1881-001
Nansemond Co. (Suffolk)

Chancery Causes: Margaret A. Royster, gdn vs Alphonso Royster, infant et al

Culley, Jones, Hodges, Pinner

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Alphonso, Granville H, Wm: L and Oswald B. Roysler, infants under the age of twenty-one years,

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 January *next, to answer a Bill in Chancery, exhibited against them in the said Court by* Margaret A. Roysler, Guardian of Alphonso, Granville H. Wm: L and Oswald B. Roysler;

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 22nd *day of* December *1880, in the* 105th *year of the Commonwealth.*

Teste: Peter B. Prentis. *Clerk.*

Kilby. p. 9

Margaret A. Royster, Guardian of Alphenso Royster & al:

vs. } Sum.s in Chy:

Alphenso Royster & al: infants

To January Rules, 1881

Pro: B. No: 1. Page 152
Civ: Co:

Know all Men by these Presents,

That we, Wilbur J. Kilby and Wallace Kilby,

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the just and full sum of Two Thousand (2000) 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 21st day of April in the year one thousand eight hundred and eighty-one, and in the 105th 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 Wilbur J. Kilby,

who has ~~this day qualified before the~~ by a Decree of the Circuit Court of Nansemond County, pronounced on the 14th day of April, 1881, in the Chancery Cause of Margaret A. Raysler Guardian of Alphonso Raysler & others, Plaintiffs (against Alphonso Raysler & other infants, Defendants) been appointed Special Commissioner to sell 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, under proceedings 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. Prentis
Clerk of said Court

Wilbur J. Kilby (Seal.)
Wallace Kilby (Seal.)
(Seal.)
(Seal.)
(Seal.)

Wilbur J. Kelly.

To } Comm's Bond

Commonwealth

April 21st 1881 Executed & filed

1881 July 22. Received of Wilbur J. Kilby Comr. Three dollars in full of fee and tax for recording deed this day admitted to record from John M. Taylor Wife to Alphonso Royster et al.

$3 00

Peter B. Reuter. Clerk

1881 July 22. Received of Wilbur J. Kilby
Cour. Thirty six and 81/100 dollars and Nine
dollars and twenty and one-fourth cents in full
of my shares of the surplus fund of $192.04
from the sale of the house and lot in Suffolk
Va. which was the property of myself and
Granville H. Wm. L. and Oswald B. Royster.

Alphonso Royster.

$36 81
9.20 1/4

$46.01 1/4

1881 July 22 Received of Wilbur J. Kilby Comr. forty-four & 80/100 dollars in full of my interest in money in lieu and $9.20¼ in full of my share as a distributee of Oswald B. Royster decd. of my dower in the surplus fund of $192.04 from the sale of the house and lot in Suffolk Va. of Alfonso, Granville W. Wm L. and Oswald B. Royster sold by said Comr. under decree of 14 April 1881 in the cause in Chancery in the Circuit Court of Nansemond County pending between myself as Plaintiff and Alfonso Royster &c defendants Margaret A Royster

$44 80/100 ¼
$54.00 ¼

1881 July 24 Received of Wilbur J. Kilby Comr. Seventy three & 62/100 dollars and Eighteen & 40 1/2/100 dollars the same being in full of the shares of $36.81 and $9.20 1/4 each of Grannie H. and William L. Royster of the surplus fund of $192.04 from the sale of the house and lot of Alphuso, Grannie H. Wm. L. and Oswald B. Royster in Suffolk, Va. the said sums of $73.62/100 and $18.40 1/2 being received by me as guardian of said Grannie H. and William L. Royster who are under the age of twenty one years

Margaret H Royster
Guardian of Grannie H. and William L. Royster

$73.62
18.40 1/2
$92.02 1/2

To the Circuit Court of Nansemond County. Virginia:

In pursuance of the decree of said Court pronounced at the special term thereof on the 21st. day of July A. D. 1881 in the cause in Chancery in said Court depending between Margaret A. Royster Guardian &c. Plaintiff, and Alphonso Royster and others, Defendants, the undersigned respectfully reports to Court that he has paid to Peter B. Prentis, Clerk of the County Court of said County the sum of $3.00 retained by him as will appear by his Report filed in said cause on the 7th. day of June 1881 for payment of the tax and fee for recording the deed referred to in said Report from John M. Taylor and wife to said Alphonso Royster and others, the receipt of said Clerk for said sum of $3.00 being hereto attached.

And the undersigned further reports to Court that he has disbursed and paid out the sum of $192.04 in his hands, as appears by his said Report, as directed by said decree of the 21st. day of July A. D. 1881 to the parties therein named in the several shares and proportions as therein specified, as the following statement and the receipts hereto attached will fully show:

(over)

Statement

By Amt. in the hands of the undersigned as stated above.			$	3 00
" Amount also in the hands of the undersigned as stated above				192 04
Total			$	195 04
To paid Peter B. Prentis Clerk of the County Court of Nansemond County for record of said deed from John W. Taylor and wife to Alphonso Royster & others. per rect.				3 00
Balance			$	192 04
To paid Margaret A. Royster in full of her interest in lieu of her dower in said sum of $192.04, per said decree & rect.				44 80
Balance			$	147 24
To paid Alphonso Royster 1/4 of $147.24. per rect. & said decree	$	36	81	
" paid Margaret A. Royster, guardian of Granville W. and Wm. L. Royster 1/2 of $147.24. being the 1/4 shares of $36,81 each of said Granville W. & Wm. L. Royster of said sum of $147.24, per rect. & per said decree =		73	62	
" paid Margaret A. Royster 1/4 of 1/4 of $147.24 per rect & said decree		9	20 1/4	
" paid Alphonso Royster 1/4 of 1/4 of $147.24. per rect & said decree		9	20 1/4	
" paid Margaret A. Royster Guardian of Granville W. Royster 1/4 of 1/4 of $147 24/100 per rect.		9	20 1/4	
" paid Margaret A. Royster, Guardian of Wm. L. Royster 1/4 of 1/4 of $147. 24/100, per rect.		9	20 1/4	$ 147 24

Respectfully submitted this 22nd. day of July 1881.

Wilbur J. Kelly Comr.

Royster Gdn. &c.

vs. } In Chy

Royster &al.

Final Report
of
Payments
22 July 1881

1881. July 23rd. Filed
clk

To the Circuit Court of Nansemond County, Virginia

In pursuance of a decree of said Court pronounced the 14th day of April A.D. 1881 in a cause in Chancery in said Court depending between Margaret A. Royster, Guardian &c. Plaintiff and Alpheus Royster and others. Defendants, the undersigned, Peter B. Prentis, one of the Commissioners of said Court, respectfully reports to Court that as appears by the Report of Commissioner, Wilbur J. Kilby filed in said cause the 7th. day of June 1881, there is a surplus of $192.04 in said Court. Kilby's hands from the sale which be made in pursuance of said decree of the property therein described after paying the costs of said cause and making the investment out of the proceeds of the sale as required by said decree; that as directed by said decree, the undersigned has ascertained according to the Table to be found in the Acts of the General Assembly of Virginia, Session 1877-78 - page 246, the sum of money in gross to which said Margaret A. Royster is entitled in

lieu of her dower in said surplus of $192.04 and finds that said sum of money to which she is entitled, amounts to $44.80.

The said Margaret A. Royster being 43 years of age and being entitled to 6 per cent interest on $64.01⅓ which is ⅓ of said sum of $192.04 that is to say, to $3.84 per annum and the present value of an annuity of $1.00 for a person 43 years of age being according to said table $11.66.8 the above sum of $44.80 to which said Margaret A. Royster is entitled, is ascertained by multiplying said sum of $11.66.8 by said sum of $3.84,

After said Margaret A. Royster shall have received said sum of $44.80 out of said sum of $192.04 there will be left a balance of $147.24 of which Alphonso Royster, Granville H. Royster and Wm. L. Royster will each be entitled to one-fourth, and said Margaret A. Royster, Alphonso Royster, Granville H. Royster, and Wm. L. Royster, as the heirs and distributees of Oswald B. Royster, an infant and a party to this suit who has lately since it

was instituted, departed this life, will each be entitled to one-fourth of the one-fourth to which said Oswald B. Royster would have been entitled had he survived.

Respectfully submitted this 6th day of July 1881

Peter B. Prentis
Comm'r in Chy

Royster &c
vs. } In Chy.
Royster &al.

Report on Commutation of Dower &c
6 July 1881

1881. July 8th: Filed clK:

1881 Apl. 28th. Received of Wilbur J. Kilby Comr. Nine hundred dollars for my house and lot in Suffolk, Va. purchased by him of me for Mrs. Margaret A. Royster and her children under decree of 14 Apl. 1881 of Nansd. Co. Cir. Ct. in the cause in Chancery pending in said Court between said Margaret A. Royster Gdn. Plaintiff, & Alphonso Royster &al. defendants $900.00

John M. Taylor

Mrs M. E. Royster & Children

1880. To TOWN OF SUFFOLK, Dr.

1st Feb'y.—To Tax on 1200 Real Estate at 33⅓c. per $100 value, for Town Purposes	$	
" " " ..... " " at 10c. " " " for the Poor		
" " " ..... " " at 6c. " " " for Schools		
" " " 50 Personal Estate at 33⅓c. per $100 value, for Town Purposes		4 17
" " " ..... " " at 10c. " " " for the Poor		1 25
" " " ..... " " at 6c. " " " for Schools		75
" Capitation, at 50c. each		
5 per cent. on State License, $		
	$	6, 17
Cr.—By 2 per cent. deduction for payment before December 1st		30
Dr.—To 5 per cent. added after December 1st		
	$	

Paid 1880 Dec 15th by Kelly

Received Payment. of W. J. Edwards Asst — *Sergeant.*

Mrs. M. E. Roysters Dr.

1880. **To H. E. SMITH, Treasurer of Nansemond County, Virginia.**

No. 447	State Tax, 50 cents on the $100.	County Levy 37½c. on the $100.	Parish Levy, 12½c. on the $100.	Co. School Tax, 3⅛c. on the $100.	Dis. School Tax, 3⅛c. on the $100.	Total Amount of Taxes.
To Real Estate, value $						
" Personal Property, value $ 50.00	25	19				44
" Income, &c., value $						
" Poll Taxes						
Total						44
Five per cent. additional						02
Total						46

Received Payment. of Wilbur J. Kelly comr. 1st. June 1881

H. E. Smith, Treasurer.

Mr. W. J. Roysters Est Dr.

1880. **To H. E. SMITH, Treasurer of Nansemond County, Virginia.**

No. 448 3/4 Lot	State Tax, 50 cents on the $100.	County Levy 37½c. on the $100.	Parish Levy, 12½c. on the $100.	Co. School Tax, 3⅛c. on the $100.	Dis. School Tax, 3⅛c. on the $100.	Total Amount of Taxes.
To Real Estate, value $ 1200.00	6 00	4 50				10 50
" Personal Property, value $						
" Income, &c., value $						
" Poll Taxes						
Total						$10 50
Five per cent. additional						53
Total						$11 03

Received Payment. of Wilbur J. Kelly comr. 1st. June 1881

H. E. Smith, Treasurer.

11.03
46
11.49

At a Circuit Court continued and held for Nansemond County, the 14th: day of April, 1881.

Margaret A. Royster, Guardian of
Alphonso, Granville H. Wm: L and
Oswald B. Royster. . . . . Plaintiff.

Against } In Chancery
Alphonso, Granville H. Wm: L.
and Oswald B. Royster. . . . . Defendants.

It being suggested to the Court, that since the institution of this suit, Alphonso Royster, one of the Defendants has attained his full age, on motion of the Plaintiff by Counsel, it is ordered, that the name of Peter B. Prentis, as guardian ad litem for said Alphonso Royster be discontinued in the subsequent proceedings, and that this suit be hereafter prosecuted against said Alphonso Royster, in his own proper person, as one of the Defendants. And thereupon the said Alphonso Royster appeared by Counsel and by leave of Court filed his answer to the Bill of the Plaintiff, to which answer the Plaintiff by Counsel replied generally: and then this Cause came on to be heard on the Bill of the Plaintiff and the answer of said Alphonso Royster, and on the joint and several answers of the infant Defendants, by Peter B. Prentis, their Guardian ad litem, and two of the infant Defendants, ~~by Peter B. Prentis, their guardian ad litem~~ over the age of fourteen years, in their proper persons, with general replications to said answers, and on the Exhibit filed with said Bill and the Examinations of Witnesses, and on the Report of Commissioner, Chas. H. Causey, This day filed, by leave of the Court, ~~[illegible]~~

~~depositions~~, 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 Wilson J. Selby, who is hereby appointed a Special Commissioner for that purpose, do proceed to make private sale for cash of the Real Estate, which is jointly the property of said Alphonso Royster, Granville H. Royster, Wm. L and Oswald B. Royster described in said Bill, and in the papers in this Cause as a house and lot in which said Margaret A. Royster has Dower, situated in the Town of Suffolk, Nansemond County, Virginia, on the East side of Main Street of said Town, and bounded by the Lot of A.C. Withers on the North, the Rail Road of the Suffolk Lumber Lumber Company on the East, the Lot of Chas. E. Whitlock on the South, and said Street on the West, provided the said Commissioner can and will obtain not less than the sum of Twelve hundred dollars in cash for said property: and that out of the proceeds of the sale, said Commissioner pay first all costs of this suit and expenses of the sale, and ~~^~~ then purchase with and invest the sum of not more than nine hundred dollars of the residue in the house and lot in said Town and County on the East side of said Main Street, at present owned by John M. Taylor, and bounded on the North by the Lot of Anna M. the wife of J. C. Nelms: on the East by the land of John Pentfield, on the South by the Lot of Indiana V. the wife of E. M. Henry, and on the West

by said Main Street, for the benefit of said Margaret A. Roysler, and her Children, said Alphonso, Granville H, Wm: L and Oswald B. Roysler, and that said Commissioner take of said John M. Taylor and his wife, a Deed of bargain and Sale with general warranty duly acknowledged and certified with said Taylor's wife's relinquishment, in the usual form, conveying his said house and lot, in fee-simple, to said Alphonso, Granville H, Wm: L, and Oswald B. Roysler, with ~~a~~ an estate ~~in~~ in an undivided and unascertained one third thereof, to said Margaret A. Roysler, for and during her natural life, as an equivalent and in lieu of her dower in the said property of said Alphonso, Granville H. Wm: L. and Oswald B. Roysler, to the extent and value of her interest in the money so invested in said House and Lot of said John M. Taylor, and that said Commissioner retain in his hands any surplus that may be left of the proceeds of the sale he is required to make under this Decree, and make report to Court of his proceedings hereunder.

And the Court doth further adjudge, order and decree that said Commissioner make to the purchaser of said property of said Alphonso, Granville H. Wm: L. and Oswald B. Roysler, when he shall have sold the same as herein provided, a Deed with special warranty, in the usual form, conveying the property to him, after the purchase money therefor shall have been paid in full.

And the Court doth further adjudge, order and decree, that a Commissioner of this Court, do ascertain and report to Court, what sum of Money, in gross, said

Margaret A. Royster may be entitled to, in lieu of her Dower, in any surplus money there may be in the hands of said Commissioner, Wilbur J. Kilby, from the sale which he is required to make hereunder, after paying the Costs and Expenses, and making the investment herein specified, and also report to Court the names of the persons entitled to said surplus together with their respective proportions or shares thereof, and make report to Court of his proceedings under this Decree.

But before proceeding to make ~~said~~ sale, said Commissioner, Wilbur J. Kilby, will execute before the Clerk of this Court, in his Office, a Bond, in the penalty of $2000.00 with good personal 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.

Costs

Clerk	$10.00
Atty: & Tax	31.50
Commr:	7.50
	$49.00

A Copy:

Teste:

Peter B. Prentis. Clerk.

Xmd

Margaret A. Royster, Exhs: of Nehemiah Royster Decd

Copy Decree. Feb. 14th: 1881

Nehemiah Royster Decd: infants.

12 Dec. 1880

Mrs. Royster was 42 years of age

To the Circuit Court of Nansemond County, Va.

In pursuance of a decree of said Court pronounced the 14th. day of April A.D. 1881 in a cause in Chancery in said Court depending between Margaret A. Royster, guardian &c. Plaintiff and Alphonso Royster and others, Defendants, a copy of which decree is hereunto annexed; the undersigned, Wilbur J. Kilby appointed Special Commissioner for the purposes named in said decree respectfully reports to Court, that having executed on the 21st. day of April 1881 before the Clerk of said Court in his office the Bond required of him by said decree, he proceeded to sell and did sell on the 25th day of April 1881 privately for cash for the sum of $1200.00 to Emma E. the wife of Lewis W. Jordan as and for her sole and separate estate and for her sole and separate use and benefit, the parcel of real estate which was jointly the property of Alphonso, Granville H. Wm. L. and Oswald B. Royster, fully described in the papers in said cause as a house and lot in which said Margaret A. Royster had dower, situated in the Town of Suffolk, Va. and that he duly executed a deed with special warranty in the usual form conveying said real estate to said Emma E. Jordan, she having first paid said sum of $1200. in cash to your Commissioner; that your Commissioner, then, paid all the costs of said cause or suit

and the expenses of said sale out of said sum of $1200. as well as the taxes due on said real estate sold and re= tained a sufficient sum of money to pay all future costs; that out of the balance of said sum of $1200. then left in his hands, he purchased with and invest= ed as directed by said decree, the sum of $900.00 in the house and lot in said Town which was the property of John M. Taylor and is fully described in said decree and took of said Taylor and his wife a deed of bargain and sale as directed by said decree, conveying the said last-named house and lot in fee-simple to said Alphonso, Granville H. Wm. L. and Oswald B. Royster with an estate in an undivided and unascer= tained one-third thereof to said Magaret A. Royster for and during her natural life as an equivalent and in lieu of her dower in the house and lot first-above mentioned sold as aforesaid to the extent and value of her interest in the said sum of $900.00 invested as aforesaid, as will appear by the deed from said John M. Taylor and wife filed with this report; and that after having done as aforesaid, there is left in the hands of your Commission= er, the sum of $192.04 subject to the order of Court.

The following statement, support= ed by vouchers herewith returned to Court will show how said Com= missioner has disbursed said sum

of $1200.00 as directed by said decree:

Statement.

By cash of Emma E. Jordan, as mentioned above.			$1200 00
To 5 per cent comn. on	$300. =	$ 15 00	
" 2 do. " "	$900. =	18 00	
" paid P. B. Prentis, Clerk's fees, per rect.		10 00	
" " Wilbur J. Kilby, Atty's fee & writ tax "		31 50	
" " C. H. Causey, Comr. "		7 50	
" " State taxes on the property sold as aforesaid, per rect.		11 49	
" " Town-of-Suffolk taxes on ditto "		6 47	
" " for deed conveying to said Emma E. Jordan, the property sold to her.		5 00	
" Amt. retained to pay for recording the above-mentioned deed from John M. Taylor and wife		3 00	107 96
Balance			$1092 04
To paid said John M. Taylor for the property purchased of him as above-mentioned, per rect.			900 00
By Balance in the hands of the Comr. =		$ 192 04	

Respectfully submitted this 4th. day of June A. D. 1881.

Wilbur J. Kilby
Comr.

1881 June 4th. Received of Wilbur J. Kilby, Comr. the respective sums of money charged in the above report as paid to us and set opposite our names respectively as follows:

Peter B. Prentis, Clerk	$ 10 00
Wilbur J. Kilby, Atty's. fee & writ tax	31 50
C. H. Causey Comr	7 50

// 3 For other receipts, see the head of this Report.

1881 July 22. Received of the clerk of the Circuit Court of Nansemond County Va. under decree of 21st. day of July 1881 in the Chancery cause in said court of Margaret A. Royster &c. vs. Alphonso Royster & al. the deed mentioned in this Report and in said decree for record in the Clerk's office of the County Court of said County as directed by said decree.

Peter B. Prentis. Clerk of
Nansemond County Court.

Royster &c
vs. In Chy
Royster &al.

Report of Sale &c
4 June 1881

1881. June 7th. Filed.

In the Circuit Court of Nansemond County, Virginia.

Margaret A. Royster et al — Plaintiffs

vs

Alphonso Royster et al — Defendants

To the Circuit Court of Nansemond County, Virginia.

At the request and by consent of parties to the cause above named, now depending on the Chancery side of the docket of this Court in which they are parties plaintiff and defendant. the undersigned a Commissioner in Chancery of said Court, respectfully reports to Court that he has examined the records of the Clerks office of Nansemond County Court, and finds there recorded as of the 25th day of June 1877, a deed dated the 22nd day of March 1876, from A. G. Withers and E. M. Henry special Commissioners conveying to John M. Taylor the house and lot at present owned by him, and described ~~on the East side~~ in the papers in this cause as situated on the East side of Main Street

of the Town of Suffolk Virginia, and bounded on the South by the property of Indiana V., wife of E. M. Henry, on the North by the lot of Anna M. wife of John L. Helms, On the East by the land of John Peatfield and on the West by said Street: that the title to said lot is unquestionable, the deed aforesaid being in proper form and properly recorded, and that by the land books of said County it appears that said House and lot is assessed at $950.00.

And your Comrs. also report that the House and lot owned by Mrs. Margaret A. Rogers and her children, and described in the paper in this cause ~~and~~ is assessed on the land book at $1200.00; and in the opinion of your Commissioner, who is personally well acquainted with both parcels of property, the above valuations are correct and represent the fair cash value of the same

And your Commissioner further reports that the sale of the House & lot now owned by Mrs Margaret A

Roysten and her children, and the investment of enough of the proceeds thereof to purchase the said property of John M. Taylor will be eminently fit and proper and promotive of the interests of said parties to this cause

Respectfully submitted this 11th day of April 1881.

C. H. Causey
Comm'r. in Chy

Royster & c.
vs. } In Chy
Royster & al

Nansd. Co. Cir. Ct.

Report.

1881. March 14th. Filed in Open Court, this day by leave of the Court.
Clk

Virginia.

At Rules in the Clerk's Office of the Circuit Court of Nansemond County on Monday the 3d. day of January 1881.

Margaret A. Royster, Guardian of Alphonso, Granville H., Wm. L. and Oswald B. Royster

Plaintiff

against } In Chancery

Alphonso, Granville H. Wm. L. and Oswald B. Royster infants under the age of twenty one years. Defendants.

On the motion of the Plaintiff by counsel, Peter B. Prentis is appointed guardian ad litem to the infant defendants 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. Prentis. Clerk

1881 Jan. 3d. I acknowledge service of the foregoing order and that I have received a copy thereof.

Peter B. Prentis.

Gdn: ad litem

Margaret A. Royster &c.

vs. } In Chy.

Alphonso Royster &al

Order affointing
Guardian ad litem

Royster, Guardian &c.

vs.

Royster &al,

This cause came on this day with the consent of all parties to be again heard on the papers formerly read therein and on the Report of Commissioner, Wilbur J. Killy filed the 7th. day of June A.D. 1881 together with the deed therewith filed, and on the Report of Commissioner, Peter B. Prentis filed the 8th. day of July A.D. 1881 and was argued by counsel.

On consideration whereof the Court doth confirm the said two Reports to ~~neither~~ which no exception has been filed, and doth approve the deed filed with said Report of Commissioner, Wilbur J. Killy, and doth order that the Clerk of this Court take said deed from the papers in this cause and deliver the same to the Clerk of the County Court of Nansemond County and that said Clerk of said County Court, do record said deed in the deed book wherein deeds are recorded in his office, - which said deed conveys to and vests in fee-simple in, Alfonso Royster, Granville N. Royster, and Wm. L. Royster and Oswald B. Royster, all that certain house and lot

in the Town of Suffolk in said County on the east side of Main Street, lately owned by John M. Taylor and bounded on the North by the lot of Anna M. the wife of J. Calvin Helms, on the East by the land of John Peatfield called "Constantia" on the South by the lot of Indiana V. the wife of Ed. M. Henry and on the West by said Main Street, together with an estate in an undivided and unascertained one-third of said house and lot to Margaret A. Royster for and during her natural life, as specified in said deed,

And the Court doth further adjudge order and decree that said Alphonso Royster, Granville W. Royster, Wm. L. Royster, Oswald B. Royster and Margaret A. Royster do take, hold, possess and enjoy the above described lot upon the conditions and according to the terms of said deed as specified therein,

And the Court doth further adjudge order and decree that said Commissioner, Wilbur J. Killby, do pay out and distribute the sum of $192.04 in his hands as appears by his said Report as follows: the sum of $44.80 to said

Margaret A. Royster as the sum of money in gross to which she is entitled in lieu of her dower in said sum of $192.04, and then one-fourth of the balance of said sum of $192.04 to said Alphuso Royster, one-fourth to ~~Said Granville H. Royster, and one-fourth to~~ said Margaret A. Royster as guardian of said Granville H. Royster and one-fourth to her as guardian of ~~Granville H.~~ William D. H. Royster and then one-fourth of the remaining one-fourth of said Balance of said sum of $192.04 to said Margaret A. Royster, ~~and~~ and Alphuso Royster, and said guardian of said Granville H. Royster and said guardian of said Wm. D. Royster respectively; the said Margaret A. Royster as the mother and said Alphuso, Granville H. and Wm. D. Royster as the brothers of said Oswald B. Royster being entitled to the said one-fourth of one-fourth of said sum of $192.04 in equal shares as the heirs and distributees of said Oswald B. Royster an infant and a party to this cause, who has departed this life since this suit was instituted.

And said Commissioner, Wilbur

Roysters &c

vs. } In Chy

Roysters &c

Nansemond County
Circuit Court
Special Term
21 July 1881

Decree
To be entered

Geo. Blow.

Entered O. B. No 1
p - 5-31

A. Kilby, who make Report to Court of this proceedings under this decree

Royster Guardian
vs.
Royster Sal.

It being suggested to the Court that since the institution of this suit, Alphonso Royster, one of the defendants has attained his full age on motion of the Plaintiff by counsel it is ordered that the name of Peter B. Prentis as guardian ad litem for said Alphonso Royster be discontinued in the subsequent proceedings and that this suit be hereafter prosecuted against said Alphonso Royster in his own proper person as one of the defendants. And thereupon the said Alphonso Royster appeared by counsel and by leave of Court filed his answer to the Bill of the Plaintiff to which answer the Plaintiff by counsel replied generally and then this cause came on to be heard on the Bill of the Complainant and the answer of said Alphonso Royster and on the joint and several answers of the infant defendants by Peter B. Prentis their guardian ad litem and two of the infant defendants over the age of

fourteen years in their proper persons with general replications to said answers and as the exhibit filed with said Bill and the and on the Report of Commissioner Chas. H. Causey this day filed by leave of the Court examinations of witnesses, and was argued by counsel.

On consideration whereof the confirm the said Report to which no exception has been filed and doth Court doth adjudge, order and decree that Wilbur J. Kilby who is hereby appointed a special Commissioner for that purpose, do proceed to make private sale for cash of the real estate, which is jointly the property of said Alphonso Royster, Granville W. Royster, Wm. L. and Oswald B. Royster described in said Bill and, in the papers in this cause as a house and lot in which said Margaret A. Royster has dower situated in the Town of Suffolk, Nansemond County Virginia on the East side of Main Street of said Town and bounded by the lot of A. C. Withers on the North, the Railroad of the Suffolk Lumber Company on the East, the lot of Chas. E. Whitlock on the South, and said Street on the West, provided said Commissioner can and will obtain not less than the sum of twelve hundred dollars in cash for said property,

and that out of the proceeds of the sale of this suit said Commissioner pay first all costs and expenses of the sale, and then purchase with ~~the residue~~ and invest ~~the sum, or so~~ the sum of not more than nine hundred ~~and fifty~~ dollars of the residue in the house and lot in said Town and County on the East side of said Main Street at present owned by John M. Taylor and bounded on the North by the lot of Anna M. the wife of J. C. Helms on the East by the land of John Pratfield on the South by the lot of Indiana V. the wife of E. M. Henry and on the West by said Main Street, for the benefit of said Margaret A. Royster and her children, said Alphonso, Granville W. "Wm L." and Oswald B. Royster and that said Commissioner take of said John M. Taylor and his wife a ~~A~~ deed of bargain and sale with general warranty duly acknowledged and certified with said Taylor's wife's relinquishment in the usual form conveying his said house and lot in fee-simple to said Alphonso, Granville W. "Wm L." and Oswald B. Royster with an estate in an undivided and unascertained one-third thereof

to said Margarlt A. Royster ~~to Continue~~ for and during her natural life as an equivalent and in lieu of her dower in the said property of said Alfonso, Granville W. Wm L. and Oswald B. Royster to the extent and value of her interest in the money so invested in said house and lot of said John M. Taylor and that said Commissioner retain in his hands any surplus that may be left of the proceeds of the sale he is required to make under this decree and make report to Court of his proceedings hereunder.

And the Court doth further adjudge order and decree ~~in the event of a partiate~~ that said Commissioner make to the purchaser of said property of said Alfonso, Granville W. Wm L. and Osward B. Royster when he shall have sold the same as herein provided, a deed with special warranty in the usual form conveying the property to him after the purchase-money therefor shall have been paid in full.

And the Court doth further adjudge order and decree that a Commissioner of this Court do ascertain and

report to Court what sum of money in gross said Margaret A. Royster is entitled to in lieu of her dower in any surplus money there may be in the hands of said Commissioner, Wilbur J. Kilby from the sale which he is required to make hereunder after paying the costs and expenses and making the investments herein specified, and also report to Court the names of the persons entitled to said surplus, together with their respective proportions or shares thereof. And make report to Court of his proceedings under this decree.

But before proceeding to make said sale, said Commissioner Wilbur J. Kilby will execute before the clerk of this Court in his office a Bond in the penalty of $2000.00 with good personal 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

Royster's Gdn.

vs. } In Chy

Royster &c

Nansemond County
Circuit Court
April Term 1881 (1427)

Decree

To be entered

Geo. P. Bliss.

Entered O B No 1.
p. 524.

(Cyd)

To Alphonso Royster, Granville H. Royster Wm. L. Royster and Oswald B. Royster infants under the age of twenty-one years

TAKE NOTICE that, on the 18th day of March, 1881, next, at the office of Wilbur J. Kilby, Attorney at Law, Suffolk, Va, between the hours of 8 A. M. and 6 P. M. of that day, I shall proceed to take the Depositions of H. R. Culley, Solomon Hodges, John A. Jones and others, to be read as evidence in my behalf, in a certain suit in Equity depending in the Circuit Court of Nansemond county, wherein I am ——— Plaintiff and you ——— are Defendants; and if, from any cause, the taking of the said Depositions be not commenced on that day, or, if commenced, be not concluded on that day, the taking of the same will be adjourned and continued from day to day or from time to time, at the same place and between the same hours, until the same shall be completed.

Respectfully,

Margaret A. Royster
Guardian &c
By her Counsel

To the Sheriff of Nansemond county to execute.

24th. February 1881.

1881 February 24th. Service of the within notice is hereby acknowledged by each of us respectively.

Alphonso, Granville H., William L. and Oswald B. Royster, infants, by Peter B. Prentis their guardian ad litem

Alphonso Royster

Granville H. Royster

The Commonwealth of Virginia

To the Sheriff of Nansemond County, Greeting:

We command you that you summon H. R. Culley, Solomon Hodges, John A. Jones and John F. Pinner ——— to appear at the office of Wilbur J. Kilby, Attorney at Law, in the Town of Suffolk, Nansemond County, Virginia, on the 18th. day of March 1881 before C. W. Causey a Commissioner in Chancery of the Circuit Court in and for said County, to testify and the truth to speak on behalf of the Plaintiff in a matter of controversy pending in the said Court between Margaret A. Royster Guardian &c. Plaintiff, and Alphonso Royster, Granville W. Royster, Wm. L. Royster and Oswald B. Royster, infants under the age of twenty-one years, Defendants. And have then and there this writ

Given under my hand this 24th. day of Febmary A. D. 1881

C. W. Causey
Com'r in Chancery

Executed and a copy hereof delivered to each of the within named persons on the 25th day of February 1881

F M Rawls Dy'sh'ff
J A Fulgham Sh'ff

Margaret A. Royster, Guardian &c. Pltff.
vs. In Chancery
Alphonso Royster et al- Defts.
(Now depending in the Circuit Court of Nansemond County)

The depositions of H. R. Cooley, Solomon Hodges, John A. Jones and John F. Skinner and others taken before me, C. H. Mahoney, a Commissioner in Chancery of said Court, pursuant to notice hereto annexed, at the Office of Wilbur J. Kelly, Esq., Attorney at Law, in the Town of Suffolk, on the 18th. day of March, A. D. 1881, between the hours of 8 A. M. and 6 P. M. to be read as evidence on behalf of the Plaintiff in a certain suit in Equity depending in the Circuit Court for the County of Nansemond, wherein said Margaret A. Royster, Guardian &c. is Plaintiff and Alphonso Royster, Granville H. Royster, William L. Royster and Oswald B. Royster, infants under the age of Twenty-one years are defendants

Present: Wilbur J. Kelly, Counsel for Pltff.
and
Peter B. Rentz, guardian ad litem for the infant defendants

Henry R. Cully, being duly sworn on the Holy Evangelists of Almighty God, deposeth and saith as follows

1. Ques — What is your name; your age; your occupation and where do you reside and do you know the parties to this suit?

Ans. — Henry R. Cully - 49 years of age - brick mason and builder, reside in Suffolk and know all the parties to this suit

2. Ques — Are you familiar with the house and lot owned by Margaret A. Royster and her children in the town of Suffolk Va. situated on the East side of Main Street between the lots of A. C. Wilson on the North and C. [illegible] Whitlock on the South, If so, please describe its present condition

Ans. — I have known said property for the past 26 years and have examined the lot and buildings thoroughly to-day and find them in very bad condition and so far as I know there has been no repairs put on said premises for the past ten years -

The house needs re-lathing and plastering from bottom to top - all the hearths need relaying and all the fire places need repairing - many of

the window lights are broken - the house needs painting badly both inside and out, and some carpenters work is required inside, and in its present condition it is an uncomfortable home, and the outhouses ~~which~~ consist of a kitchen and dairy

I consider ~~to be worthless~~ the dairy could be used for a while - the kitchen to be worthless except being a mere shell - The fencing is almost worthless except on one side and the entire premises are in a very dilapidated condition

So far as I am aware, this is the only property owned by Mrs. Rogers and children

3 - Quest From what you have said above and the knowledge that you have of the property in question, do you think that it will be clear to the intent of Margaret A. Rogers and her children - to sell the property and that their interest will be promoted by the sale and the investment of the proceeds in some other home and lot for their use and benefit better suited to their wants?

Ans I do -

4 Quest Will the rights of any person be violated

by a sale of this property
Ans — No one, so far as I know.
5: Quest — What do you consider a fair cash value for the said property in its present condition
Ans — Twelve hundred dollars in my opinion is as much as it would bring as it would require from $800. to $1000. to repair it-
6th Quest — Upon what do you base your estimate as to the value of this property
Ans — Upon my experience as a contractor for the building of houses in the town of Suffolk and vicinity.
7. Quest — Do you consider the property in question in its present condition as especially uncomfortable and unfit for a residence for persons so situated and circumstanced as Mrs Roysten and her children
Ans — I do.
8 Quest — Are you acquainted with the home and lot owned by Jno. M. Taylor in the Town of Suffolk on the East side of Main Street, bounded on the North by the lot of Emma M. Nelms and South by the lot of Indiana V. Henry and at present rented and occupied

by Mrs Royster and children and if so, describe it as near as you can and state whether or not it is a suitable and convenient residence for Mrs Royster and children

Ans I It is a new home, having been built only four or five years, and is a very convenient and comfortable home, having five rooms and in a good neighborhood and from my knowledge of Mrs Royster and the premises it is far better suited in all respects for a home than the home she formerly resided in

I consider this home and lot to be worth One thousand dollars

Q 2nd Do you think, then, from your knowledge of the circumstances of Mrs Royster and her children and the condition of their property and your knowledge of the said property of John D Taylor, that it will best promote the interest of Mrs Royster and her children to sell their property and invest the proceeds in said Taylor's property for their use and benefit

Ans I do — And further this deponent saith not

H. R. Cullen

John A. Fowler being duly sworn upon

the Holy Evangelists of Almighty God
deposes and says—

1st Quest. What is your name, age, occupation,
where do you reside and do you
know the parties to this suit,

Ans. John Arthur Jones, 47 years of age— pilot
by occupation, reside in Suffolk and know
all the parties to this suit.

2d Quest. Are you acquainted with the house
and lot owned by Margaret A. Royster
and her children in the Town of Suffolk
Va. situated on the East side of Main
Street between the lots of A. C. Wilson on
the North and C. E. Whitlock on the South
and if so, please state how long you
have known it and describe its pres-
ent condition?

Ans. I have known the property in question all
my life and lived in it for fourteen
years before it came into the possession
of Mrs Royster's late husband. It is
in very bad condition as I have this
day ascertained by actual examina
tion in company with Henry R Cuck
and others.

I will here state that I have heard
the foregoing deposition of Henry R. Cuck

and fully concur with him in his description of the premises in question and in regard to the lot of John Mrs Taylor now occupied by Mrs Royster, I can state that I am well acquainted with the same, know it to be a new, convenient and substantially built house and I concur with Mr Cully that it is far more suitable and convenient as a residence for Mrs Royster and her children than the one she owns and lately occupied I also agree with him as to the valuation of the two lots and as to the amount it would require to repair her property, and concur with him that a sale of their property and the investment of the proceeds in the Taylor lot would be to the interest of Mrs Royster and children.

And further this deponent saith not

John A Jones

Solomon Hodges being duly sworn upon the Holy Evangelists of Almighty God deposes and says.

1st Just What is your name, your age, your occupation where do you reside, and do you know the

parties to this suit.

Ans Solomon Hodges. 64 years of age, by occupation a Merchant, reside in Suffolk and know all the parties to this suit

2nd Quest. Are you acquainted with the home and lot owned by Margaret A. Royster and her children in the Town of Suffolk Va. Situated on the East side of Main Street between the lots of A. E. Withers on the North and E. E. Wilkins on the South, and if so please state how long you have known it and describe its present condition.

Ans I have known it for the last 25 or 30 years and I have known the property of Jno M. Taylor ever since the home was built on it I have to-day examined the property of Mrs Royster and children above mentioned in company with H. R. Culy and Jno. A. Jones and am tolerably well acquainted with the condition and circumstances of Mrs Royster & her children and I have heard the depositions of H R. Culy and Jno A. Jones as above set forth, and I am prepared to state and do say that I fully concur with them in act. that they have said in said depositions respectively

And further this deponent saith not

Solo. Hodges

John F. Penner being duly sworn on the Holy Evangelists of Almighty God, deposes and says as follows to wit:

1. Quest. What is your name, your age, your occupation, where do you reside and do you know the parties to this suit?

Ans John F. Penner; 64 years of age; Farmer and dealer in Real estate; reside in Suffolk and know all the parties to this suit.

2d. Quest Have you read or heard read the foregoing depositions of H. R. Leuly, John A. Jones and Solomon Hodges, and if so, do you concur with them in what they have said?

Ans I have read the said depositions and concur with them in what they have said. I have known the property ~~about~~ of Mrs. Royster about twenty-five or thirty years, and I think twelve hundred dollars is a full valuation of the Royster lot and appurtenances, and if that price can be

obtained for it in its present condition I think the interest of Mrs. Royster and her children would be promoted by a sale of the said property and the investment of the proceeds in a more comfortable property better suited to her and their wants.

And further this deponent saith not

John F. Pinner

State of Virginia:
Nansemond County, to wit:

I, C. H. Causey a ~~Notary~~ ~~Public~~ Commissioner in Chancery of the Circuit Court for the County of Nansemond in the State of Virginia, do hereby certify that the foregoing depositions were duly taken, sworn to, and subscribed before me at the times and places mentioned therein

Given under my hand this 18th day of March 1881.

C. H. Causey
Comm'r. in Chancery

Comm'r's fee $7.00

Margt. A. Rozelle &c
vs
In chancery
Alphonso Rozelle et al

Depositions

1881
March 18th: Filed
Peter B. Prentis. Clerk

Royster, Guardian &c.
vs.
Royster &al.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Commissioner, Wilbur J. Kilby, filed the 23d. day of July A.D. 1881 being a report of distributions, and was argued by counsel.

On consideration whereof the Court doth confirm the said Report to which no exceptions have been filed and doth adjudge, order and decree that the proceedings had in this cause be and they are hereby declared to be final and binding between the parties, and, nothing more remaining to be done in this cause, doth order that the same be removed from the docket.

Royster, Gdn. &c
vs.
Royster &al
Nansemond County
Circuit Court
Octo. 11th. 1881

Order
To be entered

Leo 13 Lom.

Entered O.B. No 1
p. 545

Final

The answer of Alphonso Royster one of the defendants to the Bill of Complaint exhibited against him and others in the Circuit Court of Nansemond County, Virginia by Margaret A. Royster, Guardian, Complainant.

This defendant having arrived at the age of twenty one years on the 8th. day of February A.D. 1881, since the said Bill of complaint was filed, reserving to himself all right of exception to the said Bill of complaint, for answer thereto, says.

That he is fully persuaded for reasons stated and set forth at length in said Bill that the interests of himself as well as of said Complainant, who is his mother, and of the co-defendants with him to said Bill, who are his brothers, will be promoted by a sale of their property mentioned and described in said Bill and the investment of the proceeds of the sale in other and better prop-

erty for the use and benefit of himself and mother and brothers who are the only persons interested or likely to be either as heirs or distributees or otherwise, and that the rights of no person will be violated by said sale and investment.

This defendant further states that having lived with his mother for the last past ten years and more upon said property, he knows that all the facts and statements in said Bill contained, are correct and true and that he fully concurs with said complainant in all that she says in said Bill.

And this defendant further says that he is willing to relinquish or release and grant & convey all his right, title, or estate in said property, and to take, have and hold a like right, title, interest or estate in lieu thereof in such other property as may be purchased by order of the Court for himself and Mother and brothers.

And this defendant further says

that some such property in Suffolk Virginia, as that of John M. Taylor spoken of and described in said Bill will best meet the wants and necessities of himself and mother and brothers in the place of their property and he, therefore, asks that the proceeds of the sale of their property be invested in said Taylor's property or some similar property

And this defendant further says that he has been living with his mother and brothers in the dwelling on the lot of said John M. Taylor ever since the first day of January 1881 and that he has found it most convenient and comfortable, (far more so than their own property), and new and suited exactly to the conditions and circumstances of himself and mother and brothers;

This defendant, therefore, unites with said Complainant in the prayer of her Bill, that the said property in which he is interested may be sold and the proceeds of the sale invested in other property such as

that of said John M. Taylor for the joint use and benefit and as best promotive of the interests of this defendant and his said mother and brothers to be held by them jointly with the same right, title, interest and estate respectively therein as they now severally have and hold in their said property.

And now having fully answered the complainants Bill, this respondent prays hence to be dismissed with his reasonable costs in this behalf expended, and he will ever pray &c.

Alphonso Royster.

State of Virginia - Nansemond County, to wit;

This day personally appeared before me, Wilbur J. Kilby, a Notary Public in and for said County in said State of Virginia, Alphonso Royster, the defendant whose name is signed to the foregoing answer and made oath that the statements made in the said answer so far as made of his own knowledge are true and so far as made upon knowledge or information derived from others, he believes them to be true

Given under my hand this 8th. day of April 1881

Wilbur J. Kilby N. P.

Margaret A. Royster, Gdn.

vs. } In Chy

Alphonso Royster dal

Answer of

Alphonso Royster

1881. April 14th. Filed
in Open Court, by leave
of the Court.
C.C.K.

The joint and several answer of Alphonso Royster, Granville H. Royster, Wm. L. Royster and Oswald B. Royster infants under the age of twenty one years by Peter B. Prentis, their guardian ad litem, assigned to defend them in this suit, and of said Alphonso and Granville H. Royster, the only two of said infants over the age of fourteen years in their proper persons, to a Bill of Complaint exhibited against them by Margaret A. Royster, their guardian, in the Circuit Court of Nansemond County, Virginia;

These defendants reserving to themselves all right of exception to the said Bill of complaint for answer thereto, say, by their said guardian ad litem as well as said Alphonso and Granville H. Royster in their proper persons,

That so far as they are informed the facts and statements in said Bill contained, are true and correct and that these defendants fully concur and agree with said Margaret A. Royster, Guardian, the complainant in said Bill named, in all that she

therein says and that for reasons fully by her set forth and stated in said Bill these Respondents are of opinion that the interests of these Respondents will be promoted by a sale of their property mentioned and described in said Bill and the investment of the proceeds of the sale in other and better property for the use and benefit of these Respondents, and that these Respondents and said Complainant are the only persons interested or likely to be either as heirs or distributees or otherwise, and that the rights of no person will be violated by said sale and investment,

But these Respondents are infants of tender years and by reason of their infancy are incapable of fully understanding or taking care of their rights and interests. They, therefore, by their said guardian ad litem and the said Alphonso and Granville W. Royster in their proper persons, commend themselves and their rights and interests to the protection of the Court and pray that no decree may be pronounced which will tend to their

prejudice,

And having fully answered, these Respondents pray to be hence dismissed with their reasonable costs in this behalf expended and they will ever pray &c.

Alphonso, Granville H. William L. and Oswald B. Royster, infants by,
Peter B. Prentis, their guardian ad litem
Alphonso Royster.
Granville H Royster

State of Virginia
Nansemond County, to wit

I, Wilbur J. Kilby, a Notary Public in and for said County in said State of Virginia do certify that Peter B. Prentis, guardian ad litem of Alphonso, Granville H. Wm L. and Oswald B. Royster infants under the age of twenty one years and said Alphonso and Granville H. Royster over the age of fourteen years, this day personally appeared before me in the said County and made oath that the statements made in the foregoing answer signed by them, so far as made of their own knowledge are true and so far as made upon knowledge or information derived from others, they believe them to be true, Given under my hand this 3d. day of January 1881

Wilbur J. Kilby
Notary Public

Margaret A. Royster Gdn. &c.

vs. } In Chy

Alphonso Royster &al

Answer
of infant defend-
ants

At a County Court continued and held for the County of Nansemond, on the 19th day of December 1874.

The Court doth appoint Margaret A Royster guardian for Alphonso, Granville D., Wm L and Oswald B Royster, Orphans of Wm J. Royster deceased, Thereupon the said Margaret A Royster appeared in Court, and together with Sarah Browne her security (the said Sarah Browne signing by W.E. Cohoon her attorney in fact) deemed sufficient by the Court. Entered into and acknowledged a bond in the penalty of three hundred dollars, Conditioned according to law which bond is ordered to be recorded.

A Copy
Teste:

Peter B. Prentis. Clerk.

Margaret A. Royster Gdn. &c.

vs. } In Chy.

Alphonso Royster &al

"Exhibit A."

To the Hon. Geo. Blow. Circuit Court Judge in and for the County of Nansemond in the State of Virginia;

Humbly complaining respectfully represents and shows unto your Hon. Your Complainant, Margaret A. Royster, guardian of Alphonso, Granville H., Wm L., and Oswald B. Royster, infants under the age of twenty one years, of the respective ages of 20 and 17 and 13 and 11 years,

That Wm J. Royster father of said infants, departed this life on the 25th. day of August 1871 intestate, leaving his widow, who is your Complainant, the said Margaret A. Royster, and four children, the said Alphonso, Granville H. Wm L. and Oswald B. Royster as his distributees and heirs at law.

That said Wm J. Royster left but little personal or chattel estate, and that all such estate has long since been consumed and used for the suffort, maintenance and education of said children and the suffort of your Complainant.

That said deceased left a

certain lot or parcel of land, situated in the Town of Suffolk in Nansemond County Va. on the east side of Main Street on which it fronts abut fifty feet, and bounded on the North by the lot of A. G. Withers on the East by the Suffolk Lumber Company's Railroad, on the South by the lot of Chas. E. Whitlock and on the West by said Street.

That said lot is all the estate of said children, which they own at the present time, the same having become theirs by descent from their father, the said Wm. J. Royster, deceased, subject to the dower which your Complainant has therein as widow of said deceased.

That said lot has on it a large dwelling and a kitchen, which are both very much out of order and greatly need repairs. That your Complainant and her children aforesaid have been living on said lot and in said dwelling ever since the death of said Wm. J. Royster in the year 1871. That during that time, (a period of ten years nearly), the said children have been dependent

very disagreeable place for a residence without any means and without any prospect of getting any to make such repairs or improvements to the lot or dwelling as will be necessary to make it comfortable or fit for ~~her~~ a residence any longer for herself and children.

Your Complainant, therefore, thinks that the interest, comfort and convenience of herself and her said wards will be promoted by a sale of said lot and dwelling and the investment of the proceeds of the sale in another and better house and lot for the use and benefit of herself and said children, and asks that said sale and investment be made, and charges that she and her said children are the only persons interested or likely to be either as heirs or distributees or otherwise, and that the rights of no person will be violated by said sale and investment.

And your Complainant says that she believes that said lot and houses can be sold for at least one thousand or twelve hundred dol-

lars and further says that she knows that a lot of equal size and perhaps larger with new and comfortable but smaller dwelling and out houses in good order can be purchased in Suffolk for the same money. That a smaller dwelling will suit her infinitely better ~~than the one she now occupies~~, especially if said smaller dwelling be new, comfortable and convenient. That in a smaller dwelling of three or four rooms, she can so arrange & place the small quantity of furniture which she has, as to make it more comfortable and better suited to the wants and necessities of herself and children.

Your Complainant says that Mr. John M. Taylor owns a lot in Suffolk on the East side of Main Street not far from her lot and bounded on the South by the lot of Anna M. Selmes wife of J. C. Selmes and on the South by the lot of Indianna V. Henry wife of E. M. Henry, which is quite as large as the lot of ~~which~~ your Complainant ~~& now lives on~~, and which

has on it all necessary out houses and a dwelling, all new, ~~&~~ and built of the best heart timber, the dwelling being of modern style, having ~~five~~ six rooms and all the conveniences, just suited to her wants and those of her children; that she has been living with her children on this lot and in this house ever since the first of January 1881, having been forced to leave her own and her children's house and lot because of its uncomfortableness and bad condition and to rent said lot of John M. Taylor.

Your complainant asks, therefore, that the said lot of herself & children may be sold and the proceeds invested in said ~~&~~ lot of said Taylor, or some similar property for herself & children.

And she says that she is willing to relinquish or release and convey her dower in ~~her~~ said children's lot and to take & hold dower in such other house & lot as ~~the Court~~ may ~~see fit~~ be purchased by order of the Court for herself and children in lieu thereof

Your Complainant is informed that said Taylor will sell his said house and lot for the sum of $900.00

And she further says that she was appointed guardian of her said Children. Alphonso. Granville H. Wm L. and Oswald B. Royster on the 19th. day of December 1874 by order of the County Court of Nansemond County Virginia and did duly qualify and become said guardian as will appear by a duly certified copy of the order of said Court filed herewith as part of this Bill and marked "Exhibit A."

In consideration whereof Your Complainant being without remedy save in a Court of Equity, prays that said Alphonso Royster, and Granville H. Royster and Wm L. Royster and Oswald B. Royster infants as aforesaid may be made parties defendant to this suit and be required to answer all the allegations contained in this Bill on oath, all said infants by their guardian ad litem to be appointed for them and such of said infants as may be over fourteen years of age in their

proper persons also: that the said lot and dwelling of your Complainant and her said children may be sold and the proceeds of the sale invested in another house and lot such as that of said John M. Taylor mentioned in this Bill, for the use and benefit and as best promotive of the interests of your Complainant and her said children to be held by them with the same right title and estate therein as they now severally have and hold in their said lot: and that such further and adequate relief in the premises may be granted as to Equity may seem fit and proper and the rights of parties may require; and, as in duty bound, your Complainant will ever pray &c.

3 Jan. 1881 Margaret A Royster
Guardian &c

State of Virginia
Nansemond County, to wit:

This day personally appeared before me, Wilbur J. Kilby, a Notary Public in and for said County in said State of Virginia, Margaret A. Royster, guardian of Alphonso, Granville H. Wm L. and Oswald B. Royster and plaintiff in the foregoing bill and made oath that the statements made in the said Bill so far as made of her own knowledge are true and so far as made upon knowledge & information derived from others, she believes them to be true. Given under my hand this 3d. day of January 1881

Wilbur J. Kilby
Notary Public

Margaret A. Royster. Gdn. &c.

vs. } In Chy.

Alphonso Royster &al

Bill

Margaret A. Royster, Edw: &c
vs } Chy: Notes
Alphonso Royster &als:

1880. Decr: 22nd: Sumns in Chy: issued to Jany: Rules, 1881.

1881. Jany: 3rd: Bill & Exhibit filed — Peter B. Benitz appted gdn: ad litem to defendants (all infants) who filed their answer — also the answers of two of the infants, over 14 years of age, in their proper persons — genl: replin: & Cause set for hearing on mo: of Complt's Counsel.

" March 18th: Depositions filed

" April 14th: Decree for Sale & appointment Com'r

" " 21st: Bond executed & filed

" June 7th: Report of Sale filed

" July 8th: Report on Commutation of Dower, filed

" " 21st (Skl: Sum) Decree confirming: reports & for distribution

" " 23rd Final Report of Payments filed

" Octo: 11th: Final Decree

Chy: Notes