

1879-003 Chancery Causes: John F. Morris & ux, widow of Davis Edwards & al VS Josiah T Edwards &
Isabel Wright County Stephen A. Eley, executors of Davis Edwards & al

Petition of George Hall, for John R. Kelby

Other surnames: Morris Harris,
Harrison, Marshall, Carr,
HARRISS

12

Commissioner's Office,

Isle of Wight Co. Va., Nov. 25th 1878.

To Stephen A. Elzy

Plaintiff,

and to

Defendants:

You are hereby notified that I have fixed upon the 2nd day
of December, 1878, to take and settle, at my office aforesaid.
the following accounts, to wit:

An account of the
judgment of the Circuit Court rendered
at the Oct. term 1877 in the suit of
Stephen A. Elzy vs. Lewis Edwards, Executor
in favor of said Elzy the sum of \$1000
plus interest, showing the balance
due him.

Required to be taken by a decree of the Circuit Court of Isle of Wight County, ren-
dered on the 22nd day of October, 1878, in a suit in
Chancery depending in the said Court, in which you are parties, plaintiffs and
defendants; at which time and place you are required to attend.

Given under my hand, as a Commissioner in Chancery of said Court, the day
and year first aforesaid.

Commissioner.

J. A. Cley

vs.  Comm. Notice

J. A. Edwards

to the Rev. Mr. [unclear]

Received by [unclear]
to the [unclear] [unclear]
[unclear] [unclear] [unclear]

Presented to the
[unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]

V. A. Edwards
[unclear]

July 8th

1870.

To Messrs. H. Morris & Martha S. his wife. Mary E. Edwards, & The said Mary E. Edwards as god^{mo} & next friend of Wm. & Geo. L. Edwards

Plaintiffs,

and

To Josiah T. Edwards in his own right, S. V. Eley, & Ann H. his wife, and the said J. T. Edwards & S. V. Eley Executors of Davis Edwards dec'd, and T. H. Harris & Frances his wife

Defendants.

You are hereby notified that I have fixed upon the 5th day of August next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office aforesaid, the following accounts:

- 1st An account of the transactions of said S. V. Eley & J. T. Edwards as Executors of Davis Edwards dec'd, in taking which acct. the Com^{rs} shall take as prima facie correct, subject to be surcharged & falsified, the accts of said transactions filed with the complainant's bill & any other accts. of said transactions regularly taken & confirmed by the County Court.
- 2nd An acct. of the outstanding debts due by said Davis Edwards or his estate.
- 3rd An acct. of the amount due the Legatee under the will of Davis Edwards dec'd.
- 4th An acct. of the amount due the complainant Mary E. Edwards under the agreement filed in this Cause,

required to be taken by decree of Isle of Wight Circuit Court, rendered on the 17th day of May, 1870, in a suit in chancery depending in said Court, between the said parties plaintiffs and defendants.

at which time and place you are required to attend.

Given under my hand as a Commissioner of said Court the day and year first aforesaid.

J. P. Young

Com'r.

Morris wife sal.

3 Cont. Adm.

N.

Edward Egan. sal.

To 5th of Aug. 1870.

Executed July 20th 1870.

by delivering a true copy
of the within to notice

to John F. Morris &

Martha D. Morris.

John Brockwell d. J.
for Dr. Shuman Chff

J. H. H.

To ^{Martin S. Lin} John F. Morris wife, Mary C. Edwards, and the
said Mary C. Edwards as adm. next friend of Wm.
and Geo. S. Edwards. Plaintiffs,

and
To Joseph S. Edwards in his own right as ^{adm. & exor.} the plaintiff,
J. A. Ely & wife, and the said J. S. Edwards & J. A. Ely & wife
of Davis Edwards Adm. and J. H. Harris and Frances
Lin wife. Defendants.

You are hereby notified that I have fixed upon the ^{5th} day of
August next, if fair, if not, the next fair day thereafter (Sunday
excepted), to take and settle, at my office aforesaid, the following accounts:
1st. An account of the transaction of said J. A.
Ely & J. S. Edwards as executors of Davis Edwards
Adm. In taking which account the Commissioner
shall take as prima facie correct, subject to be
reversed or falsified, the accounts of said trans-
actions filed with the complainant, but any
other account of said transaction regularly taken
and confirmed by the county court.
2nd. An account of the outstanding debt due by
said Davis Edwards or his estate.
3rd. An account of the amount due the Legatee
under the will of Davis Edwards Adm.
4th. An account of the amount due the Com-
plainant Mary C. Edwards under the agreement
filed in this cause.

required to be taken by decree of Isle of Wight Circuit Court, ren-
dered on the 17th day of May, 1870, in a suit in chancery
depending in said Court, between The said parties
Plaintiffs and Defendants.

at which time and place you are required to attend.

Given under my hand as a Commissioner of said Court the day and year
first aforesaid.

J. S. Green Com'r.

Executed by delivering a true copy of the
written Mary E. Edwards, Josiah Edwards
Stephen A. Ely & Ann H. his wife Talbot H. Harris
and Frances Harris July 27th 1870

E. A. Ely Jr
for F. Smith & Co

Morris, Edwards &

also

Wm. C. Edwards

W.

Edwards, Wm. C. Edwards

to the of Dec. 1870

6 copies

The Commonwealth of Virginia, To the Sheriff
of Isle of Wight County, Greeting:

Whereas, Stephen A. Eley, of a Circuit Court
for the County of Isle of Wight held on the 19th day
of October, 1872, by decree rendered in a suit in
chancery, then therein depending, in which John
F. Morris and wife and Mary E. Edwards were plain-
tiffs and Josiah T. Edwards and Stephen A. Eley as
executors of Davis Edwards decd: et als: were de-
fendants, the Court did "adjudge, order & decree
that Josiah T. Edwards pay to Stephen A. Eley his
co-executor Seven Hundred and Sixty one dollars
and twenty one cents, with interest thereon from the
3rd day of March, 1872, till payment." And
although decree was in form aforesaid rendered,
execution thereupon was not issued within the time
allowed by law, whereby the said judgment and
decree remains unsatisfied. And because those
things, which in our said Court are rightly done,
we would have duly put in execution: Therefore, we
command you, that you make known to the said
Josiah T. Edwards that he be before the judge of our
said Circuit Court, at the Court house, on the first day
of the next term thereof, to show, of any thing for himself
he hath or can say, why the said Stephen A. Eley execution
against him of the judgment aforesaid, may not have, if
to him it seems sufficient; and further to do and receive
what our said Court shall in this part consider.
And have them there this writ. Witness

J. A. Clay
vs.
J. B. Edwards

10 Dets. Court, 1878

Arrested

Executed by Returning
to the writ is named
Jasiah W. Edwards
a true copy of the
within Aug 31st
1878

J. B. Edwards
— Sheriff

A. P. Young Clerk of our said Court, at the Clerk's
office, the 2nd day of August, 1878, in the 113th
year of the Commonwealth.

A. P. Young Clerk

\$100 ⁰⁰/₁₀₀ Ordinance. The 25th day of Decr. 1886. We
or either of us promise to pay to George Hall
administrator of Geo Hall decd. &c. The sum
of One Hundred dollars. in specie or its
Equivalent. It being for the rent of the
Farm, belonging to the said decd. George
belonging to James Hall decd. for and
in consideration of the above sum. We
promise to put upon the fences, Two
Thousand rails, cut & haul said rails,
& put upon the fences also to Roara
my Mother Mary Hall for the year 1888
Little Wimpson had & Sept. the 18th Decr. 1885

T. J. Clivins

J. T. Edwards

Doris Edwards



Esac

Esac

Edwards & Edwards

To \$ Bond

\$100

Heall Adm

Edwards

v

Edwards Jr

Whereas Davis Edwards of the County of Sale
of Wight, has recently died, leaving a will which
was admitted to record in Sale of Wight County,
Court on the 4th day of March 1867, & by said
Will among other things, gives to his two youngest
children each, six hundred dollars and then
divide the balance of his estate equally
between his wife, and all of his children in-
cluding the two youngest ones. — And whereas
his said wife to wit: Mary E. Edwards has
expressed her purpose to renounce the pro-
visions made for her by said will and to
take under the law; And to avoid which
an agreement of compromise has been effected
by & between her and the adult Legatus of
said deceased, and which is as follows, The
said Mary E. Edwards agrees to accept as
her portion of said decedent's estate in lieu
of the "Poor Law" allowance and dead weight
the following articles, to wit: Provisions enough
to serve her and family the present year, the
horse called "Charles", one steer, Cooking utensils
sufficient for cooking purposes, one Bedstead
& suitable clothing enough, Bacon enough
for two persons to carry on the crop at Mr.
Whitely's place, and also enough corn for
the same purpose. The said Mary E. Edwards
agrees to except one seventh of the personal
and chattel estate, after the debts and proper

charges are paid, and also agrees to accept one third of the proceeds of the land after paying out of the sales of the land the legacies of six hundred dollars to each of said youngest children; And the said Mary E. Edwards also agrees that the lands of said deceased may be sold as directed by said testator's will: And further agrees to indemnify and save harmless the adult legates from all damage and loss which they may sustain hereafter, in consequence of any action on the part of the said youngest children, who are named Willie B. & Geo. L. Edwards, because of this agreement - and it is agreed & covenanted on the part of the adult legates of said decd: to wit: Stephen A. Eley & Ann H. his wife, Josiah T. Edwards, Tolbert Harris & Mary F. his wife, John F. Morris & Martha S. his wife that the said Mary E. Edwards, widow as aforesaid shall have the property as above set forth & in the manner named. Witness the following signatures & seals this 8th day of March 1864.

Witness,
 Josiah P. Hoy
 Nathaniel ^{his} Bradshaw
 Mark
 Melvil ^{his} Fulgham
 Mark

Mary E. Edwards	
S. A. Eley	
Ann H. Eley	
Tolbert ^{his} Harrison	
Mary F. Harrison	
John F. Morris	
Martha S. Morris	
J. T. Edwards	

In the clerk's office of the county court of Sales
of Wight County, the 16th day of March 1867,
this deed of agreement between Mary E. Edwards
& the adult legatees of David Edwards decd; was
received & proved by the oaths of Nathaniel Bradshaw
& Mike Fulgham, two of the subscribing witnesses
& admitted to record

Teste N. J. Young Clerk

A Copy,

Teste,

N. J. Young D.C.

Mary E. Edwards
with 3/4 Argument

David Edwards' heirs

Exhibit
E

Dr The Estate of Davis Edwards decd:
In account with Josiah T. Edwards & S. A. Clay Exors.

1868				
Apr. 1	To paid Solo. Carr	act.	10	00
"	" M. N. Carr	"	1	00
"	" Geo. Soach (omitted)	"	5	55
May	" " J. Turner	"	4	48
July	" " W. B. Willows, co-security	"	24	00
Sept.	" " Shff. taxes on land &c. 1868	"	12	27
Dec.	" " N. P. Young comm. fees	"	10	50
"	" " Clerk, fee	"	1	35
1869				
July 1	" " S. B. Edwards &c	"	15	26
Mar. 1	" " Geo. S. Marshall adv: bond		1273	66
"	" " N. P. Young Exor. T. Holt	"	12	53
"	" " Geo. H. Kelby atts. for P. Dols	"	324	00
"	" " Henry Thorne adv bill paid.		57	60
"	" " G. W. Clay	act.	7	34
"	" " E. Nelson	"	3	70
"	" " J. W. Duck	& "	51	31
"	" " E. S. Clay bal. on bond due Harw adv. of R. J. White	3	150	16
"	" " S. A. Clay of J. T. Edwards amt. advanc by them to certain creditors of Testator or shown by act. of debts recorded		149	23
" 31	" Balance due estate princ. & int.		5151	46
			587	91
			\$ 265	42
			\$ 587	91

1868					
Mar. 4	By balance due estate as per				
	last act. of record pr. & int.	7265	42	157	99
1869					
Mar. 27	By interest on \$7265.42 over				
	year			435	92
		\$7265	42	\$587	91
1869					
Mar. 3 rd	Balance due the est. pr. &			5757	46
" "	Do. Do. int.			587	91
				\$5739	37

Commissaries Office Isle of Wight County.
July 15th 1869.

To the County Court of said County.

Your Commissaries report to the Court that, on the 1st day of June, 1869, J. T. Edwards and S. A. Eley Executors of Davis Edwards dec'd. laid before him a statement of all the money they had received become chargeable with or had disbursed during the periods embraced in the foregoing account together with the vouchers for the disbursements. That your Commissaries embraced the said Executors in the list of fiduciaries whose accounts were before him for settlement which was filed at the Court house door

of said County on the first day of July term last, and on the date of this report (ten days having elapsed since the said list was so posted) made up and completed the foregoing account. And on the 3^d day of March, 1869, finds a balance of \$5739.37, of which \$587.91 is interest, due from the said Executors to the said Estate. The Executors have given such a bond as the law requires, with sufficient penalty & security.

Given under my hand as a Commissioner of the said County Court, the day & year first aforesaid.

N. P. Young Comr.

In the Clerk's office of Isle of Wight County Court the 2nd day of August, 1869, this account was filed for exceptions.

Teste

N. P. Young Clk.

a copy.

Teste

N. P. Young Clk.

Est. of Davis Edwards
In acct. with
J. T. Edwards & S. A. Eley Esqrs.

Exhibit
D

2.38
1.23-
20
1.75-

The Estate of Davis Edwards dead,
In case with Josiah P. Edwards & Stephen H. Ely, Executors.

1867				
March 4.	To paid for United States revenue stamps	\$	7 00	\$
" "	" " Sam Edwards laborer		75-	
" "	" " M. E. Chapman services rendered		1 00	
April	" " W. B. Mellons funeral services		5 00	
" "	" " Josiah P. Gay services rendered at the sale &c - -		30 00	
" "	" " T. L. Clements, Crier at sale		15 00	
Augt:	" " Nat. Bradshaw laborer on farm		29 16	
" "	" " 4 Appraisers		4 00	
" "	" " Moses Duck laborer on farm		2 50	
" "	" " Nat. Chapman - - - - -		1 25	
" "	" " W. B. Mellons advertising land		21 00	
Octo	" " H. Darden surveyor of land		24 00	
" "	" " Taxes & fees for 1867		17 72	
Novr:	" " T. L. Clements, Crier at 2nd. Sale		10 00	
" "	" " Josiah P. Gay clerk		5 00	
" "	" " J. M. Bailey services rendered,		50	
" "	" " Wright Chapman " "		1 13	
" "	" " Renton D. K.		25	
" "	" " U. S. Stamp on deed for land,		1 00	
" "	" " Jim Fulgham services as laborer		25	
Octo	" " Moses Duck services rendered		1 13	
" "	" " Bob Hall D ^r D ^r		1 00	
" "	" " John Griffin " "		1 00	
" "	" " board of hands on survey of land		2 50	
1868	" Commissions on \$840.06 receipts		392 00	

1868	To Amount Brought over	392		
Mar: 4	To Balance due the Est: per contra	7265 42	151	99
		<u>7840 06</u>	<u>151</u>	<u>99</u>
1867				
April	By this sum recd. on bonds of B. C. Roberts & John Hatchell mentioned in Inventory	93	90	
Sept: 11	By Amt: of sales of chattel property at 1 st sale	4649	22	
	By " " " " " 2 nd sale	250	94	
Nov: 7	" " " " " land, under will, sold on credit - with Inst: from day of sale	2846	00	
	By Interest on \$4074.58 amt: sales chattels at 1 st sale left \$574.64 disbursements, for 4 mos & 20 days		45	07
	By Inst on \$2846.00 Sales of land, 4 mos.		56	22
		<u>7840 06</u>	<u>151</u>	<u>99</u>

An account of Debts and demands against the Estate of Davis Edwards deceased. proved before N. P. Young Commissioner of Isle of Wight County Court, with Inst: on each debt included to the 4th day of March 1868.

		1 st , 2 nd , and 3 rd Claps none				
		4 th Claps				
No.	1	Josiah T. Edwards & S. A. Eley for amount paid by them for the Est: to Mike Fulgham on the 14 th of March 1867.	2	75		
		Inst: thereon		16	2	91
"	2	The same for do. paid for do. to John Horrell on 26 th of March 1867.	13	49		
		Inst: thereon		78	14	27
"	3	" Same for do. paid Michl: Fulgham 1 st of Apr: 1867	100	00		
		Inst: thereon		5	50	105 50
"	4	" Same for do: paid Darden & Helms 13 th of Apr: 1867	1	10		
		Inst: thereon		05	1	15
"	5	" Same for do paid Sam Edwards	2	00		
		Inst: thereon		10	2	10
"	6	" Same for do: paid Mike Fulgham agree: of John Hatchell, Sept: 2nd 1867	9	00		
		Inst: thereon		27	9	27
"	7	" Same for do paid Jim Fulgham 14 th Decr: 1867	13	85		
		Inst: thereon		14	13	99
"	8	Hardy Chapman gav: of Elias Bowdens heirs fugt: on Bond due 23 rd Novr: 1856 signed by Graves Hiblett & Davis Edwards for	158	52		
		Interest thereon Compound \$63.57. Costs of suit \$6.82	170	39	328	91
		Am't. carried over				

Amount Bro't over,

No	9	George H. Jordan acct: due 18 th Nov: 1866	57	50	
		Inst: thereon	4	45	61 95
"	10	Same acct: due 25 th Feby 1867	22	00	
		Inst: thereon	1	35	23 35
"	11	L. B. Edwards acct: due 31 st Oct: 1866	13	48	
		Inst: thereon	1	08	14 56
"	12	C. A. Bailey acct due 13 th Dec: 1865	3	00	
		Inst: thereon		40	3 40
"	13	John S. Marshall afee: of M. H. Watkins Contee: of B. E. Darden, Bond due 4 th of Feby 1856 for ————— } 585 41 Inst: Compounded thereon from 11 th Dec 1867 } 582 71			
		Inst: simple thereon from 11 th Dec: 1867	8	09	1176 21
"	14	George W. Eley's a/c due 1 st Jan: 1867 for	6	50	
		Inst: thereon		46	6 96
"	15	John Griffin a/c due 1 st Dec: 1865	3	50	
		Inst: thereon		26	3 76
"	16	Josiah T. Edwards Bond due 10 th Oct: 1861	20	00	
		Inst: thereon		7 70	27 70
"	17	Same Bond due 17 th Feby 1862	35	00	
		Inst: thereon		12 77	47 77
"	18	Same acct due 1 st Mar: 1863	7	00	
		Inst: thereon		1 68	8 68
"	19	Elijah Helms So: ampton a/c: 10 th Apl: 1867	3	70	
		Inst: thereon		20	3 90
"	20	E. S. Eley Shff: & admr: of Graves Niblett dec: Bond due him as afee: bal: 4 th Nov: 1857 } 30 37			

To anti. Brot: over			
	Inst: thereon	18 1831	49 20
No. 21	James R. Hare spec: of R. J. White balance due on Bond 7 th Oct: 1861.	93 25	
	Inst: thereon	35 84	129 09
" 22	Henry Thorn bal: on due bill 25 th Dec: 1865	42 63	
	Inst: thereon	5 61	48 24
" 23	Same acct: due 1 st Jan: 1867 for	8 75	
	Inst: thereon	61	9 36
" 24	Hardy Chapman & Cath: P. Young Exors of Thos Hall acct: due 4 th Dec: 1864	10 00	
	Inst: thereon	1 95	11 95
" 25	N. P. Young Executor of A. L. Latimer adm: of John Porter, Bond due 8 th Apl: 1861 signed by S. A. Eley, Martha Eley, Hardy Chapman and Davis Edwards.	300 00	
	Compound Inst: thereon to 8 th Sept: 1864	64 44	
	Simple Inst: from 8 th Sept: 1864 to 4 th Mar: 1868.	63 00	427 44
			<u>2531 63</u>

Commissioner's office Isle of Wight
Courthouse Apl: 1868.

To the County Court of Isle of Wight County:

Your commissioner reports to the Court, that on the 2nd day of March last, Josiah T. Edwards & Stephen A. Eley Executors of Davis Edwards decd, exhibited before him a statement of all the money they had received, become chargeable with or had disbursed as such Executors during the periods embraced in the foregoing account together with the vouchers in support of such

disbursements. That your com^{rs} embraced the said Executors in the list of Fiduciaries whose accounts were before him for settlement which was posted at the Courthouse door on the first day of April term last, and on the date of this report (ten days having elapsed since the said list was so posted) made up and completed the foregoing ^{Executorial} account. And on the 4th day of March 1868 finds a balance of \$7417.41 due the Estate of which \$51.99 is interest, at the request of the Executors aforesaid Your com^{rs} reports further that, having posted notice to the creditors of the Testator at the Court house door of said County on the first days of March & April terms last of said County Court informing them that he had appointed the 8th day of April 1868, at his office aforesaid, for taking an account of the Debts & demands against said Testator or his Estate Your Com^{rs} on the date of this report made up and completed the foregoing account of debts & demands, and finds the total amount of such debts with interest on each debt included to 4th of March 1868, to be \$25,31.62. Given under my hand as a com^r of the said County Court the day & year first aforesaid,

N. P. Young Com^r:

In the Clerk's office of Isles of Wight County Court, on the 1st day of June 1868. The foregoing ^{Executorial} account and account of debts with the report having been made up and ^{been} filed for one month and no exceptions filed thereto were confirmed by the Court, and ordered to be recorded,

Teste

N. P. Young Clk:

at Cy. Teste,

A. P. Young D.C.

The Est. of David Edwards
In acct. with
J. T. Edwards & S. A. Eley Esrs.
and an
Account of Debt vs.
said D. Edwards' Est.

Exhibit
C

In Isle of Wight County Court, March 4th 1867.

The last-will and Testament of Davis Edwards decd, was proved by the oaths of Geo. H. Gordon and Edwin P. Womble two of the witnesses thereto and ordered to be recorded, and on the motion of Josiah T. Edwards and Stephen A. Eley the Executors therein named who made oath, and together with Thos. J. Marshall, Solomon B. Eley, Exum S. Eley, Talbot Harris, Josiah Britt, Geo. T. Whitley, George Hall & James Johnson their securities, who justified, entered into and acknowledged a bond in the penalty of \$20,000:00 Conditioned according to law (estate estimated at \$10,000:00) Certificate of probate is granted them on said will in due form,

A Copy Teste

C. H. Hart Clerk

Certf. of Probate and
Will of Louis Edward

Exhibit
B

In the name of God Amen, I Davis Edwards being in feeble health, but disposing memory do make and ordain this my last Will & Testament in manner & form following to wit: Item 1st I give to my son Willie B. Six hundred dollars in money to him and his heirs forever, Item 2nd I give to my son George Lee Six hundred dollars to him & his heirs forever. I give to my son Josiah T. Edwards my double barrel Gun, Item 3rd After my just debts are paid, it is my will & desire that the remainder of my Estate not given away shall be equally divided among my six Children & wife, Mary Frances Harrijs, Josiah T. Edwards, Martha S. Morris, Ann A. Eley, Willie B. & George L. Edwards and my wife Polly to them and their heirs forever, Item 4th It is my will & desire that all my real estate be sold, Item 5th I appoint to this my last will & Testament Josiah T. Edwards & Stephen A. Eley my whole & sole Executors, Given under my hand & seal this 17th day of Feby: 1867.

Teste

Davis Edwards (Seal)

George A. Jordan

John C. Thomas

E. P. Hornble

In the County Court of Isle of Wight County, ^{the 4th day of March 1867.} This Will of Davis Edwards was proved by the oaths of George A. Jordan & E. P. Hornble Two of the Witnesses, Vndered. to be recorded, Executors qualified &c

Teste

W. P. Young Clk.

a copy. Teste W. P. Young S.C.

David Edwards'
will.

Exhibit
A

Miss Wipe

N

Edwards text & ol,

This cause came on this
day to be again heard on the papers formerly
~~and~~ read, and upon the report of Commissioner Young
made under the decree of the Oct. Term 1878,
and was argued by counsel. On consideration
whereof the Court doth confirm the said
report to which no exceptions have been filed
and doth adjudge, order and decree that
J. E. Edwards, do pay to Stephen A. Elsey - the sum of
~~\$657.00~~ ^{\$657.00} the balance shown to be due to him by said report.
~~as against~~ ^{as against} the balance shown to be due to him by said report.
his judgment against ~~the~~ by the report
~~of said~~ Edwards by the report aforesaid.
And nothing further appearing to be neces-
sary to be done in this cause, it is ordered
that the suit be removed from the
docket.

Morris & wife
vs { Chz
Edwardes & Co.,

Order to be entered
Apr 23rd 1879.

Geo. B. Snow.

Entry 44

Indiscreetly in said Court

Oct. 24th 1898.

John F. Morris et al. et al.
vs John Chas.

Dubois

Stephen A. Eley of P. Edwards & Co.
of Davis & Edwards & Co.

Def't

Upon the motion of the said S. A. Eley
it is ordered that the writ be placed
upon the docket. And it appears
to the Court that a scire facis was being
issued & served on John P. Edwards
to revive a judgment rendered
against him in the Court at the
Oct. term 1892. It is considered
by the Court, that a return of
this Court take no account of this
judgment, showing the real delin-
quency, and no account thereof
to the Court.

Attest

Test. Wm. Edwards & Co.
J. F. Youngman

Worries & W. & W.
J. A. C. C. C. C. C.
C. C. C. C. C. C.
C. C. C. C. C. C.

Davis & Davis & Davis

Nov 21st Notarized
up to 27th Dec
1898

W. C. C. C. C.

For C. C. C.

Edward v. Edwards, &c &c

This cause came on this day to be again heard in the papers formerly read & in the report of S. An. Ely Esq. of Davis Edward & Co., made pursuant to the decree of this Court made in this cause at the Oct. Term 1872, - to which report there is no exception, and was argued by counsel.

On consideration whereof the Court doth confirm the said report and doth adjudge order & decree that the proceedings had in this cause be confirmed & made final, and nothing more remaining to be done in this cause it is ordered that the same be removed from the docket.

Edward D. H.

n.

Edward D. H. n.

1876

Cert. of.

Final Decree

to be entered

Geot. H. n.

Entered (18)

Jos F Morris, wife & co,

vs

Stephen A. Clegg & J. V. Edwards Exrs,
of David Edwards decd.

Upon the motion of
the said S. A. Clegg, it is ordered that
this suit be ~~retained~~^{placed} upon the
docket - and ~~that~~ it appearing to
the Court that scirefacies being
issued and served on Josiah V.
Edwards to revive a judgment
rendered against him in this Court
at the Octr Term 1872. It is con-
sidered by the Court that a Comr.
of this Court take an act of said
judgt, showing the balance
due there on and make report
thereof to the Court.

Mario & wife & als

of } Order to remove
said suit

Saliz & Redurners Exrs
of said testaments died,
to be entered
Geo T Shon

Entered

44

Edwards J^e

v.

Edwards Ex^{or}.

This cause came on this day to be again heard on the papers formerly read and the petition of George Hall (for the benefit of Jno. R. Kilby) this day filed by leave of the Court, and on the report of A. P. Young, Commissioner, made pursuant to the decree of 17 May 1870 - to which report there is no exception - and was argued by counsel.

On consideration whereof the Court doth adjudge order and decree that Josiah T. Edwards & Stephen A. Eley executors of Davis Edwards, deceased, pay to Jno. R. Kilby att^y, for Geo. Hall administrator of Jno. Hall deceased the sum of \$423.11 with interest on \$297.97 part thereof from 18 Apl. 1872 till paid, being the amount retained by them for that purpose, as appears by account No. 1. of said Commissioner Young's Report, and that the said executors of Davis Edwards deceased, also pay to Jno. R. Kilby att^y, as aforesaid the sum of \$100, with interest thereon from 21 Dec. 1866 till paid, and that

they pay ^{the} costs of this suit out of the money in their hands belonging to said estate, And that the said executors pay the following amounts to the following parties, first deducting therefrom ratable costs and the aforesaid debt of \$100, and interest, that is to say, - to Mary E. Edwards, widow of Davis Edwards deceased, the sum of \$76.20 with interest thereon from 3d. March 1872 till paid; to T. H. Harris & Mary Frances his wife \$37.20 with like interest; to Willie B. Edwards \$365.45 with like interest; to Geo. L. Edwards \$365.45 with like interest, And the Court doth further adjudge order & decree that Josiah T. Edwards pay to Stephen A. Eley, his co-executor \$761.21 with like interest, and that Jas. F. Morris & Martha F. his wife pay to Josiah T. Edwards & Stephen A. Eley executors aforesaid the sum of \$271.38, with like interest, And that the said executors make report to Court of the payments hereunder filing the evidences thereof with the said report.

Edwards

v.

Edwards & ^{tw}₄

1872

Oct. 21. Ch. Decease

To be entered

Geo. T. Bled.

Entered 17

Isle of Wight Circuit Court. May 17th 1870

Jos. F. Morris & wife - et als.

Plffs.

vs. } L. bly.

Davis Edwards Exors, et als.

Defts.

This cause in which the bill is taken for confessed as to the defendants Stephen T. Ely & Josiah T. Edwards in their own right & as Exors, of Davis Edwards dec'd. An H. Elm, late Edwards wife of said Stephen T. Ely, & J. H. Harrison alias. Harviss & Frances his wife on whom process has been duly served they still failing to appear plead, answer or demur. Cause on this day to be heard on said bill & exhibits filed, & was argued by Counsel: on consideration whereof the Court doth adjudge & order & decree that a Comr. of this Court take the following accounts first an account of the transactions of the said Stephen T. Ely & Josiah T. Edwards as Exors, of Davis Edwards dec'd, in taking which account the Comr. shall take as prima facie correct, subject to be discharged & falsified the accounts of said transactions filed with the Complainant's Bill any other accounts of said transactions regularly taken & confirmed by the County Court, Second, an account of the outstanding debts due to said Davis Edwards or his estate; Third, an account of the amount due the legatee under the will of Davis Edwards dec'd., Fourth, an account of the amount due the Complainant Mary E. Edwards under the agreement filed in this Cause, which accounts be

shall take little report to Court, with any
matters specially stated, deemed pertinent
by himself or required by the parties to be
so stated.

a Hoop

Chute

J. P. Young, Clerk.

No. 42

Horisovate et al.

vs. } Copy of
} Decree

David Edmunds & Sons vs

May 1870.

Given for a. s. of

At the Court of Aug. 7. 1870

Done

Act.

Edwards & als

v

Edwards & Efor & als.

This cause in which the Bill is taken for confessed as to the Defendants Stephen A. Eley & Josiah F. Edwards in their own right & as Efor. of Davis Edwards Dec'd & Ann M. Eley late Edwards wife of said Stephen A. Eley & J. H. Harrison (alias Harris) & Frances his wife, on whom process has been duly served, they still failing to appear, plead answer or demur, came on this day to be heard on said Bill, & exhibits filed, & was argued by counsel, on consideration whereof the Court doth adjudge order & decree that a Commissioner of this Court take the following accounts
An account of the transactions of said Stephen A. Eley & Josiah F. Edwards as Executors of Davis Edwards Dec'd, into which account the said Commissioner shall take as prima facie correct, subject to be surcharged & falsified the accounts of said transactions filed with the Complainant Bill, & any other accounts of said transactions regularly

taken & confirmed by the County Court.

2nd ~~nd~~

An account of the outstanding debts due by the said Davis Edwards in his Estate.

3rd

An account of the amounts due the legates under the Will of Davis Edwards dec'd

4th ~~th~~

An account of the amount due the complainant Mary E. Edwards under the Agreement filed in this cause; which accounts ~~they~~ he shall take seat & report to Court with any matters specially stated or deemed pertinent by himself or required by the parties to be so stated

Edwards vs

v

Edwards Executors

Rough Decree
of

May Term
1870

file entered

Geo. Brown, Jr.

43,

An account of the judgment of the Circuit Court of Isle of Wight County rendered at the Fall Term 1842, in the suit of Bro. S. A. Eley vs. Davis Edwards & Joseph T. Edwards his co-defendants in favor of S. A. Eley against Davis Edwards showing the balance due thereon.

Judgment in favor of Stephen A. Eley Esq. of Davis Edwards & Joseph T. Edwards his co-defendants by decree of 19 th Octo. 1842 for			461	21
Interest thereon from the 3 ^d of March 1843 to 3 ^d Mar. 1844			91	34
			852	55
Paid by Bro. R. Kelley atty. for J. T. Edwards & wife			350	00
			502	55
Int. on to 20 th April 1849			156	51
Due 20 th April 1849			657	06

Commissaries Office, Isle of Wight Co. N.
December 2nd 1848.
To the Circuit Court of Isle of Wight County.
Your commissaries report to the Court that on the 2nd day of Nov. last he appeared before them Stephen A. Eley and Joseph T. Edwards that he had appeared the date of this report to take at his office the foregoing account. That said Notice accordingly executed and returned to your court. That Stephen A. Eley appeared before your commissaries and admitted owing

Mr. Chas. C. Lewis, Secy.

Report of J. P. Farney

100.000 der Steuer

Dec. 28th. 1881.

reaching the coast

Not employed

Key ¹⁰ ~~10~~. 3 Nov.

A Statement showing the pro rata amount deducted from the balances due Mary E. Edwards, J. H. Harrison & W. B. and Geo. L. Edwards and paid to cover the debt of \$100.⁰⁰ & interest due to Bro. Hall admr. of Bro. Hall and the costs of suit &c. under an order of the Ct. of Isl. of N. York on 19. Dec. 1872 in the suit of Hon. Miss Edwards vs. Davis Edwards &c.

1872

Dec.	12	amt. paid to J. W. Kelly on Bro. Hall's debt of \$100. ⁰⁰	135 83	
July.	18	amt. of cost, paid & to be paid	167 26	
		Mr. Mary E. Edwards pro rata share		25 08
		J. H. Harrison " " "		13 21
		W. B. Edwards " " "		129 90
		Geo. L. Edwards " " "		129 90
			\$298 09 / 298 09	

1873

July.	18	amt. due M. E. Edwards p. decree	74 58	
		Less her pro rata of above	25 08	\$49 50
"	"	amt. due J. H. Harrison p. decree	39 33	
		Less his pro rata as above	13 21	\$26 12
"	"	amt. due W. B. Edwards p. decree	386 46	
		Less his pro rata as above	129 90	\$256 56
"	"	amt. due Geo. L. Edwards p. decree	386 46	
		Less his pro rata as above	129 90	\$256 56
			\$588 74	

1874/3

Feb. 18	Balance due Mary E. Edwards	ps	49 50
	Balance due J. H. Harrison	ps	26 12
	Balance due Willia B. Edwards	ps	256 56
	Balance due Geo. A. Edwards	ps	256 56
			<u>\$588 74</u>

List J. P. Young Council

Recd. of S. A. Eley one of the Eibor. of Davis
 Edwards Recd: The amount due as per list
 as shown by the above & foregoing document.
 Witness as to Harrison
 E. H. Hart
 A. M. Eley
 Halbot H. Harrison
 mark —

Mary E. Edwards

Mary E. Edwards Gardence
 for Willia B and George
 Edwards

Report made
 Dec. 1872

Edwards was

James report

Oct 5-1750

~~1750~~

To the Circuit Court of Isle of Wight County
 Pursuant to. Decree of October ^{court} 1872.

The undersigned has paid
 the amounts thereby united as per
 foregoing statement receipts
 S. A. Eley
 Ex. of M. Edwards

Atto. fees stay	38. 00
clerk "	17. 66
Comm. "	56. 10
Eleg. comm. Shff.	5. 50
Shff. P. George	1. 00
Costs	<u>111. 26.</u>
Total	

A. P. Young & Co.

Wm. F. Edwards

3 Pair of
m. 3 Cuts.

Edwards, Esq.,

Received of Stephen & Eley Executors of Hans
Edwards Septem Dollars taxed per nit for in
Suit as said Estate

Jan 1/51

C B Herdman

1869

1870

1869				
Mar.	3	By balance on last acct. Principal & int.	5157	46 58 91
		" Amt. collected in Jan'y. 1868 not credited heretofore		
		(with interest included) from L. Carver	28	85
		" Do. do. do. from J. W. Hollman	33	41
		" Cash found in testator's house at his death, not		
		credited to estate heretofore	242	94
		" interest on same	43	73
1870				
March	3	" interest on \$5151.46, last balance, one year		
		(less \$166.89 being 1/2 disbursements)		
			296	11
			\$5500	39 884 05

1870

Aug 8 To paid C. L. Eley adm^r of Thomas Riddle ap^r of H Chapman
Bond and Interest 53 20

Sept 25 " " Sheriff exon in favor of Martha Lee vs. Cross of
the testator who was security for John T. Morris 172 74

Nov 7 " " Constable exon in favor of D. H. Roberts vs Cross 6 30

" Commission on \$56⁰⁰ receipts 2 80

1871

Mar 3 " Balance per Contra prel & Inter 5139 48 1199 64

1870

\$5374 61 \$1199 64

Mar 3 By balance per Contra prel & Inter 5318 51 884 05

1871

Feb " Amount received from C. B. Hayden Com^r in suit
of Oliver et als vs Edwards Adm^r et als 56 10

Mar 3 " Interest on \$5318⁵¹ last balance (less \$3⁵² interest
on disbursements) and fees 325 89

\$5374 61 \$1199 64

1871

Mar 6 To paid John R. Eley atty fee 20 00

" 20 " " Hardy Chapman guar^r of Bowdins Bond & Inter 42 07

April 5 " " Mary, C. Edwards guar^r of Wm B. Edwards cash legacy
to him and interest 711 00

" " Do. guar^r of Geo. L. Edwards do do 711 00

" " Do in her own right as widow of testator
towards amount due her 754 70

1872

Jan 1 " " Thomas & Adams ap^rs of Willis, W. Gross balance
on Bond 77 59

1871

Feb 6 " " I. Cam ap^r of Ashburn judgt vs. Evis security pr. H. Edwards 100 00
Carried over 2415 36

1872
 1871
 1870

To amt. brought forward. \$ 2415-36

13 " Paid E. S. Eley as per: of Thomas & Adams, Bond 531 37

" " Woulgriffin act. 1 00

" retained to pay St. Chapman gov. of
 Bowden's liab. judgt. tint. to 3^d March 1872 366 16

" retained to pay James F. Whitley act. tint. 46 50

" " S. A. Eley act. of \$300.00 in Jan. 1862
 worth \$200.00 and int. thereon \$141.00 344 00

" paid E. B. Britt act. tint. 81 66

" amt. lost on sale of Agew to John Gray 15 80

" retained to pay George Hall adv. of

K. John Hall bond of \$297. 97 with

int. from 18th of Apr. 1865 to which

to J. R. K. bond the testator in security for

Isaac E. Edwards (int. to 18. Apr. 1872) 428 11

Mar. 7 " Balance per contra princ. & int. 1081 01 1385 71

\$5305 97 \$1385 71

1871

Mar. 7 By balance per contra princ. & int. 5139 48 1199 64

1872 Mar. 7 " interest on same one year (left disbursements) 156 10

" this amt. being compound interest inter. paid

paid to Geo. L. Marshall as per. of M. H.

to action contra. of B. E. Dardur, on 1. March

1869, 166 49

" Interest on same 29 97

\$5305 97 \$1385 71

1872

Mar.	3	Balance due the Estate of principal	1081 01
		Do. Do. interest	1385 71
		Due the Estate prl. & int.	<u>\$2466 72</u>

B₂

Mary C. Edwards widow of Dair Edwards decd.
In account with J. T. Edwards & S. A. Eley his Executors.

1867

Nov.	11	By on third of \$1646. ⁰⁰ being balance of land fund, l ^{ft} \$1200 ⁰⁰ legacies to W. B. and Geo. L. Edwards the young children under agreement filed in the cause	548 66
		" interest on same to 5 th Apl. 1867	111 91

1871		To advancements made to widow on 7. of	
Apl.	5	March 1867 \$75. ⁰⁰ int. on same to date 26. ²⁹	93 37
"	"	" paid on this day	754 70
"	"	Balance due the Exors.	187 50
			<u>\$848 07</u> <u>\$848 07</u>

1871

Apl.	5	To balance due exors. bot. done	187 50
1872			
Mar.	3	" interest on same to date	10 31
"	"	By widow 1/7 of \$1918. 05, that being balance due estate (l ^{ft} amt. of \$548. 66 paid but out of land fund p ^r agreement aforesaid	274 01
"	"	Balance due the widow	76 20
			<u>\$274 01</u> <u>\$274 01</u>

1872

March	3	Balance due the widow	<u>\$76 20</u>
-------	---	-----------------------	----------------

1842

C.

March 3 Balance due the estate brought on 2466 71
 widows portion thereof (deducted) 274 01
 Amt. to be divided amongst 4 children \$2192 70

J. H. Harris wife Mary Frances

1842

In account with the Executors of Davis Edwards decd.

March 3 By your 1/6 the balance of \$2192.70 due Est. ^{1/3}
 after paying widow 365 48
 " " To amt. of Harris' bond of \$88.84 on 11. March ^{1/3}
 1867, due exors., with ^{Int.} to this day 115 37
 " " " amt. of Harris' bond of 8th Decr. 1868, ^{1/3}
 for \$130.00 with int. to this day 155 24
 " " " amt. of Harris' receipt for advancement with int. 37 64
 " " " Balance due Harris wife 37 20
 \$365 45 \$365 45

Josiah S. Edwards

In account with the Executors of Davis Edwards decd.

1842

March 3 By your 1/6 of balance due estate (of widows part) 365 45
 To your bond to J. A. Chy on of the Exors.
 for advancement & made to you 633 02
 To amt. paid by estate for you to Geo. Hall 423 11
 " int. on \$633.02 70 60
 By amt. of your acct. as Est. Trust. 67 93
 " " To Balance due Exors. 761 21
 \$1194 66 \$1194 66

John T. Morris & Martha T. his wife

In account with the Executors of Davis Edwards, decd.

1872

Mar. 3 By your 1/6 of balance due Estate (less
amt. paid widow)

365 45

" 11 To your bond due the Exors. on 11. March 1867 347 20

" 11 interest on same to this date 103 70

" 11 amt. paid Martha Eddy for you as executrix (on Edw.) inst. 185 93

" 11 By balance due the Executors

271 38

\$ 636 83 / 636 83

1872

S. A. Eley & Ann H. his wife

Mar. 3 In acct. with the Executors of Davis Edwards decd.

By your 1/6 of balance due Estate
(less amt. to said widow)

365

\$ 365 45

Willie B. Edwards

1872

In acct. with Exors. of Davis Edwards, decd.

Mar. 3 By your 1/6 of balance due estate
(less amt. paid widow)

\$ 365 45

George S. Edwards

1872

In acct. with the Exors. of Davis Edwards, decd.

Mar. 3 By your 1/6 of balance due estate
(less amt. paid widow)

\$ 365 45

Comptroller's Office of High Court

March 8th 1872.

To the Circuit Court of Erie of High County.
Pursuant to a decree of the said Court, entered on the 17th day of May, 1870, in a suit then depending, between John T. Morris and wife and Mary C. Edwards widow of Davis Edwards et al. Plaintiffs and J. T. Edwards and S. A. Eley executors of Davis Edwards dec'd et al. defendants, directing a Comptroller of the Court to take, First—an account of the transactions of said J. T. Edwards and S. A. Eley as executors of said Davis Edwards. Second—an account of the outstanding debts due by said Davis Edwards. Third an account of the amount due the legatee under the will of said Davis Edwards, & Fourth an account of the amount due the complainant Mary C. Edwards under the agreement filed in the cause. The Comptroller reports to the court, that on the 8th day of July, 1870, he issued notices to the parties interested in said accounts, that he had fixed upon the 5th day of August, 1870, to take and settle at his Office the said accounts that he also posted notice at the Court House door of the first day of July & August terms of the County Court to the creditors of said Davis Edwards of the time and place of taking said account of debts. That the notices to the parties were duly received.

and returned to said Commissioner. That on the day so appointed the accounts were commenced but for the want of evidence and proper vouchers from the executors, were continued, from time to time and day to day, until the date of this report, when said Commissioner completed the same, except the account of outstanding debts, which was not made as the executors have paid ~~the~~ and satisfied the same. The account of the transactions of the said executors marked "A" shows a balance on the 3^d day of March, 1872, of \$2466,71 due the estate, of which \$1355,71 is interest. The account showing the amount due the legatees is not made, because the executorial account "A" shows that on the 5th of April 1871, the executors paid to Mary E. Edwards, guardian of William B. & George L. Edwards each, the sum of \$711,00 being the legacies bequeathed them with interest in full. Account "B" shows that on the 3^d of March 1872, there was due to Mary E. Edwards under the agreement filed in the cause, the sum of \$46.20

Your commissioner has made an account marked C, which shows the amount due the residuary legatee, exclusive of the said Mary E. Edwards, who takes under the agreement aforesaid, and finds that on the 3^d day of March 1872

There was a balance due to J. H. Harris and
 Mary H. his wife, of \$37.20 - That on the same
 day Josiah T. Edwards, was indebted to the Executors
 in the sum of \$761.28. That on the same day
 John D. Morris & Martha S. his wife were indebted
 to the Executors in the sum of \$271.38 - That on
 the same day there was a balance due to S. A. Elly
 & Ann H. his wife of \$365.45, and on the same
 day balances due to Wallis B. Edwards and George
 S. Edwards, each, of \$365.45,

Given under my hand as a Commissioner of
 said Circuit Court, the day and year first
 aforesaid.

J. P. Young Com.

Time employed at 75¢ per hour

24 hours \$18.00

Time employed @ 1¢ per hour

33 hours 33.00

Fees for acts 51.00

for sums for witness fees 60

\$57.60

to 1445
7242

Edwards & als.

3 Comm. Sept.
100. 3 under dem
of May 1870

585.44
22
227.15
409.71
421.63
292.70
424.13

Edwards' Exors. Sal.

March 9th 1870

582.70
8.09
590.80
634.62
166.36

The deposition of John L. Marshall and
Solomon Carr taken before Commissioner
Young, at his office, at the Courthouse
of Ish of Wight County, on the 4th day
of Octo. 1870, pursuant to adjournment,
to be read as evidence in behalf of
the Exors. of Davis Edwards, Decd. and
J. T. Edwards & S. A. Eley in their own
rights, in a suit depending in the
Circuit Court of said County in which
Mary E. Edwards solr. as self. and
said J. T. Edwards & S. A. Eley Exors. of
Davis Edwards Decd. & in their own
rights Decd others defts.

Thomas J. Marshall being duly sworn
says -

Quest. 1. by
J. R.

Quest. 1. by J. R. Kelly attor. for defts.
How old are you, & where do you
reside?

Ans.

I am forty four years old on my last
birth day & reside in Ish of Wight County.

Int. 2. by Secur.

Were you present at the sale of
Davis Edwards land, by J. T. Edwards
& S. A. Eley the Executors, & if so, who
bought the said land at such sale?
Ans. I was at such sale and

the lands were purchased as follows.
The Horn tract was bought by Robert
J. Eley. The Hickory tract was bought
by William W. Combs & the Hay tract
was bought by myself.

Quest. 3. by same

What became of the price you
purchased & the price bought by
Ro. J. Eley?

Answer.

Both prices were sold to Solomon
Carr.

Quest. 4th

What were the prices paid by
you & Ro. J. Eley for the price bought
by you?

Ans.

I think Ro. J. Eley paid \$1800. or for
the price he bought. I think I bought
for about \$250. or to \$275. but
do not now exactly recollect.

Quest. 5.

What amt. did you realize from
the sale of your price to Solo. Carr.

Ans.

I did not realize any thing myself.
Mr. Ro. J. Eley & myself agreed to let
Mr. Carr have the lands purchased

by us respectfully at an advance
for the two pairs of \$253.⁰⁰ This I
considered the advance to be on the
~~How~~ pair I bought and set on the
Horn pair entirely. Mr. Carr came
to me & asked if I would let the
pair of land I bought go with the
Horn place, that R. J. Ely had
agreed to sell him the Horn place,
but that he did not want it
unless he could get the pair I
bought, & if I would let him have
the pair I bought he would give
an advance of \$253. but did not
want it without it I then authorized
Mr. R. J. Ely to make the sale of the
advance of \$253. which he did.
Remember with the understanding that Mr.
Carr was to be substituted on the list
of sales for R. J. Ely & myself and to
sell with the Execution
Sept. 6.

Did you buy the piece referred to
as purchased by you, at the request
of S. A. Ely or as his agent or under
any agreement with him, or on
your own account or an independent
purchaser?

Answer.

I did not purchase the land
referred to at the request of S. A.
Eley nor as his agent, nor receive
any agreement with him, but I
did buy it as an independent
purchaser on my own account.
Quest. 7.

What became of the \$255. advanced
on the land above referred to?

I do not know who received the money.
I bought the land with the intention
of giving to S. A. Eley any advance
that might be made on it, because
he is my half brother with a family
& I desired to aid him. This determi-
nation was made by me without consul-
tation with him. Solomon Carr gave
his bond payable to R. J. Eley for the
said \$255.00 he having already as-
sumed the payment of the original
purchase money to the Executors.
The understanding with me was
that the said \$255. was to go to
S. A. Eley, but I have heard from
the parties that R. J. Eley had \$12.⁵⁰
or thereabouts, and S. A. Eley the
balance & further this deponent saith not.

D. J. Marshall

Solomon Carr being duly sworn says.
Question 1st.

How old are you and where do you
reside.

Ans.

I was forty seven on my last birth
day and reside in Ish of Wight County.
Ques. 2^d.

Did you purchase land formerly
belonging to Davis Edwards decd. &
if so, under what circumstances?
I bought the "Home tract" and
the "Gay tract" formerly owned by
said Davis Edwards. I talked
with R. J. Eley & T. J. Marshall who
had bought said land and told
them that I would buy both tracts
if I could get them, but did not
want one without the other.
They agreed that I should have
the two tracts for an advance of
\$255.⁰⁰, making \$230.⁰⁰ for the
whole. I gave my bond to the Exor.
of Davis Edwards for \$2045.⁰⁰ and
gave my bond to R. J. Eley for the
excess of \$255.⁰⁰. I considered that
the Home tract had sold for its
value and that the advance was

on the Gay tract, but there was
no understanding as to which
tract the advance was on, ~~but~~
I would have given no more
for the Home tract than what
it sold for, to wit: \$1800.⁰⁰ The
Gay tract, I considered worth
double what it sold for to wit: \$245.
On which last tract I considered
I was paying the advance. This
transaction took place on the
same day of the sale by the Epps:
and was concluded before I went
home. The bond for the \$250. was
presented to me by S. A. Ely and
I paid the money due thereon to him.
Some time after the execution of the
bond to R. J. Ely, he asked me if I
had paid it to S. A. Ely. I told
him that I had paid it to S. A.
Ely, he then said if I had not then
paid it to S. A. Ely he intended
to direct me not to pay it to him,
but to himself. When I gave the
bond of \$250.⁰⁰ to R. J. Ely, I knew of
no understanding as to whether the
adv. was to be paid to any other person
said R. J. Ely.

Quert. 1. by C. B. Hayden att. for Plff.,.

Do you or do you not know whether
the Horn trail & Gay trail were ad-
vertised to be sold together or separately?
Ansr.

I could not read the advertisement, but
learned from those who did, that the
lands would be sold in two pieces,
viz: The "Horn trail" & "Gay trail" to-
gether & the "Hickory creek" tract by
itself, but after getting to the sale
the Executors were advised by Hardy
Chapman & W. H. Dodson, surveyors,
who had recovered the lands to sell
in three tracts as they did.

And further their dependent is with
not.

Solomon ^{his} Carr
snack

The foregoing deposition was taken
before me on the day & at the place
mentioned in the caption.

J. D. Young Comr.

Oct 4, 1870

depo. . .

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY, Greeting :

We command you to summon Stephen A. Eley and Josiah
T. Edwards in their own right as Exec-
utors of David Edwards deceased Stephen A. Eley late Edwards.
wife said Stephen A. Eley T. H. Harrison & Frances his wife.
late Edwards -

to appear at the Clerk's Office of the Circuit Court of Isle of Wight County,
at Rules to be holden for the said Court, on the first Monday in April
next to answer the bill in Chancery of John F. Morris

Martha S. his wife late Edwards, Mary C. Ed-
wards widow of said David Edwards, Les. Edwards
Wm Edwards infant orphans of said David Edwards suing
said Mary C. Edwards their Mother & Guardian as next friend,

a plea of _____ for \$ _____ Damages, \$ _____ And have
then there this writ.

Witness, CHARLES H. HART, Clerk of our said Circuit Court, at the
Courthouse, the 25th day of March 1870, in the 94th
year of the Commonwealth.

C. H. Hart, C.C.

Executed by DeLaney a true copy of the
written of Stephen H. Eley Josiah T. Edwards,
Anna H. Eley Talbot Harrison & Frances
Harrison April 2nd 1870

E. D. Eley or
for J. Smith

Married wife's sale:

Wm. H. Edwards to
James Bill in 1870

Edwards' Executors' Sale:

2000 lbs. of wool 1870.

Stephen H. Eley

In the Circuit Court of Lee of Wight
County.

Your Petitioner Geo. Hall (for the
benefit of John R. Kelly) respectfully
represents to the Court, and says That
a suit in Chancery is now pending in the
said Court, between Edward H. Pitt;
and Davis Edwards' Exor. &c. debts, having
for its object a settlement of said Estate &
the payment of his debts —

That under proceedings had in
the said cause, a settlement of the
account of the Executors of Davis Edwards has
been made out, & the account shows a
considerable fund in the Executors hands —

That your petitioner has a Bond executed
by J. J. Edwards & said Davis Edwards
for \$100. dated the 18 Dec 1865 & due the 25th.
Dec 1866., which he prays may be allowed as
a debt against said Davis Edwards Estate
and be ordered to be paid by his Executors.

That the said J. J. Edwards is insolvent
and unable to pay the same.

And your petitioner will be
Geo. Hall for
John R. Kelly

Oct. 1872.

In atto.

Edward Jr

7

Ben's Edward Esq

1892

Oct, 1st 1892

Petition of

Geo. H. Hall Jr

To the Honorable Judge of the
Circuit Court of Law & Chancery for
the County of Isle of Wight, in Chancery
sitting;

Humbly complaining, sheweth to the
Court your Complainants John F
Morris and Martha S. his wife late Edwards
Mary E. Edwards, widow of Davis Edwards
Deceased, George Edwards & William Edwards,
the last two infants, orphans of said
Davis Edwards suing by said Mary
E. Edwards their mother and Guardian
as next friend, that on or about the
day of February 1867 the said Davis Edwards
deported this life in the County aforesaid,
having previously made and published
his last Will and Testament, which at
the March Term 1867 of the County Court
of said County was duly admitted to probate,
and Josiah T. Edwards & Stephen A. Ekey
nominated in said Will as Executors, qualified
as such, as will appear from the official
copy of said Will with the Certificate of probate,
and of said executorial qualification
annexed marked respectively A & B, herewith
filed and prayed to be taken as a part of this
Bill. At the time of the death of said testator he
was possessed of both personal & real
estate, valued at \$10000.00. The said Executors

Exhibits
A & B

Exhibits
C & D

have taken possession of the said personal Estate for administration and sold the same, as well as the real Estate as by said Will they were authorized to do. The said Executors have returned two accounts of their transactions on the Estate of their said Testator, official copies of which marked respectively C & D herewith filed and prayed to be taken as a part of this Bill. That the last of said accounts shows a Balance on March the 3^d 1869 of \$5739.37 to be due from said Executors to said Estate, of which \$5151.46 is Principal. By said Will said Testator (first ^{second} clause) gives to the two infant complainants (William & George) Six Hundred Dollars each, and subject to these preferred legacies and the specific legacy of a Gun to Josiah T. Edwards, by the third clause gives the Balance of his Estate inclusive of the realty, equally to his widow and his six children Mary Frances Harris, Josiah T. Edwards, Martha S. Morris, Ann H. Eley and your said infant complainants, giving them one seventh each of the residuum of his Estate. By an agreement entered into between the said Mary E. Edwards widow as aforesaid and the adult legatee under said Will the said Mary E. in consideration

Exhibit
E

of certain benefits secured her under said Agreement covenanted to abide by and accept the provisions of said Will. Said Agreement was duly admitted to Record in the Clerks Office of the County Court of Isle of Wight as will appear from a certified copy thereof marked E herewith filed & prayed to be taken as a part of this Bill. An Account of the outstanding debts against the said Testator has been taken and confirmed on June the 1st 1868. A certified copy of said account is (see foregoing Exhibit C) herewith filed and prayed to be taken as a part of this Bill, shows the amount of outstanding debts with interest to March 4th 1868 to be \$2595.59. A large amount of said debts have since the return of said Account been paid off by the Executors and are included in the disbursements charged in the executorial account aforesaid marked D. Said account shows assets in the hands of said Executors more than sufficient to pay said debts and there is no reason why the Executors should not settle up said Estate and distribute the assets among the legates under said Will. That the said Mary Francis Harris is the wife of J. H. Harrison and Ann H. Eby is the wife of the

Exhibit
F

aforesaid Stephen A. Eley. The said T. H. Harrison has conveyed his interest in the Testators Estate ^{by Bargain & Sale} by a Deed ~~of Bargain & Sale~~ bearing date the 20th day of January 1868 to Josiah T. Edwards as Trustee in trust for ~~the purposes in said Deed mentioned~~, a certified copy of which Deed marked F, is herewith filed and prayed to be taken as a part of this Bill. That the said Executors although often requested, have hitherto constantly refused, and still refuse to pay to your infant complainants aforesaid any portion of their preferred or residuary legacies aforesaid or to the aforesaid complainant Mary E. Edwards any portion of the amount due her as legatee under the Will aforesaid or by virtue of said Agreement, or to the said John F. Morris or Martha S. his wife, any portion of the legacy of the latter under said Will. In tender consideration whereof, and for as much as your complainants are without remedy at law, and can only be relieved by the aid of this Honorable Court of Chancery where matters of this sort are cognizable, to this end your complainants pray that the said Josiah T. Edwards and Stephen A. Eley in their own right, and as Executors

of Davis Edwards deceased, Ann M. Eley,
wife of said Stephen M. Eley T. Harrison
and Frances, his wife, and Joseph T. Edwards
^{Guarantee in} ^{Bargain & Sale}
~~Deed~~ under the Deed of Trust aforesaid
from T. Harrison, may be made parties
defendant to this Bill and be required to
answer the same ~~in~~ that the said
Executors may be required to pay off
the balance of said out standing debts
if any, and render a further account
of the their transactions and the rights of
the said infant complainant, and of the
said John F. Morris and Martha S. his wife
under said Will, and of the said Mary
E. Edwards under said Will and Agreement
ascertain, and payment of the same
decreed, and that such other and
further relief in the premises may
be granted as to the Court may seem meet,
and may suit the Equity of the case, and
your complainants will ever pray &c
Hayden sig.

Mayden fig.

Edwards' 22, 21

Bill & Eq. L.

Edwards' Eys. 145.

Appl. Rules - 1870 - Bill & filed
and deems nisi.

May Rules " Bill taken
for confid. & act for hearing.

May 1870. Deem for act.

March 9, 1872 kept. filed

Act. Ch. 1878. And deem

Act. Ch. 1878. Reinstated
upon the assets by
consent & act. for act.
(See Eys. vs. Edwards
herewith filed)

Apr. Ch. 1879. Reinstated
de. for act. & deemed
to pay the sum of \$667.⁰⁹ re. and
there.