

1868-019

ELEANOR ZELUFF ETC VS

NORFOLK SAVINGS INSTITUTION
JAMES H. GODWIN SHERIFF ETC.
ADMN OF PETER ZELUFF ETC

1868

CHANCERY CAUSES

NANSEMOND COUNTY
(SUFFOLK)

SURNAMES: POST,

Eleanor Jeluff widow of Peter Jeluff who
resided in Nansemond County in the State of
Virginia at the time of his death being duly
Sworn doth depose and say that Joseph Jeluff
one of the children of the said Peter and
Eleanor Jeluff, departed ^{deceased} this life in the
year one Thousand Eight ^{hundred} and forty nine
and was fifteen years of age at the time
of his decease
Eleanor Jeluff

Sworn before me
this 10th day of November
1866

Solomon Simpson
Justice of the peace



affidavit of Eleanor
Schuff on the time of
Death of Joseph Schuff.

I have recd. from Archd. Atkinson Senior
of Smithfield, Bluff, N. H. an order
on the Exchange Bank of Virginia at
Norfolk Va. for the sum of one hundred
and sixty six dollars and ninety two cents
which he drew from the Norfolk Savings
Institution at Norfolk on the 24th Apr 1861
in favor of the same Exchange Bank of Va
at Norfolk, and which sum of money
was drawn under the order of the 17th of
April 1861, for me. Signed, Eleonore Zeluff
Wife.

Alfred T. Loring

Oct 5th 1866. ~~Sept~~

Having recd. from Mrs. Eleanor
Zeluff the written receipt, I
hereby return the same to the
Circuit Court of St. Lawrence
to be filed in the papers in the
suit of Zeluff & Co. vs. J. W. P. & Co.
A. B. Atkinson

Eleanor Zeluff
to Zeluff
A. B. Atkinson Jr.

filed 19th Octo: 1866
clw

State of New York, }
County of Richmond, } SS.

I, Michael P. O'Brien,

Clerk of the County of Richmond, and also, Clerk of the Supreme Court for the said County of Richmond, being a Court of Record; do hereby certify,

that Solomon Singer
before whom the annexed affidavit was taken, was at the time of taking the

same as *Justice of the Peace*
for said County, duly elected and sworn, and authorized to administer oaths
to be used in any court in said State, and for general purposes, and that his
signature thereto is genuine as I verily believe.

In Testimony Whereof, I have hereunto set my hand, and affixed the Seal of the said Court and County, the 23^d day of October 1866

M. P. Brin

State of New York }
County of Richmond } SS

Eleanor Zeluff of the Town
of Northfield in said County being duly Sworn
doth depose and say, that she is the widow of
Peter Zeluff who resided in Nansemond County
in the State of Virginia, at the time of his decease,
that John Zeluff Alethia Ann Zeluff and Joseph
Zeluff, were the only children of the said
Peter Zeluff living at the time of his decease,
that the said Alethia Ann has since died, and
Left her surviving ^{son} Peter Post her only
child, who is now living, that Daniel Post
the father of the said Peter Post departed
this life in or about the year one thousand
Eight Hundred and forty Seven, that the said
Joseph Zeluff is also deceased and left
no children, and that the said John Zeluff
is now living, and further this deponent
saith not

Eleanor Zeluff

Sworn before me
this 22nd day of
October 1866

Solomon Simson
Justice of the peace



Zeluff's Widow's Fee

++ { Affidavit to supply
is files with Burt
16th Apr. 1887

Godwin's Admⁿ: Fee

Eleanor Zeluff & others

v. } Circuit Court of Hanneman County Va

Godson adm'r &c

Received April 18. 1867 of Joseph W. Taylor Attorney Three hundred Eighty seven dollars and 77 cents for amount of Check drawn by him on my attorney under power procured in said cause on the 13th October 1866 in Norfolk Savings Institution and now duly accounted for with me. The net proceeds after deducting his fee and charges being remitted me by draft on National Bank of New York.

Eleanor Zeluff

Witness

Israel C. Dwyer

Receipt of Mrs. Schuyler

for \$87.77 for

the maintenance of children

1866.

27

May 1866

Heluff & others

Godwin Administrator & others

In compliance with the decree rendered
in this cause on the 13th day of October
1866 the undersigned reports that
on the 16th day of April 1867 he as
attorney for the plaintiffs C. Heluff has
checked on the Norfolk Savings In-
stitution for the sum of \$384⁴⁷
which sum he has paid and accounted
for to the said Eleanor Heluff as
shown by receipt herewith filed
all which is respectfully reported
this 25 day of April 1867.

Norfolk V^c

Fazewell Taylor

Zeluff's, Widowth - fol:

⁴
25 { Report of payment:
to Eleanor Zeluff
under Decree of Octo:
13th: 1866

Godwin's Admth: fol:

Feb 25th ap^l: 1867 clks:

My dear sir - I send her in a note
from Eleanor Zuleff - please file
in the paper and send on - that
it was filed. - Hope all are well -
Drop me a line to Mr. of Wright
saying you recd. it - Yours

Octo. 14. 1866

Adeline J.

666 T
Narcissus

Suit of Zeluff & others vs Godwin & others
in acct with the Norfolk Savings Instn

1861	Apr. 24	To check of a attorney under decree of court.	166	92	1861 Jan 1	By Balance as per last report of Cash.	3.413	99
'66 Oct 12	"	" Balance.	3634	84	" July 1	By Int. to this date	83	57
		Of this balance			1862 Jan 1	" do " do "	83	25
		\$ 3247.07 is Princip.			" July 1	" do " do "	62	18
		& 387.77 is Int.			1863 Jan 1	" do " do "	52	14
		3634.84			" July 1	" do " do "	52	92
			3.801	76	1864 Jan 1	" do " do "	53	71
							3.801	76

Norfolk Savings Institution

Norfolk Va Octo. 12th 1866.

E. & O. E.

Rich. Taylor.
Cashier.

Zeluff vs. Godwin

Statement of Cashier
of Norfolk Savings Institu-
tion of amount of funds
on deposit to the credit of
the cause.

~~Exhibit~~ (A)
Filed Octo: 13th 1866
with petition of Eleanor
Zeluff.

In The Circuit Court
of Hanson County }
}

Zeluff vs. Gordon -

The Plaintiffs Eleanor Zeluff & John Zeluff and Peter Post as
only heir at law of Althea Ann Zeluff former Plaintiff in this
suit now deceased this day by leave of the Court file their Supple-
mental Bill and Petition in this cause. And it appearing to the
satisfaction of the Court from the Affidavits filed with said Petition
that the said Althea Ann Zeluff is dead and that the said
Peter Post is the only child and heir at law of the said
Althea Ann who intermarried with Daniel Post also now deceased
and that upon the death of the Plaintiff Eleanor Zeluff the said
John Zeluff & Peter Post will be equally entitled to the principal
fund on deposit to the credit of this cause in the Norfolk
Savings Institution. On motion of the said Peter Post he is ad-
mitted a Party Plaintiff to this suit as sole heir of the said
Althea Ann as to whom it is ordered that the suit abate and
it appearing that Plaintiff Nathaniel P. Phillips as Sheriff
of Hanson County and Administrator of Joseph Zeluff deceased
has no interest in the subject matter of this suit the share
of his said intestate having descended as Real Estate under
the Statute of Descent to his surviving Mother & Sister
and now belonging to the said John Zeluff & Peter Post it is ordered
that the name of the said Nathaniel P. Phillips as Plaintiff
be stricken from this cause and on motion of the Plaintiffs with
the consent of the Norfolk Savings Institution it is ordered that the
said Norfolk Savings Institution be made a Party Defendant to this
cause & thereupon by leave of the Court the Norfolk Savings Institution
files its answer & the cause is continued to the next term -

X
Zeluffte 2
" }
Goodwin 3

April term 1867
order. asked for. by

T. Taylor
asked for all
parties

To be entered

R. H. B.

Entered

On the Petition of Emma Zschuff widow of Peter Zschuff demand that day
filed. it is ordered that the authenticated ^{Exhibited with her Petition} Copies of the Decree
which was pronounced by this Court in a certain suit in Chancery between said
the Record of which was destroyed by the fire of 7th February 1861. in which
the said Petitioner and others were Plaintiffs and James H. Gordon
and others were Defendants be entered on the Records of this Court
and the said Cause be docketed.

The said Decree being dated respectively April 18th 1855. April 16. 1856
April 15th 1857. April 16th 1858. April 18th 1859. April 20th 1860
and April 17th 1861. which are in the words and figures following
to wit (here insert).

And the said Cause comes on to be again heard on the said
Decree and on the Report of ^{Account signed by} Richard Taylor Cashier of Norfolk
Savings Institution filed with said Petition and dated October
12th 1866 from which Account it appears that there is on
deposit to the credit of this suit in the said Norfolk Savings
Institution the sum of \$3247.⁹⁷ Principal money arising from
the sale of the Land in the proceedings mentioned and the
further sum of \$387.⁷⁷ interest accruing on said fund collected
by said Institution from January 1st 1861. to January 1st 1864
to which last named sum the said Emma Zschuff is entitled
it is therefore ordered that the said account be approved and decreed that
Suzanne Taylor as Counsel for the said Emma Zschuff draw from
the said Norfolk Savings Institution on the fund on deposit therein
to the credit of this cause the said sum of \$387.⁷⁷ being the
interest as aforesaid due up to 1st January 1864 as shown
by said Account and pay thereout the costs of those proceedings
and pay the under threat to the said Emma Zschuff and for her
receipt ~~therefor~~ in this cause. The decree for said interest being without
prejudice to any further claim ^{against said Norfolk Savings Institution for further interest} ~~for interest~~ ^{she may be advised to make} and the
Cause is returned for such further proceedings as may be necessary.

and motion of the Norfolk Savings Institution by Counsel. It is ordered that
the authenticated copies of the Deeds herein mentioned be returned to
it when needed for the same having been filed on Deeds for
the payments made by it under the said Deeds and ~~forwards~~
bound to the Plaintiff to exhibit with his Petition.

Ordered.

To be Entered.

J. R. Parker

T. Taylor
189

Deene of October 1860

32nd
18
32nd's. and the

Eleana Zeff widow of Peter Zeff deceased John Zeff
and Peter Post

Plaintiffs

vs. In Chancery.

Norfolk Savings Institution.

Defendant

This cause came on this day to C. again heard on the former
Report of payment to Eleana Zeff of the sum due to her estate ^{at date from 1866}
formerly read and on the ^{and} Petition of John Zeff and Peter
^{and day file} Post and on the affidavit of Peter A Zeff filed with said

Petition showing that the Plaintiff Eleana Zeff departed this
life on the 26th February 1868 and was buried by counsel. On
consideration whereof it is ~~ordered~~ ^{ordered} that the ^{cause} ~~said~~ abate
as to the said Eleana Zeff deceased with liberty reserved to the
personal representative of the said deceased to revive the same at any
time ^{within the time prescribed by law} ~~hereafter~~ by motion Petition for further relief against the

Defendant for the recovery of the arrears of interest accrued since
January 1st 1866 ^{up to the fund of funds} on the fund on deposit in The Norfolk Savings
Institution to the credit of the cause if he shall think proper
and it is further ordered and decreed that the said Norfolk Savings

Institution pay to the Plaintiff John Zeff the sum of one
thousand six hundred and twenty three dollars and 53 cents.

(\$1623⁵³) being one half of the ^{former} fund on deposit to the credit of
this cause and ^{also} pay to the Plaintiff Peter Post the sum of
one thousand six hundred and twenty three dollars and 54 cents

(\$1623⁵⁴) being the other half of said fund with interest on
said sum at the rate of 5 per cent per annum from the said 26th
day of February 1868 till paid. and it is further ordered that
the numerous costs of this suit be paid by the said above named
Plaintiffs.

• Schuff &

or 3.

Winfell Savings Institution

Rough Dunes

April 11 1868

33m in p.m.

To be enclosed

R. H. B.

Entered

The Answer of the Norfolk Savings Institution to the Supplemental Bill and Petition of Eleanor Schuff and others this day filed in the Circuit Court of Hanover County.

The said respondents say that ^{they} having paid to Bazelwell Taylor an Attorney of Eleanor Schuff the sum of \$387.77 the interest on the principal fund on deposit ~~to~~ in said Institution to the credit of this cause as required by decree pronounced in this cause on the 13th October 1866. They remain a balance of principal of \$387.77 as of the 1st January 1868 to the credit thereof which your respondents hold subject to the order of the Court. The said Institution is winding up its affairs and has not allowed interest on its deposits since that date. Your respondents will abide by such decree as may be rendered in the premises.

Bazelwell Taylor. Attorney
for said Institution.

Memorandum. - Check drawn by B Taylor for \$387.77 and setd by authority of Eleanor Schuff at 10 per cent discount \$349. in cash being received for checks of which list is to be made hereafter.
B. Taylor

Zeluff's widow Gal.

4
vs { ans: of N. H. Savings
Institution - filed
16th. April 1867

Godwin's Admstr. Gal.

State of New-York
Richmond County } V. L.

Peter Zeluff of said
County being duly sworn says that
Eleanor Zeluff late of the Town of Northfield
in said County departed this life on the
26th day of February 1860 at her late residence
in said town and that the said Eleanor was
the widow of Peter Zeluff late of Nassau
County in the State of Virginia.

Sworn to before me.

this 18th day of April 1860

L. L. Haggerty

Justice of the Peace

Peter A Zeluff



Zeluff

m 3

Zeluff

Certificate of Death of

Mr Zeluff on 26 February

1868.

Zeluff &
" } To the Hon. Richard St Baker Judge of Circuit
Court of Hammond County.

The Petition of John Zeluff and Peter Post ^{who in answer to his petition} Plaintiffs in the
above entitled cause respectfully represents and shows to your
Honor that since the last proceedings had in this cause
to wit at April term 1867 Elmer Zeluff one of the
Plaintiffs has departed this life: and that the Affidavit of
Peter A Zeluff dated April 10 1868 herewith filed will show
that she died on the 26th February 1868.

Your Petitioners allege that by reason of the death of said
Elmer they are entitled to the ^{sum of} fund on deposit in the
Norfolk Savings Institution now remaining therein to the credit of
this cause to wit the sum of \$3157.07 to be equally divided
between them as was adjudged by the Court by the last decree
herein above referred to.

Your Petitioners therefore pray that the said Norfolk
Savings Institution may be decreed to pay to them the said
sum with ^{at the rate of 5 per cent} interest from the said 26th day of February 1868
till paid.

April 21. 1868.

Barzwell Bayler
Counsel for Petitioners

Zeluff ^{vs} _{of John Zeluff & Peter Post.}
Petition, filed
21st April 1868

The Norfolk Savings
Institution

To the Honorable Richard St Baker Judge of Circuit Court of Nassau County.

The Petition of Eleanor Zeluff widow of Peter Zeluff deceased for herself and the heirs of said Peter Zeluff of the County of Richmond in the State of New York respectfully represents. That a ^{in Chancery} ~~Suit~~ has been pending in this Court for a number of years in which your Petitioner as Widow and John Zeluff - Althea Ann Zeluff and Nathaniel P. Phelps Sheriff of Nassau County and Administrators of Joseph Zeluff deceased were Plaintiffs and James St Godwin late Sheriff of Nassau County and Administrator of Edwin Godwin deceased Henry J Cabell Executor of Samuel Corbett deceased Walter Braden Executor of James Melby deceased John Gray and Nathaniel P. Phelps personal representatives of Elizabeth Godwin deceased William Shepherd and Thomas S. Shepherd were Defendants. The object of the said suit was to secure to your Petitioner for life the usufruct of a certain sum of money arising from the sale of a certain tract of land in this County of which the said Peter Zeluff late of the said County of ~~Richmond~~ ^{Nassau} in the State of ~~New York~~ ^{of Va} died seized and which was sold under a decree of the County Court of Nassau made in pursuance of an Act of Assembly passed on the 9th day of March 1838 and the distribution of the principal sum arising from proceeds of said sale among the children of the said Peter Zeluff above named after the death of your Petitioner as devised by the last will of said Peter Zeluff. The sale was made by ~~James St Godwin~~ ^{Edwin as Commissioner} and in consequence of the default and misfeasance of the said Godwin. ^{the} ~~the~~ ^{also named} ~~Suit~~ was instituted to recover the amount of the purchase money from the parties bound for the same as security as to which there was a contest between some of the defendants above named which contest after a long and tedious litigation which was carried to the Court of Appeals was finally settled. (See 12 Williams Report P. 226.

and the whole proceeds of sale paid into Court and deposited in

The Norfolk Savings Institution subject to the order of the Court in this
Cause. whereby all the above named Defendants ceased to have any
further interest in the suit as to whom the objects of the suit were fully
accomplished. The suit has been continued on the Docket since 1855
for the sole object of disposing of the fund on deposit in the Norfolk
Savings Institution to the credit of the Cause and Decrees were made
annually at the April Term of this Court in the years 1855. 1856. 1857
1858. 1859. 1860 & 1861 directing the said Norfolk Savings Institution
to pay to ~~Richard~~ Archibald Atkinson as Counsel for your Petitioner
the annual interest accrued on said fund ~~except~~ ^{which} Decrees have been satisfied by the said Institution. The Principal sum
on deposit (to the interest of which your Petitioner is entitled for life)
is Three thousand two hundred and forty seven dollars & 07 cents (\$3247.07)
and the interest accumulated on said Principal sum from January 1. 1861
to 1st January 1864 inclusive is \$387.11 as well appears from the Statement
of Richard Bayler Cushing dated October 12. 1866 filed herewith as Exhibit A.
The rate of interest allowed up to January 1st 1864 was at 5 per cent which
was reduced to 4 per cent and then to 3 per cent. and since January 1864
the business of the said Institution has been suspended and no interest
credited on said fund. Your Petitioner reserves the right hereafter
to claim the full interest thereon as she may be advised and on
circumstances may justify. She would state to the Court that the
Records of this Court including all the papers in this suit were
destroyed by ^{the} fire which consumed the Clerk's office of this Court
with its entire contents on the 7th February 1866. and she is desirous
to avail herself of the Act Passed July 21. 1866 Session Acts P. 176.1
to have the said Cause docketed and to ^{Exhibit} furnish Authenticated Copies of
the several Decrees above herein mentioned that the same may be entered
on the Records of the Court and so that the Court may hereafter proceed to hear
and determine all questions hereafter arising as to the disposition of said
fund. She therefore ^{Exhibit} submits Authenticated Copies of said Decrees of 18th April 1855
16th April 1856. 17th April 1857. 16th April 1858. 18th April 1859. 20th April
1860. & 17th April 1861. which she prays may be recorded on the Records of this
Court and that the said Cause may be docketed and further proceeded in.

The change in the condition of the heirs and their several
claims to the principal sum of the said fund will be
hereafter and in due time more specially stated and the
Court asked to make such order as may be proper to withdraw
the said fund from The Norfolk Savings Institution which is
now liquidating its debt and winding up its affairs and invest
the same in some safe and productive security for the benefit of
all concerned.

She wants in the mean time ask the Court to decree her the
amount of interest ^{in Norfolk Savings Institution} deposited to the credit of this cause to wit
the sum of \$387.77 without prejudice to any further claim
she may be hereafter be allowed to make
for additional interest. ~~she may~~ and for liberty to file hereafter
such further proof of the contents of said last record as she may
be able to procure.

And your Petitioner in duty bound to

Eleazar ~~Adams~~ Schuff for herself and the
heirs of Peter Schuff deceased.

by Sargentwell Taylor her Attorney.

Suffolk October 13-1866.

Subscribed before me this
13th day of October 1866 by Sargentwell Taylor
C. H. Mansley D.C.

Zeluff

vs

Goedwin.

Petition of Eleanor Zeluff
plffs for docketing the cause
and setting up lost records.

Filed Octo: 13th: 1866.

To the Honorable R. H. Baker Judge of the
Circuit Court of Stansford County
The supplemental Bill and Petition of
Eleanor Keluff Widow of Peter Keluff deceased
and of John Keluff and of Peter ~~Past~~ respect-
fully states that at the last term of this
Court Your Orator^{tr} filed her Petition to
set up the lost Record of a cause which has
been long pending in this Court in which the
said Eleanor John Keluff ~~Elther~~ Ann Keluff
and Nathaniel P. Phillips Sheriff of
Stansford County and Administrator of Joseph
Keluff deceased were plaintiffs and James H.
Goodwin late Sheriff of this County and Admin-
istrator of Edwin Goodwin dec and others
were defendants the said Record having
been consumed by the fire of 7 February
1866 which destroyed the Clerk's Office
of said County - That by an order of this
Court made on the 13th October 1866 the said
cause was reinstated on the Docket of this
Court and a decree rendered authorizing
Tazewell Taylor as Counsel for your Petitioner
Eleanor Ann Keluff to check on the Norfolk
Savings Institution for the sum of \$384⁴⁷/₁₀₀
being the interest accrued on and due by
the said Norfolk Savings Institution up
to the 1st January 1864 on the principal fund)

of \$3244⁹⁷ on deposit therein held subject
to the order of this Court in said cause
to the intestate on which during her life
the said Eleanor Ann Zeluff is entitled
and the said principal sum at her death
(being the proceeds of a tract of land)
in this County of which Peter Zeluff
died seized and which was sold under
decree of this Court to be distributed
among the children of the said Peter Zeluff.

When the sale was made in the year 1838
the children and devisees of the said Peter
Zeluff deceased entitled to the principal
fund on the death of their mother were
your orator John Zeluff and Elsie Ann
Zeluff and Joseph Zeluff.

Now your Complainant, by way of
supplement to the original Bill filed
in said cause would state and show
to the Court that the said Joseph Zeluff
died in the year 1849 under age to wit
at the age of 15 intestate and without
issue and that his share of the said
principal sum passed and descended as
Real Estate to his heirs at law on the part
of his Father viz to his surviving Brother
and Sister the said John Zeluff and
Elsie Ann Zeluff.

That the said Elsie Ann Zeluff inter-
married with one Daniel Pash

of the State of New York and that
both ~~on~~ the said ~~Althea~~ ~~Ann~~ and her
husband - he died about 1847 - are dead
leaving an only child and heir at law
to wit your Complainant Peter Pash
who has now nearly if not quite attained
his full age and who together with the
said John Zeluff will be entitled to the
said principal fund (to each one half)
on the death of the said Eleanor Zeluff
which they beg leave to claim. In proof
of the facts they file the affidavits of
your Oratrix Eleanor as an Exhibit.
Your Complainants charge that all the
relief to which they are entitled against
the defendants in this cause has been
granted and that no further order
or decree as against them can be asked
for. That the only subject matter now
involved in this cause is the said fund
on deposit in the Norfolk Savings In-
stitution which your complainants
are desirous of withdrawing therefrom
and investing in some safe and profitable
security which is rendered more necessary
by the fact that the said Norfolk
Savings Institution has ceased to do
any business except for the purpose of
winding up and no longer as formerly
declare a semi-annual dividend of
its profits

They are advised ^{that} by the death of said
Catherine Ann Telford as herein stated
the suit abates as to her and that the
personal representative of Joseph Telford
deceased has no interest whatever in the
fund and that your Complainant
Peter Telford Pash should be admitted
a party plaintiff in this suit which
he therefore prays ^{and that the Norfolk Savings Institution}
^{may be made a party defendant to this Bill.}

And your Complainant would respectfully
ask the Court to direct that
the said fund on deposit in the said
Norfolk Savings Institution may
under the order of this Court be with-
drawn and invested in some safe
interest bearing security and for
the benefit of the parties entitled thereto
that it may be declared by the decree
of this Court that the said principal
fund on the death of your oratrix Eleanor
belongs to your Orator John Telford
and Peter Pash and that such other and further
orders and decrees may be had therein
from time to time as may be necessary
to protect and secure the interests
and rights of all of said parties. May it
please the Court to grant a subpoena

Suzanne Bayler.

J. Taylor. p. 9

Zelnuff's Widow's Tale:

vs { Suppl. Bell & Petition

Gardner's Admors. Tale:

Filed 16th: Apr: 1867 ctk:

1317 77

38 77

339

Zeluff h

25th { Chy: Noted

Godwin h

1866. Octo: 13th Petition of Cliff Don for docketing cause & setting aside
last records filed

" " " Decree

" " " 19th Receipt from E. Zeluff to A. W. Hanson filed

1867 April 16th: Supp: Bill Petition h filed - ans: of Harpo: Savings
Institution filed & decree for

25th Report & payt: ^{to E. Zeluff} under decree of Oct: 1866 filed. Octo: 15th Continued

1868. April: 21st Petition of John Zeluff & Peter Post filed

" " 22nd Decree for money h. filed decree

Chy. Notes