

1900-004

Chancery Causes, Mary A. E. Eley, adm of Robert J. Eley's orphans vs Inez Eley + d, byvc + d

Sole of Wright County

Folder 1

other surnames: Marshall, Britt,
Taylor, Chandler, Davis, Pruden,
Lang, Ellis, Duprey, Taliaferro,
Edwards, Cunningham, Boykin,
[Exchange Building Company],
Dupuy

I, the undersigned, being a duly qualified juror in the County of Loudoun, State of Virginia, do hereby certify that the said Mary Ely, Alice H Ely, Lavinia C Ely, Thomas J Marshall and Martha his wife, John M Taylor and Josephine his wife, W S Blandin and Catherine his wife William Davis and Polly his wife, James S Bondy and Lelia his wife Nettie Marshall John S Marshall, Peter H Ely, Lilla B Ely, John Lamy and Rosa his wife, Henry Ely and Clinton Ely, be made parties defendant to this bill and answer to the same but not on their corporal oaths the same being waived, that a proper guardian ad litem be assigned the infant defendants to defend their interests in this such that the said tract of land be sold and the proceeds be invested in the erection of a house on the said lot of your complaint and children or in such manner as to your Honor may seem most that a proper fee be allowed the attorney for his services in the cause and that such other and further and general relief may be afforded your complaint as the nature of the case may require or by equity shall seem meet, and your complaint will ever prosper

Geo R Atkinson per

Joel of Wright County to wit

I George R Atkinson a commissioner in chancery of the Circuit Court of the County aforesaid in the State of Virginia do certify that Mary H Ely the plaintiff in the foregoing bill ~~that~~ day made oath before me that the statements contained therein so far as made upon her own knowledge are true and so far as made upon knowledge or information derived from others she believes to be true.

Given under my hand this 1st day of December 1896

Geo R Atkinson

Eley M. A. C. in
her own right & ad.
vs. J. M. Clegg.

Eley Inez et al.
900

Complete Bill

1st Sept. Reels 1894.
Bill filed. Off. apt. made
as to absent defts: & ord.
of prob. in vacation.
Sept. 12th

1st Oct. E. J. on on all
known defts. & de: in & out.
R. E. B. apptd. gov. ad. letter
to inf'ts: defts: his acc. & ord.
& also ans: of inf'ts: over
14 years & genl. refld.

2nd Sept. Re: Bill C. C. for
confd. as to defts: & action
de: in & out, action out
set for hearing as to them
& inf'ts: defts.

Dec. 3/94 apt. term
de: for accounts

Apr. term 1895. De for court to
annul deposition

October term 1895
reporter confd. to sell, collect &
pay out

April term 1896
De. Confg. rept. to withdraw bonds. collect.
deposit & make due

April term 1897
confg. rept, collect & pay out

Oct. term 1897
De. confg. rept: collect & pay out

April term 1898
De to collect, pay taxes & deposit

Oct. 24/98 Confg rept

April 24/99 collect pay out
and have due made

April 23rd 1900
Final Decree

To the Honorable Ben Hill Judge of the General court of Iowa
Wright county in chancery sitting

Humly complaining sheweth unto your honor
your brother Mary A E Eley in her own right and as the guardian
of her children Lucy Eley aged 17 years, Anne A Eley aged 15
years and Lavinia A Eley aged 13 years, that Robert J Eley her
late husband and the father of the said children departed this life
several years ago intestate leaving the said children his only
heirs and seized of a tract of land containing one hundred acres
more or less situated in the county of Isle of Wight and State of Vir-
ginia, adjoining the lands of Henry Jenkins and Benwell Roberts and
lying on the roads from Isle of Wight courthouse to Windsor and
Barnsville in the said county and is now held by your complain-
ant as widow of the said Robert J Eley as a homestead for herself
and the said children.

That being incapacitated by her age and by lack of knowledge and
experience in farming she is compelled to rent out the said
farm and is living near the town of Smithfield in the county
of Jones and because of the greater facilities of making a support and
educating her children than she could on a farm, when she has
a house and lot adjoining the said town and paid for with the pro-
ceeds of sale of another tract of land derived from the said Robert
J. Eley and also under a decree of this honorable court ^{which lot is} ~~and~~ ^{and parcel}
by her in a house lot. ~~and what~~ another residence can be
conveniently built.

That the said fence has been built and for years and must con-
tinue to be for eight years longer but till the youngest child
shall be 21 years old. and is therefore doing in and in every year both by
the exhaustion of the soil which is also up the result of continuous
renting; and by the decay of the house there is and it will soon take
more than the annual rent but one hundred dollars to put
them in good condition and your complaint and his children

1 Having a very small personal estate this disposition of them in
2 some will subject them to great pecuniary and inconvenience
3 your complaint is that five or six and colleges that both
4 be interested and that of her estate will be greatly enhanced
5 by sale of the said tract of land and her husband of the pre-
6 sent in the estate of a residence as there are but few in
7 the purchase of such a lot in the said town of
8 can be bought on reasonable terms, and such purchase shall
9 be made more reasonable than buying on the said lot
10 for the further reason that such a house would not for a while
11 of and more than the said tract of land, and there is any
12 repairs for many years and would be more under her supervision
13 and management, the said house being about 12 miles distant
14 from Southfield.

15 Your complaint further alleges that several persons were un-
16 ions to purchase the said land, they having made application
17 to her for that purpose, and that a better price can probably be now
18 obtained than later and that from \$1100 to \$1200 may probably
19 be obtained therefore.

20 Your complaint is enforced and so alleges that the relations
21 of the said children on the side of the father to whom the said land
22 was devised in case of their death are Mary the wife of the
23 wife of Thomas J. Marshall who is an agent, Josephine Taylor
24 the wife of John M. Taylor, Harriet Chandler the wife of W. S. Chant
25 her sister Mary is the wife of William Davis, Peter Foster the wife
26 of James J. Foster, Maria Marshall, and John F. Marshall who
27 are the children of Elizabeth Marshall deceased and a maid of
28 the said children, Peter H. Bly, son of Brown Bly deceased who
29 is a son-in-law, and Ellen Bly, daughter of John Bly
30 Mary Bly, and Elizabeth Bly, the wife of W. S. Chant
31 deceased, the same are made, the said three of them are made
32 under the age of 21 years.

The joint and several answer of Rosa Lang, the wife of John Henry Eley and Elston Eley infants over the age of 14 years to a bill of complaint exhibited against them and others in the Circuit Court of Isle of Wight County by Henry H. Eley in his right and in the joint name of Henry Eley, Abner H. Eley and Lavinia H. Eley,

These defendants answering to themselves the benefit of full joint exceptions to said bill for reasons therein set out so much thereof as they are advised that it is material they should answer say that they are infants of tender years and by reason of their infancy are incapable of understanding or of taking care of their rights and interests. They therefore committed 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 injury, and having fully answered the said respondents pray to be hence discharged with their reasonable costs in this behalf expended and they will ever pray &c.

M. E. Eley
Henry Eley
~~Mrs. John Lang~~
Rosa Lang.

Virginia:

County of Isle of Wight to wit:

J. Geo. M. Taylor a Notary Public in and for the County & State aforesaid do certify that M. E. Eley & Henry Eley whose names are signed to the foregoing answer in and as they come before me in my said County & made oath in due form of law that the statements in said answer are true & known under my hand this 15th day of Sept. 1894 J. M. Taylor A.D.

City of Alexandria }
State of Virginia } to-wit:

I, Louis C. Barley, a Notary
Public in and for the City and State aforesaid,
do hereby certify, that Rosa Lang,
whose name is signed to the foregoing
answer in Chancery, came before
me ~~and~~ and made oath in due form
of law that the statements contained
in said answer are true.

Given under my hand this 17th
day of September 1894 at Alexandria Va.
Louis C. Barley
Notary Public.

Very et. also.

add. 3 In. ch.

Very good. & etc.

Answer of depts.
w/hts: Rosa Lang
J. W. Lang & Clinton

Lang

Filed 1. Oct.

Recd. 1894.

"

The joint and several answers of Lucy Ely, Alice A Ely, Lavinia
A Ely, Rosa Ely, Henry Ely and Clinton Ely infants under
the age of 21 years by R E Baykin, as before, appeared in this
in the Circuit Court of the County of Lee of Wight
and in a bill of complaint exhibited against them and others by
Mary A E Ely in her own right and as the guardian of the said
Lucy Ely, Alice A Ely and Lavinia A Ely.

These respondents reserving to themselves the benefit of all just
exceptions to said bill for answers thereto and so much thereof as they
are advised that it is material they should answer, by their said
guardian as before and say: that they are infants of tender years
and by reason of their infancy are incapable of understanding any or of
taking care of their rights and interests; they therefore by their guardian
have committed themselves and their rights and interests to the protec-
tion of the court and pray that no decree may be pronounced which
will tend to their prejudice.

And having fully answered the said respondents pray to be
hence dismissed with their reasonable costs in this behalf expended
and they well may pray so

R. E. Baykin
Guardian

Judge of Wight County is not

This day personally appeared before me, a commission-
er in chancery of the Circuit Court of the County of Lee
and in the State of Virginia, R E Baykin guardian as
before of Lucy Ely, Alice A Ely, Lavinia A Ely, Rosa
Henry Henry Ely and Clinton Ely and made oath
that he believes the several statements made in the fore-
going answer to be true.

Given under my hand this 26th day of June 1895,

his R. A. Kinison Clerk

Ches. Ingotols.
infants

ads. 3 In Ches,
3

Ches M. A. & Co. chd

Answer of inst.
def ts. by gdvt.
ad litem.

Filed 1st Sept. Rec.
1894.

The joint and separate answer of Mary Ely & Helen A Ely, infants
over the age of 14 years to a bill of complaint exhibited against them
and others in the circuit court of the county of Isle of Wight by Mary
A Ely, in her own right and as the guardian of the said Mary Ely and
Helen A Ely, and Lawrence A Ely.

The respondents answering to themselves the benefit of all just exceptions
to said bill for reasons therein set out so much thereof as they are advised that
it is material they should answer say that they are infants of tender
years and by reason of their infancy are incapable of understanding
or of taking care of their rights and interests. They therefore committed
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
injury. And having fully answered the said respondents pray
that to be done with their reasonable costs in this behalf
expended and they well may pray so.

Helen A. Ely.
Mary Ely.

Isle of Wight County Court

I Henry R. Ralston a commissioner in chancery of the Circuit
court of the county aforesaid in the State of Virginia do certify
that Helen A Ely and Mary Ely this day personally ap-
peared before me in my said county and made oath that
the several statements made in the foregoing answer
were true.

Given under my hand this 26th day of June 1895
H. R. Ralston

Clay infus.
ad. $\frac{1}{3}$ Clay

Clay gdw.

Amount of Dring Clay
+ Alim Clay,

"Filed 1. Sept. Reeds
1894

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight, Greeting:

WE COMMAND YOU, That you summon

Ing Eley, Anne A. Eley, Lovinia
A. Eley, infants under 21 years of age, T. J. Marshall
his wife, John M. Taylor his wife, Josephine his wife, W. T.
Chandler his wife, Columbia his wife, William Davis and Patsie
his wife, James T. Anderson and Selia his wife, Nettie Marshall,
John S. Marshall, Peter A. Eley, Lilla C. Eley, John Lang,
Rosa Lang, Mary Eley, Clinton Eley the last three
infants under the age of 21 years.

to appear at the Clerk's Office of the Quaint Court of the County of Isle of Wight
at the rules to be held for the said Court on the first Monday in September, 1894,
to answer a bill in Chancery, exhibited against them in our said court by Mary

A. E. Eley on her own right and guardianship of
Ing Eley, Anne A. Eley and Lovinia A. Eley

And have then there this writ. Witness, M. P. Young Clerk of our said
Court, at the court-house, the 11th day of August, 1894, and in the 11th year
of the Commonwealth.

M. P. Young clk

Wiscandria va to wit
executed the within summons by
serving a copy on Rose Lang and
leaving a copy with her for Her-
bustana John Lang and explain
the Disput the being above the
age of Sixteen

H. Stanton Duff
for Wm H Smith Esq

W. A. E. Cleary paid. 100

DS. }
SUBPENA
IN
CHANCERY.

Cleary et al.

C. R. Cline

To said Duff. Rules,

1894. Circuit Court.

W. A. E. Cleary paid.

The Commonwealth of Virginia,

Norfolk

To the Sheriff of the County of ~~West~~ ^{Norfolk}, Greeting:

WE COMMAND YOU, That you summon

~~Ing Eley, Minie A. Eley, Lavinia~~
~~A. Eley infants under 21 years of age Thomas J. Marshall,~~
~~W. Manta his wife, John M. Taylor W. Josephine his wife W. T.~~
~~Charles W. Columbia his wife, William Davis W. R. R. his~~
~~wife, James T. Anderson W. Lelia his wife, Nettie Marshall,~~
~~John S. Marshall, Peter N. Eley, Lilla C. Eley, John~~
~~Lang W. Rosa Lang, Henry Eley, Clinton Eley the~~
~~last three infants under the age of 21 years.~~

to appear at the Clerk's Office of the ~~Circuit~~ ^{County} Court of the ~~County~~ ^{County of Norfolk}
at the rules to be held for the said Court on the ~~first~~ ^{first} Monday in ~~April~~ ^{September}, 1894,
to answer a bill in Chancery, exhibited against ~~them~~ ^{them} in our said court by ~~Mary~~

~~A. E. Eley in her own right and guardian~~
~~of Ing Eley, Minie A. Eley W. Lavinia A. Eley~~

And have then there this writ. Witness, ~~M. P. Young~~ Clerk of our said
Court, at the court-house, the ~~11th~~ ^{11th} day of ~~August~~ ^{August}, 1894, and in the ~~11th~~ ^{11th} year
of the Commonwealth.

~~Copy sent to J. P. Young~~ ~~M. P. Young~~

Exec gdw. for,

vs.

SUBPENA
IN
CHANCERY.

Eley et al.

Attorneys p q.

To

1st Sept.

Rules,

1894, circuit Court.

Executed this 18 day of
August 1894 by serving
a copy of the within summons
on Polly V Davis in Person
not finding Wm Davis at
his usual place of abode
I served a copy on P V Davis
she being there and a member of
his family over the age of 16 years
and after explaining its
purpose I requested her to hand
it to Wm Davis
J. W. Carmichael
For. at Cromwell Sheriff Deputy

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight Greeting:

WE COMMAND YOU, That you summon Mary Eley, Alvin W. Eley, Louisa

A. Eley, infants under 21 years of age; Thomas J. Marshall
and Martha his wife; John W. Taylor and Josephine his wife
W. T. Chandler and Col. Under his wife, William Dami and
Patsy his wife, James T. Auden and Lelia his wife, Nettie
Marshall, John S. Marshall, Peter V. Eley, Lilla C. Eley,
John Lang & Rosa Lang, Henry Eley, Clinton Eley,
the last three infants under the age of 21 years.

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight
at the rules to be held for the said Court on the 11th Monday in August, 1894,
to answer a bill in Chancery, exhibited against them in our said court by Mary

A. Eley in her own right and guardian of Mary
Eley, Alvin A. Eley and Louisa A. Eley

And have then there this writ. Witness, W. P. Young Clerk of our said
Court, at the court-house, the 11th day of August, 1894, and in the 119th year
of the Commonwealth.

A Copy Teste, W. P. Young ch

Executed by delivering to the within
named J. M. Taylor Josephine his wife
J. J. Marshall & Martha his wife. J. S.
Marshall & Leilla C. Eley, & Nettie Marshall
each a true copy of the within decrees.
Augt. 16th 1844

Ro. A. Edwards Sff

Eley M. W. E. gosh.

SUBPENA
IN
CHANCERY.

vs. }

Lucy Eley et al.

Geo. R. Alkman & q.

To *Geo. R. Alkman* Rules,
1844, Circuit Court.

7-43, 50

The Commonwealth of Virginia,

To the Sheriff of the County of Stanseman Greeting:

WE COMMAND YOU, That you summon Inez Eley, Aline A. Eley,
Lavinia W. Eley infants under the age of twenty
one years; Thomas J. Marshall and Martha his wife,
Jm. M. Taylor and Josephine his wife, W. F.
Chandler and Columbia his wife, William
Davis and Pollic his wife, James P. Pruden and
Selia his wife, Nettie Marshall, John S.
Marshall, Peter H. Eley, Silla E. Eley, John
Sang & Rosa Sang, Hecary Eley and Clinton
Eley, the said three infants, under
the age of twenty one years.

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight
at the rules to be held for the said Court on the first Monday in September, 1894,
to answer a bill in Chancery, exhibited against them in our said court by Mary
A. E. Eley in her own right and guardian
of Inez Eley, Aline A. Eley and Lavinia A.
Eley.

And have then there this writ. Witness, A. P. Young Clerk of our said
Court, at the court-house, the 29th day of August, 1894, and in the 119 year
of the Commonwealth.

A. P. Young clerk

Executed this 1st day of Aug
1894 by delivering a true copy of
the within process to M. J. Chandler
and Columbia: his wife, in person
J. M. Baker
Shraft

Deepest

vs. }
SUBPENA
IN
CHANCERY.

Deepest
et
al.

G. H. Ottumwa p. 9.

To
First Dept.
Rules,

1894, Circuit Court.

1 Interrogatories for witnesses filed with commissioners in the next
2 in of the records deems on the 12th day of December 1894
3 by the Circuit Court of Isle of Wight county in the suit of
4 Mary A E Ely in her own right and as guardian of Lucy
5 Ely, Alice A Ely and Lavinia A Ely against Lucy Ely and
6 others now pending in said court.

1 What is your age and occupation?

2 Are you acquainted with the land of which Robert J Ely died
3 seized and which is the subject of this suit?

3 Did you know the said land before the death of the said
4 Robert J Ely and have you known it since his death?

4 If so state what is its condition now compared with what
5 it was at his death and has it improved or not?

5 What is its annual and per acre value?

6 State whether in your opinion or not, it will be to the interest
7 of the infant children of said R J Ely to have the said land
8 sold and the proceeds invested in other property, and what are
9 your reasons therefor?

7 State whether or not in your opinion the heirs of said infants
8 will be injured by said sale and investment and your reasons
9 therefor.

R. E. Boykin

Edna Ely and others

vs R. E. Boykin et al

In plaintiff.

Clay M. A. C. E. etc.
n. 3rd clay.

Clay 11th etc. etc.

Interrogations
filed by J. W. A.
letter to and
referred to in the
deposition of J. B.
Britt & R. A. Edwards,
filed with Com. Camp's
report. Octo. 18. 1890.

The depositions of James J. Britt & Robert A. Edwards, taken before H. P. Green, one of the Commissioners in Chancery of the Circuit Court of Isle of Wight County, on the 18th day of October 1895, upon interrogatories filed by the guardian ad litem to the infant defendants, and the attorney for the plaintiffs, to be read as evidence in the suit in Chancery pending in said court, wherein Mary A. E. Eley in her own right and as guardian of Inez Eley, Alice Eley and Lavina A. Eley are plaintiffs, and Inez Eley, Alice Eley & Lavina A. Eley infants & also are defendants.

The said James J. Britt being duly sworn, deposes and says, to wit:

1st. Int'ly: What is your age & occupation?

Ans. I am 40 years of age, and occupation a farmer.

2nd. Int'ly: Are you acquainted with the land of which Robert J. Eley died seized and which is the subject of this suit?

Ans. I am acquainted with said land, having known it for many years.

3rd. Int'ly: Did you know the said land before the death of said Robert J. Eley, and have you known it since his death?

Ans. I know the said land before the death of Robert J. Eley and have known it since.

4th Inty. If so, state what is its condition now compared with what it was at his death, and has it improved or not?

Ans. Knowing the land, as I have said, I am of opinion that the said land is in a worse condition now than when Eley was living.

5th Inty. What is its annual & fee simple value?

Ans. I think its annual value is \$75.00 and its fee simple value is \$700.00

6th Inty. State whether in your opinion or not it will be to the interests of the infant children of said R. J. Eley to have the said land sold and the proceeds invested in other property, and what are your reasons therefor?

Ans. I think it will be to the advantage of said children to sell the land & convert the money because the land is depreciated the interest can be better ~~by~~ ^{after} ~~and~~ ^{used for}

7th Inty. State whether or not, in your opinion the heirs of said infants will be injured by said sale and investment, and your reasons therefor?

Ans. I do not think the heirs would be injured by the sale of the land because the property in which the proceeds will be invested will be worth more after a few years than the land at the

rate the land as depreciating,
and further this deposition said and
J. B. Britt

sale of the land because the re-
investment of the proceeds would be
worth as much or more than the land
to them.

Robert A. Edwards being duly sworn
deposes & says, to wit:

I have seen and heard read the
foregoing interrogatories, and the
answers thereto made by J. B. Britt
in his deposition not preceding this,
and I will state that, I am 43 years
of age, and my occupation is that
of farmer and Sheriff of Isle of Wight
County. In answer to interrogatories
2, 3, 4, 5, 6 & 7, I fully concur with
Mr. Britt in his answers aforesaid.

Ro. A. Edwards

I, A. P. Young a Commissioner in
shewery of the Circuit Court of
Isle of Wight County, do certify
that the foregoing depositions
of Jas. B. Britt and Robert A. Edwards
were taken and subscribed to
before me on the day and year
mentioned in the caption in
my office at Isle of Wight County.
Given under my hand this 18th day of
Oct. 1895.

A. P. Young

Elly M. A. R. R.

or, $\frac{2}{3}$ Depas.

Elly's infants & ad.

Filed 18. Octo.
1895,

Interrogatory 8th.

State the Terms of said contract, if any?

Answer.

The Terms of the contract are:- The purchase price \$1200.⁰⁰, \$500 or \$600⁰⁰ (at option of Mrs Eley) to be paid in cash; the balance in one, two and three years, with interest from date

Mrs Eley shall have the privilege of anticipating the payment of the deferred payments, at any time, in order to save interest on unexpired time. A Copy of the contract is filed herewith marked ~~XX~~

And further this deponent saith not.

J. R. Ellis.

State of Virginia

City of Roanoke Court }

I, G. H. T. Greer, Commissioner in Chancery of the Circuit Court for the City of Roanoke, in the State of Virginia, do hereby certify that the foregoing depositions were duly taken, sworn to and subscribed before me, at the time and place mentioned therein.

Given under my hand this 11th day of April 1899

G. H. T. Greer,

Commr in Chy

Commissioners fee for taking these depositions charged to Mrs M E Eley, to be paid as costs of suit \$

M. E. A. Eley in her own right and as Guardian
for Inez Eley, Alice A. Eley, and Lavinia A. Levy
against
Inez Eley & others,

3 Pff
bft
In Chy

Interrogatories proposed to be propounded to W. P. Dupuy and others
witnesses for the plaintiffs in above styled cause, on the 10th day of April
1899, in pursuance of notice hereto attached:

- (1) State your residence and occupation?
- (2) How long have you been a Real Estate Agent in the City of Roanoke?
- (3) State whether or not you are familiar with the prices and value of
real estate in said City of Roanoke?
- (4) Have you recently seen the House and lot No. 536 on 9th avenue S.W.
in said City, now occupied by Mrs M. E. A. Eley and her family? If so, describe
the property and state what you consider to be its fair value.
- (5) Do you think that the said house and lot would be a good investment of
a fund in the hands of a Court, for a widow and her children, (the former
having a life estate in one third of said fund, and the latter owning two-thirds
of the same now, and the other one third at the termination of said life estate)
at the price of \$1200.⁰⁰?
- (6) Do you know whether or not this ^{is the} property in which Mrs. Eley wishes

to invest the fund belonging to herself and children now in the hands of
the Circuit Court of Isle of Wight County, Virginia.²

- (7) State if you know, at what price the property aforesaid can be obtained
by the said Mrs. M. E. Eley, and if any contract has been made by her
for the purchase of said property as an investment of a fund belonging
to herself and children in the hands of the Circuit Court of Isle of
Wight County Va.²
- (8) State the terms of said contract, if any.²

I agree to the above interrogatories

R. E. Boykin
Sua ad litem
of infants.

To N. G. Cunningham and Incy his wife (formerly Incy Eley) Alice A. Eley
and Lavinia A. Eley and ^{R. E. Boykin} ~~R. E. Boykin~~ their guardian ad litem.

Take Notice that I shall, on the 10th day of April 1899, at the Office of
J. H. Spicer, 707 Terry Building, in the City of Roanoke Va., between the hours
of 6 o'clock A. M. and 6 o'clock P. M. of that day, proceed to take the depo-
sitions of W. P. Dupuy and others, to be read as evidence in my behalf in a
Certain Suit in Equity depending in the Circuit Court of Isle of Wight
County, wherein I am plaintiff and you are defendants; And if, from
any cause, the taking of the said depositions be not commenced on that day,
or if commenced, be not concluded on that day, the taking of the same will be
adjourned from day to day or from Time to Time, at the same place and
between the same hours, until the same shall be completed.

Respectfully Yours,

M. E. A. Eley in her own right and as Guardian
for Incy Eley, Alice A. Eley and Lavinia A.
Eley

March 31. 1899

M. S. Parrish
Counsel

I hereby acknowledge legal service of the foregoing Notice
R. E. Boykin

Adm. ad litem for Incy Eley, Alice A. Eley
and Lavinia A. Eley

Sale of Wright & Co

Eley M. E

Notice to take depositions
or and Interrogatories proposed
to be propounded

Eley Juez^{es} ocher

To April 10. 1899.

Witnessed by me
J. B. Roberts 762 May

To D. G. Cunningham and Inez his wife (formerly Inez Eley) Alvin
A. Eley and Lavina A. Eley - ~~vs. R. L. Thomas~~ ^{R. E. Barker} their guardian ad litem,

Take Notice that I shall, on the 10th day of April 1899, at the
Office of J. H. T. Speer, 707 Terry Building, in the City of Roanoke Va.
between the hours of 6 o'clock A.M. and 6 o'clock P.M. of that day,
proceed to take the depositions of W. P. Dufuy _____ and others
to be read as evidence in my behalf in a certain suit in Equity, depending
in the Circuit Court of Isle of Wight County, wherein I am plaintiff,
and you are defendants; And if from any cause, the taking of the said
depositions be not commenced on that day, or if commenced, be not concluded,
on that day, the taking of the same will be adjourned, from day to day,
or from time to time, at the same place and between the same hours,
until the same shall be completed.

Respectfully Yours,

M. E. Eley in her own right and as Guardian for
Inez Eley, Alvin A. Eley and Lavina A. Eley
by

March 31. 1899.

H. T. Parrish,
Counsel.

Eley M. E &c

Notice to take
Departions.

Eley, Inez and others

In April 10th 1899.

We hereby acknowledge legal service of the within

16 signed by
the following persons, and
their names and names
of the party - may
be seen

A. H. Lawrence
J. H. Lawrence
J. H. Lawrence
J. H. Lawrence
J. H. Lawrence
J. H. Lawrence
J. H. Lawrence
J. H. Lawrence
J. H. Lawrence
J. H. Lawrence

Subscribed and sworn to before me
this 10th day of April 1899.

Eley, M.E. et als

vs  Depositions

Eley, Inez et als

Filed April 13th 1899

The Depositions of William P. Dupuy and others taken before
Me G. H. T. Greer Commissioner in Chancery of the Circuit Court
for the City of Roanoke Va (pursuant to notice and agreement
hereto annexed) at my office 707 Ferry Building in said City
on the 11th day of April 1899, between the hours of 6 a.m. and
6 p.m.; to be read as evidence on behalf of the plaintiff, in a
Certain Suit in Chancery depending in the Circuit Court for
the County of Isle of Wight, wherein M. E. A. Eley in her own
right and as Guardian for Inez Eley, Helen A. Eley, and Lavinia
A. Eley, is plaintiff and Inez Eley and others are defendants.

At the Office of G. H. T. Greer, 707 Ferry Building, Roanoke Va. April
10th 1899 - The plaintiff appeared by H. S. Parrish her counsel
but no witness appearing to be examined, the taking of depositions
in the above named cause is adjourned till tomorrow, at the
place and between the hours named in the notice.

W. H. T. Greer Comr. in Chy

At the office of G. H. T. Greer, 707 Ferry Building in the City of
Roanoke Va. April 11th 1899, between the hours of 6 a.m. and
6 p.m.

Present. H. S. Parrish Counsel for Plaintiff -

William P. Dupuy a witness of lawful age, being duly sworn
deposes and says as follows in answer to Interrogatories

Interrogatory 1st

State your residence and occupation?

Answer.

I reside at Roanoke Va, my business is Insurance.

Interrogatory 2nd

How long have you been a Real Estate Agent in the

City of Roanoke ².

Answer.

I am not now in the Real Estate business, but was for five years.

Interrogatory 3rd.

State whether or not you are familiar with the prices and value of real Estate in said City of Roanoke?

Answer.

I think I am fairly well so.

Interrogatory 4th:

Have you recently seen the house and lot No 536 on 9th Avenue S.W. in said City, now occupied by Mrs. M. E. Eley and her family? If so, describe the property and state what you consider to be its fair value?

Answer.

I have seen it today. It is a residence, situated on 9th Av., on a lot 25 feet by 130 feet. It is a frame building and seems to have 7 or 8 rooms in it. It seems to be in good condition. Its fair Cash value is from \$1300⁰⁰ to \$1500.

Interrogatory 5th.

Do you ^{think} that that the said house and lot would be a good investment of a fund in the hands of a Court, for a widow and her children (the former having a life estate in one third of said fund and the latter, two-thirds of the same now, and the other one-third at the termination of said life estate) at the price of \$1200⁰⁰?

Answer.

I do. It is in a good residential portion of the town, a part of the town where houses are always in demand.

Interrogatory 6th.

Do you know whether or not, this is the property in which Mrs. Eley wishes to invest the fund belonging to herself and children now in the hands of the Circuit Court of Isle of Wight County, Virginia?

Answer.

I do not know.

Interrogatory 7th

State if you know at what price the property aforesaid can be obtained by the said, Mrs. M. E. Eley, and if any contract has been made by her for the purchase of said property, as an investment of a fund belonging to herself and children, in the hands of the Circuit Court of Isle of Wight County Va.?

Answer.

I know nothing about that.

Interrogatory 8th.

State the terms of said contract, if any?

Answer

I do not know of any contract. I am not at all interested in the sale. And further deponent saith not.

W P Dupuy

C. C. Taliaferro, a witness of lawful age, being duly sworn deposes and says as follows, in answer to Interrogatories.

Interrogatory 1st

State your residence and occupation?

Answer.

Residence #207 Ninth Avenue S. W. Roanoke Va.; occupation Real Estate Agent, and Manager for Roanoke Land & Improvement Co.

Interrogatory 2nd -

How long have you been a Real Estate Agent in the City of Roanoke?

Answer.

Ever since the 4th March 1888.

Interrogatory 3rd

State whether or not you are familiar with the prices and value of real estate in said City of Roanoke?

Answer.

I think I am. I think I am called on oftener to give valuation of real Estate, than any man in Roanoke.

Interrogatory 4th

Have you recently seen the house and lot No 536 on 9th Avenue S.W. in said City, now occupied by Mrs. M. E. Eley and her family?
If so, describe the property and state what you consider to be its fair value?

Answer.

I saw it this morning. It is a two story building in very good condition, on a lot 25 x 130 feet. It has all the modern improvements, water and gas, bath room &c. I used to rent it years ago. I consider it fairly worth \$1200.⁰⁰. I think I could sell it for that. It is in a very good neighborhood. All the houses in the neighborhood are residences and are always easily rented.

Interrogatory 5th.

Do you think that the said house and lot would be a good investment, of a fund in the hands of a Court, for a widow and her children (the former having a life estate in one third of said fund and the latter owning two thirds of the same, now, and the other one-third at the termination of said life estate) at the price of \$1200.⁰⁰?

Answer.

I do. It is in a good residential portion of the town, - I think the house would bring \$15⁰⁰ per month rent, monthly, - which is a very good price.

Interrogatory 6th.

Do you know whether or not this is the property in which Mrs. Ely wishes to invest the funds belonging to herself and children, now in the hands of the Circuit Court of Isle of Wight County, Virginia?

Answer.

I do not.

Interrogatory 7th.

State if you know, at what price the property aforesaid can be obtained by the said, Mrs M. E. Eley, and if any contract has been made by her for the purchase of said property as an investment of a fund belonging to herself and children, in the hands of the Circuit Court of Isle of Wight County, Va.?

Answer.

I do not know.

Interrogatory 8th.

State the terms of said contract if any -

Answer.

I do not know. I am not at all interested in the sale, or property.

And further deponent saith not.

L. C. Taliaferro

J. R. Ellis, a witness of lawful age, being duly sworn, deposes and says as follows in answer to interrogatories:

Interrogatory 1st

State your residence and occupation?

Answer

Roanoke Va., occupation, Real Estate business.

Interrogatory 2nd

How long have you been a Real Estate Agent in the City of Roanoke Va?

Answer

About ten years.

Interrogatory 3rd

State whether or not you are familiar with the prices and value of real estate in said City of Roanoke?

Answer

I think so.

Interrogatory 4th

Have you recently seen the House and lot No 536 on 9th Avenue S.W. in said City, now occupied by Mrs. M. E. Eley and her family. If so, describe the property and state what you consider to be its fair value?

Answer

I saw the property yesterday, and see it once or twice a week. It is an 8 room, frame dwelling, covered with tin, on a lot 25 x 130 feet. It has the usual modern improvements, hot and cold water, gas, and toilet room, clait, etc. There is no better location in town than it. All the houses there are residences, and I have no trouble to rent them. The property is worth about \$1400.⁰⁰. It will pay six per cent, above all expenses, on \$1400.⁰⁰. It rents for \$15.⁰⁰ every month, and there is no trouble at all to rent it at

at that price.

Interrogatory 5th.

Do you think that the said house and lot would be a good investment of a fund in the hands of a Court for a widow and her children, (the former having a life estate in one-third of said fund and the latter owning two-thirds of the same now, and the other one-third, at the termination of said life estate,) at the price of \$1200⁰⁰?

Answer.

I do.

Interrogatory 6th.

Do you know whether or not this is the property in which Mrs. Eley wishes to invest the funds belonging to herself and children now in the hands of the Circuit Court of Isle of Wight County Virginia?

Answer.

It is.

Interrogatory 7th.

State if you know, at what price, the property aforesaid can be obtained by the said Mrs M. E. Eley, and if any contract has been made by her for the purchase of said property, as an investment of a fund belonging to herself and children in the hands of the Circuit Court of Isle of Wight County Va.

Answer.

It can be bought for \$1200.⁰⁰. Mrs Eley has made a contract for its purchase, at that price, as an investment of the funds alluded to.

Copy of Contract

Exhibit ~~XX~~ with deposition of Geo R. Ellis

This Agreement made this, the 4th day of November 1898 between
L. C. Ellis, of the first part, and Mrs. Mary E. A. Eley of the second
part. Witnesseth, that in consideration of One ¹/₁₀₀ Dollars, receipt
whereof is hereby acknowledged, the said party of the first part doth
hereby agree to sell and convey unto the said party of the second party
all that certain lot or parcel of land, with all the appurtenances
thereto belonging, lying in the City of Roanoke, State of Virginia
and described as follows, to-wit: Being No 536 South Side of 9th
Ave. Southwest.

The said party of the second part agrees to pay for the said
property the sum of Twelve ⁰⁰/₁₀₀ Dollars, of which the sum of
One ⁰⁰/₁₀₀ Dollars - also acknowledged - is a part, the residue pay-
able as follows, to-wit: Five or Six hundred (\$500⁰⁰ or \$600⁰⁰ / Dollars,
Cash on delivery of deed, balance evidenced by 6% interest bearing
negotiable notes, payable in 1 - 2 + 3 years from date of deed.

The said party shall have the privilege of anticipating the
payment of said notes thereby saving int. on same for unexpired
length of time.

And the said parties hereby bind themselves, heirs, executors
and administrators for the faithful performance of the above
agreement as soon as deed is prepared from the date hereof,
said time to be of the essence of this agreement, unless
extended by mutual Consent in writing endorsed hereon.

In Witness whereof the said parties have hereunto set
their hands and seals the day and year first above written

(Signed, C. C. Ellis

(Signed, Mrs. M. E. A. Eley

Eley M. E. A.

vs E Exhibit ~~xx~~ filed with
deposition of J. R. Ellis

Eley Inez vs

Copy contract of Mrs M. E. A
Eley to purchase house & lot
#536 Ninth Ave. S. W. Roanoke
Va.

Elys. 8m.

as. 3 1/2 m.

Elys. 1 1/2 m. 1/2 m.

"

Tax paid

Levy

To the Clerk of the Court Board of Sale of Wm. H. County
Summon to Order on 3rd Monday in August 1896 Levy
Eley, Alice A Eley, and Lawrence A Eley who are infants
under 21 years of age Thomas J Marshall and Martha
his wife John W Taylor and Josephine his wife, W F Blend
his wife Columbia his wife William Davis and Fannie his
wife James J Ponder and Lelia his wife, Nettie Marshall
John J Marshall Helen A Eley Lilla Eley Rosa Eley Mary
Eley and Charles Eley the last ^{three} of whom are infants
under 21 years of age to answer the bill of complaint
of Mary A Eley in her own right and as guardian
of Levy Eley Alice A Eley and Lawrence A Eley
his P. H. Robinson by

Office of
County Judge of Isle of Wight,

Geo. R. Atkinson, Attorney-at-Law.

Smithfield, Va. December 11th 1892

N P Young Esq

Dear Sir

I enclose the certificate of the publication of notice in the case of Eley Iron vs Eley Jeds which I thought was in the papers but found on my desk. ^{at last time}
The judge would not grant the decree, because Mrs. Eley had not sworn to the bill, but she has done so now as shown by my certificate at the foot of the bill. and there is no objection to the decree for decrees being entered

Yours Truly
Geo R Atkinson

STATE OF VIRGINIA.—IN THE
S Clerk's office of the Circuit Court of
Isle of Wight county the 9th day of August,
1894—in vacation :

Mary A. E. Eley, guardian of Incz Eley,
Aline A. Eley and Lavinia A. Eley, and
in her own right.....Plaintiffs,

AGAINST

Incz Eley, Aline A. Eley and Lavinia A.
Eley, infants under the age of twenty-
one years; Thomas J. Marshall and Mar-
tba, his wife; John M. Taylor and Jose-
phine, his wife; W. T. Chandler and
Columbia, his wife; William Davis and
Pattie, his wife; James T. Pruden and
Lelia, his wife; Nettie Marshall, John S.
Marshall, Peter H. Eley, Lilla C. Eley;
John Lang and Rosa, his wife; Henry
Eley and Clinton Eley, the last three of
whom being infants under twenty-one
years of age.....Defendants.

IN CHANCERY.

The object of this suit is to obtain par-
tition of the land whereof Robert J. Eley
died seized and possessed in the county
aforesaid; and affidavit having been made
and filed that the defendants Peter H. Eley
and James T. Pruden and Lelia, his wife,
are not residents of the State of Virginia, it
is ordered that they appear here within
fifteen days after due publication of this
order and do what may be necessary to
protect their interests.

A copy—Teste :

N. P. YOUNG, Clerk.

G. R. ATKINSON, p. q.

au17-4w

STATE OF VIRGINIA.—IN THE
Clerk's office of the Circuit Court of
the County of Norfolk, the 9th day of August,

to be distributed among the good people

The Economy Clothing House

And deposited the same in great abundance at

SHOES, HATS, ETC.

Clothing, Gents' Furnishings

—IN—

Latest Styles and Novelties

Costs \$6.00.

Office of The Herald.

Suffolk, Va. *OCT 10* 18*94*

I hereby certify that the order of which the annexed is a copy has been published in THE SUFFOLK HERALD in the manner prescribed by law==once a week for four successive weeks.

John F. Parker

Editor Herald.

In the Clerk's Office of the Circuit Court of the County of
Isle of Wight

M. A. E. Eley gdw, of Inez Eley & Co.

against

Inez Eley, torten

Plaintiff

In Eley,

Defendant

This day

Geo. B. Atkinson atts, for plff.

personally appeared

before me,

A. O. Young

Clerk of the said Court,

and being duly sworn made oath that

Peter H. Eley, ^{and James D. Eley} ~~are~~ ^{are} of the ~~State~~ ^{County} of ~~Isle of Wight~~ ^{Isle of Wight}

of the def

defendant in the said suit is not a resident of the State of Virginia.

Geo. B. Atkinson

Subscribed & sworn to by Geo. B. Atkinson

Given under my hand as Clerk of the said Court, this 11th day of August

1894.

A. O. Young clk.

Eleg good, et al,

vs. { AFFIDAVIT FOR ORDER
OF
PUBLICATION.

Eleg's wife, et al,

G. B. Altman p. q.

1 To the Circuit Court of Isle of Wight county,

2 Pursuant to a decree of the said Court rendered on the 27th day of
3 April 1896, in the suit in chancery pending therein styled Ely Green
4 decd and others vs Ely and others, the undersigned Commissioner
5 of said suit who was directed to collect the said bonds of Geo W Green
6 with any respectively yet due, reports that he has collected the re-
7 mainer of the first bond shown to be due by the following state-
8 ment, to wit, The Principal of said bond 643.16

9 And from December 2nd 1895 to April 1st 1896, 12.63
10 making 655.80

11 Thompson and deposits in Bank of Smithfield 225.00
12 having 430.80

13 Interest thereon from April 1st 1896 to December 10th 1896. 17.98
14 making 448.78

15 To commissions 2% on \$30.62 interest 60
16 having 448.18

17 which has been deposited in the Marine Bank of Norfolk Va as directed
18 by said decree and the receipt of the said Bank therefor is herewith re-
19 turned, All of which is respectfully submitted,

20 Geo P Atkinson

Elyton and others

Elyton and others
Report of collection
of 1st June Band.

Mary A. E. Eley guardian of Mary Eley,
Alinda Eley and Savina W. Eley . . . Pliffs.

vs.

J. W. Cleaves

Mary Eley, Alinda Eley & Savina W. Eley infants
of Robert L. Eley decd. and others . . . Defs.

To the Circuit Court of Ill of Wright County,

Pursuant to a decree of the said court
rendered on the 13th day of December 1894, in
the above cause, directing a commissioner
of said court to report the fees simple and
accrued value of the land in the bill mentioned.
Second, whether it will be to the interests of
infants Mary Eley, Alinda W. Eley and Savina W.
Eley to sell the said land and invest the proceeds,
and third, whether the heirs and distributees
of the said infants, in case of their death,
will be injuriously affected by such sale,
together with any matters deemed pertinent
by himself or required by any party to be so
stated. Your commissioner reports to the court
that, on the 7th day of March 1895, he issued
notices to the parties, plaintiffs and defendants,
that he had fixed upon the 21st day of March
1895, as the time, and his office as the place,
to make the inquiry and report so required,
and requiring them to attend. That said
notices were served on all the parties except
Wm. P. Davis and Pollie V. his wife. That the
execution of said decree was continued to the
10th day of April 1895, and new notices issued
against said W. P. Davis & wife. That said
new notice was served, and on the said 10th
day of April 1895, from evidence before

your commissioner, he reports the fee simple value of said land, which is tract of one hundred acres, adjoining H. B. Roberts, John Jenkins and others, to be \$400.00 and the assessed value thereof \$75.00

That, the infants being all females, and the said land being not susceptible of partition to the advantage of the infants, and your commissioner reports that it will be to the interests of said infants to sell said land and invest the proceeds, and that the heirs and distributees of the said infants, in case of their death, will not be injuriously affected by said sale.

Given under my hand as a commissioner in chancery of the Circuit Court of Sale of Wight County, the 10th day of April 1895.

A. P. Young Comm. in Chanc.

Comm. fee	\$12.50
Fee to Wight Co. Shff. by Court	1.00
Total to Court	13.50
1 of Wight Shff. notes	4.50
N. P. of Portsmouth fee	1.00
~~Cost before Court~~	~~\$18.50~~
Print notes	.50
Edwards note	.50
	\$19.50

Eley gov. 1st
vs. 3 In Eley.

Eley's infants at ab.

Report of Comd. Henry
under deers Deer 13,
1894.

Filed Apl. 10. 1895.

Ely Gardner &

vs

Ely and others

Solo Bonds, vouchers be
lent with report of Geo R. Williams
consequence of sale.

TRANSIENT ADVERTISEMENTS and SUB-
SCRIPTIONS PAYABLE in Advance.

ANNUAL ADVERTISERS Required to Set-
tle Quarterly.

JOB WORK, Cash on Delivery.

Suffolk, Va.,

1894

THE SUFFOLK HERALD

BOOK AND JOB PRINTING ESTABLISHMENT

J. E. BOOKER, Proprietor

Printed for

Geo R Atkinson ally

Aug 17 To Book Notice - Ely & Co vs Ely
4 in 4w / 6⁰⁰

Geo R Atkinson

J. C. Connaill
A. D. Guathrey

No 61

Smithfield, Va. February 7th 1896

THE BANK OF SMITHFIELD

SMITHFIELD, VA.

Pay to J. B. Bennett Wm. & Sons

Seven ⁷⁰/₁₀₀

FEB 17 1896

or order

SMITHFIELD, VA.
100

Dollars

For Mrs M A E Eliza Jones on A/c.

Wm R. Atkinson

\$7 ⁷⁰/₁₀₀

A. P. Young

No. 62

Smithfield, Va.

189

check 15.39
bank 13.00
28.39

THE BANK OF SMITHFIELD

SMITHFIELD, VA.

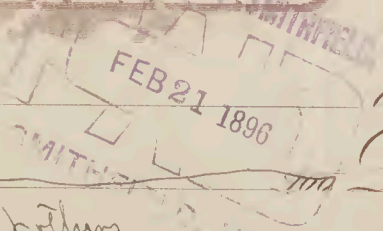
Pay to N P Young

Twenty eight ³⁹/₁₀₀

\$28.39

Due in full of M & E Ely & Co vs Ely Brothers

Wm R. Atkinson



or order
Dollars

No. A. Edwards

V. W. Jayner

No 63

Smithfield, Va. Feb 8th 1896

Gift	7.00
Auction	5.00
Wharf	50
	<u>12.50</u>

THE BANK OF SMITHFIELD

SMITHFIELD, VA.

Pay to R A Edwards

Twelve ⁵⁰/₁₀₀

Due in aid of M & E Ely you vs Ely & others

\$12⁵⁰/₁₀₀

Wm R Watkins

or order
Dollars



In the Circuit Court of Elk of Wright
County October 28th 1895-

Mary A. E. Eley in her own right & as guardian
et c - Plaintiff -

vs -

James Eley & others

Defendants -

This cause came on this day to be again
heard on the papers formerly read, & on the
report of Commissioner George Under decree
therein of December 12th 1894, and April 22
1895, and deposition of witnesses taken in pursu-
ance of law, and was argued by Counsel;
On consideration whereof the Court doth confirm
said report to which no exceptions are filed and
doth adjudge order & decree that George R.
Atkinson who is hereby appointed a com-
missioner for that purpose do issue for sale
the tract of land in the bill & proceedings men-
tioned at public auction before the door of Elk
of Wright Court House on some Court day
after having duly advertised the time place
& terms of sale at the door of said Court house
on a Court day, & at four or more public
places in the said county not less than twenty
days prior to the day of sale & upon the following
terms, to wit, for cash as to so much of the proceeds
as may be necessary to pay the costs of suit &
sale including a fee of fifty dollars to George

A copy

by A. G. Young Deputy

Brought up	86.50
J. B. Brill with	.50
R. W. Edwards "	.50
	<u>1.00</u>
	87.50
Out, paid:	6.00
	<u>\$ 81.50</u>

$$\begin{array}{r} 1237 \\ 150.68 \\ \hline 128632 \\ \hline 64316 \end{array}$$

ben 15. 22. 74

Clay M. A. B. John R.
 W. J. B. C. J.
 Clay J. B. J. J. J.
 Recd of Vol 20 of 89

Q Only

To the Grand Court of Isle of Wight County,

The undersigned, commissioner of said land under the decree of the said court rendered on the 28th day of October 1895 in the suit in chancery pending therein between Mary H & E Ely on the one hand and as guardian of Jane Ely and others plaintiff and the said Jane Ely and others defendants, respectfully reports that after having the tract of land in the title and proceedings mentioned as required in the said decree he offered the same for sale at public auction before the door of the court house of Isle of Wight County on Monday the 2nd day of December 1895 that being court day, and George W Turner having the sum of Fourteen hundred and thirty seven dollars was declared the highest bidder and paid the sum of one hundred and fifty dollars and sixty eight cents and has executed two notes for Five hundred and forty three dollars and sixteen cents each dated on the 2nd day of December 1895, payable 12 and 18 months after date respectively and bears my interest from date with B F Butler and W S Holland as his sureties, making \$11437.00 as follows. To wit

Two Bonds of \$643.16 each	\$1286.32
Cash payment	150.68
	\$1437.00

Your commissioner has expended the cash payment as follows,

As allowed by court and lost to us Paid Geo Parkinson	51.30
Books for \$15.39. Commissioner for \$13.00	28.39
Sheriff of Isle of Wight	7.00
Sheriff of other counties Paid Geo Parkinson	5.00
Witness for \$11.00 Underwriter \$2.00	6.00
Order of publication \$6.00 Handbills 1.35	7.35
Commissioner on \$300. \$15.00 as \$1137. 22.74 Paid Geo Parkinson	37.74
Taxes on the land for 1895	7.70
	137.68

Your commissioner further reports that the said bid was generally regarded as an exceptionally large one, and the purchaser having some diffi-

Paid to the clerk of the court by B F Butler

1 fully in giving what your commissioners deemed adequate security,
2 as an inducement to the parties who signed the said bonds he agreed
3 to and did receive on the 2nd day of April 1896 a payment of Five hun-
4 dred and twenty five dollars on the bond which first falls due, and
5 has deposited the same in the Bank of Smithfield, Smithfield Va
6 having a certificate of deposit therefor bearing interest at the
7 rate of four per cent ~~per annum~~ per annum, after ten days from date
8 of deposit which certificate is herewith returned, and also
9 the vouchers for payments made,

10 have under my hand as commissioner of sale as aforesaid
11 Geo R. Wilkinson

12
13 Received December 8th 1896 of J. S. Young black Sales Bond of
14 Geo W. Sumner and others for \$600, payable 12 months after
15 date with interest from date, and dated December 2nd 1895

16 Geo R. Wilkinson Commissioner

17
18 Received May 3rd 1897 of J. S. Young black the certifi-
19 cate of deposit of Bank of Smithfield for \$225.00 dated
20 April 1st 1896, and the sales Bond of Geo W. Sumner, and
21 B. B. Culler and W. S. Holland as his surety dated May
22 2nd 1895 and payable 18 months after date

23 Geo R. Wilkinson

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To the Board of Court of Isle of Wight County

Pursuant to a decree of the said Court rendered on the 26th day of April 1897 in the suit of Ely guardian and others vs Ely and others pending therein the undersigned commissioner of said Court has collected of the Bank of Smithfield the sum of \$30.02 and the interest which has accrued on the sum of \$225 therein deposited, has also collected of the Marine Bank of Norfolk Va for interest to the 1st day of July 1897 and \$448.18 therein deposited and has paid the said sums to Mary E A Ely in her own right and as guardian of her children the receipts for which are herewith returned together with the certificate of Deposit of the Bank of Smithfield for the balance now on deposit, to wit, as shown by the following statement

Amount of Certificate of Deposit of Bank of Smithfield of April 1st 1896

225 00

To bank paid Mary E A Ely

~~20 00~~

Interest on same to May 5th 1897.

4 85

To commissions

19

" paid Mary E A Ely

39 68

" Certificate of Deposit of May 5th 1897

194 98

234 83 234 83

Amount collected of interest from Marine Bk

4 46

To commissions 18. Paid Mary E A Ely, 9.28

9 46

Again commissioner further reports that pursuant to decree of April 27th 1896 he on the day of September 1897 received the sum of \$712.05 in full of the 2nd sales bond and proceeds and delivered to Geo W Sumner the proceeds as a good and sufficient ^{deed} for the land in the bill mentioned and after paying costs of sale and sent out of the accrued interest paid the balance to Mary E A Ely in her own right and as guardian of her children and he has deposited the principal of said bond in the Marine Bank of Norfolk Va. as per the following statement.

Received the Principal of said Bond

643 16

" Interest to Sept 1897

68 89

To commissions on \$68.89 1.37 Balance 2.

1 39

1.38

" paid for deed and certifying the same.

10 50

" paid Mary E A Ely

37 00

" Deposited in Marine Bank of Norfolk

643 16

712 05. 712.05

The vouchers for said payments and the booklets of deposit of the Marine Bank is herewith returned

Wm P. Atkinson
Commr of Sale

Edw. J. and wife & others

Edw. and others

Robert L.
Commr of Sale
booklets ~~and~~ payments
and deposits.

1 Received May 8th 1897 of his Parkinsan Thirty nine dollars and sixty
2 eight cents in full of amount collected by him from the Bank of
3 Smithfield, under decree of Circuit court of Isle of Wight county of
4 April 26th 1897, in suit of ~~Eley~~ ^{Eley} & Co vs Eley and others,
5 M. E. D. Eley.
6
7

Mrs Mary, E. Eley

Mary E. A. Eley

Pay The Bank of Smithfield,
Smithfield, Va., or order,
V. W. JOYNER.

No. 132

Smithfield, Va., July 29th

1897

THE BANK OF SMITHFIELD

SMITHFIELD, VA.

Pay to Mary E. Ely

Nine ²⁸/₁₀₀

or order

100 Dollars

Interest from Marine Bank.

\$9.28

Geo. R. Watkins

M E A Eley
not counting



Smithfield, Va.

July 30th

1898 No. 240

The Bank of Smithfield

Smithfield, Va.

Pay to Mrs W E A Ely & family

Twelve \$6/100

on order \$12⁰⁰

Dollars

But of Jul and 6 July 18th after paying 50¢

Geo R Atkinson

Geo. R. Atkinson,
Smithfield, Va.

203,17

$$\begin{array}{r} 819 \\ 1637 \\ \hline 2456 \\ \hline 49. \\ \hline 2407 \\ 1649 \\ \hline 1258 \\ 2 \end{array}$$

9754

$$\begin{array}{r} 19498 \\ 9561 \\ 0971 \end{array}$$

Mr. Geo. A. Stinson, Smithfield, Govr Eley Isdn. VS Eley No.

1897.

To JOHN W. ROBERTS, Treasurer of Isle of Wight County, Va., Dr.

SUBJECTS OF TAXATION.	State Tax, 30c. on \$100.	State School Tax, 10c. on \$100.	County Levy, 40c. on \$100.	County School Tax, 5c. on \$100.	District School Tax, 5c. on \$100.	County Road Tax, 5c. on \$100.	TOTAL TAX.
To.....acres Land, value \$.....							
".....acres Land, value \$.....							
".....acres Land, value \$.....							
".....acres Land, value \$.....							
" Personal Property, value \$ <u>1286</u>	<u>3 86</u>	<u>1 29</u>	<u>5 15</u>			<u>64</u>	
" Capitation Taxes.....	<u>1 00</u>		<u>50</u>				
" Income.....\$.....							
Total.....							<u>\$10 94</u>
5 per cent. additional.....							<u>55</u>
Total.....							<u>\$11 49</u>

Received payment 30 day of July 1897 J. W. Roberts Treasurer,

Per J. W. Roberts

M. E. D. Ely

Smithfield, Va., September 22nd 1897 No. 203

The Bank of Smithfield

Smithfield, Va.

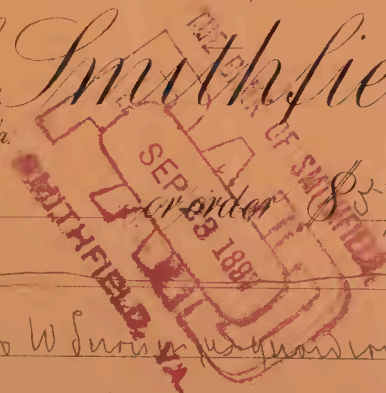
57⁰⁰

Pay to Mrs M E A Ely

Fifty Seven ⁰⁰/₁₀₀

Interest on 2nd Sales Bond of Geo W Snow as guardian and in his

Geo R Atkinson



1 To the General Court of Isle of Wight County,

2 The undersigned appointed a special commissioner by the said court by
3 its decree rendered on the 25th day of April 1898. in a suit in chancery pending
4 therein styled Ely guardian and others against Ely and others and by
5 decree of October 25/1897 rendered in the same cause, to collect the bank
6 note of deposit of the Bank of Suffolk dated May 3rd 1897.
7 and apply the accrued interest to the payment of the taxes on the fund in the suit
8 for the year 1897, and deposit the principal sum in the Marine Bank of
9 Norfolk Va. and to collect the interest on the fund in the said Marine
10 Bank as it falls and pay the same to Mary A & Ely in her own right
11 and as guardian of her children reports that he has collected the said
12 Certificate of Deposit and interest and applied the proceeds as follows, Court

13	Amount received on Certificate of deposit of Bank of Suffolk of Penn			
14	July 8/1898 of Interest \$8.14			8 03 17
15	Amount received of Interest from Marine Bank to July 8 th 1898	~~15 37~~		16 37
16	To Commission on \$24.58 ⁴⁹ Taxes ^{11.49} Stamp ⁹	12 00		
17	" Paid Mrs M & A Ely.	12 56		
18	" Deposited in Marine Bank of Norfolk	194 98		
19		219 54	219 54	

20 The vouchers for the payment and the Certificate of Deposit of the Marine Bank
21 of Norfolk dated July 6th 1898 for one hundred and ninety four 98/100 Dollars
22 have been returned.

23 I am under my hand as Special Commissioner of the said court
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Wm R. Atkinson

Ely, M. E. A. Gardner's Lab

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Ely and others
Report of
Commissioner Anderson
under license of October 25 1897
and April 25 1898.
Lithograph, photograph and
reprints.

Ely, Ely & Co
vs

Ely, Ely & Co.

Report of
C. W. Robinson

made June 24 1899

1899

June 27, Filed

IN THE CIRCUIT COURT OF THE ISLE OF WIGHT COUNTY.

In Vacation APRIL 24, 1899.

-----x
Mary E. A. Eley in her own right)
and as guardian, etc.)
vs.)
Inez Eley and others/)
-----x

Report of Special Commissioner George R. Atkinson,

To the Honorable Judge of the Circuit Court of the Isle of Wight
County, Virginia.

Your Commissioner begs leave to report to the court the following facts in connection with the contract made by Mrs. Mary E. A. Eley with C. C. Ellis, agent of the Exchange Building Company, which is the subject of the decree entered in this cause on the 24th day of April, 1899.

After the execution of the said contract between ^{Mary} Mrs. E. A. Eley and said C. C. Ellis, it became necessary to consummate the said contract by a deed of conveyance in order to preserve for the children of ^{Mary} Mrs. E. A. Eley the benefit of the said contract. Accordingly, ^{Mary} Mrs. E. A. Eley borrowed \$500.00 in money, paid the same to the said Exchange Building Company, and took from it a deed conveying the said property described in the contract aforesaid to herself, at the price of \$1200.00, in which deed is a recital of the payment of said sum of \$500.00 in cash, and the residue of \$700.00 is evidenced by a negotiable note made by said Mrs. Eley payable to said Exchange Building Company one year after

with interest from date

date, and secured by a deed of trust on the property.

Your Commissioner files with this report said original deed.

Your Commissioner has also obtained from H. T. Parrish, of the city of Roanoke, a reputable and competent attorney in that city, an abstract of the title to said property, showing that Mrs. Eley has under the said deed, a clear title to said property, subject to a lien for the balance of \$700.00 of the purchase money aforesaid. While the carrying out of this contract in this form is not exactly in accordance with the terms of the decree of April 24, 1899, it accomplished the same object, and was better for the said infant children than to have left their rights dependent upon the agreement of the 4th of November, 1898, referred to in said decree.

Your Commissioner reports this fact to the court in order that it may enter a decree directing the transfer of the title to Inez Cunningham, Aline A. Eley, and Levinia A. Eley, subject to the life estate of the said Mrs. Mary E. A. Eley in one-third thereof, according to the changed condition of affairs.

As the matter stands now, therefore, the title to the property is in Mrs. Mary E. A. Eley, subject to the lien for the payment of said sum of \$700.00. *with interest thereon*

Your Commissioner suggests to the court that a decree be entered, directing Mrs. Mary E. A. Eley to convey to the said Inez Cunningham, Aline A. Eley, and Levinia A. Eley, the property aforesaid, subject to the life estate of Mrs. Mary E. A. Eley in one-third thereof, which she is allowed to reserve in the deed, and upon the same being done, directing your Commissioner to remove the encumbrance of \$700.00 aforesaid, and to pay to Mrs. Mary E. A. Eley the sum of \$500.00 advanced by her to make the cash payment of the purchase money of the said property.

Chas. R. Williamson

Circuit Court of Isle of Wight County, in vacation, on
the 2nd day of June 1899.
Mary E. A. Eley, in her own right,
and as guardian &c.

vs. §

Jnez Eley and others.

We, the undersigned, constituting all the
parties to the above mentioned suit in chancery,
now pending in the Circuit Court of Isle of Wight
County, Virginia, do hereby consent that said
cause be submitted to the judge of said Court
in vacation for such decision and decree
therein in vacation as might be made in term.
Given under our hands this 14th day of June
1899.

D. G. Birmingham

Jnez E. A. Eley.

Mary E. A. Eley.

Lavinia Alberta Eley.

Aileen Adonia Eley.

Mary E. A. Eley. Guar.

R. E. Boykin Esq ad litem of infants abis.

I Robert R. Prentiss Judge of the
Circuit Court of Isle of Wight County,
do certify that the parties to the
above entitled cause have consented
that the same may be submitted
to the judge of this Court for such
decision and decree therein in vacation
as might be made in term.

Robert R. Prentiss.
To the Clerk of the
Circuit Court of Isle of Wight County.

Mary E. A. Eley,
in her own right,
and as guardian, etc.

vs

Inez Eley & others.

Enter June 27, 1899
Robert M. Eley

Received & Entered of
record June 29th 1899
Jas. J. Young & Co.

In the low end court of St. of Wright County.

2 Processant to a decree of the said court rendered on the 25th day of October 1897
 3 was to me rendered on the 27th day of June 1899 in a suit in chancery filed
 4 my Thirteenth between Mary E. & Ely on her own right and as guardian for
 5 plaintiff and Jany Ely and others defendants. The said record contains as one of
 6 reports that under the first named decree on the 16th day of January 1899 he collected
 7 of the Farmers Bank of Joseph thirteen dollars for interest due on the deposits there
 8 to this cause and after paying from said bank for postage and services of agent and 38
 9 cents commission he paid \$18.28 the sum under thereof to Mary E. & Ely whose
 10 receipt is herewith filed.

11 Your commissionaire further reports that pursuant to the order of June 27th 1899 he
12 collected from the 2nd Marine Bank of New York the money deposited therein to
13 the credit of this cause to wit \$1286.32 together with \$14.99 for interest thereon to
14 July 1st 1899 and has paid out the same as shown by the following statement

15	Amount from Marine Bank on Certificate of Deposit	1286 32
16	" " Sum for interest to July 1 st 1899.	19 29
17	Paid Mary E. & Eliza wife for \$7000 secured by deed of Trust on lot in	
18	the City of Omaha, with interest thereon	733 90
19	" Sum for bank interest on lot and money deed	503 93
20	" for H. S. Green loan on Eliza	3 87
21	" Sum for 1898	10 59
22	" Sum " 1899	12 22
23	" for returned testimony Paid Mrs. R. H. Robinson	13 00
24	" Sum for attorney deed from Mrs. Eliza Paid Mrs. R. H. Robinson	10 00
25	" Clerk's bill on said Paid N. J. Springer	12 61
26	" for certificate of Redemption of deed Paid Mrs. R. H. Robinson	75
27	Balance in hands of business man	72
28		1305 61 1305 61

39 You ever saw a man for the white that he drew a child from Mary E
30 A Ely ever say the lot in the City of Providence he has child on charge because
31 have Alice A Ely and Loren A Ely in your office as no way to have a
32 one interest in one third thereof and your commission has secured

1 and fees less with the certificate of the clerk of the Superior Court of Nevada
 2 of the recording of said deed and of the release of the said lot to the said Mary
 3 E. Ely.

4 Geo. R. Williams, Commissioner

copy M & A books
 no

copy
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130671
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Mr. Geo R. Atkinson Com, Smithfield,

No. _____

1898.

To JOHN W. ROBERTS, Treasurer of Isle of Wight County, Va., Dr.

SUBJECTS OF TAXATION.	State Tax		State		County		County		District		County		TOTAL	
	30c. on \$100.		School Tax, 10c. on \$100.		Levy, 40c. on \$100.		School Tax, 5c. on \$100.		School Tax, 5c. on \$100.		Road Tax, 5c. on \$100.		TAX.	
To _____ acres Land, value \$_____					336									
" _____ acres Land, value \$_____														
" _____ acres Land, value \$_____														
" _____ acres Land, value \$_____														
" Personal Property, value \$_____ 1286	3	86	1	29	4	29						65		
" Capitation Taxes _____	1	00			50									
" Income _____ \$_____													\$10	09
Total _____														50
5 per cent. additional _____													\$10	59
Total _____														

Received payment 3 day of July 1899

J W Roberts Treasurer,
Per J Robinson

Mr. *Geo. R. Atkinson* Comr. *Eley* Guardian *vs. Eley*
 1899. To JOHN W. ROBERTS, Treasurer of Isle of Wight County, Va., Dr.

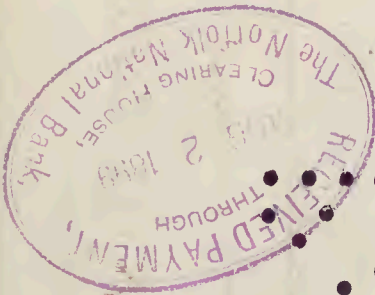
SUBJECTS OF TAXATION.	State Tax, 30c. on \$100.	State School Tax, 10c. on \$100.	County Levy, 50c. on \$100.	County School Tax, 5c. on \$100.	District School Tax, 5c. on \$100.	County Road Tax, 5c. on \$100.	TOTAL TAX.
To.....acres Land, value \$.....							
".....acres Land, value \$.....							
".....acres Land, value \$.....							
".....acres Land, value \$.....							
" Personal Property, value.....\$ <i>1256</i>	<i>386</i>	<i>129</i>	<i>643</i>	<i>1</i>		<i>64</i>	
" Capitation Taxes.....	<i>100</i>		<i>50</i>				
" Income.....\$.....							
Total.....							<i>1222</i>
5 per cent. additional.....							
Total.....							

Received payment *30* day of *November* *1899*

John W. Roberts Treasurer,
 Per *Fulgham*

G. H. T. Green

Comr in chg



ENDORSEMENTS
PAID TO THE ORDER OF
THE BANK OF THE CITY OF NEW YORK
AT NEW YORK



nk.

387

July 24th 1899 100

THE MARINE BANK, NORFOLK, VA.

Pay to G H J Ewer Commissioner in chancery or order

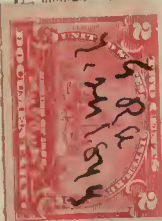
Eighty seven 87/100 Dollars;

as per decree of the Circuit Court of Isle of Wight County rendered on the 27th day of June 1899 100, in the Chancery Suit ofvs R Robinson
Special CommissionerEly, husband to
VS. Ely and others

SIGNATURE.

Landmark Steam Print.

STYLE OF SUIT.



COPY

Copy of the Decree made

M. E. A. Eley.



WASHINGTON, D. C.

Pay to the Order of

FIRST NATIONAL BANK.

WASHINGTON, D. C.

J. W. SHIELDS, JR., Cashier.

COPY

Copy of the Decree must be filed

SIGNATURE.

Landmark Steam Print.

STYLE OF SUIT.

~~\$505.25~~ 505 95

Southfield Va July 25th 1899

THE MARINE BANK, NORFOLK, VA.

Pay to Mrs M S A Eley

or order

Five Hundred and five 43/100 Dollars;

Cash paid for lot \$300. Received by Mrs M S A Eley
as per decree of the Circuit Court of the County of York

rendered on the 27th day of June 1899, in the Chancery Suit of

vs R Atkinson

Eley, Guardian de

Special Commissioner

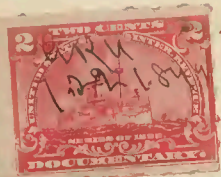
VS. Eley and others

Kindly give special
report on this
Nat. Ex. Bk.

Eleg & Eleg

733-

JAMES T. BOWMAN, CASHIER.



43390



Smithfield Va July 25th 1899

The Marine Bank Norfolk Va will pay to the
Lynchburg Trust and Savings Bank, Lynchburg Va
or order Seven hundred and thirty three 70/100
dollars in full of the principal and interest
of Note of M & A Eley for seven hundred
dollars dated December 13th 1898 and payable
December 13th 1899 with interest from date
and secured by a deed of trust of the same
date conveying the west half of lot 5 section
15 Lewis addition in the city of Roanoke Va
as directed by decree of the Circuit court
of Isle of Wight county rendered on the
27th day of June 1899 in the chancery suit
of Eley, Guardian &c vs Eley and others.

PROTESTED FOR NON-
AT NORFOLK VA. JUL 13 1899
OF
CHARGES.
Yokes & P. & Co.

W. R. Atkins

Special Commissioner

Pay To The Order Of
NAT'L. EXCHANGE BANK,
LYNCHBURG, VA.
LYNCHBURG TRUST & SAVINGS BANK,
D. A. PAYNE, Sec. & Tr.

Pay to Order of
ANY BANK OR BANKER.
All previous Endorsements Guaranteed,
NAT'L. EXCHANGE BANK,
LYNCHBURG, VA.
JAMES H. DOWMAN, Cashr.

RECEIVED PAYMENT
THROUGH
JUL 28 1899
CLEARING HOUSE,
The Norfolk National Bank

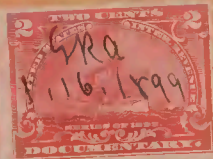
RECEIVED PAYMENT
THROUGH
JUL 29 1899
CLEARING HOUSE,
The Norfolk National Bank

Bank of Smithfield,
SMITHFIELD, VA.
NORFOLK NATIONAL BANK,
NORFOLK, VA.
THE VIRGINIA BANK, LEE'S CREEK

FOR DEPOSIT
TO THE CREDIT OF
L & J. J. CATO

RECEIVED
JUN 10 1891
NORFOLK NATIONAL BANK
NORFOLK, VA.

By
John



Smithfield, Va. January 16th

1899 No. 247

The Bank of Smithfield

Pay to
Eighteen

or order \$18⁵⁸

Dollars

Intersub. Bonds deposited in trust of Ely G. de la S. & Ely G. de la S. 1st inst

Wm R. Wilkinson

SACKETT & SACKETT,
ATTORNEYS AT LAW.

37 LAW BUILDING, 807 MAIN STREET,

PRACTICE IN COURTS OF LYNCHBURG CITY
AND ADJOINING COUNTIES.

LYNCHBURG, VA.,

July 19th 1899Judge J. J. Parrish
Roanoke Va

Dear Judge:

Your letter of 17th inst. has been duly received — The Bank desires to remit the interest and in appurtenant a statement showing the amount necessary to discharge Mrs. Ely's indebtedness as of the 10th inst. — You can forward us a check for this amount to be delivered to the Bank when the Release and is properly executed —

Very truly
yrs
Sackett & Sackett

Amt. Note, Principal + Interest due Dec 13 th 1899	\$741.00
less rebate at 3% for 146 days (July 10 th to Dec 13 th)	8.60
	733.40
Notary fee.	.50
	733.90

J. S. D. Brooke, Clerk of the Hastings Court for
the City of Roanoke in the State of Virginia hereby
certify that a Deed of Bargain & Sale between
Mrs Mary E. A. Eley of the first part, and
Inez Cunningham, Alvin A. Eley, & Lavinia
A. Eley, of the second part dated August 9th 1899,
purporting to convey property designated as
Lot 5 Section 15 Lewis Addition, was recorded
in this Clerk's Office October 12th 1899, in Deed Books
#119 page 1. Costs of Recordation \$2.45, Paid.
Also, a Deed of Release from Geo. S. Ellis, to Mary
E. A. Eley, dated July 26th 1899, purporting to
release a Deed of Trust, dated December 13th 1898,
given by Mary E. A. Eley upon West 1/2, Lot 5, Sect
15, Lewis Addition to secure the Exchange Building
Company a note for \$700.⁰⁰, was recorded in this
Office October 12th 1899, in Release Deed Books 11
page 217. Costs of Recordation \$1.75 Paid.

Given under my hand this the 19th day of October 1899

J. S. D. Brooke
Clerk

fee 75¢

In the Circuit Court of Dist of Wright County Dels Term 1894
Ely Guardian Dels

Ely's Infants and others

This cause in which ~~the~~ ~~plaintiff~~ the Plaintiff has
proceeded against the said Peter H Ely, John S Bond and
Lelia his wife in the mode prescribed by law against absent
defendants came on this day to be heard on the bill, ~~which~~
~~was~~ ~~presented~~ taken for complaint by the ^{and with} defendants J F Marshall
and Martha his wife John H Taylor and Josephine his wife W S
Chandler and John H Bond his wife William Davis and Pollie
on whom process has been duly served and they being in to appear heard on
the bill and John Ely, the guardian of the infant defendants
Lucy Ely, Minnie H Ely, Lucina H Ely, Rosa Lucy Henry Ely
and Clinton Ely by R E Bayless their guardian and others as
signed to defend their interest in this suit and on the per
sonal answers of the said Lucy Ely Minnie H Ely, Rosa Lucy
H Ely and Clinton Ely who are infants over the age of
14 years of age, with general replication thereto, and was ar
gued by counsel. On consideration whereof the court doth not
judge order and decree that a commission of this court do report
the fee simple and present value of the land in the bill men
tioned 2nd whether it will be to the interests of the infants
Lucy Ely Minnie H Ely, and Lucina H Ely to sell the said
land and invest the proceeds ~~therein~~ and 3rd whether the
heirs and distributees of said infants in case of their death will
be injuriously affected by such sale together with any
matters deemed pertinent by himself or required by any
of the party to be so stated.

Eliza L. L. L.
vs

Eliza L. L. L.

Heaven of
Delaware 1894

To be entered.

To be entered
CMA
Dec 13, 1894

Entered #2

Edw. Mansour &c

or

Edw. & others

Deane

Apr 22 1895

Subscribed.

Robert D. Deantis

Entered

227

Ely, however be

as

Ely and others

This cause came on this day to be again heard on the papers formerly
by and under the report of Benjamin Cow Young under date herein
of December 12th 1896 and was argued by counsel. On consideration
whereof the court both ~~direct~~ ^{decreed} ~~order~~ ^{that} the said re-
port be transmitted to the said commissioners with instructions to
~~report~~ ^{submit} thereon with the observations of witnesses in which
the said report was founded.

In the Circuit Court of Isle of Wight County Virg 1895

Mary H & Ely in her own right and as guardian to Plaintiff

vs

Luz Ely and others

Defendants

This cause came on this ~~change~~ to be again heard on the papers from
only read and on the report of Commissioner Young under decree
therein of December 12th 1894 ^{and April 22, 1895 with dispositions of which} and was argued by counsel ~~on case~~ ^{from information of law}
consideration whereof the court doth conform said report to which
no exceptions are filed and doth adjudge, order and decree that
George R. Atkinson who is hereby appointed a commissioner for that
purpose do offer for sale the tract of land in the bill and proceedings
mentioned at public auction, before the door of Isle of Wight Court
house on some court day, after having ~~after having~~ duly advertised
the time, place and terms of sale, at the door of said courthouse on
a court day, and at many or more public places in the said county
not less than ^{prior to the day of sale} twenty days, and upon the following terms, to wit:
for each us to so much of the proceeds as may be necessary to pay the
costs of suit and sale including a fee of fifty dollars to Geo R. Atkin-
son for his services as attorney in the cause and the remainder on
a credit of twelve and eight months, taking from the purchaser
for the deferred payments his two bonds of equal amount with inter-
est thereon from the day of sale and payable twelve and eight months
after date respectively and with sufficient security and waiver of the
homestead exemption, and make report to court of his proceedings
under this decree. But before the said commissioner shall proceed to execute
this decree he shall execute before the clerk of this court, with sufficient
security and waiver of the homestead exemption a bond in the penalty
of \$1500 and conditioned for the faithful performance of this
or any future decree in said suit.

John Pearce.
~~Wm~~ Sum 1895

Subscribed
Octo. 28, 1895
Robert H. Hines.

Encl. #2

1 In the Circuit Court of Ill. of Wright County April 27th 1896

3 Ely M & E Guardian &c

Plaintiff

4 vs

5 Ely, Lucy and others

Defendants

6 This cause came on this day to be again heard
7 on the papers formerly read and on the report of special com-
8 missioner George R. Wilkinson under decree herein of October
9 28th 1895 and was argued by counsel, the considerations whereof
10 the court doth compare the said report to which no exceptions
11 were filed and doth approve, order and decree that when the sales bonds
12 of Geo W Sumner and others filed with the said report shall fully discharge
13 ~~respectfully~~ ^{fully} or if the said Geo W Sumner desires to anticipate their
14 payment in whole or in part, leave therefore being hereby granted,
15 the clerk of this court shall deliver the said sales bonds to the
16 said George R. Wilkinson who shall give his receipt for the same
17 and proceed to collect the said bonds and deposit the proceeds
18 in the Marine Bank of Chicago Ill to the credit of this suit.
19 Taking the receipt of the proper officer therefor which he shall
20 submit with his report of his proceedings and as this
21 decree and upon the payment of the said bonds the said George
22 R. Wilkinson who is hereby appointed a commissioner therefor shall
23 execute and deliver to the said Geo W Sumner a good and lawful
24 deed with special warranty for the tract of land in
25 the bill and proceedings mentioned.

Ely Lundgren &
vs

Ely and others

Deceit

April 27th 1896

To be entered.

Robert J. Meeks

Entered # 1

In the Circuit Court of the County of Wright, April 26th 1897

Ely and others

vs

Ely and others

This cause came on this day to be again heard on the papers for
verily read and on the report of the R. Robinson commissioner of
sale under decree herein of April 27th 1896, and was argued by coun-
sel, the consideration whereof the Court both confirms and reports to
which no exceptions are filed and doth adjudge, order and decree that
the said commissioner do collect of the Bank of Smithfield the
sum of \$30.02 the interest which has accrued on the first sales Bond
and also the interest which has accrued on the sum of \$225, ~~deposited~~
~~in the Bank of Smithfield~~ and on the sum of \$448.18 deposited in
the Marine Bank Norfolk Va, which will be due and payable on
the 1st day of July 1897, and pay the same to Sarah A. Ely
in her own right and as guardian of her children
And the Court doth further adjudge, order and decree that as the
payment of the second sales bond of Geo. W. Tinsman shall out of the inter-
est which shall have accrued thereon, pay the unpaid costs of said and
sale and the remainder shall pay to the ^{said} Mary A. Ely in her
own right and as guardian of her children, and make report to Court
of his proceedings hereunder, and return the said certificate of de-
posit of the Bank of Smithfield

* That the clerk of this Court do deliver
to the said Mrs. Robinson on ^{the 1st day of June} the certificate of deposit of the Bank of
for \$225, and the money was received there for

Eely horn and others

Eely and others

Werner

April 26 1897

Schneider.

Robert H. Martin

5
Entered

1 In the General Court of the County of Loudoun April 24th 1899

3 Mary E. A. Ely in her own right and as guardian of Plaintiffs

4 to

5 Lucy Ely and others ~~defendants~~ Defendants

7 It appears to the court that since the last session of the court Lucy Ely one
8 of the infant defendants has reached the age of 21 years ~~and that she is~~

9 ~~the daughter of Marshall and Martha his wife John McTaylor and Josephine his~~

10 ~~wife W. S. Chambers and Benjamin his wife William Davis and Polly his wife~~

11 ~~James I. Prater and Lelia his wife Lelia Marshall, John I. Marshall, Peter H.~~

12 ~~Ely, Lelia Ely, John Ely and Peter his wife Mary Ely and Black Ely, have~~

13 ~~and do have any interest in the said suit and are no longer necessary parties~~

14 ~~it is ordered that they be dismissed as to the said defendants~~

15 ~~and that the said Lucy Ely having attained her majority~~

16 ~~and the said Lucy Ely has intermarried with Daniel Cunningham it is ordered~~

17 ~~that consenting that the cause proceed against the said Lucy Ely as an~~

18 ~~adult defendant and that the said Daniel Cunningham be made a~~

19 ~~party defendant to this suit, that this cause ^{come} ~~proceed~~ on this day to be~~

20 ~~argued heard and the papers formerly read, and on exhibits filed and on~~

21 ~~the deposition of witnesses and was argued by counsel, the court then~~

22 ~~thereof, the court with advice and consent the respondent~~

23 ~~entered into on the 4th day of November 1898 between Geo. Ellis of the~~

24 ~~first part and Mary E. A. Ely of the second part for the buyers and sale~~

25 ~~of a certain lot or parcel of land lying in the City of Roanoke and State~~

26 ~~of Virginia and known as No. 36 South side of 9th Avenue South west~~

27 ~~at the price of twelve hundred dollars, and each adjudge order and decree~~

28 ~~that Geo. R. Robinson Commissioner of sale under decree herein of October~~

29 ~~after being first satisfied by the opinion of a reputable attorney practicing~~

30 ~~in Roanoke that the vendors have good title to said real estate~~

31 ~~and upon delivery to him of the said money and interest and with~~

32 ~~general warranty, and the usual covenants of title, for the said lot~~

~~with draw~~ ~~shall receive~~ the proceeds on the same, placing his receipts therefor with
the clerk of the court. The three cash certificates of deposit of the Marine Bank
at Norfolk Va amounting to \$1286.32 and proceeds collect the same

* concerning the third thing to Mary E. A. Ely with reference
to Lucy Cunningham, William A. Ely and Geo. W. A. Ely,
and the other three things to the said Lucy Cunningham
and Geo. W. A. Ely and Geo. W. A. Ely

filed April 13, 1899

1 And after paying the unpaid costs of the suit including a fee of \$15-
 2 to the said Mr. R. Robinson as attorney herein, any balance on the said
 3 found that may be still unpaid, shall pay to the said ^{creditors of said lot or thing} ~~lot or thing~~
 4 ~~to the said~~ the said sum of twelve hundred dollars, the price of
 5 said lot, ^{and} the balance of any share pay, and shall thereof to the
 6 said ~~creditors~~ ^{creditors} ~~being~~ ^{being} ~~and~~ ^{and} ~~thereof~~ ^{thereof} shall pay to the said W. E. A
 7 Ely guardian of the said long burning, have Wm. A. Ely and Loren
 8 A. Ely and make report of each of his proceedings under this decree
 9 But before said amount shall be paid to
 10 the said guardian she shall execute
 11 proper bond before the Clerk of this
 12 Court in the penalty of \$100.- with
 13 good security conditioned for the
 14 faithful application of the fund, and
 15 for the management and preservation
 16 of any property or securities in which
 17 the same may be invested and for the
 18 protection of the rights of all persons
 19 interested therein, whether such
 20 rights be vested or contingent. -

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Wm. E. Ely
 April 24, 1899
 Robert H. Ely

Wm. E. Ely

Ely hardware &c

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no

Ely and others

Deer

Oct 24th 1898

To be entered

Robert R. Drank's

1 In the Circuit Court of the County of Wayne, October 24th 1898,

2

3 Eley M E A Guardian and others

Plaintiffs

4

vs

5 Eley and others

Defendants

6

7 This cause came on this day to be again heard on the papers formerly
8 sent and in report of Special Commissioner Geo R Atkinson under
9 decree herein of October 25th 1897 and April 23rd 1898 and was argued
10 by counsel on consideration whereof the court doth confirm the said
11 report to which no exceptions are filed and order that the said cause
12 be continued.

13

14

15

Eley Gdn and others.

VS.

Eley and others.

D-E-C-R-E-E. A

April 26th 1897.

A C O P Y.

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afforded all the said money, on the 14th day of July 1865, out of \$448.18, deposited in the Marine Bank of New York in interest which was accruing on the sum of \$832., and on the which was received on the first sales bond, and also the of the Bank of Switzerland the sum of \$20.00, the interest the receipt therefor; that the said conditional receipt to collect the said sum of the Bank of Switzerland for \$500. on the 11th day of the said George R. Atkinson conditional receipt of the said George R. Atkinson conditional receipt of the said sum of money, that the Clerk of this court is not to receive to receive to which no exception are filed and both affidavits.

On consideration whereof the court both could say and was asked by counsel.

George R. Atkinson does receive of John S. R. 1865, the balance formerly paid and on the receipt of conditional receipt.

This court orders on this day to be said being on

И.А. Букин.

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THE CONF-FURSE PHELOD WHIT SOFT 1803.

At a Circuit Court held for the County of Iowa at Muskegon

At a Circuit Court held for the County of Isle of Wight at
the Court-house thereof April 26th 1897.

Eley Gdn & als.

vs.

Eley and others.

This cause came on this day to be again heard on
the papers formerly read and on the report of commissioner
George R. Atkinson under decree herein of April 27th 1896,
and was argued by counsel.

On consideration whereof the court doth confirm said
report to which no exceptions are filed and doth adjudge,
order and decree that the Clerk of this court do deliver to
the said George R. Atkinson commissioner the certificate of
deposit of the Bank of Smithfield for \$225, on his filing
his receipt therefor; that the said commissioner do collect
of the Bank of Smithfield the sum of \$30.02, the interest
which has accrued on the first sales bond, and also the
interest which has accrued on the sum of \$225., and on the
sum of \$448.18, deposited in the Marine Bank of Norfolk Va,
which will be due and payable on the first day of July 1897
and pay the same to Sarah A. E. Eley in her own right and
as guardian of her children.

And the court doth further adjudge, order and decree
that on the payment of the second sales bond of Geo W. Tur-
ner shall put of the interest that shall have accrued ther-
on, pay the unpaid costs of suit and sale and the remain-
der shall pay to the said Mary A. E. Eley in her own right
and as guardian of her children, and make report to court
of his proceedings hereunder, and return the said certifi-
cate of deposit of the Bank of Smithfield.

A C O P Y.

Teste: *N. P. Young* -----Clk.

Cost

N. P. Young clk's cost 1.14

N. F. Young " " 206

Ely, Brandon and others

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Ely and others

Worcester

October 20th 1897

To be entered

Robert R. Hunt

Entered

1 In the Circuit Court of Isle of Wight county ~~April~~ October 25th 1897.

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Eley Grand Jur & others

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vs

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Eley and others

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This cause comes on this day to be again heard on the papers formerly read
and on the report of Commissioner Atkinson under decess herein of April
27th 1896 and April 26th 1897 and was argued by counsel. On consideration
whereof ^{the Court} doth confirm said report, to which no exceptions are filed and doth
adjudge, order and decree that Geo P Atkinson Commissioner of said is
authorized and directed to collect semi-annually as it falls due the
interest on the deposits in the credit of this estate in the Marine Bank
of Norfolk Va and the Bank of Suffolk and pay the same to Mary
& A Eley in her own right and as guardian of her children, till the full
due order of the court.

In the Grand Court of Isle of Wight County
April 25th 1898

W E H Ely, genl.

vs

Ely and others

This cause came on this day to be again heard on
the papers formerly read and was argued by counsel
on considerations whereof the court doth adjudge
order and decree that the clerk of the court doth
deliver to ~~the~~ R. L. Anderson, commissioner of said the
banknote of deposit of the Bank of Smithfield for \$194.⁹⁸
dated May 3rd 1897, which being his receipt therefor who shall
collect the same and shall apply the accrued interest ^{to} the pay-
ment of the taxes due for the year 1897 on the fund in ^{quit} this
and deposit the principal sum in the ^{taking receipt} Marine Bank of Norfolk
~~wherein receipt~~ and make report to court of his proceeding hereunder.

IN THE CIRCUIT COURT OF THE ISLE OF WIGHT COUNTY, *in vacation,*
ON THE *24th* DAY OF *June*, 1899.

-----X
Mary E. A. Eley in her own right)
and as guardian, etc.)
vs.)
Inez Eley and others.)
-----X

DECREE.

by consent
This day this cause came on in vacation to be heard upon the
papers formerly read, and the report of Commissioner George R. At-
kinson filed on the *27th* day of *June* 1899, and was ar-
gued by counsel;

And it appearing to the court that all parties to this suit
have had due and legal notice of the hearing of this cause, in va-
cation, and the court being of the opinion that the steps taken
by Mrs. Mary E. A. Eley, by which the property which was the subject
of the contract of the 4th day of November, 1898, referred to in
the decree entered in this cause on the 24th day of April, 1899,
has been conveyed to Mrs. Mary E. A. Eley, were for the interest
of her children, Inez Cunningham, Aline A. Eley, and Levinia A.
Eley;

And it further appearing from the said report that Mrs. Mary
E. A. Eley advanced \$500.00 of the purchase money of the said
property, and paid the same to the vendee thereof on the date of
the execution of the said deed; ~~and~~

And it further appearing to the court that the said Mrs. Mary
E. A. Eley now has a clear and indefeasible title to the said
property, free from any incumbrance or lien thereon, except a
lien for the sum of \$700.00, the residue of the purchase money
thereof, and that the steps so taken by the said Mrs. Mary E. A.

Eley were in the interest of, and for the benefit of, her said children, and should be ratified and confirmed, the court doth so
ADJUDGE, ORDER AND DECREE.

And the court doth further ADJUDGEM, ORDER AND DECREE that the said Mrs. Mary E. A. Eley do execute a deed with proper covenants conveying the property mentioned in the said agreement of the 4th day of November, 1898, to the defendants, Inez Cunningham, Aline A. Eley, and Levinia A. Eley, with equal interests to each, and to share and share alike; subject, however, to the life estate of said Mrs. Mary E. A. Eley in one-third of the said property, which she shall reserve in the said deed, and thereupon, the said George R. Atkinson, Commissioner of the court under decree of October 28, 1895, shall withdraw from the papers in the cause, placing his receipt therefor with the Clerk of the Court, the three certificates of deposit of the Marine Bank of Norfolk, Virginia, amounting to \$1286.32, and proceed to collect the same, and after paying the unpaid costs of the suit, including a fee of \$15.00 to the said George R. Atkinson, as attorney herein, any taxes on the said property that may be still unpaid, shall apply so much of the same as may be necessary to remove the said incumbrance of \$700.00 upon the said lot, and shall pay to the said Mrs. Mary E. A. Eley the sum of \$500.00 advanced by her towards the payment of the purchase money of the said property, and after having had the deed from Mrs. Mary E. A. Eley hereinbefore referred to duly recorded, and having paid the costs of recording the same, the residue thereof, if any, in his hands, shall be paid to the said Mrs. Mary E. A. Eley, guardian of the said Inez Cunningham, Aline A. Eley, and Levinia A. Eley, and the said commissioner shall make report to the court of his proceedings hereunder.

Before as it relates to the payment of the surplus to the guardian.
The said Commissioner shall not execute this decree until the

bond required by the decree of April 24, 1899, shall have been

Robert R. Drentis

To the Clerk of the Circuit Court of the County of Middlesex.

the undivided share of income

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Very humbly
as
Very much yours

Dear
April 23, 1900
To be in mind

Robert H. Smith

Entered

1 In the bench court of Isle of Wight April 23 1900.

3 Mary E A Eley in her own right and as trustee.

Plaintiff

4 against

5 J. J. Cunningham & Co.

Defendants

7 This cause came on to be again heard on the papers formerly read
8 and on the report of Commissioner Geo P. McKimmon under process
9 of October 25th 1897 and June 27th 1899 to which no exceptions were filed
10 and was argued by counsel. The Commissioner who of the court both
11 confirms the said report and doth adjudge order and decree that the
12 said Commissioner do pay to ~~the~~ Mary E A Eley for herself and as
13 guardian of her children the sum of seventy two cents in his hands by the
14 said report it being interest money, and he has receipt there for in
15 the papers, and it appearing to the court that there is nothing here
16 there to be done here in ~~that~~ it is ordered that the cause be removed
17 from the docket.

115 231
Deed B & S
Exchange Bldg Co.
TO
Mr. Mary A. E. Eley

Recorded in DB 115

Page 231

Received

Jan 120
Feb 125
p 13 2.45

Jan 20/99 Recd & AR

ELLIS BROS.
REAL ESTATE,
104 Jefferson Street, ROANOKE, VA.

ROANOKE PRINTING CO. ROANOKE, VA.



THIS DEED, made this 13th day of December, 1898, between the EXCHANGE BUILDING COMPANY party of the first part and Mary E. A. Eley, party of the second part,

WITNESSETH:- That in consideration of the sum of \$1200.00 of which the sum of \$500.00 is cash in hand paid, receipt whereof is hereby acknowledged, and the balance of \$700.00 payable one year from date to be evidenced by one certain negotiable, interest bearing note of even date herewith executed by the party of the second part and payable to the Exchange Building Company at the National Exchange Bank of Roanoke, Virginia, said note to be secured by a deed of trust on the herein-after described property, the party of the first part doth sell grant and convey, "with general warranty" of title unto the party of the second part all that certain parcel of land, with all the appurtenances thereunto belonging, situated in the City of Roanoke, Va. and described as follows:

BEGINNING at a point on the South side of 9th Avenue 200 feet East of Grove Street; thence with 9th Avenue East 25 feet to a point; thence South 130 feet to an alley; ~~th~~ thence with said alley West 25 feet to a point; thence North 130 feet to the place of beginning, being the West half of lot 5, Section 15, Lewis Addition.

The said party of the first part covenants that it has the right to convey the said land to the grantee; that the grantee shall have peaceable possession of same, free from all incumbrances; that it has done no act to encumber the land and that it will execute such further assurance to the said land as may be requisite.

WITNESS the signature of the Exchange Building Company

by its ^{Chair} President with its Corporate seal attested by its Secretary.

EXCHANGE BUILDING COMPANY

Attest *W. O. Thelf*
Secretary By *J. B. Fishburne* President.

STATE OF VIRGINIA, City of Roanoke, to-wit:-

I, *Jas. T. Ellis*, a Notary Public for the City and State aforesaid do certify that *J. B. Fishburne* ^{vice} President and *A. W. Phelps*, Secretary of the Exchange Building Company, whose names are signed to the foregoing writing bearing date on the 13th day of December, 1898 have acknowledged the same before me in my City aforesaid.

Given under my hand this ^{the} *14th* day of December, 1898.

Jas. T. Ellis, N. P.

In the clerk's office of the Housing Court for the City of Roanoke on the 20th day of January 1899. This deed was presented with the Certificate annexed admitted to record with \$1.50 in stamp cancelled *John H. Brooks* Clerk

Commissioner's Office,

Isle of Wight Co. Va. March 8th 1895

To W. G. Chandler and Columbia Chandler
his wife

You are hereby notified that I have fixed upon the 21st day of March 1895, next,
if fair, if not, on the next fair day thereafter (Sunday excepted), to take and settle at my office, ^{1st floor} ~~the~~ account
of the fee simple and assessed value of the land
in the proceedings mentioned. 2^d Whether it
will be to the interest of the infants Mary Eley, Oliver
A. Eley & Savina A. Eley to sell the said land & invest
the proceeds, 3rd Whether the heirs & distributees of said
infants will be injured or affected by such sale &
required to be taken by a decree of the Circuit Court of the County of Isle of Wight
rendered on the 13th day of Decr. 1894, in a suit in chancery depending in said
Court between M. A. E. Eley gds. of Mary Eley, Oliver A. Eley
& Savina A. Eley plaintiffs, and the said infants
and others defendants, of which the
said Chandler & wife are two.

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.

J. P. Young Com.
in Chanc.

Eleg good, to

vs.

COMMISSIONER'S NOTICE.

Eleg's infants to

*Mr. W. F. Chandler
and his wife will
please sign the
acknowledgment
on the back of
their return to
the Superior Court
March 1895.
H. B. Young, Secy.*

*All a Kentucky service of the within
noted,
March, 1895.*

*W. F. Chandler
W. F. Chandler*

Commissioner's Office,

Isle of Wight C. H. March 7th 1895,

To Mr. John Sarg and Rosa his wife
who was Eley too of the deferred act,
in the suit in chancery of Eley god
vs. R. J. Eley's infants & others.

You are hereby notified that I have fixed upon the ^{at} 21st day of March 1895 ^{at} ~~not~~ ^{an}
if fair, if not, on the next fair day thereafter (Sunday excepted), to take and settle at my office, ~~the~~ account
of ~~the fee simple and accrued value of the~~
~~land in the proceedings mentioned.~~ 2^d Whether
it will be to the interests of the infants to sell
said land and invest the proceeds. 3^d Whether
the interests of the heirs and distributees of
said heirs will be injured by said sale.
required to be taken by a decree of the ~~County~~ Court of the ~~County~~ of Isle of Wight
rendered on the 13th day of Decr. 1894, in a suit in chancery depending in said
Court between ~~M. A. Co. Eley god of Inez Eley to them~~
~~vs. and the infant heirs of R. J.~~
~~Eley decd & others depts. of which~~
~~deferred acts said Sarg & wife are~~
~~vs.~~

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.

A. B. Young, Commr.
in Chancery

Oliver Goodwin

vs.

COMMISSIONER'S NOTICE.

Oliver's infant child

Dec 21, March
1895

Mr. Lacey

In case of absence
I enclose the
receipt you will
have to sign the
acknowledgment
on the back &
return it to me

Very
A. P. Lacey
com

We read a knowledge received of
the within ~~Receipt~~, March 11th 1895
John Lacey
John Lacey
John Lacey

Commissioner's Office,

City of Night Court, March 7th 1895

To Wm R Davis and Collie V Davis two of the
defendants in the suit of M. A. E. Ely gon of
Mrs. Arthur A. and Lavinia A. Ely vs. R. J.
Ely's infants et al

You are hereby notified that I have fixed upon the 10th day of ^{April} ~~March~~ 1895 next,

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

of annual and for some value of the land in
the proceedings mentioned. 2^d whether it will be
to the intent of the infants defendants to sell said
land and invest the proceeds. 3^d whether intent
of the heirs and distributees of said infants will be
injured by such sale &c.

required to be taken by a decree of the Circuit Court of the County of Isle of Wight
rendered on the 13th day of December 1894, in a suit in chancery depending in said

Court between the said Ely gon vs. against Mrs. Ely
Arthur A. Ely & Lavinia A. Ely infants of R. J.
Ely and others

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.

N. P. Hough com
N. R. Hough att

Copy. Test.

N. P. Hough att

Eley's admr. &c.

vs.

COMMISSIONER'S NOTICE.

Eley's infants &c.

To 21. March 1895

Sole
Not FoundAccompany
Shuff11.02 front & back
inserted
all

State of Virginia,

City of Portsmouth, to-wit:

I, W. A. Sontress, a Notary Public for the city aforesaid, in the State of Virginia, do certify that J. M. Taylor this day personally appeared before me, in my city aforesaid, and made oath that he has this day served a copy of the within notice, ~~personally~~ to-wit, notice in regard to taking accounts in the chy suit of Eley, admr. &c., vs. Eley's infants &c., personally on Wm. P. Davis, and another copy of same personally on Pollie V. Davis, ^{and that} the said notice ~~having been~~ ^{was} served in the city of Portsmouth, of which city the said defendants are residents.

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

W. A. Sontress,

Notary Public

Commissioner's Office,

Isle of Wight Co. N. March 5th 1895

To M. A. E. Eley goods and to T. J. Marshall & Martha's wife
Jno. M. Taylor & Josephine his wife, Nettie Marshall,
Jno. S. Marshall, Lilla C. Eley, John Song and
Rosa Song, and R. E. Brykin goods and letters
to infants depts.

You are hereby notified that I have fixed upon the ^{21st} day of March 1895, ~~1894~~

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

of the fees simple and several value of the lands in
the proceedings mentioned. 2^o Whether it will be
to the interests of the infants of R. J. Eley to sell said
land and invest the proceeds. 3^o Whether the in-
terests of said heirs and their distributives will be
injured or affected by such sale, &c.

required to be taken by a decree of the circuit Court of the county of Isle of Wight
rendered on the 13th day of Decr, 1894, in a suit in chancery depending in said

Court between M. A. E. Eley goods of the infants
of R. J. Eley decd. and said infants
& others defendants.

at which time and place you are required to attend.

Given under my hand, as Commissioner in chancery of the said court, the day and year first aforesaid.

N. G. Housley Comm.

We hereby acknowledge service of
the within notice, March 1895

Thos J Marshall
Martha E. Marshall
E. Josephine Taylor.
Nettie Marshall
J M Taylor

Ans R. Atkinson
Att'y for Plaintiff
J. S. Marshall
Lilla C. Cley
R. E. Boykin Adm ad litem
for E. M. Dufanis

200.

R. A. E.

Form No. 400.

Eley good v.

COMMISSIONER'S NOTICE.

vs.

Cley's property etc.

To 21. March 1895

Executed near
18th 1895

R. A. Edwards
Att'y

Know all men by these Presents, That we, George R. Atkinson & Maggie W. Chapman
are held and firmly bound unto the Commonwealth of Virginia, in the sum of Forty
four Dollars,
to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind
ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally,
firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligation,
and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by
virtue of said office, post or trust, with coupons detached from bonds of this State. Sealed with our
seals, and dated this 14th day of November one thousand
eight hundred and ninety five.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound George R. Atkinson
shall faithfully perform the duties of his office or trust, as: Conservator
of sale
under a decree of the Circuit Court of the County of Isabella
pronounced on the 28th day of October, 1895, in the suit therein
depending under the name and style of M. A. C. Ely guardian
pro m. Inez Ely, Alina A. Ely and Alberta
E. Ely infants &c., and every other
person in said cause who may be required
to execute

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in
the presence of

Geo R Atkinson
Maggie W. Chapman
by W. H. Young, in fact



In the Clerk's Office of the Circuit Court of the County of

This day

suret on the above bond, made oath before me, Clerk
of the Court of the of
that estate, after the payment of all just debts, and those for which bound as
securit for others and expect to have to pay, worth the sum of
dollars.

Given under my hand this day of, 189.

Teste: Clerk.

Geo. R. Atkinson

Commd. in Elkg. Co.
Elkg. in ~~parts~~,
to }

COMMISSIONER'S
BOND.

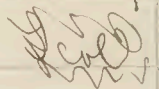
Commonwealth.

Executed in the
clerk's office of the
circuit court of
Jesse of Wight county,
Nov. 4th 1895. This
bond was executed
& acknowledged by
the obligor and
admitted to record

Teste, N. P. Young &c

Recorded
K. J. 50,

1 I Maggie W Chapman do hereby constitute and appoint
2 My attorney my true and lawful attorney for me and in my name
3 to execute as surety for Geo R Atkins on a promissory note
4 as by the Circuit Court of Isle of Wight County by decree on
5 Dated October 28 1895 in a suit in chancery styled Ely
6 Gordon vs Ely and others, on a bond in the penalty of \$1400
7 secured by said decree

8 Witness the following signature and seal November 1. 1895
9 M. W. Chapman 

10 Isle of Wight County Court

11 J R B Boykin a commissioner in chancery of the Circuit Court
12 of the county of said in the State of Virginia do certify that
13 Maggie W Chapman whose name is signed to the writing
14 above bearing date on the 1st day of November 1895 has acknowledged
15 the same before me in my County of said
16 here under my hand this 1st day of November 1895
R B Boykin Commissioner

W. W. Chapman
To: $\frac{1}{3}$ Power of Atty.
A. F. Young

In the clerk's office
of the Circuit Court
of Dale of Wight County
the 4th day of
November 1895, this
power of attorney
was admitted to
record on the
annexed certificate
of Comm. in Chap.
Test, A. F. Young

Recorded
Bond B. p. 51,

Abstract of Title to Lot 5 - western half
of said lot - in section 15 - of the Lewis
addition to the City of Roanoke.
For Mrs. Ely.

1.

It is regarded as unnecessary to go beyond
the title of Mrs Jane Lewis. Her title is as
well ascertained that it is now unquestioned.

2.

Mrs. Jane Lewis	Deed of Conveyance.
To	Dated - 23 October 1886.
Andrew Lewis	Acknowledged - 25 Oct. 1886.
	Recorded - Nov. 1 1886.
	Covenants - Gen. Warranty.
	D.B. 5, page 418.

Conveys: "All that portion of the land of the said
Mrs. Jane Lewis lying and being in the City of
Roanoke, Va., between Park Street on the East
and Iron Street on the West - the land for-
merly owned by H. Rorer on the north, and the
land of Samuel Fish on the south; being
sections 15 - 12 - 8 - 4 and a part of section
1, as shown by the revised map of the lands of the
said Mrs Jane Lewis on file in the Clerk's office
of the Hustings Court of Roanoke City, to which
map reference is hereby made for a more
accurate description of said property -
lots 24 section one, and lots 13 & 26 section 4

3

as shown by said map, have heretofore been sold by me and not intended to be embraced in this deed," &c.
Consideration: Natural love and affection - said Andrew Lewis being the son of the said Mrs. Jane Lewis.

3.

A. Lewis	Deed of Bargain and Sale.
To {	Dated 25-March 1887.
Sarah H. Welch,	Ack. 25-March 1887.
W. F. Welch, and	Rec. 6 April 1887.
Louis H. Welch	Cov. Gen. Warranty.
	D.B. 7, p. 115.

Conveys: "All lots embraced in sections 12 & 15 of the Lewis addition to the Town of Roanoke, and bounded as follows, to wit: East by Park street - on north by Elm street - on west by Grove street - and on south by lands of O. Fish and an alley."

Consideration: \$4,000.00

Payments: One third cash - balance in 1, 2 and 3 years, equal annual installments of \$888. 88 ²/₉, with interest from date, evidenced by bonds and secured by deed of trust.

4.

Sarah H. Welch,	Deed of Trust.
William F. Welch,	Dated - 25-March 1887.
Louis H. Welch	Ack. No date to it.
To {	Rec. 20 September 1888.
W. W. Berkeley	D.B. 15, page 23-5.

Conveys: "all the lots embraced in sections 12 & 18- of the Lewis addition.

In Trust - To secure to A. Lewis the sum of \$2866.66 $\frac{2}{3}$, payable in three equal instalments - being deferred payments of purchase money.

S.-

W.W. Berkeley

+
A. Lewis

To $\frac{3}{4}$

Sarah^{th.} Wmich,

Louis H. Wmich,

+
Wmich

Deed of Release.

Dated - 6 April 1889.

Ack. 6 & 9 April 1889.

Rec. May 1, 1889

Release D.B. 3, page 308.

Releases "certain lots in sections 12 & 18- of the Lewis addition." This deed evidently is intended to release the property in question.

6.

Sarah^{th.} Wmich,

Louis^{th.} Wmich and

Hora, his wife, &

Wm. L. Wmich

To $\frac{3}{4}$

E. A. Wilson, J. P.

H. Miller - S. P. Miller

J. P. Spindle

Deed of Bargain and Sale.

Dated - 31 Decr 1887

+
Acknowledged - 7 Jan'y 1888 & 2 Feb'y 1888

Recorded - 2 April 1888

Covenants - Gen. Warranty & H. E.

Consideration - \$5700. ⁰⁰

D.B. 11 p. 284.

Conveys: As described in no 3 of this abstract.

Payments: \$1900 ⁰⁰ Cash - \$2022 $\frac{24}{100}$ in 122 years from date in equal annual instalments of \$1011 $\frac{12}{100}$ each, with interest - and parties of second pair assume the payment of \$1777. 76 due by parties of the first pair to A. Lewis in equal annual payments of \$888 $\frac{88}{100}$ each, with interest & one

See pages 18 and 19
of this Abstract.

March 25, 1889 & March 25, 1890 respectively.

7.

E. A. Wilson & Helen, his wife,	Deed of Trust.
J. P. H. Miller and Sallie P., his wife,	Dated - 31 Decr 1887
A. P. H. Miller & J. P. Spindle	Ack. 19 Jan'y 1888 -
To {	30 Jan'y 1888 & 28 Jan'y
B. L. Greider	1888 - & 24 Jan'y 1888.
	Rec. 4 Feb'y 1888.
	D.T.B. 11 page 290

Conveys: Same property described in no 3 of this Abstract.

In Trust to secure payment of \$3800⁰⁰

8

Louis H. Winch &	Power of Attorney
Sarah H. Winch	Dated 28 September 1889
To {	Ack. 28 Sept. 1889
William H. Winch	Rec. 8 - Oct. 1889
	D.T.B. 24 page 442.

Copy.

" Know all men by these presents:

That we, Louis H. Winch and Sarah H. Winch, of Cleveland, Ohio, do hereby constitute and appoint William H. Winch, of Roanoke, Virginia, our attorney for us and in our names and for our use to collect by suit or otherwise and upon payment to him to receipt for, by release under seal or otherwise, all debts or demands whatsoever due or owing to us in said City of Roanoke and State of Virginia.

and especially to receive money due us on ^{notes} ~~notes~~
secured by mortgage and to release said mortgages
in proper and legal form. Whosoever our said
attorney shall lawfully do in the premises we do
hereby confirm the same as if we were personally
present and did the same. In witness whereof
we hereunto set our hands and seals this
28th day of September 1889.

Louis H. Winch

Sarah H. Winch. "

9.

Marginal Release of No 7 of this Abstract.
signed by W^m H. Winch and W. H. Winch,
att'y-in-fact. Does not state for whom he is
att'y-in-fact. This Marginal Release is
dated 26 Sept. 1890, and is duly attested by
the Clerk.

10.

E. A. Wilson, & Helen P., his wife, J. G. H. Miller and Sallie P. ~~his~~ wife, S. P. H. Miller and J. Powell Spindle Lo }	Deed of Conveyance. Dated 9 Feb'y 1888. Ack. 26 Feb'y 1888 - 23 Feb'y 1888 - 3 Mch 1888. Rec. 8 March 1888.
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E. Wilson Trustees.

D.B. 11 page 413

Conveys: Sections 12 & 15 - Lewis Addition &
other property, for purpose of sale by lots or
subdivisions. Acknowledgment of

E. A. Wilson defective - name of E. A. Wilson E. Wilson in body of the deed, but E. A. Wilson in subsequent Conveyances.

11.

E. A. Wilson and Helen P.,	Deed of Trust and Conveyance.
his wife - J. P. H. Miller	Dated 9 Feb'y 1888.
and Sally P., his wife -	Ack. 26 Feb'y 1888 - 23 Feb'y 1888 -
J. P. H. Miller - and	3 March 1888 - 8 th Dec'r 1890.
J. Powell Spindle	Recorded - 8 th March 1888
To }	+ 15 th Dec'r 1890.

E. A. Wilson, Trustee D.B. 5-5 page 40.

Conveys: Same property - including the property in question - conveyed by next preceding deed of this Abstract - and for the same purposes.

12.

E. A. Wilson, Trustee,	Deed of Bargain and Sale.
To }	+ Dated - 24 Nov. 1888.
J. W. Spindle.	Ack. 24 Nov. 1888.
	Rec. 24 Nov. 1888.
	Cov - Special Warranty.
	D.B. 17, p. 123.
	Consideration - \$800 ⁰⁰ .

Conveys: "Lots 5 and 6 in section 15, of the Lewis addition to the town of Roanoke, Va., as shown by the new map of said addition - said lot fronting 50 feet each on said street (south side of Wall's street) and running back 130 feet to an alley - no part of which said alley

is hereby conveyed, and if discontinued to
revert to the grantor herein."

Payments; \$266 $\frac{66\frac{2}{3}}{3}$ Cash - balance in
1 & 2 years - equal annual instalments of
\$266 $\frac{66\frac{2}{3}}{3}$ each, with interest, secured by
deed of trust.

13.

J. W. Spindle

To {

W. W. Berkeley

Deed of Trust.

Dated - 24 Nov. 1888.

Ack. 24 Nov. 1888.

Rec. Dec. 3 1888.

D.B. 18 p. 16.

Conveys: Same property next above des-
cribed in trust to secure deferred payments
of purchase money.

14.

Marginal release, dated 28 Nov. 1890,
reciting that amount of lien secured by
the deed (next above mentioned) had been
fully paid - duly signed by E. A. Wilson,
Trustee, and attested by the Clerk.

15.

J. W. Spindle et al.

To {

C. F. Mininger

Deed of bargain and Sale.

Dated - 10 March 1890.

Ack. 15 March 1890 - &

19 March 1890.

Rec. 28 April 1890.

Gov. Gen. Warranty & U. S.

Consideration - \$1600. ⁰⁰

D.B. 34 p. 108.

Conveys: Same property as in next preceding deed of this abstract.

Payments: \$5-33³³ cash — for balance party of second part assumes payment of one negotiable note dated Nov. 24, 1888 for \$266.^{66²/₃} due in two years from its date, with interest. Note with interest to this date amounts to \$287.37; executed by J. W. Spindle and payable to E. A. Wilson, Trustee. — and for further balance the party of the second part executes two negotiable notes of this date, each in the sum of \$389.65, payable in 1+2 years, with interest.

16.

C. G. Hininger

To

D. A. Garber

Deed of Trust.

Dated 10 March 1890.

Ack. 19 March 1890.

+
Rec. — (look like) 12 March 1890.

D. B. 30 page 178.

Conveys: Lots 5 & 6 in section 15 of the Lewis addition.

In Trust — To secure to J. W. Spindle \$779³⁰ evidenced by two notes of \$389⁶⁵ payable in 1+2 years.

17.

"Marginal Release: — The amount secured by this deed of trust having been fully paid

and satisfied, the same is hereby released.
Given under my hand this 24 day of
August, 1891.

J. W. Spindle

Attest: W. D. Brooke Clerk.

18.

C. F. Kinninger et ux.	{	Deed of bargain & sale.
To }		Dated 18 August 1890.
W. M. Wine		Ack. 21 Oct. 1890.
		Rec. 21 Oct. 1890.
		Cor. N. English
		D.B. 49 page 57.

Conveys: "Fronting 50 feet on south side
of Wats street and running back between
parallel lines 130 feet to alley & being
lot 5 in section 18 as shown by the map
of the Lewis addition to the City of Roanoke,
Va., being the same property conveyed to
C. F. Kinninger by J. W. Spindle and
Lavinia C., his wife, by deed bearing
date 10 March 1890.

Consideration: \$1250⁰⁰.

Payments: \$416.⁶⁷ Cash - balance of
\$833.³⁴ to be paid in two equal payments,
evidenced by negotiable notes, dated August
18, 1890, for \$416.⁶⁷ each, given by W. M. Wine
in favor of C. F. Kinninger, and payable in
1 & 2 years from date - Secured by deed of Trust.

19.

W. M. Wine

To }

D. A. Farber

Deed of Trust.

Dated - 18 August 1890.

Ack. 21 Oct. 1890.

Rec. 28 Oct. 1890.

D.B. 49 page 288.

Conveys: Lot 5 in section 15 of the
Lewis Addition.

In Trust - In trust to secure to C. G. Kinniger

\$833 ³⁴ "

20.

Marginal Release: Released by C. G. Kinniger
24 August 1891, the amount secured having
been fully paid and satisfied - Attested by the
Clerk in due form.

21.

W. M. Wine

To }

S. C. Whitaker

Deed of Bargain and Sale.

Dated - 20 August 1891.

Ack. 24 August 1891.

Rec. 28 August 1891.

Cor. F. W. & Mabel English.

D.B. 68 page 1.

Consideration: \$1000 ⁰⁰

Conveys: "Beginning at a point on Wells Street
200 feet from the South East corner of 6th and
Wells Street and running ^{East} ~~back~~ 28 feet to a
point - thence south 130 feet to a point -

on an alley - thence with said alley west 28 feet to a point on same - thence north 130 feet to the place of beginning - Known as the west half of lot no 5 - in section 15 - as shown by the map of the lands of the Lewis Addition to the City of Roanoke, Va. "

22.

Stanley C. Whitaker	Deed of Trust.
& Mary E., his wife,	Dated - 30 Oct. 1891.
To	Dec. 30 Oct. & 2 Nov. 1891
E. A. Wallen, Jr.	Rec. 7 Nov. 1891.
	D.B. 68 p. 324.

Conveys: In substance, same property as rec'd above described, and known as west half of lot 5, section 15, of Lewis Addition. In trust - To secure the payment of \$1600⁰⁰ and any premiums, fines &c., to the ^{Respect} Building Loan and Saving Association, of Geneva, New York - a Corporation &c. N. B. There is a provision in this deed that if said E. A. Wallen ceases to be Treasurer of said Association, any one else who may become ^{such} Treasurer shall be the trustee in this deed. It appears, by an order of the Justices Court of Roanoke City, entered on the 3rd day of September 1895, that on motion

of the People's Loan and Savings Association,
a New York Corporation - that Jas. D. Groves
was appointed as substituted trustee in the
place and stead of E. A. Wallen, who "has
resigned and has removed beyond the limits of
the State - in this deed - The deed in which
said Groves is appointed substituted trustee is
said to be - in this order - recorded in the
Clerk's Office of this Court in deed book 63,
page 324 - This order recites "that all
parties interested in the execution of
the said trust had reasonable notice of this
motion". But said order does not recite that
said E. A. Wallen was, at the time of said
resignation and removal, still Treasurer
of said Association - If he was not, and if
his successor had been appointed, then
such successor would be the trustee.

23.

J. C. Whitaker and	{	Deed of Trust.
Mary E., his wife.		Dated 19 th Nov. 1891.
To }		Ack. 25 Nov. 1891 - & 18 Jan'y 1892.
Jas. D. Groves		Rec. 19 Jan'y 1892.
		D.B. 72, page 14.

Conveys: West half of lot 5 - section 18 - of the
Lewis addition.

In trust - To secure to Wm. Wines payment of \$ 810⁰⁰.
N. B. This deed seems to be subsequent to the above deed of trust
to E. A. Wallen, under which the property in question was
sold by Jas. D. Groves, substituted trustee, no release to this
deed - but this does not matter.

34.

Stanley C. Whitaker

To $\frac{3}{3}$

Mary E. Whitaker

Deed of bargain & Sale.

Dated 18 Jan'y 1892.

Ack. 18 Jan'y 1892.

Rec. 19 Jan'y 1892.

Cov. Gen. W. & Usual E.

Con. \$ 25.00⁰⁰

D.B. 70, page 63.

Conveys: "Beginning at a point 200 feet from the S.E. corner of 6th street and 9th avenue and running with 9th avenue E. 25-feet to a point on same - thence S. 130 feet to an alley - thence with said alley W. 25-feet to a point on same - thence N. 130 feet to a point on 9th avenue, the place of beginning" - Known as the West half of lot No 8 - in section 15, of the Lewis addition.

Payments: \$90⁰⁰ Cash - the remainder of \$2410⁰⁰ as follows: "the said party of the second part assumes the payment of \$1600⁰⁰ to the People's Building and Loan Association of Geneva, N.Y. in monthly installments as set forth in their trust deed - And the said party of the second part assumes the payment of \$810⁰⁰ to W.M. Wine for purchase money for the said premises as evidenced by 162 negotiable notes for the sum of \$5⁰⁰ each

see next page.

25-

Jos. D. Groves, Sub. Tr.

To

People's Building, Loan,
and Saving Association

Deed of bargain & Sale.

Dated 19th Oct. 1895:-

Ack. 19 Oct. 1895:-

Rec. 25th Oct. 1895:-

Cor. - Special Warranty.

D. B. 99 page 383.

Conveys: "Beginning at a point on the southerly line of 9th Avenue 200 feet east of the S.E. Corner of said 9th Avenue and 6th Street - thence easterly along the southerly line of 9th Avenue 25 feet to a point - thence southerly and at right angles to said 9th Avenue 130 feet to an alley - thence westerly along the northerly line of said alley and parallel with 9th Avenue 25 feet to a point - thence northerly at right angles to 9th Avenue 130 feet to the place of beginning; and being known as the west half of lot 5 - section 15 - of the Lewis addition."

Recites: The deed from Whitaker & wife to Wallin, trustee - the substitution of Jos. D. Groves as trustee - the sale of the property in question - default having been made - said sale being had in accordance with the terms of the deed of trust - and the purchase by the said Association, it being the highest bidder, at the price of \$500⁰⁰ Cash.

see next page.

26.

Peoples Building,
Loan and Saving
Association

Lo 3

Present }
Owner. }

The Exchange Building
Company.

Deed of Bargain & Sale.

Dated 4 October 1898.

Ack. 24 October 1898.

Rec. 14th Nov. 1898

Con. G. E. W. & Personal E.

Con. \$900⁰⁰ Cash.

S.B. 114 p. 93.

Courtesy: "Beginning at a point 200 feet
from the South East Corner of 6th Street and 9th
Ave. S. W., and running with 9th Ave. East
25 feet to a point on same - thence S. 130 feet
to an alley - thence with said alley W. 25 feet
to a point on same - thence N. 130 feet to a
point on 9th Ave., the place of beginning -
being the west half of lot 5, section 15 of
Lewis addition to Roanoke."

Payments: Cash in full.

27.

I find no taxes, judgment liens, hipendens
- liens by reason of forfeited forthcoming
bonds - against this property.

28.

Remarks:

1. In the acknowledgments to the deed of
Sarah H. Wrench and ^{and her wife,} ~~her~~ Louis
H. Wrench and ^{and} Wm. H. Wrench to E. A.
Wilson - J. Q. H. Miller - J. P. Miller & J. P. Spindle

the Acknowledgment of Mrs Flora Wmich
is not strictly regular or in due form.
It does not state what was explained
to her - and does not say that she
"willingly" executed the same. But
I am of opinion that the Acknowledg-
ment can be easily corrected, if, there
This defect is not cured by any - Statute, that I know of.
is really any defect in it.

2. The power of attorney to Wm H. Wmich from
S. H. Wmich & Louis H. Wmich, is not sealed,
though power is given by it to release
sealed instruments. Under the Statute
of Va marginal releases are not re-
quired to be under seal, and the release
by the Attorney - in - fact is a marginal
release. While he releases as attorney in -
fact, he does not state for whom he releases.
These defects - if defects at all - can
be remedied - &

3. The first deed of conveyance from E. A. Wilson
& wife - J. G. H. Miller and wife - J. P. H. Miller
and J. Powell Spindle - to E. Wilson, trustee,
is defective in this: the conveyance is
to E. Wilson and his subsequent con-
veyances as trustee, are from E. A. Wilson
- the Acknowledgment of said E. A.
Wilson to the deed is defective.

* The power of Atty authorizes the
Attorney to release "under seal"
or otherwise. See copy of the
power of attorney on pages 40 & 5.
of this Abstract.

But these defects are corrected in the subsequent deed of conveyance and trust between the same parties.

4. I have already referred in the Abstract, to the substitution by the Corporation Council of Roanoke City of a trustee in the place of E. A. Wallen. I cannot say that this matter would not, possibly, raise some question in the future, and it is to be regretted that the order of the Corporation Council is not fuller. But the order states that E. A. Wallen had resigned the trusteeship, and that all proper parties, and parties interested, had due and reasonable notice of the motion to substitute a trustee in the place of E. A. Wallen, resigned, and, as the Council undoubtedly had jurisdiction in the matter - upon the whole, I am of opinion that no trouble is likely to arise in this regard.

5. It appears that the property in question was sold for taxes while it was in the possession of Mrs Mary E. Whitaker, or previously - but it also appears that it was redeemed by her.

Respectfully Submitted,

See next pages.

H. J. Parrish

on page 3 of this abstract there is mention of a deed from J. H. Winch, L. H. Winch & Flora his wife, and W. H. Winch to E. A. Wilson and others - and in Remarks on pages 15 and 16 it is stated that possibly the acknowledgment of Mrs Flora Winch is defective.

Since the former part of this abstract was made, this defect - if any - has been cured by a deed admitted to record 23 January 1899 - as follows:

L. H. Winch and
Flora, his wife,

to

E. A. Wilson, J. P. H.

Miller, J. P. Miller

and J. P. Spindle

Deed of grant and quit-claim.

Dated 1st December 1898.

Ack. 14 Dec^r 1898.

Rec. 23 January 1899.

Cor.

D.R. 115 p. 237.

Recites: That on 31 Dec^r 1898, by deed of the date, recorded in Clerk's office of Hurling, Com^{ty} of Roanoke City, the parties of the first part, together with J. H. and W. H. Winch, conveyed to the parties of the second part certain real estate in the City of Roanoke, Va^h hereafter described in this deed, and whereas a doubt has arisen as to the legality of the certificate made by the Notary Public of the acknowledgment of the said Flora Winch to the deed aforesaid, and it is desired to remove forever all doubt as to the validity of said deed, now, therefore, in consideration of the premises and one dollar cash in hand paid, receipt

whereof is hereby acknowledged. The said parties of the first part "grant, release and quit & claim" unto the parties of the second part, all "their right, title and interest" in and to said property, hereinafter conveyed as aforesaid, describing it.

The description is the same as in No 3 of this Abstract, and is correct. The Acknowledgment is in proper form. This cures any defect in the previous acknowledgment.

I hereby certify that I am of opinion that the above Abstract shows a good title to the western half of lot 8 - section 15 - of the Lewis Addition to the City of Roanoke, Va - and that I believe it would be a good investment at the price of twelve hundred dollars.

H. J. Parnick.

Atty - at - Law.

It will be observed that this Abstract sets out with a deed from Mrs. Jane Lewis. No lawyer in this City, unless specially required to do so, ever thinks of going back beyond her title. It is well settled that it is perfectly good, and goes back to the original grant.

Abstract of Title
to one half - west
half - of Cor. S. Sec=
tion 15 - of the Lewis
addition to Roanoke
City.

For Mrs Ely