

1893-017

Nansemond Co. (Suffolk)

Chancery Causes: Wilbur J. Kilby, gdn vs Henry T. Riddick et al

Tynes

W J Kelly ldr
W

Riddick & others

Costs

A P Gomer Clerk

A H Baker Sheriff

Attorney

Tax

Ro. R. Prentiss, Cour.

\$ 9.02

1.00

15.00

1.50

15.00

W S Kiley Gar
vs
Ruddick & others
Costs,

4. Wilbur J. Kilby Guardian of
Henry T. Riddick and Elizabeth P.
Riddick, minors, Complainant

vs.

✓ Henry T. Riddick and Elizabeth P. Rid-
dick infants under the age of twenty-
one years, Robert H. Tynes (Senior), Wal-
lace Kilby, Maggie T. Kilby his wife, and
Henry L. Tynes. Defendants.

Summons in Chancery, To Rules
on the first Monday in March 1891.

Kelly Gar
as
Readick

Chauway

1893

Oct

4 D

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Henry T. Riddick*
and *Elizabeth Riddick* infants under
the age of twenty-one years *Robert H. Zynes*
(Senior) *Wallace Kilby*, *Maggie T. Kilby* his
wife and *Henry L. Zynes*

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 *March 1891*, to answer

a Bill in Chancery, exhibited against
them in the said Court by *Wilbur J.*
Kilby Guardian of *Henry T. Riddick*
and *Elizabeth Riddick*, Minors,

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this *21st* day of
February 1891, in the 110th year of the Commonwealth.

Teste:

A. P. Gomer

Clerk.

We hereby acknowledge sufficient
and legal service of this process
and the receipt of a copy hereof this
24th day of February 1891

Thallou Kilby
Harry Riddick
Maggie T. Kilby
Henry L. Tynes
Elizabeth P. Riddick
R. H. Tynes Jr

W. S. Kilby p. 91

W. S. Kilby Garve
W. J. Buchanan

Henry J. Riddick
Elizabeth P. Riddick solo

1891

March Rules
First Monday

Process Book
Not. Page 43

See, Court

Know All Men by These Presents, That we, *Wilbur J. Kilby*
and *Maggie I. Kilby*

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of *One thousand* 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.

And we waive the benefit of our exemption as to this obligation, and also waive any claim or right to discharge any liability to the said Commonwealth arising under this bond, or by virtue of the office, post or trust herein mentioned, with coupons detached from bonds of said Commonwealth.

Sealed with our seals, and dated this *20th* day of *October* in the year of our Lord one thousand eight hundred and *ninety one*, and in the *116th* year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas *by* a decree of the Circuit Court of Nansemond County, Virginia pronounced on the *14th* day of *October* 1891 in the Chancery Cause depending in said Court between *Wilbur J. Kilby* Guardian of *Henry I. Riddick* and *Elizabeth P. Riddick* and others Defendants, it was decreed that the parcel of real estate mentioned and described in the Bill in said cause, as a parcel of land situated in the village of *Chuckatuck* in said County and containing *fifteen (15)* acres more or less be sold and the above-bound *Wilbur J. Kilby* was appointed Special Commissioner to sell the same as specified in said decree; Now therefore, if the said *Wilbur J. Kilby* shall faithfully discharge his duties under said decree and all other decrees he may be required to execute in said cause, then the above obligation is to void; otherwise to remain in full force and virtue.

SEAL

SEAL

SEAL

SEAL

SEAL

Wilbur J. Kilby
M. I. Kilby

In the office of the Clerk of the *Circuit* Court of Nansemond County, on the *20th* day of *October* 189*1*

The above bond was executed and acknowledged by the obligors (the surety *her* justifying on oath as to *her* sufficiency) and recorded.

Teste:

A. P. Gomez

CLERK.

A Copy Teste:

A. P. Gomez Clerk

A copy
W J Kilby
To } Spec. Comm. Bond
The Commonwealth

1891
October 20th

Recorded in ~~Official~~
Bond Book No 1 Page 27

Circuit Court

Kilby. Gen. &c
vs. } In Chy.
Riddick & als.

Copy of Bond of
Wilbur J. Kilby as
Special Comm. under
decree of 14 Octo. 1891

At Rules held in the office of the
Clerk of the Circuit Court of Chaussemond
County, Va. on the second day of March
1891:

Wilbur J. Kilby, Guardian of Henry T.
Riddick and Elizabeth P. Riddick
minors,

Against } In Chancery.
Henry T. Riddick, Elizabeth P. Rid-
dick and others

On the motion of the Complain-
ant, John B. Pinney Esq. Attorney at Law
is appointed guardian to the defend-
ants, Henry T. Riddick and Eliza-
beth P. Riddick, who are infants
under the age of twenty-one years, to
defend them in this suit.

C. P. Gomez Clerk.

Kilby, Gen.

vs. } In Chy

Riddick & al.

Order appointing
guardian ad litem
to the infant de-
fendants

Received of Wilbur J. Kilby, Special Coun-
sel and $02/100$ dollars in full of my
fees taxed as part of the costs in the
Chancery suit pending in the Circuit
Court of Chaussemond County between
Wilbur J. Kilby, Gdn. etc. Plaintiff, and
Henry T. Riddick & als. defendants.

\$9 02

A. L. Somers, Clerk,

Received of Wilbur J. Kilby, Special
Counr. One dollar in full of fees due
me in the Chancery cause pending in
the Circuit Court of Chaussemond County,
between Wilbur J. Kilby, Guardian etc.
Plaintiff and Henry J. and Elizabeth
P. Riddick and others, defendants.

\$1.⁰⁰

H. H. Baker
Sheriff

Received of Wilbur J. Kilby, Special
Commissioner, fifteen dollars in full
of fee due me for Report made by me
and filed 29 September 1891 in the
Chancery Cause pending in the Circuit
Court of Chaussemond County between
Wilbur J. Kilby, Guardian etc. Plain-
tiff, and Henry J. and Elizabeth P.
Riddick and others, Defendants.

\$15.⁰⁰

13 May 1892

Robert P. Prentiss
Comm^r in Chy.

Received of Wilbur J. Kilby, Special
Comm. five dollars for services as one
at the sale of the Tyner lot in Chuetka-
tuck Village; said lot having been sold
by said Comm., on 9th. Nov. 1891 by public
auction under decree of Court in the Chan-
cery suit of Kilby, Gen., vs. Riddick & als.,
pending in Chautauque County Circuit
Court.

J. L. Parker. Clerk

\$5.⁰⁰

Mrs Marietta L Kiddick

Dr.

2678
2347

897.

To H. E. SMITH, Treasurer of Nansemond County, Va.

No. of Acres,	State Tax, 30 cents on the \$100.	State School Tax, 10c on the \$100.	County Levy 25c. on the \$100.	Parish Levy, 12½c. on the \$100.	Co. School Tax, 5c on the \$100.	Dis. School Tax, 5c. on the \$100.	Co. Road Tax, 10c. on the \$100.	TOTAL AMOUNT OF TAXES.
440 -								
238								
Real Estate, value \$2854.50	8.57	28.5	7.14		1.42	1.42	2.85	24.26
Personal Prop'y, value \$								
Income, &c., value \$								
Poll Taxes ex								
Total								121
additional								2547
total								

Received Payment.

H E Smith

, Treasurer.

Marietta L. Liddick's heirs Dr.

10.

To H. E. SMITH, Treasurer of Nansemond County, Va.

No.	State Tax, 30 cents on the \$100.	State School Tax, 10c. on the \$100.	County Levy 25c. on the \$100.	Parish Levy, 5c. on the \$100.	Co. School Tax, 5c. on the \$100.	Dis. School Tax, 5c. on the \$100.	Co. Road Tax, 10c. on the \$100.	TOTAL AMOUNT OF TAXES.
Acres... <i>23.8</i>								
Rate, value <i>2856.00</i>	<i>8.57</i>	<i>2.85</i>	<i>7.14</i>		<i>1.42</i>	<i>1.42</i>	<i>2.85</i>	<i>24.26</i>
Property, value \$								
Value \$								
etc								
ent. additional								<i>24.26</i>
total								<i>1.22</i>
								<i>25.48</i>

Received Payment,

H. E. Smith

, Treasurer.

Mrs. Marietta C. Riddick's estate Dr.

1891.

To H. E. SMITH, Treasurer of Nansemond County, Va.

No.....	State Tax, 30 cents on the \$100.	State School Tax, 10c. on the \$100.	County Levy, 25c. on the \$100.	Parish Levy, 5c. on the \$100.	Co. School Tax, 5c. on the \$100.	Dis. School Tax, 5c. on the \$100.	Co. Road Tax, 10c. on the \$100.	TOTAL AMOUNT OF TAXES.
No. of Acres..... <u>7 1/2</u>								
To Real Estate, value \$ <u>1.012⁵⁰</u>	<u>3 04</u>	<u>1 01</u>	<u>2 53</u>		<u>51</u>	<u>51</u>	<u>1 01</u>	<u>8 61</u>
" Personal Prop'y, value \$.....								
" Income, &c., value \$.....								
" Poll Taxes.....								
Total.....								
Five per cent. additional.....								<u>43</u>
Total.....								<u>9 04</u>

Received Payment.

of W. J. Kilby Comr.

H. E. Smith

, Treasurer.

Mrs. *Manetta C. Riddick's estate* ----- Dr.

1891.

To H. E. SMITH, Treasurer of Nansemond County, Va.

No. No. of Acres	State Tax, 30 cents on the \$100.	State School Tax, 10c. on the \$100.	County Levy, 25c. on the \$100.	Parish Levy, 5c. on the \$100.	Co. School Tax, 5c. on the \$100.	Dis. School Tax, 5c. on the \$100.	Co. Road Tax, 10c. on the \$100.	TOTAL AMOUNT OF TAXES.
<i>230 1/2</i>								
To Real Estate, value \$ <i>1844⁰⁰</i>	<i>553</i>	<i>185</i>	<i>461</i>		<i>92</i>	<i>92</i>	<i>185</i>	<i>1568</i>
" Personal Prop'y, value \$.....								
" Income, &c., value \$.....								
" Poll Taxes.....								
Total.....								
Five per cent. additional.....								<i>79</i>
Total.....								<i>1647</i>

Received Payment.

H. E. Smith -----, Treasurer.
W. King

[RECEIPT TO BE GIVEN WHERE LAND IS REDEEMED.] **

\$ 5-9. 57

Office of the Treasurer of the

County of Kaua

Jan'y 10th, 1891.

Received of W. J. Kilby for Maria C. Niadise
Twenty-five Dollars fifty-seven Cents.

on account of the redemption of 238 acres land returned delinquent for the non-payment
of Taxes and County Levies by the Treasurer of Kaua, for the years
1888 & 1889

Acres as follows:

State Tax, & other Expenses. \$ 5-9. 57

County Levies for all purposes, ...

Commissions, ...

Expenses of sale, ...

Total, ... \$ 5-9. 57

W. E. Smith, Treasurer.

Supp July 10, 91

Judge Kiley.

I made a mistake
in calculating the interest
+ expenses on the Mle Roadok
land please look over the
sect. it should be 59.57,

I think,

my my sec

H. H. H. H.

$$\begin{array}{r} 59.57 \\ 58.82 \\ \hline 171 \end{array}$$

COMMISSIONER'S SALE!—

By authority of a decree of the Circuit Court of Nansmond county, Va., pronounced on the 14th day of October, 1891, in the chancery cause pending in said court between Wilbur J. Kilby, guardian, etc., plaintiff, and Henry T. Riddick and others, defendants, I shall offer for sale by public auction to the highest bidder, before the Courthouse door of said county, on County Court day,

MONDAY, NOVEMBER 9, 1891,

all that certain lot or parcel of land known as the Tynns lot, upon which the late Henry L. Tynes, Sr., lived, in the village of Chuckatuck, in said county, containing by estimation fifteen acres, more or less (but the same will be sold in gross and not by the acre), and bounded on the north by the property of Samuel G. Webb and others known as Crump's Mill, on the east by the land of Edwin C. Ramsay, on the south by the land of Amanda B. Cowling, and on the west by the public road leading from said village to Crump's Mill.

TERMS.—One-third of the purchase money will be required in cash, and the remainder in equal sums at the end of six and twelve months respectively, with interest from the day of sale; the purchaser to execute bonds in evidence of the deferred payments with good personal security, and the title to the land to be retained until the further order of Court.

WILBUR J. KILBY,

Special Commissioner.

GEORGE T. PARKER, Crier.

I, AZRA P. GOMER, Clerk of the Circuit Court of Nansmond county, Va., do certify that the bond required of Wilbur J. Kilby as Special Commissioner under the decree of said Court on the 14th day of October, 1891, in the chancery cause pending in said court between Wilbur J. Kilby, guardian, etc., plaintiff, and Henry T. Riddick and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this 20th day of October, 1891.

oc30-2t

A. P. GOMER, Clerk.

Suffolk, Va.,

189

Mr W J Kirby Comr

TO SUFFOLK HERALD, Dr.

J. E. BOOKER, Proprietor.

First-Class JOB PRINTING a Specialty.

91
Oct 17 To Printing 100 Bills Notice of
Sale H L Jones Lot 150
adv Sale of same in Herald 500
5 in 2 w
\$ 6.50

Recd Payment Dec 28 91
J E Booker

TERMS FOR EACH QUARTER-PAYABLE IN ADVANCE:

Primary Department—Spelling, Reading, Writing	\$4.00	Elocution, in class	\$1.25	Type-Writing	\$2.50
Introductory Department—Same, with Arithmetic		Elocution, special session	10.00	Stenography	2.50
Geography, Health for Little Folks, and History	6.25	Music—Piano	10.00	Drawing—Primary	5.00
Collegiate Department	7.50	Organ	10.00	Drawing—Advanced	7.50
Latin, French, German—each	2.50	Vocal, in class	1.25	Painting	10.00
Latin and French, or German, by same student	3.75	Vocalization, including singing in class	12.50	Incidentals	1.00
		Use of Piano for practice (one hour each day)	1.25	Board, including washing, lights and fuel	32.50

Suffolk, Va., June 10th 1891.

George W. F. Kelly, Guardian of Elizabeth P. Kiddick.
TO SUFFOLK COLLEGE, Dr.

Pupils received at any time and charged from date of entrance.

CONDUCTED BY MISSES FINNEY.

To Board of Elizabeth P. Kiddick	Annual Session,	130 00
Tuition of Same	" " "	50 00
Latin,	; French	
Music,		40 00
" Vocal, in Classes,		5 00
" " Special Lessons,		\$205.00
Music and Books furnished,		
Drawing,	; Painting,	
Incidental Expenses,		
Type Writing,	; Stenography,	
Art Materials,		
Elocution,		

1892 Octo. 7. Received of Walter F. Kelly, Guardian of Elizabeth P. Kiddick One hundred and fifty dollars in full settlement of the above bill
Sally A. Finney

TERMS FOR EACH QUARTER-PAYABLE IN ADVANCE:

Primary Department—Spelling, Reading, Writing	\$4.00	Elocution, in class	\$1.25	Type-Writing	\$2.50
Introductory Department—Same, with Arithmetic,		Elocution, special session	10.00	Stenography	2.50
Geography, Health for Little Folks, and History	6.25	Music—Piano	10.00	Drawing—Primary	5.00
Collegiate Department	7.50	Organ	10.00	Drawing—Advanced	7.50
Latin, French, German—each	2.50	Vocal, in class	1.25	Painting	10.00
Latin and French, or German, by same student	3.75	Vocalization, including singing in class	12.50	Incidentals	1.00
		Use of Piano for practice (one hour each day)	1.25	Board, including washing, lights and fuel	32.50

Suffolk, Va., June 10th 1892

Mr. George W. Kilby, Guardian,

TO SUFFOLK COLLEGE, Dr.

Pupils received at any time and charged from date of entrance.

CONDUCTED BY MISSES FINNEY.

To Board of Elizabeth P. Kiddick 12 months	173 83 1/2
" Tuition of same 1 Annual Session	30 00
" Latin, ; French ; German,	10 00
Music,	
" " Vocal, in Classes,	5 00
" " Special Lessons,	
Music and Books furnished,	
Drawing, ; Painting,	
Incidental Expenses,	
" Type-Writing, ; Stenography,	10 00
Art Materials,	228 33
Elocution, Credit amount paid	8 05
Balance due	220 28

Received of Wilbur F. Kilby, Guardian of Elizabeth P. Kiddick One Hundred and forty one and 25/100 Dollars in full settlement of the above bill Sally A. Finney

To the Circuit Court of Chausse-
mond County, Va.

In pursuance of the decree
of the Circuit Court of Chaussemond
County, Virginia, pronounced on
the 13th day of April 1892 in the
Cause in Chancery in said
Court depending between Wil-
bur J. Kilby, Guardian etc, Com-
plainant, and Henry J. Riddick
Elizabeth P. Riddick and others,
Defendants, the undersigned re-
spectfully reports to Court that
he has received of the Clerk of
said Court (and given said
Clerk a receipt which has
been filed with the papers in
said Cause for), the two Bonds
of Rosa V. Primer, mentioned
in said decree, with James H.
Primer, John Hirst and Mills
Rogers sureties thereto, each for
the sum of two hundred and
seventy-five dollars dated the
9th day of November 1891 and
payable six and twelve months
respectively after date with in-
terest from date, and has col-

lected the money for said bonds and has disbursed the money, together with the sum of \$275⁰⁰/₁₀ already in his hands, in the manner herein mentioned and as the vouchers hereto attached and the following statement will fully show, to wit:

By Cash in the hands of the Commissioner as stated,				\$ 275 00
" Principal sum of Rosa V. Pin- ner's two bonds aforesaid each for the sum of \$275.				550 00
" Interest received				28 45
To 5 per cent commissions on \$300 = \$15.00				
" 2 per cent do. on \$525 = 10.50	25 50			
" paid Wilbur J. Kilby, Atty. taxed fee and writ. tax, per rect.	16 50			
" " A. P. Gomer, Clerk, his fees "	9 02			
" " Alex. H. Baker, Sheriff " "	1 00			
" " Robt. R. Prentiss, Court. " "	15 00			
" " Geo. T. Parker, Crier, " "	5 00			
" " H. E. Smith, Treas, taxes for 1887 "	25 47			
" " Same, taxes for 1888 & 1889 "	59 57			
" " Same ditto for 1890 "	25 48			
" " Same ditto for 1891 "	9 04			
" " Same ditto for 1891 "	16 47			
	208 05	853 45		

brought on	208 05	853 45
To paid J. E. Booker, for advertising sale of land etc. per sect.	6 50	
" " Wilbur J. Kilby, Atty. for pre- paring deed conveying land sold, to the purchaser, per sect.	5 00	
" " Same, fee allowed by said decree, per sect.	50 00	
" Amount to balance	583 90	
	853 45	853 45

By Balance brought on		583 90
To paid Sally A. Finney for board and tuition of Elizabeth P. Riddick at Suffolk College for the annual session ending 10 June 1891, per sect. \$150.00		
" " Same for board and tu- ition of Elizabeth P. Rid- dick at said College for the annual session ending 10 June 1892, per sect. \$141.95	291 95	
" " Henry J. Riddick, who is now twenty-one years of age, per sect	291 95	
	583 90	583 90

A deed with special warranty
in the usual form has been

made by the undersigned to said Rosa V. Pinner conveying to her the land purchased by her under proceedings in said cause, as directed by the decree entered in said cause on the 14th. day of October 1892.

Respectfully submitted this 4th, day of August 1893.

Wilbur J. Kilby,
Special Commr.

1893 August 4th. Received of Wilbur J. Kilby, Special Commr. the sum of two hundred and ninety-one and $\frac{95}{100}$ dollars, paid to me as stated in the foregoing Report; and I hereby declare that I was twenty-one years of age on the 3d. day of August 1893.

Henry T. Radick-

Kilby, Gdn.

vs. } In Chy.

Riddick & als.

Report of collect-
ions and disburse-
ments under de-
cree of 13 April
1892.

Confirmed 11th,
October 1893

1893 August 7th Filed
A. P. Hornes clerk

COMMISSIONER'S SALE

By authority of a decree of the Circuit Court of Nansemond county, Va., pronounced on the 14th day of October, 1891, in the chancery cause pending in said court between Wilbur J. Kilby, guardian, etc., plaintiff, and Henry T. Riddick and others, defendants, I shall offer for sale by public auction to the highest bidder, before the Courthouse door of said county, on County Court day,

MONDAY, NOVEMBER 9, 1891,

all that certain lot or parcel of land known as the Tynes lot, upon which the late Henry L. Tynes, Sr., lived, in the village of Chuckatuck, in said county, containing by estimation fifteen acres, more or less (but the same will be sold in gross and not by the acre), and bounded on the north by the property of Samuel G. Webb and others, known as Crump's Mill, on the east by the land of Edwin C. Ramsay, on the south by the land of Amanda B. Cowling, and on the west by the public road leading from said village to Crump's Mill.

TERMS OF SALE.—One-third of the purchase-money will be required in cash, and the remainder in equal sums at the end of six and twelve months respectively, with interest from the day of sale; the purchaser to execute bonds in evidence of the deferred payments with good personal security, and the title to the land to be retained until the further order of Court.

WILBUR J. KILBY, Special Commissioner.

GEORGE T. PARKER, CRIER.

OCTOBER 20, 1891.

I, AZRA P. GOMER, Clerk of the Circuit Court of Nansemond county, Va., do certify that the bond required of Wilbur J. Kilby as Special Commissioner under the decree of said Court on the 14th day of October, 1891, in the chancery cause pending in said court between Wilbur J. Kilby, guardian, etc., plaintiff, and Henry T. Riddick and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this 20th day of October, 1891.

A. P. GOMER, CLERK.

*Sold to R. G. Quinn
for \$2500
G. T. Parker
Crier*

I Azra P. Gomer, clerk of the Circuit Court of Nansemond County, Va, do certify that the bond required of Wilbur Kirby as Special Commissioner under the decree of said Court on the 14th day of October 1891 in the Chancery cause pending in said Court between Wilbur Kirby guardian, etc plaintiff, and Henry T. Riddick and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this 20th day of October, 1891.

A. P. Gomer Clerk

To the Circuit Court of Chausemond
County, Va.

In pursuance of the decree of the
Circuit Court of Chausemond County, Va.
pronounced on the 14th. day of October 1891
in the Chancery Cause pending in said Court
between Wilbur J. Kilby, Guardian of Henry
J. Riddick and Elizabeth P. Riddick, Com-
plainant, and said Henry J. Riddick and
Elizabeth P. Riddick and others, Defend-
ants, the undersigned, Wilbur J. Kilby,
Special Commissioner appointed for the pur-
poses specified in said decree, respectfully
reports to Court as follows;

That, as directed by said decree, he
has sold the real estate therein mention-
ed and described as a parcel of land
situated in the village of Chuckatuck
in said County and containing fifteen
(15) acres, more or less. The sale was made
on the terms and conditions and in the
manner directed by said decree, by pub-
lic auction before the Courthouse door of
said County, on County Court day, Monday
the 9th. day of November 1891, and Rosa
V. Primer became the purchaser as the
highest bidder for the sum of Eight hun-
dred and twenty-five (825) dollars.

In compliance with the terms of the sale, the said Rosa V. Primer has paid in cash to your Commissioner one-third of said ^{namely, the sum of \$275.⁰⁰} sum of money, and for the remainder has executed her two bonds, each for the sum of Two hundred and seventy-five dollars with James H. Primer, John Hirst and Mills Rogers her sureties thereto, dated the 9th day of November 1891 and payable to the undersigned six and twelve months respectively after date with interest from date. The said bonds are herewith returned, and the money paid in cash, is in the hands of the undersigned subject to the order of Court. The title to the land has been retained until the further order of Court.

Before proceeding to make said sale your Commissioner advertised the time place and terms thereof by printed notices posted during a period of fifteen days at the said Courthouse door and several public places in said County and in the neighborhood of said land, and by publication of the notice once a week for two successive weeks in the "Suffolk Herald", a newspaper published in the Town

of Suffolk in said County, and executed before the Clerk of said ^{circuit} Court the bond required of him by said decree, and obtained of said Clerk a certificate of the due execution thereof and appended a copy of such certificate to the advertisement of the sale.

A copy of the bond executed by the undersigned as aforesaid is filed with the papers in said Cause, and a copy of said advertisement is herewith returned. The said certificate is also herewith returned.

Respectfully submitted this 19th.
day of November 1891.

Wilbur J. Kilby,
Special Commissioner.

1892 May 9: In pursuance of the decree of the Circuit Court of Chautauque County pronounced on the 13th. day of April 1892 in the Chancery Cause pending in said Court between Wilbur J. Kilby, Guardian of Henry J. and Elizabeth P. Riddick. Plaintiffs, and said Henry J. and Elizabeth P. Riddick & als. Defendants, I have this day received of the Clerk of said Court the two bonds of Rosa V. Pruiner, mentioned in this Report, each for \$275, dated 9th. Nov. 1891 & payable six & 12 months after date with interest from date, - which bonds I am to collect and account for as required by said decree.

Wilbur J. Kilby, Special Comr.

Wilbur J. Kilby, Gdn.

vs. } In Chy.

Riddick & als.

Report of sale of
land under de-
cre of 14 Octo.
1891

Confirmed 13th. April
1892

1892. April 1st Filed
J. P. Humes Jr.

Commissioner's Office,

Suffolk Va. July 28th. 1891.

To Wilbur J. Kilby, Guardian of Henry J. Riddick
and Elizabeth P. Riddick, minors. - Complainant.

And

Henry J. Riddick and Elizabeth P. Riddick infants
under the age of twenty-one years, Robert H. Tynes (Senior), Wallace Kilby
Maggie J. Kilby, his wife and Henry L. Tynes, and Defendants.
John B. Pinner Guardian ad litem for the infant defendants.

You are hereby notified that I have fixed upon the 26th day of August (1891) next,

enquire,

if fair, if not, on the next fair day thereafter (Sunday excepted), to take and settle at my office, the account

1. Whether the interest of the infant defendants Henry J. Riddick and Elizabeth P. Riddick will be promoted by a sale of the property in the Bill mentioned and described or any part of it, and the investment of the proceeds of the sale in other property for the use and benefit of said infants, or by the application of the same to their proper maintenance and education, or other interests.
2. Whether the rights of any person will be violated by such sale.
3. Who would be the heirs or distributees of said infants, if they were dead.
4. Any matters specially stated deemed pertinent by myself or required by any of the parties to be specially stated,

required to be taken by a decree of the Circuit Court of the County of Hanover

rendered on the 10th day of April 1891 in a suit in chancery depending in said

court, between you

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.

Robert H. Tynes,
Commissioner

We severally acknowledge legal and
sufficient service of this notice -

Wallace Kilby
Maggie T. Kilby
A. L. Tynes
R. H. Tynes Jr.
Elizabeth P. Riddick
Henry T. Riddick

John D. Pinney
Guardian ad Litem
for infant-defendants.

W. J. Kilby, Guardian ad

COMMISSIONER'S NOTICE.

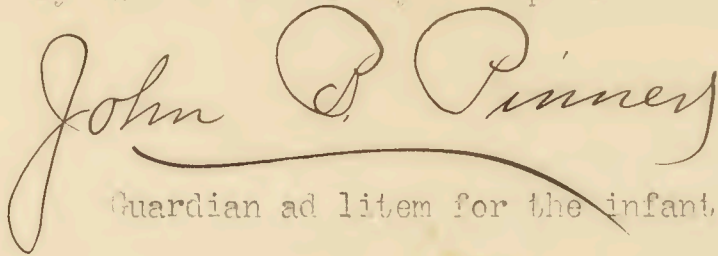
Henry T. Riddick &c.

I, John B. Pinner, the Guardian ad litem of the infant defendants Henry T. Riddick and Elizabeth P. Riddick in the chancery cause of Wilbur J. Kilby, Guardian against the said infants and others now pending in the Circuit Court of Nansemond County, hereby agree that the following two interrogatories may be propounded to Henry L. Tynes and Ro. H. Tynes Jr. witnesses, who are to be examined in the said cause before Robert R. Prentis, Commissioner in Chancery of the Circuit Court of Nansemond County:-

Q1. State your age, residence, occupation and do you know the parties to this suit?

Q. 2. State whether or not the interest of the infant defendants will be promoted by a sale of the real estate in the Bill described, or any part thereof, and the investment of the proceeds of such sale in other property for the use and benefit of such infants, or by the application of the same to their proper maintenance and education, or other interests; and whether the rights of any person will be violated by such sale and also who would be the heirs or distributees of such infant defendants, if they were dead?

Given under my hand this 5th day of September 1891.

A handwritten signature in cursive script, reading "John B. Pinner". The signature is written in dark ink and is positioned above the printed name of the signatory.

Guardian ad litem for the infant Defendants.

THE DEPOSITIONS of Henry L. Tynes and Ro. H. Tynes, Jr.,
taken at the Office of Robert R. Prentis, Commissioner in Chan-
cery of the Circuit Court of Nansemond County, Virginia, be-
fore the Said Commissioner in Chancery, to be read as evidence
in behalf of the Complainant in the Chancery cause of Wilbur
J. Kilby, Guardian &c. against Henry T. Riddick and others, re-
pending in the Circuit Court of Nansemond County and before the
said Commissioner in Chancery pursuant to the annexed notice.
Taken this 5th. day of September 1891.

PRESENT:- Wilbur J. Kilby, Counsel for Complainant.

John B. Pinner, Guardian for the infant

Defendants.

The witness, Henry L. Tynes, being first duly sworn
in answer to questions, deposes and says:-

Q. 1. State your age, residence, occupation and do you know
the parties to this suit?

A. I am forty three years old, I live in Chuckatuck, Nansem-
ond County, Va., am a farmer, I know all the parties to this ~~suit~~
suit, am ^{uncle} the ~~father~~ of the infant defendants.

Q. 2. State whether or not the interest of the infant defen-
dants will be promoted by a sale of the real estate in the Bill
described, or any part thereof, and the investment of the pro-
ceeds of such sale in other property for the use and benefit
of such infants, or by the application of the same to their
proper maintenance and education, or other interests; and #
whether the rights of any person will be violated by such sale
and also who would be the heirs or distributees of such infant
defendants, if they were dead?

A. Well, I think that their interests would be promoted by a
sale of the lot in Chuckatuck, of about 15 acres. The property
needs repairs very badly and the infants have no means to re-
pair the buildings, its condition is so bad that it has been

impossible to secure a paying tenant for some years. It does not even pay the taxes, and its condition is getting worse all the time. I think that it would be for the interest of both of the infants to sell this Chuckatuck property and the ~~share~~ share of the younger one would be well spent if used in her maintenance and education. They have no other property save that mentioned in the bill and this is not sufficient to afford a support for them. There are about two years of taxes now in arrear, and they have no means of paying them.

So far as I am informed the rights of no person will be violated by such sale; so far as I know, the property belongs to them. If the infant defendants were to die the said land, or its proceeds, would belong to Maggie T. Kilby and myself as their uncle and aunt on their mother's side, and to RO. H. Tynes Jr. only son of our deceased brother the Robert H. Tynes.

Further this deponent saith not.

R. H. Tynes

The witness R. H. Tynes, Jr. being first duly sworn, in answer to questions deposes and says:-

Q. 1. State your age, residence, occupation, and do you know the parties to this suit?

A. I am thirty three years old; have given ^{up} my last business and do not know what I shall next do; I know the parties to this suit, they are my first cousins, that is the infants are.

Q. 2. State whether or not the interest of the infant defendants will be promoted by a sale of the real estate in the Bill described, or any part thereof, and the investment of the proceeds of such sale in other property for the use and benefit of such infants, or by the application of the same to their proper maintenance and education, or other interests; and whether the rights of any person will be violated by such sale and also who would be the heirs or distributees of such infant defendants, if they were dead?

A. Yes, I think that their interests would be promoted by a sale of the 15 acre lot in Chuckatuck. This property is in a very bad condition, needs repairs very badly, sometimes it has had a tenant and sometimes it has none. The children have have no money to repair it with so far as I know. Its condition is getting worse all the time. I think it will best for both of them to expend the proceeds of sale, ~~in the property~~ should be sold in the education and maintenance of both of the infants, as they have both had very few advantages of education.

The property belongs to them and the rights of no person will be violated by a sale, so far as I know.

If they were to die the property would belong to Mrs. Maggie T. Kirby, L. L. Tynes and myself.

Further this deponent saith not.

R. H. Tynes Jr

511 X. 1000 92
The foregoing depositions of
H. L. Tynes and R. H. Tynes Jr.,
were taken sworn to and
subscribed before me this
5th day of September 1891.

Robert E. Prentiss
Commissioner in Chancery.

COMMISSIONER'S OFFICE,

Suffolk, Va., Sept. 5, 1891

Wilbur J. Kilby, Guardian &c.

v.

Henry T. Riddick (infant) and others.

TO THE CIRCUIT COURT OF NANSEMOND COUNTY:

The undersigned Commissioner in Chancery begs leave to report that in obedience to the decree pronounced in the above entitled cause on the 10th. day of April 1891, a notice was issued on the 28th. day of July 1891 that on the 26th. day of August 1891, I would ~~proceed~~ at my office in Suffolk, proceed to make the enquiries, which were directed by the said decree, (the said notice duly acknowledged by all the parties interested is herewith returned). On the day named none of the parties appeared and the case has been adjourned and continued until this day, when the depositions of Henry L. Tynes and Robert H. Tynes were taken on interrogatories agreed on by the Guardian ad litem of the infant defendants, and the enquiries are concluded. The said depositions are herewith returned.

From the evidence thus adduced I now report;

1. That the interests of the infant defendants Henry T. Riddick and Elizabeth P. Riddick will be promoted by a sale of the lot of land in the Village of Chuckatuck, bounded on the on the South by the lot of Amanda B. Cowling, on the East by the lot of E. G. Ramsay, on the North by the land of Samuel G. Webb, George W. Butts and others, and on the West by the ~~pub-~~ road leading from Chuckatuck to Grump's Mill, containing 15 acres, more or less, and the application of the proceeds of such sale to their proper maintenance and education.

2. That the rights of no person will be violated by such sale.
3. That the persons who would be entitled to such real estate if the said infants were dead, are, Maggie T. Kilby, the wife of Wallace Kilby, Henry L. Tynes, the brother and sister of the deceased mother of the said infants, and their first cousin, Robert H. Tynes the only child of their deceased uncle on their mother's side the late Robert H. Tynes Sr.

Respectfully submitted,

Robert H. Tynes,

Commissioner in Chancery.

The \$15.

W. J. Kilby, Secy. R.

Report of
Comm. R. R. Dentis
Dated Sept. 5. 1891.

Henry J. Riddick
and others.

Confirmed 14 Octo.
1891

Filed September 29th 1891
A. P. G. Clerk

COMMISSIONER'S SALE

By authority of a decree of the Circuit Court of Nansemond county, Va., pronounced on the 14th day of October, 1891, in the chancery cause pending in said court between Wilbur J. Kilby, guardian, etc., plaintiff, and Henry T. Riddick and others, defendants, I shall offer for sale by public auction to the highest bidder, before the Courthouse door of said county, on County Court day,

MONDAY, NOVEMBER 9, 1891,

all that certain lot or parcel of land known as the Tynes lot, upon which the late Henry L. Tynes, Sr., lived, in the village of Chuckatuck, in said county, containing by estimation fifteen acres, more or less (but the same will be sold in gross and not by the acre), and bounded on the north by the property of Samuel G. Webb and others, known as Crump's Mill, on the east by the land of Edwin C. Ramsay, on the south by the land of Amanda B. Cowling, and on the west by the public road leading from said village to Crump's Mill.

TERMS OF SALE.—One-third of the purchase-money will be required in cash, and the remainder in equal sums at the end of six and twelve months respectively, with interest from the day of sale; the purchaser to execute bonds in evidence of the deferred payments with good personal security, and the title to the land to be retained until the further order of Court.

WILBUR J. KILBY, Special Commissioner.

GEORGE T. PARKER, CRIER.

OCTOBER 20, 1891.

I, AZRA P. GOMER, Clerk of the Circuit Court of Nansemond county, Va., do certify that the bond required of Wilbur J. Kilby as Special Commissioner under the decree of said Court on the 14th day of October, 1891, in the chancery cause pending in said court between Wilbur J. Kilby, guardian, etc., plaintiff, and Henry T. Riddick and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this 20th day of October, 1891.

A. P. GOMER, CLERK.

Kilby Gdn.

vs.

Riddick & als.

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

On consideration whereof the Court doth adjudge, order and decree that Wilbur J. Kilby as Special Commissioner, make to Rosa V. Primer a deed with special warranty in the usual form conveying to her the parcel of land containing fifteen acres, more or less, situated in the village of Chuekatuck in this County and sold to her on the 9th day of November 1891 under proceedings in this cause as specified in the Report of said Wilbur J. Kilby, as Special Commissioner, filed herein on the first day of April 1892, after she shall have paid her bonds mentioned in the decree entered herein on the 13th day of April 1892 and all interest thereon in full.

Kilby Gdn.

vs. } In Chy.

Riddick & al.

In the Circuit
Court of Chaussemond
County, Va.

October 14 1892

Decree
To be entered
CWSL

Entered in Chancery
Order Book

No. 2. Page 464.

Kilby Gdn.
vs.

Riddick & als.

This Cause came on this day to be again heard on the papers formerly read and on the Report of Special Commissioner, Wilbur J. Kilby, filed on the first day of April 1892 (the same being a Report of the sale of ^acertain parcel of land belonging to the defendants, Henry J. Riddick and Elizabeth P. Riddick, in pursuance of the decree entered herein on the 14th. day of October 1891) and was argued by counsel.

On consideration whereof the Court doth approve and confirm said sale and report to which no exception has been taken and doth adjudge, order and decree that said Commissioner receive of the clerk of this Court, ~~who will deliver to him~~ the two bonds of Rosa V. Primer with James H. Primer, John Hirst and Mills Rogers her sureties thereto, filed with said Report, each for the sum of two hundred and seventy five dollars, dated the 9th. day of November 1891 and payable six and twelve months respectively after date with interest from date: and said clerk

will take of said Commissioner a receipt for said bonds and file the same with the papers in this cause, and the said Commissioner will collect the said bonds at their maturity, or receive the money for them before their maturity if the obligors should desire to pay the same before their maturity, and out of the money thus received or collected together with the sum of two hundred and seventy-five dollars already in his hands, as specified in said Report will pay first in full all the costs of this cause and the expenses of said sale, including all unpaid State and County taxes assessed against the land sold as aforesaid, as well as ~~any~~ ^{the} other lands of the defendants, Henry T. Riddick and Elizabeth P. Riddick, and also a fee of fifty dollars to the Counsel for the Plaintiff, and then transfer the remainder from his account as Commissioner to his account as guardian of said Henry T. Riddick and Elizabeth P. Riddick and as Plaintiff in this cause.

And it appearing ^{to the satisfaction of the Court} ~~from the papers~~ herein that the proper maintenance and

education of said Henry T. Riddick and Elizabeth P. Riddick, require that the net ~~at~~ amount of said money, beyond the annual income thereof, should be applied to their use, the ~~Court doth~~ ~~ad-~~ ~~judge, order and decree that~~ said Guardian and Plaintiff is hereby authorised to expend the money, which shall come into his hands as aforesaid, equally for ~~the board, clothing and tuition~~ their proper maintenance and education, board and clothing, as from time to time may be necessary and proper, and to pay such bills for board and education as may have been already incurred by him on said Elizabeth P. Riddick's account; and the said guardian will make report to Court ~~at~~ of his transactions under this decree

Kilby Gdn.

vs. } In Chy.

Reddick & al

In the Circuit Court
of Chaussemond County
April 13 1892

Deeree

To be entered

CMT

Entered in Chy. A. Book
No 2. Page 435-

Kilby, Gdn. etc.

vs.

Riddick & als

It appearing that the scire facias awarded on the first day of September last against Robert H. Tyres (Junior), returnable to the first day of this term, has been duly executed on him, and he having failed to show any cause why this suit should not be revived and prosecuted against him as the only child and heir-at-Law of the defendant, Robert H. Tyres (Senior), and as one of those who would be the heirs-at-Law and distributees of the infant defendants Henry J. Riddick and Elizabeth P. Riddick if they were dead, it is ordered that this suit be revived and henceforth be conducted and prosecuted against said Robert H. Tyres (Junior) as one of the defendants and be in all things in the same plight and condition as at the time of the decease of said Robert H. Tyres (Senior).

And thereupon this cause came on to be again heard on the papers formerly read, on the answer of said Robert H. Tyres (Junior) to the Complainants Bill this day filed with leave of the Court, with general replication to said answer, and (with the consent of & said Robert H. Tyres,

Junior, as specified in his said answer) on the Report of Commissioner, Robert R. Prentiss filed on the 29th, day of September A. D. 1891 (being a Report in pursuance of the decree entered herein on the 10th, day of April A. D. 1891), and on the examinations of witnesses filed with said Report, and was argued by counsel.

On consideration whereof the Court doth approve and confirm said Report to which no exception has been taken; and it appearing that all those who would be the heirs and distributees of the infant defendants, Henry J. Riddick and Elizabeth P. Riddick, if they were dead, have been made defendants in this cause, and that all the provisions of the law applicable to the case have been complied with, and it having been clearly shown independently of any admissions in the answers that the interest of the said infant defendants will be promoted by a sale of the parcel of real estate, mentioned and described in the Bill as a parcel of land situated in the village of Chockatuck in this County and containing fifteen (15) acres, more or less, the Court, being of opinion that the rights of no person will be violated thereby, doth adjudge order and decree that said parcel of fifteen

acres of land, more or less, be sold and that Wilbur J. Kilby, who is hereby appointed Special Commissioner for the purpose, proceed to sell the same by public auction before the Courthouse door of this County on some County Court day, on the terms of payment by the purchaser of ^{one-third} ~~enough~~ of the purchase-money in cash and the remainder in equal sums at the end of ~~one~~ six and twelve months respectively with interest from the day of sale, - the purchaser to execute bonds in evidence of the deferred payments with good personal security and the title to the land to be retained until the further order of Court.

But before proceeding to make said sale, said Special Commissioner will advertise the time, place and terms of the sale by printed notices to be posted in the neighborhood of the land to be sold, at said Courthouse door and several public places in said County and by publication of the notice once a week for two or three successive weeks in a newspaper published in the Town of Suffolk in said County and will execute before the Clerk of this Court a bond in the penalty of one thousand dollars with good personal security payable to the Commonwealth of Virginia and conditioned for the faithful discharge of his duties under this decree and all other decrees he may be required to execute in this cause, and will obtain of the

Kilby, Gdn.

vs. } In Chy.

Riddick & als

In the Circuit Court
of Chautauque County
October 1st 1891

Decree
To be entered
CND

Entered in Chan-
cery Order Book No. 2
Page. 412

said clerk a certificate of the due execution
of said Bond and append the same or a copy
thereof to the advertisement of the sale, and
make report to Court of his transactions un-
der this decree.

Wilbur J. Kilby Gdn. etc.

vs.

Henry J. Riddick & als.

This Cause regularly matured and set for hearing at Rules, came on this day to be heard on the Bill of the Complainant, taken for confessed as to the adult defendants, Robert H. Tyner, Senior, Wallace Kilby and Maggie J. Kilby his wife, and Henry L. Tyner, on whom process had been ^{duly} served, they still failing to appear and plead answer and demur to said Bill, on the exhibit A filed with the Bill, on the sworn answer, in his proper person, of John B. Primer Esq. attorney at Law guardian ad litem to the infant defendants, Henry J. Riddick and Elizabeth P. Riddick, appointed at Rules to defend them in this suit, on the answers of said infant defendants by said guardian ad litem, and on the sworn answers of said infant defendants (being over the age of fourteen years), in their proper persons, with general replications to said answers, and was argued by Counsel.

On consideration whereof the

Court doth adjudge, order and decree that the papers in this cause be referred to one of the Commissioners of this Court, who is directed to inquire and report to Court.

1. Whether the interest of the infant defendants, Henry P. Riddick and Elizabeth P. Riddick will be promoted by a sale of the property in said Bill mentioned and described, or any part of it, and the investment of the proceeds of the sale in other property for the use and benefit of said infants, or by the application of the same to their proper maintenance and education, or other interests.

2. Whether the rights of any person will be violated by such sale.

3. Who would be the heirs or distributees of said infants, if they were dead.

4. Any matters specially stated deemed pertinent by himself or required by any of the parties to be specially stated.

Kilby, Gdn.

vs. } In Chy.

Riddick & als.

In the Circuit
Court of Chause-
mon County
April 10th 1891

Decree

To be entered

CMT

Entered See Chancery
order Book No. 2, page 368

The Commonwealth of Virginia,

To the Sheriff of Chausemond County, greeting;

Whereas a certain suit in Equity has been depending in our Circuit Court for the County of Chausemond between Wilbur J. Kilby Guardian of Henry J. Riddick and Elizabeth P. Riddick, minors, Complainant, and Henry J. Riddick and Elizabeth P. Riddick, infants under the age of twenty-one years, Robert H. Tynes (Senior), Wallace Kilby, Maggie J. Kilby his wife and Henry L. Tynes defendants, and before a final decree was had therein said Robert H. Tynes (Senior) one of the defendants aforesaid departed this life, leaving, as we have been informed only one child and heir-at-Law, to wit, Robert H. Tynes (Junior), who is over the age of twenty-one years and who is one of those who would be the heirs and distributees of said infants if they were dead; and whereas the said Complainant has applied for a scire facias against said Robert H. Tynes (Junior) according to the Statute in such case made and provided;

Therefore, we command you that you make known to the said Robert H. Tynes (Junior), ^{only} child and heir-at-Law

of said Robert H. Tynes (Senior), deceased and one of those who would be the heirs and distributees of said Henry T. Riddick and Elizabeth P. Riddick, if they were dead, that he be before the judge of our said Court at the Courthouse of said County on the 10th. day of October next (being the first day of the next term of our said Court) to show, if anything for himself he has or can say why said suit and the proceedings therein had, should not stand and be revived against him and be conducted to a final decree, and be in all things in the same plight and condition as they were in at the time of the decease of the said Robert H. Tynes (Senior) and farther to do and receive what our said Court shall in that part consider. And have then and there this writ.

Witness A. P. Gomer, Clerk of our said Circuit Court at the Courthouse this first day of September A. D. 1891 and of our foundation the 116th.

A. P. Gomer Clerk

I have executed and served the foregoing process upon Robert H. Tynes (Junior) by delivering a copy thereof to him in person this 3d. day of September 1891

H. B. Baker.

Sheriff of Nantsemond Co. Va

Kilby Gdn.

vs. } In Chy.

Riddick vs. Gals

Acire Facias a-
gainst Robert H.
Bynes (Junior)

Kilby Gen.

vs.

Riddick Sal.

This cause came on this day to be again heard on the papers formerly read and on the Report of Special Commissioner, Wilbur J. Kilby filed on the 7th. day of August 1893 (the same being a Report of the collection and disbursement of money in pursuance of the decree entered herein on the 13th. day of April 1892), and was argued by Counsel.

On consideration whereof the Court doth approve and confirm the said Report to which no exception has been taken, and doth adjudge, order and decree that the proceedings had herein be final and binding between the parties: and nothing more remaining to be done herein, it is ordered that this cause be removed from the docket.

Kilby, Gdn.

vs. } In Chy.

Riddick fal.

In the Circuit
Court of Chause-
mond County
October 11th 1893

Final decree
To be entered
CmH

Entered in Chancery
Order Book
No. 2. Page 514.

The answers of Henry T. Riddick and Elizabeth P. Riddick infants under the age of twenty-one years by John B. Primer Esq. Attorney at Law, their guardian ad litem appointed to defend them in this suit, to the Bill of Complaint exhibited against them and others in the Circuit Court of Hausmond County by Wilbur J. Kilby, Guardian of said Henry T. Riddick and Elizabeth P. Riddick;

For answer to said Bill said Henry T. Riddick and Elizabeth P. Riddick by their said guardian ad litem answer and say that, being infants of tender years, they are ~~by reason of their infancy~~ ignorant of the matters mentioned in said Bill and incapable of understanding, or taking care of their rights and interests. They, therefore, by their said guardian ^{ad litem} commit 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, or be against their interest.

And now having fully answered they pray hence to be dismissed with their reasonable costs in this behalf expended, and they will ever

Kilby, Gen.

vs. } In Chy.

Riddick & als.

Answers of the
infant defend-
ants by their guar-
dian ad litem,

Pray etc.

Henry J. Riddick
Elizabeth P. Riddick

} by John D. Primmer
Guardian ad litem.

The separate answer of Robert H. Tyner (Junior) to the Bill of Complaint exhibited against Henry J. Riddick and Elizabeth P. Riddick, infants under the age of twenty-one years, and others in the Circuit Court of Chausemond County Va. by Wilbur J. Kilby Guardian of Henry J. Riddick and Elizabeth P. Riddick, minors. Complainant.

This Respondent for answer to said Bill says that so far as he is informed the facts stated in said Bill are true and that so far as he is interested, he is not only willing, that the parcel of land mentioned in said Bill, containing fifteen acres, more or less, should be sold, but is of the opinion that the present condition of said minors demands that the same should be sold for their benefit. Such a sale and the application of the proceeds of the sale to the proper maintenance and education of said minors would promote their interests in the best possible manner. To this end this Respondent is willing that the cause in which

Kilby, Gdn.

vs } In Chy.

Ruddick & als.

Answer of

Robert H. Tynes Jr.

Filed by leave of
Court 14 Octo. 1891

said Bill has been filed, should be further heard and prosecuted to a final decree upon the papers heretofore filed and especially upon the Report of Commissioner Robert R. Prentiss, filed on the 29th. day of September 1891, - which report recommends said sale and with which is filed the deposition of this Respondent, And having fully answered the Complainant's Bill, this Respondent prays to be hence dismissed with his reasonable costs by him in this behalf expended and he will ever pray etc.

R. H. Tynes Jr

The answer of John B. Primer, Esq., Attorney at Law, the guardian ad litem appointed to defend the infant defendants, Henry T. Riddick and Elizabeth P. Riddick in this suit, in his proper person, to the Bill of Complaint exhibited against the said Henry T. Riddick, Elizabeth P. Riddick and others in the Circuit Court of Chaussemond County by Wilbur J. Kilby, guardian of said Henry T. Riddick and Elizabeth P. Riddick:

For answer to said Bill the said guardian ad litem answers and says that he does not know whether the interests of said infant defendants would be promoted by a sale of the property, or any part of it, as prayed for in said Bill, or not, but he believes the statements in said Bill are true and that the interest of said infant defendants would be promoted by a sale of said property, or at least of part of it, and the application of the proceeds of the sale to their proper maintenance and education or other interests. And now having fully answered

he prays hence to be dismissed with
his reasonable costs in this behalf
expended, and he will ever pray
etc. John B. Pinney Guardian ad litem
to Henry J. Riddick and Elizabeth P. Riddick
infants.

County of Nauset, to wit.

This day John B. Pinney, Guardian ad litem etc, whose name
is signed to the foregoing answer, appeared in person before
me, Ezra P. Gomer, Clerk of the Circuit Court for the County of
Nauset aforesaid, and made oath that the matters
in said answer stated of his own knowledge are true and those
stated upon information of others, he believes to be true.
Given under my hand this 2nd day of March 1891.

E. P. Gomer Clerk
of the Circuit Court of
Nauset County

Kilby, Gdn.

vs.

In Chy.

Riddick & als.

Answer of John B.
Pinney, guardian
ad litem in his
proper person

Answers of Henry T. Riddick and Elizabeth P. Riddick, infants over the age of fourteen years in their proper persons to a Bill in Equity exhibited against them and others in the Circuit Court of Chausemond County by Wilbur J. Kilby, guardian of the said Henry T. Riddick and Elizabeth P. Riddick.

For answer to the said Bill, the said Henry T. Riddick and Elizabeth P. Riddick answer and say that although under full age they believe they know what are their interests in the matters referred to in said Bill. They believe the statements in said Bill are true and that their interests require that the land or part of it as prayed for in said Bill should be sold and the proceeds of the sale applied to their proper maintenance and education, and now having fully answered, they pray hence to be dismissed with their reasonable costs in this behalf expended, and they will ever pray etc.

Henry T. Riddick
Elizabeth P. Riddick

County of Chausemond, to wit:

J. Azra P. Gomer, Clerk of the Circuit Court

Kilby, Gdn.

vs. } In Chy.

Riddick tal.

Answers of infant
defendants over
14 years of age in
their proper persons

for the County aforesaid do hereby certify that
Henry T. Riddick and Elizabeth P. Riddick whose
names are signed to the foregoing answers this day
appeared in person before me and made oath that
the matters in said answers stated of their
own knowledge are true and those stated upon
information of others they believe to be true.
Given under my hand this 2nd day of March 1891
A. J. Gomer Clerk

Virginia:

At a Circuit Court held
for the County of Nansemond
at the Court House in the
Town of Suffolk on Friday
the 10th. day of October A.D.
1890.

Henry Taylor Riddick and Elizabeth Powell Riddick Minors over the age of fourteen years and orphans of Richard Taylor Riddick deceased having in writing duly acknowledged according to law nominated Wilbur J. Kilby to be their guardian, he is approved by the Court and appointed accordingly: and thereupon the said Wilbur J. Kilby entered into a Bond in the penalty of five hundred dollars conditioned according to law with Wallace Kilby and Maggie T. Kilby his sureties (who justified on oath as to their sufficiency) which bond being acknowledged by the obligors is ordered to be recorded.

A copy

Teste:

A. P. Gomez clerk

Kilby, Gdn.

vs. } In Chy.

Riddick fals.

Exhibit A,
filed with the
Bill

To the Honorable, Chandler W. Hill, Circuit Court Judge for the County of Chaussemond, Va.

Humbly Complaining respectfully represents and shows unto Your Honor, Your Complainant, Wilbur J. Kilby, Guardian of Henry J. Riddick and Elizabeth P. Riddick minors, that on the 10th. day of October 1896, he qualified in the Circuit Court of said County, as the guardian of said Henry J. Riddick and Elizabeth P. Riddick, as will appear by a transcript from the records of said Court herewith filed as part of this Bill and marked Exhibit A.

That the said Henry J. Riddick and Elizabeth P. Riddick are seised and possessed of the following real estate, to wit:

1. A parcel of land situated in the Village of Chuckatuck in said County, containing fifteen (15) acres, more or less and bounded on the South by the lot of Amanda B. Cowling, on the east by the land of Edwin C. Ramsay, on the North by the land of Samuel G. Webb,

George W. Butts and others, and on the west by the public County road leading from said Village to Crump's Mill.

2 A parcel of land situated a short distance from said Village in Cheekatuck Magisterial District in said County, containing from two hundred and twenty-five to two hundred and thirty acres, more or less, and bounded on the north by the public County road leading from said Village to Ferry Point wharf on Chausemond River, on the east by the lands of Dr. Robt. H. Tynes, and Henry Jones, on the south by the land of Charles B. Godwin and on the west by the land of George W. Butts.

That said parcels of land were devised to said Henry J. Riddick and Elizabeth P. Riddick by their mother, the late Marietta C. Riddick who departed this life on or about the 11th day of March 1878 and whose last will and testament was duly probated and admitted to record in the County Court of said

County on the 8th day of April 1878.

That the said Henry T. Riddick and Elizabeth P. Riddick do not own any property, either real or personal, except the said two parcels of land and have no income or means of support except the income from said parcel of 225 or 230 acres of land.

That said Henry T. Riddick and Elizabeth P. Riddick are both infants under the age of twenty one years, but are over the age of fourteen years. The former will be nineteen years of age on the third day of August 1891 and the latter, seventeen years of age on the 31st day of May 1891.

That the said parcel of fifteen acres of land, more or less, produces no income whatever and has not produced any for a number of years past. It consists chiefly of a large yard around the buildings and of low meadow land and is, therefore, not suitable for a farm or to be rented as such. Its chief use has always been as a place of residence merely, but the dwelling and

out houses, which have made it desirable as a place of residence, have gradually decayed until now they are in an extremely dilapidated condition. The dwelling especially leaks badly and is uninhabitable, so that it is impossible to secure a tenant, or to let the premises for rent, or to obtain any income whatever from the property.

There is not only no income from the property with no probability of there ever being any while it remains in its present condition but it is now, and will continue to be, a charge upon said Henry J. Riddick and Elizabeth P. Riddick, inasmuch as it is subject to annual taxation and gradual loss in value in consequence of still further and continual decay.

The owners have not been able to repair said buildings and keep the property in good order, because they have not had any means or income which could be expended for that purpose.

They have been and are to a great

extent dependent upon the charity of relatives and friends for a bare support, while their education has been, of necessity, sadly neglected. They are now at that age, when they should have the advantages of a fair education and your Complainant is of the opinion and so charges that the proper maintenance and education ~~and~~ other interests of said infants require that the proceeds ^{at least part of} of their real estate beyond the annual income thereof should be applied to their use, and that said parcel of fifteen acres of land should be sold and the proceeds applied accordingly.

That the annual income from said parcel of land containing 225 or 230 acres, is two hundred dollars gross, - not enough after payment of taxes, to clothe and educate said infants and pay their board. Their board alone more than consumes this income, leaving their clothing and such ~~tuition~~ imperfect tuition as they have

had, to be supplied by relatives and Charitable friends from whom they can^{not} expect such kindness to be extended any further. The said infants have no income nor means of support whatever except the two hundred dollars aforesaid.

The rights of no person will be violated by a sale of said parcel of fifteen acres of land and the application of the proceeds of the sale to the proper maintenance and education or other interests of said infants.

Should said infants depart this life, or if they were dead, their kindred on the side of their mother from whom said lands were derived by them by devise, would be their heirs and distributees. This kindred consists of their uncles Robert H. Dynes Sr. and Henry L. Dynes, and their aunt, Maggie T. Kilby, wife of Wallace Kilby.

In the progress of this suit the Court will be asked to decree

that proper counsel fees be allowed and paid for the preparation of this Bill and the conduct of the proceedings.

In consideration whereof Your Complainant, who is without remedy save in a Court of Equity, prays that said Henry T. Riddick and Elizabeth P. Riddick, who are infants under the age of twenty one years, Robert H. Tynes (Senior) Wallace Kilby and Maggie T. Kilby his wife and Henry L. Tynes may be made parties defendant to this Bill and be required to answer all the allegations therein contained on oath, the adults and said infants in their proper persons and the said infants also by their guardian ad litem, and the guardian ad litem to be assigned to defend the interests of said infants in this suit, also in his proper person: that a guardian ad litem be assigned to said Henry T. Riddick and Elizabeth P. Riddick infant defendants, to defend their interests in this suit: that said parcel of fifteen

acres of land be sold and the proceeds of the sale applied to the proper maintenance and education or other interests of said infants as to the Court may seem proper: that all proper allowances of Counsel fees may be made in this suit: that proper process issue and all proper orders and decrees may be made and inquiries directed: and that all such other further and general relief may be afforded Your Complainant as the nature of his case may require or to Equity shall seem meet. And Your Complainant will ever pray etc.

Wilbur J. Kilby, Guar-
dian of Henry J. Rid-
dick and Elizabeth
P. Riddick, minors,

21st. February 1891.

ausemond County, to wit:

I, Azra P. Gomer, Clerk of the Circuit Court of ausemond County in the State of Virginia, do certify that Wilbur J. Kilby, guardian of Henry J. Riddick and Elizabeth P. Riddick, whose name is signed to the ~~writing~~ foregoing Bill, this day appeared in person before me and made oath that the matters in said Bill stated as of his own knowledge are true and those stated upon information of others, he believes to be true.

Given under my hand this 2nd. day of March 1891.

A. P. Gomer Clerk

Kilby, Gdn. etc

vs. } In Chy.

Riddick &als.

Bill

W J Kilby Esq

vs

In Chancery

Henry D Elizabeth Kiddick & als

1891 Feby 21st Process issued returnable to March Rules
First Monday (Term)

" March 2nd. Process returned legal service acknowledged
Bill filed and Decree nisi vs defendants.

" " 16th. Decree nisi confirmed and Cause set for
hearing

W J Kelly Gdr
Wm Chauncy
H D & Elizabeth Kidder
Chauncy notes