1909-069
Nansemond Co (Suffolk) Chancery Causes: John D Armstrong etal vs George Foster et al

Lilliston, Shackelford, Stein, Detmers, Bradley, Angel,
Evans, Hogg, Walters, Shrieves, Tyree, Boykin, Stokes

OVERSIZE
Box 5
- 1 PLAT (oyster bed)

Armstrong action vs Foster et al

Summs. 50. 2 Copies 50, Summs. 50 1 Copy 25. =		1,75
Summs 50 1 Copy 25, Summons 50 9 Copies 2,25		4,00
Reed-18, Atty 10, Docket 18. Rule 50 =		,96
Bill 15. Cy. 15. Rule 50 Return 35 =		1,15
Replication 15 Supreme Bond 75.		90
Rec. Bond 50 Satisfied-20 Copy. 20		90
Filing papers 25 - Decree Docket 36 =		61
Total Clerk		$10,27
Sheriff —		1.00
Writ Fee	paid	1,50
Attorney		15,00
		$27,77
		1,50
		$26,27

Coats

D. D. WRIGHT, President

H. E. WILLIS, Vice-President.

J. D. ARMSTRONG, Sec'y and Treas.

THE J. D. ARMSTRONG CO.,

Wholesale Packers and Planters of

CHOICE OYSTERS,

Norfolk, Va., Oct 5th 1895

H. P. Lowry Esq
Suffolk Va

Dear Sir

Enclosed
please find Certificate
of Clerk of Court. I also
sent You a Telegram
from Mr Copeland also
wired You as soon as I
get it from Mr Coleman
please send Me a
Copy as soon as You can
this is very important to Me
to get a copy as soon as I
can

Very Truly Yours
J D Armstrong

Form No. 168.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

21,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

This Company **TRANSMITS** and **DELIVERS** messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of **Unrepeated Messages**, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

This is an **UNREPEATED MESSAGE**, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, President and General Manager.

RECEIVED at 11 N W VO 22 Pa d 4 Pm 189

Dated Norfolk Va 23 Oct

To A P Garner,

Clerk Circuit Court,

Please send immediately copies bill armstrong and Lilliston against Foster and others and oyster inspectors notice posted at door ordered last wednesday.

D. Tucker Brooke.

Form No. 168.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

21,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

This Company **TRANSMITS** and **DELIVERS** messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of **Unrepeated Messages**, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

This is an **UNREPEATED MESSAGE**, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, President and General Manager.

RECEIVED at 7 N EM VO 7 Paid 12 28 Pm

Dated Norfolk Va 5 Oct 189

To A P Gomer,

Clerk Circuit Court,

Have mailed certificate from Clerk of Court.

J. D. Armstrong.

Et ✓ 1 ✗ Geo Foster Atlantic City Yard Norfolk Va
Et ✓ 2 ✗ Walter Shackelford Atlantic City Yard Norfolk
Et ✓ 3 ✗ Colin Stuart Jr " " " "
Et ✓ 4 ✗ A J Delaunay " " " "
Et ✓ 5 ✗ Edward Bradley " " " "
Et ✓ 6 ✗ Edward Angell " " " "
Et ✓ 7 ✗ J J Stokes Jr " " " "
Et ✓ ✗ Joseph Evans Churchland Norfolk County
not to leave Allen Foster Colored Portsmouth Va
Et ✓ ✗ Charles Walters Crittenden P.O. Hammond Co
Et ✓ ✗ Albert Simons " " " "
Et ✓ 8 ✗ Samuel Tyree Norfolk City
Et ✓ 9 ✗ William Boykin " "
Et ✓ ✗ Frank Hagg Suffolk Edgerton P.O. Nansemond County Va

I [illegible] Clerk of the Circuit Court of Henderson County do hereby Certify that the bond required by the above [illegible] has been given with Security & recorded as prescribed by Law

216
173
[illegible]

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF ~~NANSEMOND~~ York COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON George Foster, Walter Shackelford, John Stein Jr., A. J. Detmers, Edward Bradley, Edward Angel, Joseph Evans, Frank Hogg, Allen Foster colâ., Charles Walters, Albert Shrieves, Samuel Tyree, William Boykin, and J. J. Stakes and other parties unknown

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 Third Monday in October 1895, to answer a Bill in Chancery, exhibited against them in the said Court by John D. Armstrong and J. T. Lilliston

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 7th day of October, 189 5, in the 120th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste: A. P. Gomer, CLERK.

Memo.

An injunction is awarded, according to the foregoing bill, to enjoin and restrain the defendants George Foster, Walter Shackelford, John Stein Jr., A.J. Detmers, Edward Bradley, Edward Angel, Joseph Evans, Frank Hogg, Allen Foster (Col'd), Charles Walters, Albert Shrieves, Samuel Tyree, William Boykin, J.J. Stakes and all other persons, except the plaintiffs, from taking, removing or in any manner interfering with the oysters, shells, stakes or buoys upon the location known as Pig Point Shore in the County of Nansemond, lying between Nansemond Light House and Hoffin's Creek, and containing two hundred and sixteen acres, as indicated and described in the plat recorded in the Clerk's office of said County until the further order of the Circuit Court of Nansemond County, or of the Judge thereof in Vacation; but this order shall not take effect until the plaintiffs or some one for them shall execute before the Clerk of said Court bond, with security to be approved by him in the penalty of One thousand ($1000) dollars, conditioned and payable as the law directs.

Robert R Prentis Judge.

To the Clerk of the Circuit Court of Nansemond County.

1895 Octo. 2nd.

A Copy Teste: A.P. Gomer Clerk

I A.P. Gomer Clerk of the Circuit Court of Nansemond County do hereby certify that the bond required by the above order has been given with security deemed sufficient by me.

Teste: A.P. Gomer Clerk

John B Duncan p. q.

John D Armstrong & Gilliston

vs. } In Chancery.

George Foster, Walter Shackelford & others

1895

October ---- Rules.

Third ---- Monday.

Nansemond Circuit Court.

Process Book No. 21

Page 125.

Sheriff's Fee 50 cts

Being unable to find the within named Frank Hogg, at his usual place of abode in my County, I have served this process on him by delivering a copy hereof and giving information of its purport to Lizzie Hogg, the wife of his brother, Robert D. Hogg, whom I found at said place of abode and who is a member of his family and above the age of sixteen years, this 16th day of October 1895.

Thomas P Gilliss

Sheriff of York County, Va.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE ~~SHERIFF~~ Sergeant OF ~~NANSEMOND~~ the City of Portsmouth ~~COUNTY~~—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON George Foster Waller Shackelford, John Stein Jr, A J Delmus Edward Bradley, Edward Angel Joseph Evans, Frank Hogg Allen Foster (Col'd) Charles Waller Albert Shrieves, Samuel Pyree, William Boykin and J J Stakes and other parties unknown

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 Third Monday in October 1895, to answer a Bill in Chancery, exhibited against them in the said Court by John D Armstrong and J T Lillistone

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 7th day of October, 189 5, in the 120th year of the Commonwealth.

A copy—Teste: A P Gomer, CLERK. } Teste: A P Gomer, CLERK.

Memo

An injunction is awarded, according to the foregoing bill, to enjoin and restrain the defendants George Foster, Walter Shackelford, John Stein, Jr., A. J. Detmers, Edward Bradley, Edward Angel, Joseph Evans, Frank Nagg, Allen Foster (Col'd), Charles Walters, Albert Shriener, Sammee Pyree, William Boykin, J. J. Stakes and all other persons, except the plaintiffs, from taking, removing or in any manner interfering with the oysters, shells, stakes or buoys upon the location known as Pig Point Shore in the County of Nansemond, lying between Nansemond Light House and Hoplin's Creek, and containing two hundred and sixteen acres, as indicated and described in the plat recorded in the Clerk's Office of said County until the further order of the Circuit Court of Nansemond County, or of the Judge thereof in Vacation; but this order shall not take effect until the plaintiffs or some one for them shall execute before the Clerk of said Court, bond, with security to be approved by him in the penalty of One Thousand ($1000) dollars, conditioned and payable as the law directs.

To the Clerk of the Circuit Court of Nansemond County.

1895 Octo. 2nd.

Robt R Prentis Judge

A Copy Teste: A P Gomey clerk

I A. P. Gomer Clerk of the Circuit Court of Nansemond County do hereby certify that the bond required by the above order has been given with security deemed sufficient by me.

Teste: A P Gomey clerk

p. q.

A Copy from
Allen Foster
Portsmouth Va
vs. In Chancery.

1895
Oct 2nd Rules.
Same Monday.

Nansemond Circuit Court.

Process Book No. 21

Page 125

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON George Foster, Walter Shackelford, John Stein Jr., A. J. Detmers, Edward Bradley, Edward Angel, Joseph Evans, Frank Hogg, Allen Foster (Col'd) Charles Walters, Albert Shrieves, Samuel Tyree, William Boykin and J. J. Stakes and other parties unknown

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 Third Monday in October 1895, to answer a Bill in Chancery, exhibited against them in the said Court by John D. Armstrong and J. T. Lilliston

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 7th day of October, 189 5, in the 120th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste: A. P. Gomer, CLERK.

Memo.

An injunction is awarded according to the foregoing bill to enjoin and restrain the defendants George Foster, Walter Shackelford, John Stein Jr., A.J. Detmers, Edward Bradley, Edward Angel, Joseph Evans, Frank Hogg, Allen Foster (col'd) Charles Walters, Albert Shrieves, Samuel Tyree, William Boykin, J.J. Stakes and all other persons except the plaintiffs from taking removing or in any manner interfering with the oysters, shells, stakes or buoys upon the location known as Pig Point Shore in the County of Nansemond lying between Nansemond Lighthouse and Hoplin's Creek and containing two hundred and Sixteen acres as indicated and described in the plat recorded in the Clerk's office of said County until the further order of the Circuit Court of Nansemond County or of the judge thereof in Vacation, but this order shall not take effect until the plaintiffs or some one for them shall execute before the Clerk of said Court Bond, with security to be approved by him in the penalty of One thousand ($1000.) dollars conditioned and payable as the law directs.

Robert R. Prentis Judge

To the Clerk of the Circuit Court of Nansemond County.

1895 Octo. 2nd.

A Copy Teste: A.P. Gomer Clerk

I, A.P. Gomer Clerk of the Circuit Court of Nansemond County do hereby certify that the bond required by the above order has been given with security deemed suppicient by me.

Teste: A.P. Gomer Clerk

Wm B Donovan p. q

John D Armstrong and S. Gillison

vs. In Chancery.

George Foster Walter Shackelford & Others

1895 October Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 2

Page 125

Bundle No. 1 [illegible]

Being annexed to and to form the within record of Chancery Cause pending in my County I have caused the seal of the Circuit Court of said County to be affixed and sign the same this 19th day of October 1895: and have required the within named Defendant or his wife, or some member of his family above the age of twenty one years at his usual place of abode in my County to forthwith acknowledge the service of the within Bill and Injunction Order by leaving a copy thereof at the usual place of abode of the said Defendant, or some member of his family above the age of twenty one years at the usual place of abode of the said Defendant on the 19th day of October 1895.

A.E. Hartwell Deputy Sheriff

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE ~~SHERIFF~~ Sergeant OF ~~NANSEMOND COUNTY~~ the City of Norfolk —GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON George Foster, Walter Shackelford, John Stein, Jr. A.J. Detmers, Edward Bradley, Edward Angee, Joseph Evans, Frank Hogg, Allen Foster (Col'd) Charles Walters, Albert Shrieves, Samuel Tyree, William Boykin, and J.J. Stakes and other parties unknown

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 Third Monday in October 1895, to answer a Bill in Chancery, exhibited against them in the said Court by John D. Armstrong and J.D. Lilliston

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 7th day of October, 1895, in the 120th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste:

A.P. Gomer, CLERK.

~~executed on the 9th day of October A. D. 1895 by de=~~
~~livering copies hereof~~
~~with the injunction~~
~~hereto~~

executed on the 9th day of October A. D. 1895 by serving copies of the within process with the injunction endorsed thereon, on George Foster, John Stein Jr.; Edward Bradley, Edward Angel and William Boykin respectively not finding J. J. Stakes, Jr. at his usual place of abode on the 11th day of October A. D. 1895 I served a copy ~~of the process with the injunction endorsed thereon~~ had him on said day at the same time there and the wife of the said J. J. Stakes, Jr. and a member of his family above the age of 16 years at the time of such service and I gave information of its purport to her, not finding Walter Shackelford and A. J. Setmers at their usual places of abode, on the 14th day of October A. D. 1895, I served copies of the within process with the injunction endorsed thereon for them respectively on Lizzie Shackelford and Margaret A. Setmers, respectively they being there, respectively and the wives of the said Walter Shackelford and A. J. Setmers, respectively, and members of their respective families above the age of 16 years at the time of such service and I gave information of its purport to them each, not finding Samuel Tyree at his usual place of abode, on the 17th day of October A. D. 1895, I served a copy of the within process with ~~the injunction endorsed thereon~~ for him on Lillian G. Tyree, she being there and the wife of the said Samuel Tyree and a member of his family above the age of 16 years at the time of such service and I gave information of its purport to her.

J. E. Burke, Sergeant
City of Norfolk, Va
By H. U. Vail, Deputy.

John B Donovan p. q

John D Armstrong and J T Lillistone

vs. } In Chancery.

George Foster Waller Shackelford & others

1895

October Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 21

Page 125

Memo: An injunction is awarded, according to the foregoing bill to enjoin and restrain the defendants Robert Boykin, Walter Shackelford, John Stein, Jr., A. J. Setmers, Edward Bradley, Edward Angel, Joseph Ford, John Stein, Sr., A. J. Setmers (Coed), Edward Evans, Frank Stagg, Aleen Foster (Coed), Robert Shaves, Walters, Albert Shaves, Samuel Tyree, William Boykin, J. J. Stakes and all other persons, except the plaintiffs, from taking, removing or in any manner interfering with the oysters, shells, etc. upon the location known as Pig Point Shore in the County of Nansemond, lying between Deep Creek and Pig Point Shore in the County of Nansemond, Right Bank and Naspeing two hundred and sixteen acres, as in the plat recorded in the Clerk's Office of said County until the further order of the Circuit Court of the County of Nansemond, or of the Judge thereof in Vacation: But this order shall not take effect until the plaintiffs or some one for them shall execute before the Clerk of said Court, bond, with security to be approved by him in the penalty of One Thousand (1000) dollars, conditioned and payable as the law directs.

Robert R. Prentis Judge

Teste: A. P. Garner Clerk

I A. P. Garner Clerk of the Circuit Court of Nansemond County, do hereby certify that the bond required by the above order has been given with security deemed sufficient by me.

A. P. Garner Clerk

By [illegible] Deputy Clerk

To the Clerk of the Circuit Court of Nansemond County.

1895 Octo. 2nd.

A Copy Teste: A. P. Garner Clerk

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE ~~SHERIFF~~ Sergeant OF ~~NANSEMOND COUNTY~~ the City of Norfolk —GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON George Foster, Walter Shackleford, John Stein, Jr., A J Detmers, Edward Bradley, Edward Angel, Joseph Evans, Frank Hogg, Allen Foster (Col'd), Charles Walters, Albert Shivers, Samuel Tyree, William Boykin and J. J. Stokes and other parties unknown

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 Third Monday in October 1895, to answer a Bill in Chancery, exhibited against them in the said Court by John D Armstrong and J. T. Lilliston

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 11th day of October, 1895, in the 120th year of the Commonwealth.

A copy—Teste:
A P Gomer, CLERK.

Teste:
A P Gomer, CLERK.

A Copy for p. q

Allen Foster (Colo)

vs. } In Chancery.

1895

October ---Rules.

Third ---Monday.

Nansemond Circuit Court.

Process Book No. 2

Page 125

memo. an injunction in an action at law, accordingly, accordingly hill, to enjoin and restrain the defendants George Foster & A. D. Bethune, Edward Bradley Mallon, Frank Eppes, John Stein, Jr. & Edward Angel, Joseph L. Corey, Francis Mallon, Albert Travers, Samuel Travers & Julian Travers, Jr. by their P. P. attorney from proceeding to the sale of the property and all other persons except the plaintiff or his agent under the power contained in a certain deed of trust executed by Francis Mallon and wife to Wm. H. Mallon, Trustee, bearing date the 1st day of October 1892 and recorded in the Clerk's Office of the Circuit Court of Nansemond County on the 3rd day of October 1892 in Deed Book No. 12, page 91 and a copy thereof annexed to the bill of complaint and praying that the defendants may be required to answer the premises and that the said deed of trust may be declared void and the sale thereunder perpetually enjoined and for general relief.

Teste

A. P. Gunn Clerk

I, A. P. Gunn Clerk of the Circuit Court of Nansemond County do hereby certify that the annexed is a true copy of the bill of complaint in the above entitled cause as the same remains of record in my office.

Teste

A. P. Gunn Clerk

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE ~~SHERIFF~~ Sergeant OF ~~NANSEMOND~~ ~~COUNTY~~ the City of Norfolk —GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON George Foster, Walter Shackleford, John Stein Jr, A J Detmers, Edward Bradley, Edward Angel, Joseph Evans, Frank Hogg, Allen Foster (Col'd) Charles Walters, Albert Shriver, Samuel Tyre, William Berg Sin and J J Stokes and other parties Unknown

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 Third Monday in October 1895, to answer a Bill in Chancery, exhibited against them in the said Court by John D Armstrong and J. T. Lilliston

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 11th day of October, 1895, in the 120th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste:

A. P. Gomer, CLERK.

Allen Foster not found.
J. E. Burke,
Sergeant
city of
Norfolk, Va
By H. V. Sail
Deputy

John B Donovan p. q.

John D Armstrong
and I P Lillistone

vs. } In Chancery.

George Foster
Walter Shackelford & others

1895

October ---Rules.

Third ---Monday.

Nansemond Circuit Court.

Process Book No. 21

Page 125

Memo

An injunction is awarded, and
to enjoin and restrain the defendants
John Stein, Jr. A. J. Holmes, Edward Brad
Emanuel Hogg, Allen Foster (Col'd) Charl
Lyne, Indiana Boy Hair, Jo Walker and
Plaintiffs John Hilliard, answering or
suit the bystree, Neck Walker or Pope
Point Shore in the County of Nansemond
and Norfolk Creek and obtaining two
dredd and quarries in the Flat reach
said County until the further order of
County, or of the Judge thereof in Vacation
Late effect until the Plaintiffs name
before the Clerk of said Court, and
mit the penalty of five thousand ($5000.00) dollars,
Pagan as the Law directs

To the Clerk of the Circuit
Court of Nansemond County
1895 - Oct. 2nd

A Copy Teste

A. P. Glover Clerk

C. A. Glover Clerk of the Circuit Court of Nansemond County
do hereby certify that the true region hereto annexed
been given with security thereof

Teste

A. P. Glover Clerk

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF ~~NANSEMOND~~ Norfolk COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON George Foster, Waller Shackelford, John Stein Jr, A I Holmes, Edward Bradley, Edward Angel, Joseph Evans, Frank Hogg, Allen Foster (Col'd), Charles Waller, Albert Shrieves, Samuel Pyree, William Boykin and J J Stakes and other parties unknown

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 Third Monday in October 1895, to answer a Bill in Chancery, exhibited against them in the said Court by John D Armstrong and J T Lillistón

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 7th day of October, 1895, in the 120th year of the Commonwealth.

A copy—Teste: _____, CLERK.

Teste: A P Gomer, CLERK.

Oct 15

Executed Oct 18-95
by serving a copy of
the within Summons
on Joseph Evans
Agent of Jno B Donovan
& Accounted
for
Sheff.

John B Donovan. p. q.

John D Armstrong
and J P Lilliston

vs. } In Chancery.

George Posler
Walter Shackelford & others

18 95

October Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 2

Page 125

Memo.

On injunction is awarded, according to the foregoing bill, to enjoin and restrain the defendants George Foster, Walter Shackelford, John Steinfort, A J Bethers, Edward Angel, Joseph Evans, Frank Hogg, Aeen Foster (Colt), Charles Walters, Albert Barnes, Samuel Tyree, William Boykin, J J Stokes and all other persons, except the plaintiffs from taking, removing or in any manner interfering with the oysters, trees, stakes or brush upon the location known as Big Point Shore in the County of Nansemond, lying between Hoskins Creek and containing two hundred and fifty acres, as indicated and described in the plat recorded in the Clerk's office of said County and until the further order of the Circuit Court or of the Judge thereof in Vacation; but not until the plaintiffs or some one for them shall execute before the Clerk of said Court, with security to be approved by him in the penalty of One Thousand Dollars (1000) dollars, conditioned and payable as the law directs.

To the Clerk of the Circuit Court of Nansemond County

1895 Octo. 2nd.

Robt T Prentis Judge

A Copy Teste: C P Cheney clerk

I A P Comer Clerk of the Circuit Court of Nansemond County do hereby certify that the Bond required by the above order has been given with security approved by me.

Teste: C P Cheney Clerk

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE ~~SHERIFF~~ Sergeant OF ~~NANSEMOND~~ ~~COUNTY~~ the City of Portsmouth —GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON George Foster, Walter Shackelford, John Stein, Jr. A. J. Detmers, Edward Bradley, Edward Angel, Joseph Evans, Frank Hogg, Allen Foster (col'd) Charles Walters, Albert Shrieves, Samuel Tyree, William Boykin, and J. J. Stakes and other parties unknown

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 Third Monday in October 1895, to answer a Bill in Chancery, exhibited against them in the said Court by John D. Armstrong and J. T. Lilliston

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 7th day of October, 1895, in the 120th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste: A. P. Gomer, CLERK.

Allen Foster

Not Found in the
city of Portsmouth Va
Oct 10/95

Williamson Smith
Dept
by
J. W. Abbott
Dept Sheriff

John B Donovan p. q.

John D Armstrong
and P P Sillisloe

vs. } In Chancery.

George Foster
Walter Shackelford others

1895

October ---Rules.

Third ---Monday.

Nansemond Circuit Court.

Process Book No. 2

Page 125.

Memo. An injunction is awarded, and
duly to enjoin and restrain the de
Walter Shackelford, John Stein, Sr., A. P.
Edward Angel, Joseph Evans, Frank Hogg
Walters, Alexr Skrivens, Samuel
D. J. Stakes and all others, persons,
from taking, removing or in any
with the oysters shells stakes or
known as Big Point Shoal in the
lying between Nansemond and
and containing two hundred and
acres, more or less, as in
bill of complaint mentioned in the
in Vacation, but this order shall not
plaintiffs or some one for them shall
said Court bond, with security
in the penalty of One Hundred Dollars
and payable at the Law Office
to the Clerk of the Circuit
County of Nansemond, and this order shall not
take effect until the
execute before the Clerk
to be approved by him
) dollars, conditioned

Teste:

A Copy Teste:
R. P. Sumner Clerk

I, R. P. Sumner Clerk of the Circuit Court of Nansemond County do hereby certify that the above order has been given in accordance with security deemed sufficient by me.

Teste:
R. P. Sumner Clerk

Taken R. P. Prentis Judge

according to the foregoing
defendants George Foster,
A. Stevens, Edward Braxley,
Edward Angel, Joseph Evans, Frank Hogg,
Walters, Alexr Skrivens, Samuel
D. J. Stakes and all others, persons,
from taking, removing or in any
with the oysters shells stakes or
known as Big Point Shoal in the
lying between Nansemond and
and containing two hundred and
acres, more or less, as in
bill of complaint mentioned in the
in Vacation, but this order shall not
plaintiffs or some one for them shall
said Court bond, with security
in the penalty of One Hundred Dollars
and payable at the Law Office
to the Clerk of the Circuit
County of Nansemond, and this order shall not
take effect until the
execute before the Clerk
to be approved by him
) dollars, conditioned

Know All Men by These Presents, That we, John D Armstrong and Pilton Conkling

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 7th day of October in the year of our Lord one thousand eight hundred and Ninety five, and in the 120th year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas an injunction was awarded on the 2nd day of October 1895 against the defendants George Foster, Walter S Lockwood and others on a bill in chancery filed in vacation in the Circuit Court of Nansemond County in the cause between John D Armstrong and J T Lillistons against said George Foster Walter Shackleford & others defendants restraining said defendants from taking removing planting or propogating oysters upon the location known as Big Point shoal in the County of Nansemond and containing by survey 216 acres as indicated by plat filed in the clerks office of said County But this order not to take place until the plaintiffs or some one of them or some one for them shall execute a bond in the penalty of $1000 approved by good Security and whereas John D armstrong executes said bond with condition according to law and to assume all expenses incurred by this order and all other orders entered upon this cause.

John D Armstrong SEAL

Pilton Conkling SEAL

SEAL

SEAL

SEAL

In the office of the Clerk of the Circuit Court of Nansemond County, on the 7th day of October 1895

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

Teste: A. L. Gomey CLERK.

A Copy Teste, A. L. Gomey Clerk

John D Armstrong

To } Injunction Bond

The Commonwealth.

1895

October 7th

Recorded in Bond Book
Circuit Court
No 1 Page 103

A Copy.

Form No. 168.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

21,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

This Company **TRANSMITS** and **DELIVERS** messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of **Unrepeated Messages**, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

This is an **UNREPEATED MESSAGE**, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, President and General Manager.

RECEIVED at 3 N C VO 10 Paid 10 15 Am, 189

Dated Norfolk Va 5 Oct., 95.

To A. P. Gomer,

Clerk Cir. Court, Suffolk, Va.

Tilton conklin is Gilt Edged security for one thousand dollars

T. R. Borland.

PERCY S. STEPHENSON. A. BROOKE TAYLOR.

STEPHENSON & TAYLOR,

RENTAL AGENTS

102 PLUME STREET,

Norfolk, Va. Oct. 4- 1895

R. R. Smith Esqr.,

Clerk of County Court,

Suffolk. Va:

My dear Sir,

A client of mine here Captain Dillon Conklin informs me that he has offered himself as surety on the bond of J. W. Armstrong, an oyster planter in Nansemond River, and that you have refused to accept him until he assures you that he has unincumbered real estate to the amount of the bond: Can you not allow him to go on the bond on his own affidavit, since I have in hand for him property worth four thousand dollars, in which there is no mortgage and that is only a small part of his real estate here. If you can't allow him to go on the bond on his own affidavit please write me at once

what sort of a certificate would you want the clerk of the court here to give him? ~~Kindly~~ Kindly let me hear from you at once. Remember me kindly to Dr. Barnes when you see him. Will be glad to have you call at my office when you are in Unpola

Yours very truly.

Percy S. Stephenson

I have just looked up Capt. Conklin's tax receipt for 1895 and he pays ~~$~~ $97.77 taxes

Virginia:

In the Clerk's Office of the Corporation Court of the City of Norfolk.

I, Junius A. Coleman, deputy clerk of the Corporation Court of the City of Norfolk, do certify that Tilton Conklin is assessed in the land books of this City with real estate valued at $8150.00/100 and that I have examined the records of this Office and find no deeds of trust, mortgages, judgments, or other liens recorded against him.

Given under my hand this 5th day of October 1895.

Junius A. Coleman

Deputy Clerk,

of the Corporation Court

of the City of Norfolk, Va.

Matheus Va

1893 Oct 10th

Mr Azra P. Gomer

Clerk of the Circuit Court

of Fauquier County

Dear Sir

A short time ago

I prepared the draft of a bill for Messrs

J. H. Armstrong and I. S. Lillerton

praying an injunction to restrain

certain parties from taking their oys-

ters &c from Peg Point. I have been

informed that the injunction has been

awarded, and the process issued.

Should an answer be filed in

the suit, please send me a copy of it at

once, with a copy of the order of injunc-

tion, the names of the defendants, and

also a copy of the demurrer should

one be filed. Charge your fee the per

to the plaintiff. As you will see by an in-

Question of the bill, I am counsel for the plaintiffs.

Respectfully yours,

John B. Donovan

D. TUCKER BROOKE,
(EX-JUDGE CORPORATION COURT)
104 PLUME ST.

Notice of Oct 5th 1895 Copies and mailed to Judge Bundy immediately A.P.G.

Norfolk, Va., Oct. 24th., 1895.

A.P. Gomer Esq'r.,
Clerk Circuit Court,
Nansemond, Co.,
Suffolk, Va.

My dear Sir:-Yours of this date with copy of bill in Armstrong & Lilliston vs Foster et als, and a copy of notice dated Oct. 14th 1895, duly rec'd. The notice, the copy of whih I desired, and left order for on the 17th i st., was dated April 5th., 1895. The notice of Oct., 14th, was not then posted I myself examined the board in front of the court house, and the only notice of application of Armstrong & Lilliston for assignment of oyster planting ground was the on dated April 5th 1895. This was the notice upon which their assignment of location on which their bill vs Foster & others was based, as is apparent from the fact that the bill was filed and the injunction issued on the 2nd October, 12 days before the date of the notice a copy of which you have sent me. That noticew was defective in many respects and I was particularly anxios to have a copy of it preserved, and so asked Mr Laurence to let me have a co y of it with a copy of the bill at once. If this notice has been destroyed it will materially injure myd defense. It ran in this way: "This is to certify that Messrs Armstrong & Lilleston have applied to me to have a location for planting oysters assigned them between the grounds heretofore assigned to T.B. Gaskins and Hofflers Creek, supposed to contain twenty five acres."

Signed Jno. W. Ames, Dep'y Oyster Insp

D. TUCKER BROOKE,
(EX-JUDGE CORPORATION COURT)
104 PLUME ST.

This notice was already beginning to be defaced by the weath er, and was posted on the board to the right of the court hos door, as you leave the court house. Please give me a copy of that notce at once. I shall try to be in Suffolk to-morrow, in which event I will se you before you get this letter; but I have some important matters here which may prevent myg getting off. Therfore I write this hastily.

You neglected to enclose me bill for copies.

Very truly yours,

D. Tucker Brooke

Notice

Notice is hereby given that J D Armstrong and J T Lilleston have applied to have the planting oyster ground on the south side of Nansemond River between the Pig & Light house an Bakers old wharf assigned to them The said ground supposed to contain about twenty acres more or less

Jno. T. Capps Oyster Inspector
for Nansemond Co
per Jno W Ames Dpt

Octo 14th 1895

A Copy Teste A.P. Gomer Clk

$1.00 Sept. 28th 1895

Received from J. D. Armstrong and I. F. Lillestun

One 100 Dollars

Fee for assignment of 21/2 Acres oyster ground on Pig Point Shore

Geo. W. Ames Pres. Inc.

No.

OYSTER LAWS—1892.

$216.00

INSPECTOR'S OFFICE, Sept 28th, 1895,

District No. 19, Nansemond County, Va.

RECEIVED of J. D. Armstrong & J. T. Lillistun the sum of Two hunds & Sixteen Dollars and ~~~~~ Cents, for the rent of 216 acres of Oyster planting grounds for the year ending the ~~Sept~~ 28th day of Sept, 1896. Said ground is situated in the waters of Pagan R. Shore from the Light House to Norfolk Co Line and more particularly designated in the plat and survey recorded in the clerk's office of said county.

Jno. H. Eames Jr., Inspector,

District No. 19.

Suffolk, Va., Sept 28th 1895

Messs J. D. Armstrong & J. T. Lidliston

To P. St. J. WILSON, Dr.

Civil Engineer and Surveyor.

Office Over Norfleet & Bro.'s Hardware Store.

1895

Sept	21	To surveying & platting 216 Acres of Oyster Ground	28	35

Paid Sept 28th 1895
P. St. J. Wilson

Not out of the way
on first

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

-:-:-:-:-:-

John D. Armstrong and J. T. Lilliston, : Plaintiffs.

vs:

George Foster, Walter Shackelford, John Stein Jr., A J Detmers, Edward Bradley, Edward Angel, ~~Edward Mason~~, Joseph Evans; Frank Hogg, Allen Foster (col'd), Charles Walters, Albert Shrieves, Samuel Tyree, William Boykin, and J. J. Stakes, and other parties unknown. : In Chancery. : Defendants.

-:-:-:-:-:-

To the Honorable Robert R Prentiss, Judge of said Court:-

Humbly complaining, show unto your Honor, the above named plaintiffs, that on the_____day of_____ 1894, John W. Amos, deputy for John D. Capps, Inspector of oysters for Nansemond County, regularly assigned to Thomas R. Gaskins, as a reservation for planting and propagating oysters, a portion of the bed of James River, or Hampton Roads, known as Pig Point Shore, lying between Nansemond Lighthouse, and Hoffler's Creek, in the County of Nansemond, in the State of Virginia. The said portion of said bottom was regularly surveyed, by the Surveyor of Nansemond County, defined by metes and bounds, the same not having been reserved for owners and occupants of lands, and said Inspector caused said location to be ascertained, and designated and marked with suitable stakes, smooth and free of snags and spurs, and by other metes and bounds, courses and distances, having their places, of beginning and ending, designated by permanent objects on shore, agreed upon between said Gaskins and said Inspector; said Gaskins paid Inspector his fee of one dollar, and also the rent for the land assigned him, at the rate of one dollar per acre for each year of his rental; said Gaskins received from the

Inspector a receipt for the rent in full for one year, and also paid to the Surveyor his fee for the survey and plat, and said plat is duly recorded in the Clerk's Office of the County Court of Nansemond County.

Upon the ground so assigned him, the said Thos. R. Gaskins planted a considerable quantity of oysters and shells, afterwards on the day 1895, in consideration of the rent which he had paid therefor being returned to him by the plaintiffs, the said Gaskins transferred to the plaintiffs the said location which had been so assigned him. At the time of the transfer and assignment to the plaintiffs the said Gaskins, also sold to the plaintiffs all his oysters and shells which he had on the said location which are of the value of Six Hundred dollars.

The plaintiffs desiring a still larger quantity of the public bottom for the planting and propagating of oysters, applied to John W. Ames, Dpt. Ins. to obtain as a location a portion of the water front and bed not located as provided for by law for owners and occupants of land, the location has been ascertained and designated by the Inspector and surveyed and marked by proper metes and bounds, courses and distances, having their places of beginning and ending designated by permanent objects on the shore and buoys and stakes, agreed upon by them and the inspector. They paid the inspector for his services a fee of one dollar, and also rent for the land assigned them, at the rate of one dollar per acre; the said land has been surveyed by the County Surveyor of said County, and ascertained to contain two hundred and sixteen acres, and the plaintiffs have received from the inspector a receipt for the rent in full for one year in advance, and also paid to the Surveyor his fee for survey and plat, and had said plat recorded. In this last mentioned survey, there is embraced much the larger portion of the location assigned to said Gaskins, and further portions of land adjacent thereto. Receipts of the Inspector for this fee and the copy of the said plat are filed herewith, and prayed to be made

parts of this bill.

Since the purchase by the plaintiffs from the said Gaskins, and his transfer of his interest in the said location, oysters and ~~xhe~~ shells to them, the plaintiffs have deposited upon said location, oysters & shells for the propagation of oysters, to the value of Thirteen hundred dollars.

The plaintiffs further show that notwithstanding the rights of the plaintiffs in the premises, Geo Foster, Walter Shackelford, John Stein Jr., A. J. Detmers, Edward Bradley, Edward Angel, ~~Edward Bacon~~, Joseph Evans, Frank Hogg, Allen Foster (col.), Charles Walters, Albert Shrieves, Samuel Tyree, William Boykin, J. J. Stakes Jr., and a number of other evil disposed persons, to the plaintiff unknown, have recently entered upon the said location of Two hundred and sixteen acres, and being unmindful and regardless of the rights of the plaintiffs in the premises, took and carried away considerable quantities of the plaintiffs' oysters, claiming that said location is natural oyster rock, bed or shoal. The said defendants and other unknown parties have no property out of which the plaintiffs can obtain satisfaction for the injury done them, by an action or actions in a Court of Law, and the plaintiffs have good cause to fear, and do fear, that unless restrained by legal process, the defendants and other unknown parties will continue ~~xx~~ their depredations and render the interest of the plaintiffs in the said location, oysters and shells, in which they have invested their capital, labor and skill of no value.

The plaintiffs charge that no portion of the said Two hundred and sixteen acres is embraced within the natural oyster rocks as ascertained by the pamphlets, surveys and chart published bythe Board of the Chesapeake and its tributaries and transmitted by them to the Clerk ofthe County of said County; that the survey and report made by authority by act of the General Assembly of Virginia, approved March 2nd, 1894, have been regularly filed in the Clerk's

Office of the said County Court more than four months, and no persons have filed a petition in said Clerk's Office, alleging that the location assigned to the said ~~xxx~~ plaintiffs as aforesaid, or any part thereof, is a natural rock bed or shoal; and the plaintiffs therefore charge that the said surveys and reports are conclusive evidence that the said location of two hundred and sixteen acres is not a natural oyster rock bed or shoal, and should be so received in all the Courts of this Commonwealth.

In tender consideration whereof and forasmuch as the plaintiffs are without remedy in the premises, without the aid of a Court of Equity, where such matters are properly cognizable, they pray that the said George Foster, Walter Shackelford, John Stein Jr., A. J. Detmers, Edward Bradley, Edward Angel, ~~Edward Mason~~, Joseph Evans, Frank Hogg, Allen Foster (col'd), Charles Walters, Albert Shrieves, Samuel Tyree, William Boykin, J. J. Stakes, and said other unknown parties may be made parties defendant to this bill, with apt and proper words to charge them as such; that they may be required to answer the same, but answers under oath are hereby waived; that an injunction may be awarded to enjoin and restrain the defendants and all other persons, except the plaintiffs from taking, removing, or in any manner interfering with, the oysters, shells, stakes and buoys upon the said location of two hundred and sixteen acres of land above mentioned; that summonses may issue, and that the plaintiffs may have such other and further relief in the premises as is consistent with equity and the circumstances of the case; and as in duty bound, they will ever pray &c.

J. D. Armstrong ~~Plaintiffs'~~
J. T. Lillistan ~~Counsel~~

John B. Donovan
P.Q.

VIRGINIA.

CITY OF NORFOLK, to-wit:

This day John D. Armstrong personally appeared before me, Thomas H. McCoy a Notary Public in and for the Corporation aforesaid, and made oath that the matters of fact stated in the foregoing bill are true to the best of his knowledge and belief.

Given under my hand, this 15th day of October 1895.

Thomas H. McCoy
N. P.

An injunction is awarded, according to the foregoing bill, to enjoin and restrain the defendants-George Foster, Walter Shackelford, John Stein Jr., A, J, Detmers, Edward Bradley, Edward Angel, [redacted], Joseph Evans, Frank Hogg, Allen Foster (col'd), Charles Walters, Albert Shrieves, Samuel Tyree, William Boykin, J. J. Stakes and all other persons, except the plaintiffs, from taking, removing or in any manner interfering with the oysters, shells, stakes or buoys upon the location known as Pig Point Shore, in the County of Nansemond, lying between Nansemond Lighthouse and Hofler's Creek, and containing two hundred and sixteen acres, as indicated and described in the plat recorded in the Clerk's Office of said County, until the further order of the Circuit Court of Nansemond County, or of the Judge thereof in vacation; but this order shall not take effect until the plaintiffs or some one for them shall execute before the Clerk of said Court bond, with security to be approved by him in the penalty of One Thousand ($1000.) dollars, conditioned and payable as the law directs.

To the Clerk of the Circuit
Court of Nansemond County

Robert R. Martin
Judge.

1895, Octo. 2nd.

Tax $1,50 pd.

J. D. Armstrong et al.

vs

George Foster et ux

Bill of Exchibits

Jno. D Armstrong & others
vs } In Chancery
George Foster and others.

1895. Octo. 7th. Process issued returnable October Rules third Monday.

" " 11. Alias Process issued against Allen Foster returnable October Rules 3rd Monday.

" " 21st. Process returned executed on all the defendants except Allen Foster.
Bill filed and decree nisi against all defendants except Allen Foster.

" Novr 4th. Decree Nisi vs all defendants except Allen Foster confirmed and cause set for hearing as to them.

Armstrong Notes

V. J. Chauncey Notes

Foster Notes.

John B Donovan Jr. g

Jno D Armstrong vs Thos

Vs In Chancery

George Foster vs Thos

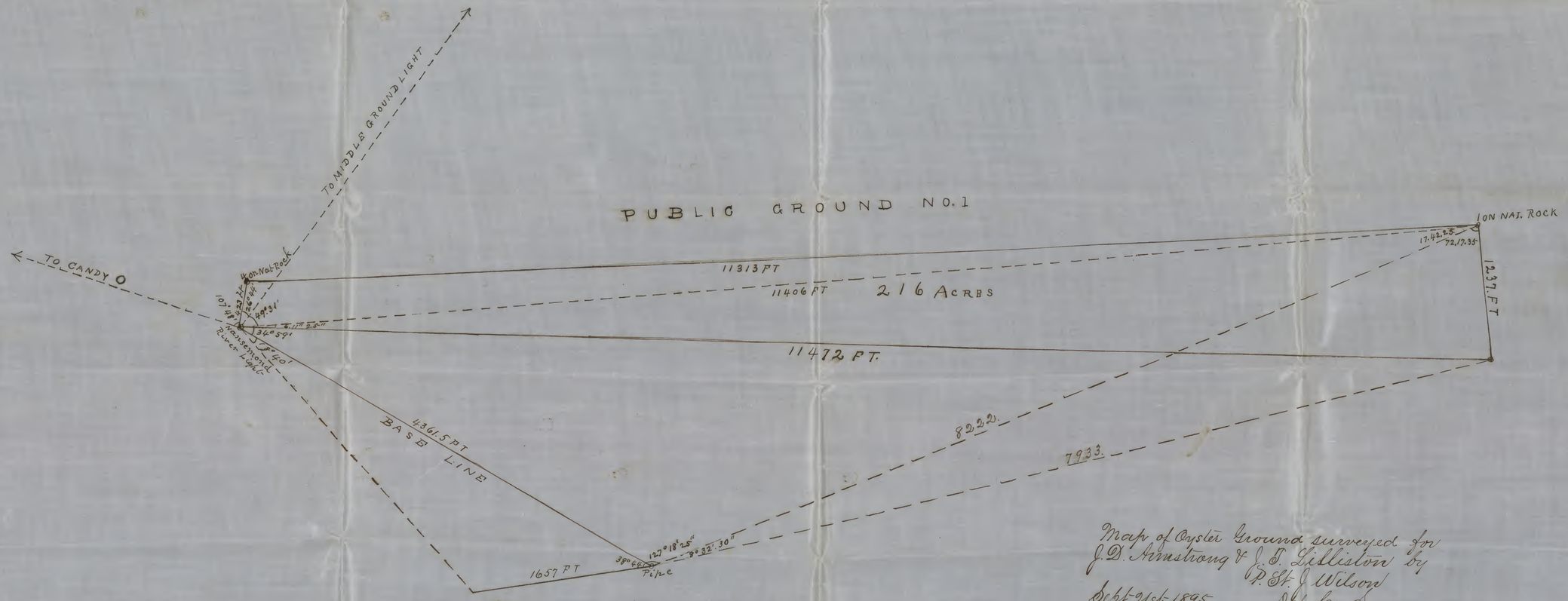
1909

July 16th

Final Decree

Armstrong vs Foster

Costs
Clerk 10.27
Jayne 1.50
Shff. 1.00
Attorney 15.00
$27.77



Map of Oyster Ground surveyed for
J. D. Armstrong & J. T. Lillistone by
P. St. J. Wilson
Sept 21st 1895. Dep Co. Surv.

In the Clerks Office of Nansemond
County Court the 28 th day of September
1895 this plat was received and
admitted to record.
Teste: R. R. Smith Clerk
By A. B. Gomez D.C.

A Copy Teste: R. R. Smith Clerk
By A. B. Gomez D.C.