

1910-013

Chancery Causes'. George W. Daughtroy and Pearl E. Daughtroy vs Ruby E. Eley, by v c

Isle of Wight County

Petition of George W. Daughtroy, adm of Ruby E. Eley

Other surnames: Essex,  
Daughtroy

Daughtry. Geo. W. and  
others

vs. { Bill in Equity

Eley. Ruby E. et als

---

1st July, rules 1903. Bill  
filed, sum. ex parte W.S.  
Holland attorney for ad litem  
de oris

---

2d July, rules 1903 Bill  
taken for conf. filed, and cases  
set for hearing

---

Sept. 21, 1903 de for ad litem  
October Term 1903. de. to sell. make deed  
from gtr. cases 10.

---

Oct 30, 1904 de attorney gtr to apud vasa  
huncat de

---

Final Decree 2/7/1910

O.B. 7 p 9

JOHN C. PARKER.

E. FRANK STORY.

Parker & Story

Attorneys and Counselors at Law,  
Franklin and Courtland, Virginia

To Hon.R.R.Prentis, Judge of the Circuit Court of Isle of Wight County, Virginia.

Your complainants, George W. Daughtry and Pearl E. Daughtry, humbly complaining, sheweth to your Honor the following cause.

On the 8<sup>th</sup> day of October 1901, J.F.Eley, who resided in Isle of Wight County, Virginia, died, and at the time of his death was seised and possessed of a certain lot of land at Carrsville in said county, containing one acre, bounded by the lands of Gavin Rawls, Tenie R.Eley, Mrs. Sallie Wyatt and the S. & R.R.R., with all the buildings and improvements thereon : that the said decedent left surviving him his widow, Octavia P.Eley, and five children, here-in-after named. That soon thereafter, to-wit, on the 30<sup>th</sup> day of October 1901, the said widow died, and was seised at the time of her death of three parcels of land, namely : 1st, a vacant lot at Carrsville containing 1/4 of an acre and bounded by the lands Louisa Riddick, Jesse P.Duck, Gavin Rawls and the County road: 2nd, a tract of 21 acres near Carrsville, without improvements, bounded by the lands of S. & R.R.R., Robert D.Carson's estate and the County road : and 3rd, a tract of 125 acres, in Nansemond County, Virginia, without improvements, located on the road from Carrsville to Holland, near C.A.Cutchins' farm, and bounded by the said County road and the lands of Mary A.Daughtry, Geo.W.Johnson, Mrs. — Duke and others. That both the said J.F.Eley and Octavia P.Eley died intestate. That your complainant, Geo.W.Daughtry, was appointed and duly qualified as administrator of J.F.Eley in the County Court of Isle of Wight County, and has settled and paid all of the debts due by the said J.F.Eley, his personal estate being fully sufficient to pay same. That <sup>said complainant has also</sup> ~~there has been one~~ <sup>administered</sup> on the estate of ~~Ocatia P.Eley, she having~~ <sup>all her debts have been paid</sup> ~~personal estate, and~~ <sup>so far as your complainants have been able to ascertain.</sup> That the heirs at law of J.F.Eley and Octavia P.Eley, who inherit the said real property, are the same in each case, and consist of the five children of the said J.F.Eley and Octavia P.Eley, to-wit, your complainant Pearl E.Daughtry, and Paul Eley, Octavia W.Eley, Ethel E.

Essex (nee Eley) all adults, and Ruby E. Eley, an infant of the age of 17 years. That being possessed of the said real property by inheritance from their father and mother, and there being no liens on the said property, nor any debts due by either decedent, the said adult heirs, together with J. Paul Essex, the husband of Ethel E. Essex, by deed dated January 1st 1903, recorded in the Clerk's office of the County court of Isle of Wight County, in Deed Book 68, page 218, united in conveying their four-fifths undivided shares, or interest in the said real property to your complainants, Geo. W. Daughtry and Pearle E. Daughtry, jointly and in equal shares, for the consideration of \$800., or \$200. per share. That being thus the joint owners of fourfifths of the said real property, your complainants desire either that they be allowed to take the other share, one-fifth, of the said property which belongs to the said infant, Ruby E. Eley, paying a fair price therefor, or else that the said property be divided in kind between those entitled thereto, or that the whole of the said property be sold and the proceeds be divided between those entitled thereto. In the event the Court should decree that the one-fifth interest of the said infant be conveyed to your complainants they are willing to pay therefor the sum of \$200., which is the same that they paid for each of the other shares and is a fair price, and in addition will be willing to pay all the costs of this proceeding for partition. This interest in this property is, so far as your complainants know, all the property of which the said infant is possessed or entitled, and this property being in such shape that it is likely to depreciate in value unless owned by some person who will improve the same, your complainants believe it will be to the interest of the said infant for her share to be sold to your complainants as above suggested. But if the Court is not willing to do this, then your complainants pray that the property be divided in kind or sold for division.

In tender consideration whereof, being remediless in the premises in a court of equity where such matters are heard and determined, your complainants pray that the said Ruby E. Eley be made a party defendant to this proceeding, and, being over 16 years of age,

that she be required to answer this bill : that a proper guardian ad litem be appointed for the said infant who shall be required to answer this bill : though in each case an answer under oath is expressly waived : that all proper process issue and all proper orders be made <sup>that proper counsel's fees be allowed this atty. for plaintiff's</sup> : that proper inquiry be made as to whether the said real property is divisible in kind or not : or whether either of the parties will take the whole of said property and pay a fair price to the others for their share : and that such other and further relief be granted as to equity may seem meet or that the necessities of this case may demand. And your complainants will ever pray, etc.

*Parker and Story - p. 9*

*Geo. W. Daughtry*  
*Pearl E. Daughtry*

Virginia, Southampton County, to-wit:-

I C.J. Edwards, a notary public, in and for the county aforesaid in the state of Virginia, hereby certify that Geo. W. Daughtry, whose name is signed to the writing above, appeared before me in my county and made oath that the statements contained in the foregoing bill so far as made of his own knowledge are true and so far as made from information derived from others he believes them to be true.

Given under my hand this 2nd day of July 1903.

My commission expires the 13<sup>th</sup> day of August 1906.

*C. J. Edwards*

Notary Public.

Superior.

Adm. 193607-1017A.

1. Graph the area under the curve  $y = \sin x$  from  $x = 0$  to  $x = \pi$ .

10. 1319A. 6. 119A.

6-10-1950

Августовъ

1000.

Daughter. It also

vs. } Petitioner

*Grind*

~~Elcy, et al~~

Filed

906

[illegible]

collig

...and the ...

of the

Roberts

under

[illegible]

...the ...  
...the ...  
...the ...  
...the ...

1. The  
 2. The  
 3. The  
 4. The  
 5. The  
 6. The  
 7. The  
 8. The  
 9. The  
 10. The  
 11. The  
 12. The  
 13. The  
 14. The  
 15. The  
 16. The  
 17. The  
 18. The  
 19. The  
 20. The  
 21. The  
 22. The  
 23. The  
 24. The  
 25. The  
 26. The  
 27. The  
 28. The  
 29. The  
 30. The  
 31. The  
 32. The  
 33. The  
 34. The  
 35. The  
 36. The  
 37. The  
 38. The  
 39. The  
 40. The  
 41. The  
 42. The  
 43. The  
 44. The  
 45. The  
 46. The  
 47. The  
 48. The  
 49. The  
 50. The  
 51. The  
 52. The  
 53. The  
 54. The  
 55. The  
 56. The  
 57. The  
 58. The  
 59. The  
 60. The  
 61. The  
 62. The  
 63. The  
 64. The  
 65. The  
 66. The  
 67. The  
 68. The  
 69. The  
 70. The  
 71. The  
 72. The  
 73. The  
 74. The  
 75. The  
 76. The  
 77. The  
 78. The  
 79. The  
 80. The  
 81. The  
 82. The  
 83. The  
 84. The  
 85. The  
 86. The  
 87. The  
 88. The  
 89. The  
 90. The  
 91. The  
 92. The  
 93. The  
 94. The  
 95. The  
 96. The  
 97. The  
 98. The  
 99. The  
 100. The

---

to your Honor, through the recommendation of the Hon. Mr. Justice O'Connell, and was admitted in the course Dec.

County, ALBANY.

Итого + 710.

3.

11. 10. 1911.

Daughtrey, et als.

vs.

Eley, et als.

To the Hon. R. R. Prentiss, Judge of the Circuit Court of Isle of Wight County, Virginia.

The undersigned, Guardian for Ruby E. Eley, respectfully begs to report to your Honor, that in accordance with the decree entered in this cause Oct. 26th, 1903, he has expended the \$200. which said decree gave him permission to expend, in the maintenance and education of his ward, the said Ruby E. Eley, and is ready at any time to render an account of said expenditures to a Commissioner of this Court or to any other person to be designated by your Honor. Your petitioner further begs to report that said infant will need to have the remainder of the fund in his hands under decree in this cause expended upon her further education and maintenance, as this is all the property that she has and her earning capacity is very limited, in fact nothing at all. Your petitioner would therefore respectfully request the Court to make a further order instructing him to expend the remainder of said fund.

Very Respectfully,

Geo. W. Daughtrey Guardian  
for Ruby E. Eley.

I, Ruby E. Eley, said infant, age 18 years, respectfully join my guardian in this request.

Very respectfully,

Ruby E. Eley.

she will ever pay, etc.

dismissed with her responsibilities costs in this behalf expended, and  
and having fully answered, the said respondent prays to be hence  
dismissed which will tend to her prejudice.

the protection of the Court, and prays that no decree may be pro-  
sperient however, commends herself and her rights and interests to  
clear just as the other joint owners received for theirs. This re-  
the entire cost of this proceeding, leaving this respondent \$200.

who had each the same interest that this respondent has, and pay  
the same amount that they have paid her share to the said owners  
that to pay her \$200. For her share in the said property, which is

*Doughty v. Eley*  
*Daughter of*  
*infant defendant*  
*Eley, and others*

respondent is capable of paying the said bill and she thinks that the best  
interests, though she has considered the subject matter of this said  
bill as she is capable of doing so and is convinced that the  
said bill is incapable of satisfaction or of taking care of her  
and is advised that it is material she should answer, answers and  
appears to said bill, for answer thereto, or to so much thereof as

The respondent, reserving to herself the benefit of all just ex-  
amined, by George W. Doughty and Henry E. Doughty.

submitted to them, in the Circuit Court for Sale of White County,  
to verify to a bill of complaint exhibited against her and her  
The separate answer of Mary E. Eley, an infant over the age of

The separate answer of Ruby E. Eley, an infant over the age of 16 years, to a bill of complaint exhibited against her and her guardian ad litem, in the Circuit Court for Isle of Wight County, Virginia, by George W. Daughtry and Pearl E. Daughtry.

The respondent, reserving to herself the benefit of all just exceptions to said bill, for answer thereto, or to so much thereof as she is advised that it is material she should answer, answers and says that she is an infant of tender years, and by reason of her infancy is incapable of understanding or of taking care of her interests, though she has considered the subject matter of this suit so far as she is capable of doing so and is convinced that the statements made in the said bill are correct and true, and so far as this respondent is capable of judging she thinks that the best thing to be done in the said matter is for the plaintiffs in said suit to pay her \$200. for her share in the said property, which is the same amount that they have paid per share to the adult owners who had each the same interest that this respondent has, and pay the entire costs of this proceeding, leaving this respondent \$200. clear just as the other joint owners received for theirs. This respondent however, commends herself and her rights and interests to the protection of the Court, and prays that no decree may be pronounced which will tend to her prejudice.

And having fully answered, the said respondent prays to be hence dismissed with her reasonable costs in this behalf expended, and she will ever pray, etc.

Parker and Story - p.d.

Ruby E. Eley.

Witness my hand and seal of said County, to-wit: -

Daughtry, et al

Ans. }

ANSWER  
OF  
INFANT DEFENDANT.

Eley, et al.

Answers of Edie and  
Citey.

In the Circuit Court for the County of Isle of Wight,  
to wit:

THE ANSWER OF Ruby E. Eley, an

infant under the age of twenty-one years, by Wm S. Halland, her  
guardian *ad litem*, assigned to defend her in this suit, to a bill of complaint exhibited against  
her and others in the Circuit Court for the County of  
Isle of Wight, by Geo. W. Daugherty and others.

The respondent, reserving to herself the benefit of all just exceptions to the said bill, for  
answer thereto, answering by said guardian *ad litem*, says that she infant of tender  
years, and by reason of such disability is incapable of understanding, or of taking care of her  
rights and interests, she therefore commend the same to the protection of the court, and prays that  
no decree may be pronounced which will tend to her prejudice.

And having answered, the respondent pray to be hence dismissed with her reasonable costs,  
in this behalf expended; and she will ever pray, &c.

Wm S. Halland Guardian *ad litem*.

p. d.

State of Virginia  
OF  
County of Isle of Wight } ss.

This day, Wm S. Halland, whose name is signed to  
the foregoing answer, personally appeared before me, M. E. W. Daugherty  
and made oath that the statements made therein, so far as they depend upon his own knowledge, are true,  
and so far as they depend upon knowledge derived from others he believes them to be true.

Given under my hand, this 18<sup>th</sup> day of September 1903 ~~189~~

M. E. W. Daugherty N. P.  
My commission expires Nov. 29, 1906

Naughton et al

vs.

}

SUBPOENA  
IN  
CHANCERY.

Elen Infont

Parker Story

p. 9

To First July Rules,  
Circuit Court.

1904

B 33119

Executed on the return  
July 2<sup>nd</sup> 1904.

Re A. E. Evans  
Stph

# The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon

*Ruby E. Cley an infant*  
*by W. S. Holland her guardian ad litem*

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 *July* 1903,  
to answer a bill in chancery, exhibited against *her* in our said court for  
*by George W. Daughton & Pearl E. Daughton*

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at  
the court-house, the *23<sup>d</sup>* day of *June* 1903, and in the 12<sup>7</sup>  
year of the Commonwealth.

*N. F. Young cc.*

I hereby accept service of this writ and waive service thereof in an  
of floor.

Wm S. Hall and  
Guardian Ad Litem  
Ruby E. Eley

Geo. W. Dangley et al

vs. { SUBPOENA  
IN  
CHANCERY.

Eley, Infant

p. 9

To. Rules,  
Court.

B 33119

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon

*Ruby E. Eley an infant  
by W. S. Holland her guardian ad litem*

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 *July* 1903,  
to answer a bill in chancery, exhibited against *her* in our said court for  
*by George W. Daughton & Pearl E. Daughton*

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at  
the court-house, the *28<sup>th</sup>* day of *July* 1903, and in the *12<sup>th</sup>*  
year of the Commonwealth.

*N. F. Young*

*On Copy Teste N. F. Young cc.*

Wanqhuu etals  
vs { Report of  
Conro Yarning  
Eley etals

---

Filed October 14th 1903

---

COMMISSIONER'S OFFICE,  
Isle of Wight Oct. 10th. 1903.

Pursuant to a decree of the Circuit Court of Isle of Wight, County, rendered ~~another~~ in vacation on the 21st. day of September, 1903 in a chancery suit therein depending in which Geo. W. Daughtrey and Pearl E. Daughtrey are plaintiffs, and Ruby E. Eley, an infant under the age of twenty one years, is defendant, it was ordered that one of the Commissioners of this Court inquire and report to the court the following accounts: 1st. Who are the heirs at law of J. F. Eley and Octavia P. Eley, both deceased. 2nd. What real estate was left by the said decedents, where the same is located and what is its value. 3rd. Who now owns said real estate, and if two or more jointly, then in what proportion they hold the same. 4th. Whether or not the said property is susceptible, conveniently, of division in kind among those entitled thereto, and whether it would be to the interest of those concerned to have it so divided. 5th. Whether there are any of the part owners of the property who will be willing to take the entire property and pay the other owner or owners a fair price for their shares in said property, and if so, what such fair price is. 6th. any other matter deemed pertinent by the said Commissioner or which he may be required to report by any of the parties in interest.

Your Commissioner reports that on the 28th. day of September, 1903, he issued notices against the several parties aforesaid, requiring them to attend the taking and stating of the said accounts, at his office, on the 7th. day of October, 1903, which said notices were returned, properly served.

Your Commissioner reports that J. F. Eley, and his wife, Octavia P. Eley, at their ~~death~~ death left them surviving five children, one son and four daughters, to-wit: Paul Eley, Pearl E. Daughtrey, the wife of Geo. W. Daughtrey, Octavia W. Eley, Ethel E. Essex, wife of J. P. Essex, and Ruby E. Eley.

Your Commissioner reports to the Court that J. F. Eley died leaving a house and lot situate in the village of Carrsville, valued at \$1000.00. Octavia P. Eley died leaving a lot at Carrsville, containing one acre, valued at \$200.00; and another lot at Carrsville, containing 30 acres, valued at \$300.00. Neither of the last named lots have any houses thereon. And the said Octavia P. Eley left one tract of land situate in Holy Neck District, Nansemond County, Virginia, containing 125 acres, valued at \$500.00.

Your Commissioner reports that Geo. W. Daughtrey and Pearl E. Daughtrey, his wife, own jointly a 4/5 interest and Ruby E. Eley owns a 1/5 interest in the real estate in the bill and proceedings mentioned, and that he does not think the said real estate can be conveniently divided in kind, but that the interest of all parties would be promoted by a sale of all of the said real estate and the proceeds divided. Neither party in interest is willing to take the whole and pay the other a fair price for his or her share.

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

*A. J. Yarns*  
Commissioner.

*Com. fee 1903*

\$50<sup>00</sup>/<sub>100</sub>

Received from J. C. Parker, Special Commissioner  
in suit of Daugherty vs. Eley. Fifty - dollars, for  
decreted to be paid us by decree in said  
cause, entered Oct. 26<sup>th</sup> 1903

Parker, Story, attys.

George W. Daughtrey

vs) Bill of costs *To final decree*

Ruby E. Eley, et als.

Attorney fee, *Paid Parker and Story, attys.* ..... \$15.00

Clerk's fees, *M. J. Young, paid* ..... 9 75

Sheriff's fees, *Paid R. A. Edwards, Jff* ..... 50

Commissioner Young, *M. J. Young, paid* .... 9 75

Wail tax -  $\frac{\$35.00}{1.50} - \text{Paid. Parker Story, attys}$   
\$36.50

\$382.<sup>70</sup>/<sub>100</sub>

Received, this 15<sup>th</sup> day of December 1903,  
from J. C. Parker, Special Commissioner in the  
Suit of Daughtry, it also vs. Eley, it also, funding in the  
biscuit court of Isle of Wight-County, Virginia, the  
sum of Three Hundred and Eighty-two & 70/100  
dollars, the same being paid to me as guardian  
for Ruby E. Eley, by said Commissioners by virtue  
of a decree in said cause entered Oct. 26<sup>th</sup>, 1903,  
and being for the amount realized from a sale of the  
share of said infant, Ruby E. Eley, in the lands described  
in said suit (namely \$400.) less her share, it being \$17.<sup>30</sup>/<sub>100</sub>,  
of the costs and fees directed to be deducted from said  
\$400. by said decree -

Geo. W. Daughtry, Guardian  
for Ruby E. Eley -

Respectfully submitted,

Submitted by said decree.

Entered in the clerk of said court and said Doughty has given bond as

before said said Doughty as surety W. Doughty and said court clerk as

\$400.00 \$400.00  
\$800.00

before said said Doughty as surety W. Doughty and said court clerk as

" Courtroom in Orleans, La. said

" Courtroom in Orleans, La. said

" Courtroom in Orleans, La. said

" Courtroom in Orleans, La. said

" Courtroom in Orleans, La. said

" Courtroom in Orleans, La. said

" Courtroom in Orleans, La. said

" Courtroom in Orleans, La. said

for the lot of said said Doughty as surety W. Doughty and said court clerk as

" Courtroom in Orleans, La. said

" Courtroom in Orleans, La. said

" Courtroom in Orleans, La. said

" Courtroom in Orleans, La. said

" Courtroom in Orleans, La. said

" Courtroom in Orleans, La. said

" Courtroom in Orleans, La. said

" Courtroom in Orleans, La. said

" Courtroom in Orleans, La. said

" Courtroom in Orleans, La. said

" Courtroom in Orleans, La. said

" Courtroom in Orleans, La. said

" Courtroom in Orleans, La. said

Alfred.

To the Hon. Judge, Clerk of the District Court of Lake of Alfred County,

Doughty, it also  
 is { Refert  
 Special Court  
 Eley et als.

Filed Oct 3<sup>rd</sup> 1904

To the Hon.R.R.Prentis,Judge of the Circuit Court of Isle of Wight County,  
Virginia.

The undersigned,your Special Commissioner,appointed as such by decree in the chancery cause pending in said court,styled Daughtrey,et als. vs. Eley,et als.,entered on the 26th day of October 1903,begs leave to report that in accordance with the provisions of said decree he gave bond as such Commissioner as required by said decree,and collected from George W.Daughtrey and Pearl E.Daughtrey the sum of four hundred dollars for the share of Ruby E.Eley in the lands in the bill and proceedings mentioned,as well as \$69.20 it being their share,four-fifths,of the costs of this suit and attorney's fees,as directed by said decree,and on the 15th day of December 1903 he gave to said George W.Daughtrey and Pearl E.Daughtry a deed,with special warranty,as directed by said decree,for the interest of Ruby E.Eley,one-fifth,in the said lands in the bill and proceedings mentioned.He further reports that he has distributed the \$469.20 thus collected by him as shown by the following statement,supported by vouchers herewith filed :

|                                                                                           |                 |                 |
|-------------------------------------------------------------------------------------------|-----------------|-----------------|
| Dr.                                                                                       |                 |                 |
| To amount recieved from sale of land,                                                     |                 | \$400.00        |
| " 4/5 of expenses paid by plaintiffs,                                                     |                 | 69.20           |
| Cr.                                                                                       |                 |                 |
| By fee paid Parker and Story,                                                             | 50.00           |                 |
| " legal taxed fee in suit paid,                                                           | 15.00           |                 |
| " writ tax,                                                                               | 1.50            |                 |
| " Clerk's fees paid,                                                                      | 9.75            |                 |
| " Sheriff's fees paid,                                                                    | .50             |                 |
| " Commissioner in Chancery's fee paid,                                                    | 9.75            |                 |
| " balance paid to Geo.W.Daughtrey,Guardian for<br>Ruby E.Eley,per instructions in decree, | 382.70          |                 |
|                                                                                           | <u>\$469.20</u> | <u>\$469.20</u> |

Before making said payment to George W.Daughtrey your Commissioner was informed by the Clerk of this court that said Daughtrey had given bond as required by said decree.

Respectfully submitted,

*J. C. Parker,*  
Special Commissioner

FILED  
Clerk of the Court  
Sept. 22, 1903

parties in interest.

on which he may be required to report as on any of the  
other and other matter deemed necessary on the said Commission  
and if so what and what price is.

other owner or owners of this price for their shares in said  
who will be willing to take the said property and pay the  
off. Whether there be any of the said owners of the property  
divided.

it would be to the interest of those concerned to have it go  
of division in kind among those entitled thereto and whether  
the. Whether or not the said property is susceptible of being  
then in what proportion they hold same.

and who now owns said land under a title in two or more persons

Daughtry, et als.  
vs.) 1st Decree.  
Eley, et als.

To be entered this 21 day of  
Sept. 1903.

We hereby agree to the within  
decree.

W. S. Hall Guardian  
ad litem for infant defendant.  
Parker and Strong Attys.  
for plaintiffs.

Entered Sept 21, 1903  
Robert H. Hensley

Sept. 22, 1903 received  
and index of record  
CO B6 pgs 204

This case was called to be heard in vacation upon  
the motion of the defendant for a continuance of the trial  
to the first of October, 1903, and the court granted the  
motion.

George W. Daughtry and Earl E. Daughtry, complainants.  
vs.  
E. E. Eley, et al., defendants.  
IN THE CIRCUIT COURT FOR THE COUNTY OF ALABAMA, IN AND FOR THE COUNTY OF ALABAMA.

IN THE CIRCUIT COURT FOR ISLE OF WIGHT COUNTY, VIRGINIA. IN VACATION  
*on the 21st day of September 1903.*  
George W. Daughtry and Pearl E. Daughtry, Complainants,

VS.

Ruby E. Eley, an infant, ~~and W.S. Holland her guardian ad litem,~~  
*under the age of twenty-one years*  
*by consent*  
defendants.

This day this cause came on to be heard in vacation upon  
the bill of complainants, George W. Daughtry and Pearl E. Daughtry,  
the answers of Ruby E. Eley, infant defendant more than 16 years of  
age and of W.S. Holland her guardian ad litem, general replications  
to said answers, and was argued by counsel.

Upon consideration whereof the Court doth adjudge, order and  
decree that one of the Commissioners of this court inquire and re-  
port to this court as soon as practicable on the following subject  
1st. Who are the heirs at law of J.F. Eley and Octavia P. Eley, both  
deceased.

2nd. What real estate was left by said decedents, where the same is  
located and what is its value.

3rd. Who now owns said real estate, and if two or more jointly  
then in what proportion they hold same.

4th. Whether or not the said property is susceptible conveniently  
of division in kind among those entitled thereto and whether  
it would be to the interest of those concerned to have it so  
divided.

5th. Whether there are any of the part owners of the property  
who will be willing to take the entire property and pay the  
other owner or owners a fair price for their shares in said  
property, and if so what such fair price is.

6th. Any other matter deemed pertinent by the said Commissioner  
or which he may be *required* to report ~~on~~ by any of the  
parties in interest.

To the Clerk of the Circuit  
Court of Isle of Wight County, Virginia,  
this *21st* day of *Sept*, 1903.

In the Clerk's Office of Isle of Wight County Circuit Court this  
22nd. day of September, 1903, the foregoing vacation decree was  
received and entered of record.

Teste, *N. J. Young* C.C.

Daughter, it als  
o. } 2<sup>nd</sup> decree  
Eley, it als

Enter Octo. 26, 1903  
Robert R. Hunt

make and execute to the said George W. Daughtry and Peor E. Daughtry jointly, a good and sufficient deed, with special warranty, for the said one-fifth interest of the said Ruby E. Eley in the real property in the bill and proceedings mentioned, upon the payment by them to said Special Commissioners of the sum of Four Hundred dollars therefor. But the said Special Comrs shall first execute a bond before the Clerk of this Court in the ~~sum~~ <sup>penalty</sup> of \$800. with security deemed sufficient by the Clerk conditioned for the faithful discharge of his duties under this decree. The said Comrs, out of said Four Hundred dollars, shall pay 1<sup>st</sup> one-fifth of the costs of this suit, including <sup>the fifth of</sup> fee to Parker and Story, attorneys, of \$50.00, and 2<sup>nd</sup> he shall pay the balance to said George W. Daughtry as the Guardian of said Ruby E. Eley, but not until the said Geo. W. Daughtry, <sup>he</sup> shall enter into a bond before the Clerk of this Court, in the penalty of \$800., with security deemed sufficient by said Clerk, conditioned for the faithful application of the fund, and for the preservation and management of any property or securities in which the same may be invested, and for the protection of the rights of all persons interested therein, whether such rights be vested or contingent.

and the Court doth further adjudge, order and decree that the plaintiffs in this cause pay one-fifth of the costs of this cause including the fee of \$50.00 to Parker and Story.

And the Court doth further adjudge order and decree that said Geo. W. Daughtry, Guardian may expend the sum of \$200.- out of the funds coming into his hands under this decree in the maintenance and education of the said infant, Ruby E. Eley, and make report to the Court how he has expended the same -

Doughtrey, et als.

vs. } 2<sup>nd</sup> Decree.  
Eley, et als

This day this cause came on again to be heard upon the papers formerly read and upon the report of Commissioner N. F. Young, filed the 14<sup>th</sup> day of October 1903, to which report no exceptions have been filed, and was argued by counsel.

Upon consideration whereof the court doth confirm said report, and it appearing to the court that ~~the real estate in the bill described cannot be divided or sold among the parties entitled to it~~ George W. Doughtrey and Pearl E. Doughtrey, the plaintiffs, in this cause and the owners of four-fifths of the property in the bill and proceedings mentioned, are willing to pay the sum of Four Hundred Dollars for the one-fifth interest of the defendant Ruby E. Eley in the said property, and that the said sum is a fair price therefor, the court doth further adjudge, order and decree that the said one-fifth interest be sold to them at said price and ~~that~~ that J. C. Parker, who is hereby appointed a special Commissioner for that purpose.

Daughtrey, et als.

VS.) 3rd. Decree.

Eley, et als.

Enter Oct. 3rd., 1904.

Robert R. Hunt

Chancery Book  
Vol. 6 page 366

As Eley, et als.

3rd. Decree.

This case this case came on again to be heard upon the before

Daughtrey, et als. vs. Eley, et als. 3rd. Decree. 1904. The case was heard on the 10th day of October, 1904, and the court rendered its decision in favor of the plaintiff, Daughtrey, et als.

Daughtrey, et als.

3rd. Decree.

vs. Eley, et als.

This day this cause came on again to be heard upon the papers formerly read and upon the petition of Geo. W. Daughtrey, Guardian for Ruby E. Eley, endorsed by said Ruby E. Eley, asking for decree to spend principal of infant's money, and upon the report of J. C. Parker, Special Commissioner, properly supported by vouchers, filed Oct. 3rd, 1904, to which reports no exceptions are filed, and was argued by counsel.

Upon consideration whereof, the court doth confirm the said report from Special Commissioner J. C. Parker, and being of the opinion that it is necessary for the maintenance and education of the said infant, Ruby E. Eley, that her guardian shall spend the remainder of the money in his hands under decree in this cause, the court doth further adjudge, order and decree that the said Geo. W. Daughtrey, Guardian, may spend the remainder of the said money in his hands for the proper maintenance and education of the said Ruby E. Eley, and when he shall have completed such expenditure he shall report to one of the Commissioners of this court what he has done with all the money which came to his hands under decree in this cause and said Commissioner shall report to this court, and said Geo. W. Daughtrey, Guardian, shall retain sufficient of said funds in his hands to pay the proper fees of said Commissioner and the costs in this cause which have accrued since payment of same by J. C. Parker, Special Comr., including final decree removing this cause.

FORM NO. 312.

# Certificate of Clerk of Qualification

OF

as \_\_\_\_\_

of \_\_\_\_\_

Virginia: In the Clerk's Office of the County Court of the County of  
Ile of Wight

I, Chas. F. Hanna Clerk of the County Court of the County  
of Ile of Wight, do hereby certify that on the 2 day of November  
1903, Geo. W. Daughton duly qualified in my  
said court as guardian of Person & Estate of J. F. Ely deceased  
and gave bond as such according to law.

Given under my hand this 11th day of December 1903.

Chas. F. Hanna, Clerk.

- Notice -

We hereby acknow-  
ledge legal service  
of the within notice  
J. O. Parker, atty.  
for plaintiffs

Ruby C. Ely by W. S.  
Hall and her guardian  
ad litem and W. S. Hall  
guardian ad litem.

Note. I have signed as  
requested by letter  
W. S. H.

COMMISSIONER'S OFFICE,

Isle of Wight, Va., Sept. 28th. 1903.

To George W. Daughtrey and Pearl E. Daughtrey, Plaintiffs; and Ruby E. Eley, an infant under the age of twenty one years, Defendant:

You are hereby notified that I have fixed upon the 7th. day of October, 1903, if fair; if not the next fair day thereafter (Sunday excepted), to take and settle, at my office, the account:

1st. Who are the heirs at law of J. F. Eley and Octavia P. Eley, both deceased:

2nd. What real estate was left by said decedents, where the same is located and what is its value:

3rd. Who now owns said real estate, and if two or more jointly, then in what proportion they hold the same.

4th. Whether or not the said property is susceptible conveniently of division in kind, among those entitled thereto and whether it would be to the interest of those concerned to have it so divided.

5th. Whether ~~there~~ there are any of the part owners who will be willing to take the entire property and pay the other owner or owners a fair price for their shares in said property, and if so, what such fair price is.

6th. Any matter deemed pertinent by the said Commissioner or which may be required to report by any of the parties in interest:

Required to be taken by a decree of the Circuit Court of the County of Isle of Wight in vacation, rendered on the 21st. day of September, 1903, in a suit in chancery depending in said court between Daughtrey et als. against Eley, infant, 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. F. Young, Comr.

A Copy, Teste, N. F. Young Comr.