenses & costs as follows.

To 5 per cent Com ^s on \$300	\$15.00
" 2 do. on 40 ft	.80
" Taxes costs in decree	56.50
" paid Geo. J. Parker, auctioneer	3.00
" " Taxes 1876	1.89
" " 'Suffolk Herald' adv	8.50
" for deed to purchaser	5.00
	<u>\$ 90.69</u>

Bond for \$240. \$249.31

including \$10.69 bal.

an expenses & 249.31 } 290.00

for which said Lepe Byrd, gave his Bond with
 Jas. S. Byrd security, filed herewith, all

of which is Respectfully submitted
John R. Kilby
14 Feb. 1877

Lepe Byrd strike

M

Bennett's Law & Co.

Report of sale

1877. July 14th J.R.C. J.K.

1877 July 14th Recd of clerk of Circuit Court of
Hannover Co. The Bond of Lepe Byrd & Jay
Byrd for \$290. delinquent per order of sale of 1877
John R. Kilby Comm

At a Circuit Court held for Ramsey County - the
10th day of April 1876.

Jesse Byrd and Melissa his wife. . . . Plaintiffs

Against J In Chancery
Henrietta Rawls and Clara Lawrence
(both infants). . . . Defendants

This cause came on this day to be heard on the Bill
of the Complainants and the answer of the infant
defendants by P. B. Prentiss their guardian ad litem.
with general replication to said answer, and
was argued by counsel. On consideration
whereof the Court doth adjudge, order and
decree that a Commissioner of this Court, as-
certain and report to Court, the debts due
and unpaid by Zachariah Rawls or his
estate, as referred to in the said bill; and
what is the fee simple and annual value of the
said Land, and whether a partition can be con-
veniently made of the same among the parties
entitled, or whether any one of the heirs will accept
the same and pay to the others their portions thereof
in money, or whether a sale is necessary or best
for the parties; And report to Court with any
matters specially stated deemed pertinent by him-
self or that any one of the parties may require
to be so stated.

A Copy:

Teste:

Peter B. Prentiss. Clerk

Jesse Byrd & wife
vs J. Copey Decree

Hennietta Rawls et al:

See
Dr. Everett T. J.
deposition 18
19 Aug.

Commissioner's Office,

SUFFOLK, NANSEMOND COUNTY, VA.

26th, July 1876

To Jesse Byrd and Melissa his wife,

Plaintiffs,

and
Henrietta Rauls and Clara Lawrence,
both infants, under twenty-one years of age

Defendants.

You are hereby notified that I have fixed upon the 19th day of August next, to take and settle, at my office, the following accounts, to-wit:

1. An account of the debts due and unpaid by Zachariah Rauls deceased or his Estate.
2. An account of the fee-simple and annual value of the real estate of which said Zachariah Rauls died seised and possessed.
3. An account shewing whether a partition of said real estate can be conveniently made among the parties entitled thereto; or whether any one or more of the heirs will accept the same and pay to the others the value in money of their respective portions thereof; or whether a sale thereof is necessary or best for the parties.

required to be taken by the decree of Nansemond County Circuit Court, rendered on the 10th day of April 1876 in a suit in Chancery depending in said Court, in which you are parties, plaintiffs and defendants; 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.

Wilbur J. Kilby
Commissioner in Chancery.

Commissioner's Office
Suffolk, Virginia

To the Circuit Court of Staunton
County, Virginia.

In pursuance of a decree
of the Circuit Court of Staunton County
pronounced at the April Term thereof 1876
in a Cause, in Chancery, in said Court de-
fending between Jesse Byrd and Melissa
his wife, as Plaintiffs, and Henrietta Rawls
and Clara Lawrence, as Defendants; the
undersigned, having given notice to the par-
ties, as will appear by a copy of said notice
herewith returned, together with a copy of
said decree, proceeded this day to execute
said decree and to take and settle the
Accounts therein said decree required
to be taken. The proceedings having
been at length completed, the result
is herewith respectfully submitted
as follows:

(see over)

Account No. 1

An Account of the debts due and unpaid by Zachariah Rauls deceased, or his Estate.

A Debt due to Dr. Robert C. Everett and evidenced by an Account, attached to Depositions filed with this report, to wit: \$50 35	
Interest from 30th. September 1875 to 30th. September 1876, - 1 year.	3 02
	<u>\$53 37</u>

Account No. 2

Your Commissioner further reports to Court that the fee-simple value of the real estate of which Zachariah Rauls died seized and possessed, is \$250. and that its annual value is \$25.

And that said real estate consists of about 52 acres of land, more or less, situated in Holy Creek District, in Fauquier County, Virginia and bounded by the lands of James R. Jones, James E. Holland and John H. Smith; having on it a small house of one story and one room, and two or three small log houses, all of but little value. (See Depositions filed with this Report.) That said land has been exclusively used and occupied by said Jesse Byrd wife without compensation for one year ending October 1876 and that the same is now occupied by him, and that he is indebted to said estate for said occupation in a sum equal to the annual value of said land, to wit: the sum of \$25.

Account No. 3

Your Commissioner further reports to Court that a partition of said land, among the heirs of said Zachariah Rawls deceased, can not be conveniently made without destroying the value of the whole tract and rendering the share of each heir of but little value or use or profit to each heir respectively, because of the houses on the land, and their relative value, and situation on the land; that in a partition one or more heirs would have to take the houses, with but little land; and thus the houses, not such as they would prefer for residence, would be of no use or value, with a small piece of land: That, on the other hand, a part of the land only, which must necessarily be small, would not be desirable to any one or more of said heirs, without the houses, of which the log, outhouses, might be necessary for storage of crops: that to allow any one or more of said heirs to accept said land at its valuation and to pay to the the others in money the value of their respective shares, would not be to the advantage or in the interest of them all, even if any one or more of them should be willing so to do, because Your Commissioner believes that the whole of

said land would sell for more than its value =
tim by the Assessor of lands in ^{County} ~~Hausen~~ ^{and} ~~L.~~
(to wit. at \$200.) if the same be offered for
sale at public auction, and in this your Com-
missioner is supported by the depositions of Robert
C. Everett and Albert K. Rauls, filed herewith;
that a sale of said land is necessary for the
purpose of raising money to pay the debt or
debts due and unpaid by said Zachariah
Rauls deceased or his estate, as there is no
personal estate with which said debt or debts
may be paid. Your Commissioner, therefore
recommends that a sale of said real es-
tate be made and the proceeds properly
disposed of, as such proceedings will be
best for all parties concerned.

Respectfully submitted This 19th. day
of August 1876.

Wilbur J. Kilby
Commissioner in Chancery

Fee of Commissioner for
Report and for taking depositions = \$15.

Byrd & wife
vs. } chcy.
Rawls & al.

Commissioner's Report
Completed
19th. August 1876

1876. Aug. 19th. Filed
clk.

Byrd & wife

vs.
Rawls & Co.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Commissioner, John R. Kilby, ~~in~~ made in pursuance of a decree of this Court pronounced at the April Term thereof in the year 1877 in this cause and was argued by counsel.

On consideration whereof the Court doth confirm the said Report to which no exception has been filed and doth continue this cause for further proceedings to be had therein.

Byrd wife
vs. } In chy.
Rawls & al.

Nauvoo County
Circuit Court
April Term 1879

Decree

To be entered

Geo. S. Snow.

Entered O. B. Nov 1-
p. 451

Byrd & wife

vs.

Rawls & al.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Commissioner, John R. Kilby, made by him in this cause in pursuance of a decree of this Court pronounced at the October Term thereof in the year 1876, and ^{on} the affidavit of James Byrd, and was argued by counsel.

On consideration whereof the Court doth confirm the said Report to which no exception has been filed, and doth adjudge, order and decree that the debt of twenty-five dollars, by Commissioner, Wilbur J. Kilby, in his Report in this cause dated the 19th. day of August 1876, reported to be due by Jesse Byrd to the estate of Zachariah Rawls deceased, as sent for the real estate sold under proceedings had in this cause, be, and the same is hereby, set aside, cancelled, and annulled.

And the Court doth further adjudge, order and decree that said Commissioner, John R. Kilby receive of the Clerk of this Court, (who will deliver the same to him and take from him a receipt therefor), the Bond of Jesse Byrd and James Byrd, filed in this cause with the said Report of said Commissioner, John

R. Kilby, said Bond being for the sum of two hundred and ninety (290) dollars, dated the 13th. day of November 1876 and payable to said Commissioner John R. Kilby, six months after date with interest from date; And that said Commissioner, John R. Kilby proceed to collect the Principal and interest of said Bond, when the same shall have become due, or that he receive the same, before due should the obligors desire so to pay the same. And that said Commissioner, John R. Kilby, with said money, when collected or paid, proceed to pay first all unpaid costs of this suit and then to himself the sum of forty dollars and sixty-nine cents, costs and expenses paid by him in this cause, and to Dr. Robert L. Everett the sum of fifty-three dollars and thirty seven cents, with interest on fifty dollars and thirty five cents part thereof from the 30th. day of September 1876 to day of payment.

And that said Commissioner, John R. Kilby, after making the payments aforesaid, pay the residue of said money and distribute the same as follows, to wit: To Melissa Byrd, wife of Jesse Byrd one-third thereof, to the guardian lawfully appointed of Henrietta Rawls for her, being an infant under twenty-one years of age, one-third, and to the guardian, lawfully appointed, of Elara Lawrence for her.

being an infant under twenty-one years of age, one-third.

And said Commissioner, John R. Kelly, will execute to said Jesse Byrd a Deed with special warranty in the usual form conveying to him the real estate purchased by him under proceedings had in this cause, when ~~said Byrd shall have first paid~~ the principal and interest of said Bond shall have first been paid and not until then.

And said Commissioner will make report to Court of his proceedings under this decree.

Byrd wife

vs. } In Chy.

Rawls & al.

Nausemund County

Circuit Court

June Term 1877

Decree

To be entered

Geo Blow.

Entered O. B. No 1 - p. 336 -

Byrd & wife

vs.

Rauls & als.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Commissioner, Wilbur A. Kilby, made in pursuance of a decree of this Court, entered at the April Term thereof 1876 in said cause, and on the depositions of R. C. Everett and Albert K. Rauls filed with said Report, and was argued by Counsel.

On consideration whereof the Court doth confirm the said Report to which no exception has been filed and doth adjudge, order and decree that John R. Kilby, who is hereby appointed Special Commissioner for that purpose, proceed to sell before the Courthouse door of Staunton County, Virginia, at public auction on some court day, the real estate of which Zechariah Rauls died seized and possessed, described as fifty-two (52) acres of land, more or less, situated in Holy Creek District in said County and bounded by the lands of James R. Jones James E. Holland and John H. Smith, having on it a small one-story house of one room, and two or three small log houses: That said Commissioner proceed to sell said real

estate for cash enough to pay the expenses of the sale and the costs of this suit and that for the residue of the purchase-price he take Bond with good security, bearing interest from the day of sale and payable to himself as said Commissioner, six months after date, ~~being the day of sale~~. And that said Commissioner give notice of the day of said sale by advertisement once a week for three successive weeks in the "Suffolk Herald", a newspaper published in the Town of Suffolk and for at least fifteen days by printed notices posted on the premises and in the neighborhood thereof and at the Courthouse door of said County.

And that said Commissioner retain the title to said land until further order of this Court, and before proceeding to make said sale that he execute in the presence of the Clerk of this Court in his office a Bond in the penalty of four hundred dollars with good security payable to the Commonwealth of Virginia and conditioned for the faithful execution of this decree and all other decrees he may be required to execute under proceedings in this cause. ~~And said Commissioner will make report to Court of his proceedings hereunder.~~

And the Court doth further adjudge,

order and decree that for the use and occupation of said real estate for one year ending in the month of October 1876, Jesse Byrd pay to said Commissioner and that said Commissioner collect and receive of him, the sum of twenty-five dollars being the annual value of said land.

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

Byrd wife

vs.

Rauls & als.

Nauvoo County

Circuit Court

October Term 1876

Decree

To be entered

Geo. B. Ross

Entered C. B. Ross p 322

Leffe Byrd Surfe

v.

Henrietta Rauls &c.

This cause came on this day to be heard on the Bill of the Complainant, & the answer of the Infant defendants by P. B. Prentiss their guardian ad litem, with general replication to said answer, and was argued by Counsel.

On consideration whereof the Court doth adjudge order and decree that a Commissioner of this Court, ascertain & report to Court, the debt due & unpaid by ~~the said~~ Zachariah Rauls or his estate, as referred to in the said Bill; and what is the fee simple and annual value of the said land, and whether a partition can be conveniently made of the same among the parties entitled, or whether any one of the heirs will accept the same & pay to the others their portion thereof in money, or whether a sale is necessary or best for the parties, and report to Court with any matters specially stated deemed pertinent by himself, or that any one of the parties may require to be so stated

Byrd & wife

v

Plauty H.

1896

Apt. Ct.

Decree

To be entered

Geo. B. Shaw

Entered

OB. No. 1 - p. 308

Byrd & al

v

Rawls & al.

}

In circuit court
of Lawrence Co

This day James Byrd of J. being
sworn says that he is well acquainted
with the land of Zachariah Rawls and
occupied by Jeph Byrd. That the
improvements put on said land by said
Jeph Byrd were worth more than any
rent for the same for the year 1875 or
1876, & that no rent ought to be charged

John McKilly

8 Jan 1877.

Notary Public

Agenda
a

to Lent

Mr John Reed

1866	At R. A. Barrett Esr	
	To Salary paid to family from	
	July 1st to Dec 2nd	\$51 00
1867	Money by Cash	51 00
	To Salary paid to family from	
	Jan 1st to Dec 25th	11 00
1868	Money by Cash	70
1868	Sept 30th To Cash	125
	11 90 =	62 35
	Balance due	50 35

John Wells

RI 1 \$50.35

Byrd & wife

vs.

Hennetta Rawls & als.

In Chancery, in the Circuit
Court of Hanseman County, Virginia.

Commissioner's Office
Suffolk, Va.

On this 19th. day of August 1876 personally
appeared before me, Wilbur J. Kilby, Commissioner
of said Court, Dr. Robert C. Everett, who
being duly sworn according to law says,
upon his oath, that he is 42 years old, that
he knew Zechariah Rawls deceased for many
years before his death, and that he is well
acquainted with the real estate of which
said Rawls died seized and possessed; that
said real estate consists of about 52 acres
of land, situated in Hanseman County, Vir-
ginia, in Holy Beck District in said County,
and bounded by the lands of James R. Jones
James E. Holland and John H. Smith; that
said land has on it a small house of one
story and one room only and two or three small
log out-houses, all of but little value; that
said land is worth about \$250, and that
its annual value is about \$25. That
said Zechariah Rawls died, leaving as his

heirs at law, Melissa the wife of Jesse Byrd, being his own daughter, and two, the following, grandchildren, Henrietta Rawls, and Clara Lawrence, the father of the first and the mother of the latter, both children of said Zebanah Rawls being dead: that a partition of said land among said three heirs, could not be conveniently made, without destroying the value of the whole and rendering each one's share of but little value or use to said heirs, and because of the houses and their situation on said land: that to allow any one of said heirs to accept the same at its valuation and to pay to the rest the value of their respective shares, would not be to the interest or advantage of them, because ~~a sale of~~ the whole tract would sell for more than its valuation, if offered for sale at public auction: that said Zebanah Rawls died indebted to said Dr. Robert C. Everett in the sum of \$50.35 for professional visits and medicine furnished said Rawls deceased in his last illness, as will appear by the account annexed hereto, ^{the correctness of} to which said Everett hereby makes oath and says that the same is correct and true to the best of his knowledge and belief.

R. C. Everett.

Albert K. Rauls, being duly sworn, upon his oath says that the statements of the foregoing deposition (except as to the debt alleged to be due to said Robert C. Everett, of which he, said Albert K. Rauls, knows nothing), are true and correct to the best of his knowledge and belief, he being possessed of a like knowledge in the premises with said Everett.

Albert K. Rauls

This, the 19th, day of August 1876, the foregoing depositions of Dr. R. C. Everett and Albert K. Rauls were taken, and sworn to, and signed, in my presence and before me

Wilbur J. Kilby
Commissioner in Chancery

Byrd & wife
vs. } chcy.
Rauls & al.

Depositions filed
with
Commissioner's Report
19th. August 1876

1876. Aug. 19th Filed
clerk

Byrd & wife

^{vs.}
Rawls & al.

This cause came on this day to be again heard on the papers formerly read therein and was argued by counsel.

On consideration whereof the court doth adjudge order and decree that the proceedings had in this cause be confirmed, and the same are hereby declared to be final and binding between the parties. And nothing more remaining to be in this cause it is ordered that the same be removed from the docket.

Byrd wife
vs. } In chy
Rauls & al

Nauvoo County
Circuit Court
October Term 1879
Final decree
To be entered
Geo. T. Blom-

Entered O. B. No. 1—
/ 2. 450

To the Circuit Court of Waukesha County, Wis.
The joint separate answer of Henrietta
Rauh and Clara Lawrence infants, by Peter B.
Prentiss, their guardian ad litem, to a Bill in
Chancery exhibited against them in the said
Court by Jesse Byrd trustee

These Respondents say, that the
facts set forth in said Bill, are, so far as they
know or believe true, But being infants under
the age of Twenty one years, and ignorant of their
rights, they submit the same to the Court, and pray
that no order or decree may be made in the premises
inconsistent with their rights,

signed,

Peter B. Prentiss.

Gdn: ad litem

Rawls st.

n

Rawls st.

amount of Infl. Receipts.

To the Hon. Geo. Blow, Judge of the Circuit
Court of Kanawha County, Virginia

Complaining, shew unto your Honor, your
Complainants Leffe Byrd & Melipa his wife.

Your Complainants respectfully represent
to the Court and say, That Zachariah Rauls
died Intestate on the day of 1866, leaving
a widow named Nancy, who has since died,
to wit, on the 3^d November 1875; That the said
Zachariah Rauls left three children living at his
death, to wit. Henry Stubbs Rauls, Lucy who married
Mills Lawrence & Melipa, wife of Leffe Byrd
your Complainants -

That said Henry Stubbs Rauls. died since
his said father, over twenty one years of age and
leaving one child, a girl, named Henrietta, who is
about twelve months old -

That Lucy, the wife of Mills Lawrence
has also died since her father, leaving an only child
named Clara, about seven years old, - so that
the Lands of said Zachariah Rauls now belong
as follows, one third to your Complainant Melipa,
one third to said Henrietta Stubbs, and one third to
said Clara Lawrence -

Your Complainants say, That the
said Zachariah Rauls has no personal estate
and that he owes some small Debt or Debts,
which your Complainants ask may be ascertained
and whatever amount there may be due, may be
paid out of any real estate the said Zachariah Rauls

may have died seized and possessed of.

Your Complainants further say, that the said Zachariah Rauls died seized & possessed of a small parcel of land in Holy Neck District Nansemond County, Virginia, containing by estimation fifty two acres more or less, adjoining the Lands of John Smith, Jas. R. Jones & Jas. E. Hollans, & has on it a small house, one story high, one room, and of which land about ten acres are cleared, the whole place of little value.

Your Complainants pray that the said Land may be divided among the parties entitled or appointed & allotted to any one of the heirs who may be willing to accept the same & pay the other parties what they may be entitled to, or that a sale of the entire tract may be made, if no partition can be conveniently or advantageously made or if it will be to the interests of all parties (as your Complainants say it will,) and that whatever debt or debts there may be ascertained to be due by said Zachariah Rauls or his estate may be paid, and the residue divided as the Law directs.

In consideration whereof, and as this Court has power & jurisdiction to grant all adequate Relief, To the End your Complainants pray that the said Henrietta Rauls & Eliza Sammes may be made respondents hereto & by some fit and proper person, to be appointed for that purpose among the allegations herein, and that the

Prayer of your Complainants, may be granted and
that such other and further relief may be granted
consistent with Equity &c. and your Complainants
are &c.

Lepe Bayard &

Melipa his wife

by

John R. Kilby atty.

Killy p. 4.

~~John~~ Byrd wife

m } Rice

Hennetta Rank &c

Cir. et. Nam? Co

Jesse Byrd and Melissa, his wife
vs Chy. Notes

Hennetta Rawls and Clara Lawrence (both infants)

1876. Jan'y: 24th: Sum^y in Chy: issued to February Rules 1876.

" Feb'y: 9th: Bill filed - Peter B. Prentis appointed
qdr. ad litem to defendants,
who filed their answer, to which
there was a genl. replication,
and cause set for hearing, on Mo:
of Pltffs' Counsel

" April 10th: Decree for accos:

" Aug: 19th: Report filed

" Octo: 10th: Decree for sale

" Nov: 9th: Bond executed filed

1877. Feb'y: 14th: Report of Sale

" Apl: 10th: Decree to clear, pay out h. & make good

" Feb'y: 18th: Continued

" " 28th: Report of collections h. paid

1879. Apl: 11th: Decree enforcing Rpt & continuing cause

Chy: Notes