1887-006
Nansemond Co. (Suffolk) Chancery Causes: Algernon S. Darden vs Eliza P. Eley, Admx et al

Ellis, Pinner, Copeland, Kilby, Britt, Riddick -Plat

In the Circuit Court of Nansemond County
the 11th. day of April, 1887.

Algernon S. Darden . . . . . Complainant Plaintiff

Against } In Chancery

Eliza R. Eley, in her own right, and as
Admx: of R. Seth Eley, dec'd & others . . . . . Defendants

Statement of Costs

Clerk	$15.00
R. R. Prentis, Atty: & Jas on Summons in Chy	114.00
Lee Britt do. .	112.50
Commrs: Peter B. Prentis $5.00	
Thos. W. Smith $5.00	
John D. Turner $5.00	
Sydney D. Ellis $5.00	
W. C. Howell $5.00	25.00
	1/2 ch $266.50

to be paid by the Complainant and the other half to be paid by the Defendants.

Peter B. Prentis. Clerk

Costs

Virginia

At Rules, in the Clerk's Office of the Circuit Court of Nansemond County, on Monday the 6th: day of December, 1886

Algernon S. Darden. Complainant

Against

In Chancery.

Eliza P. Eley in her own right, and as Administratrix of R. Seth Eley, deceased, Emeline Eley, Henry Eley, and Eliza Porter Eley, the last Three of whom are infants, under the age of twenty One years Defendants.

On the Motion of the Complainants by Counsel, Peter B. Prentis is appointed guardian, ad litem to the infant defendants in this suit, and it is ordered that the said guardian be notified of his appointment, by serving upon him a copy of this order.

Teste:

Peter B. Prentis. Clerk

1886. December 6th: I hereby acknowledge service of the foregoing order, and that I have received a copy thereof.

Peter B. Prentis.

Guardian ad litem

Ugenia S. Darden

vs } order apptd
gdn: ad Litem

R Seth Elay's widow Theirs ah Lum

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Eliza P. Eley in her own right, and as administratrix of R Seth Eley, deceased; Emeline Eley, Henry Eley and Eliza Porter Eley, the last three of whom are infants, under the age of twenty-one years,

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in December *next, to answer a Bill in Chancery, exhibited against them in the said Court by* Algernon S. Darden,

and have then and there this summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 24th *day of* November, 1886, *in the* 111 *th year of the Commonwealth.*

Teste:

Peter B. Prentis. *Clerk.*

Prentis. p.q.

Algernon S. Warden

vs

Summons in Chy.

Eliza P. Eley, in her own right and as Administratrix of R. Seth Eley, deceased & als:

To December Rules, 1886

Pro. B. No. 1. f.

Cir. Co:

Eliza P. Eley, in her own right and as administratrix of R. Seth Eley, deceased.

Demurrer of defendant Eliza P. Eley in her own right and as administratrix of the estate of R. Seth Eley, deceased, to the bill of complaint of Algernon S. Warden filed in the Clerk's office of the Circuit Court of the City of Richmond on the 23rd day of December, 1886.

In Vacation

In the Circuit Court of Nansemond County
on Tuesday the 18th: day of January 1887

Algernon S. Darden Complainant

Against } In Chancery.

Eliza P Eley in her own right, and as
Administratrix of R. Seth Eley, deceased;
Emeline Eley; Henry Eley and Eliza Peter
Eley. the last three of whom are infants.
under the age of twenty one years. Defendants

This cause came on this day by consent to be heard upon the bill of the complainant; the answer of adult defendant and the answers of the infant defendants by Peter B. Prentis, their guardian ad litem duly assigned as such to defend them in this suit with general replications to the said answers; and upon legal and sufficient notice of the application for this decree in accordance with the statute in such case made and provided, and was argued by Counsel

On consideration whereof the Court doth adjudge, order and decree, that Peter B. Prentis, John F. Skinner, Thomas W. Smith, Dempsey C Harrell and Sydney J. Ellis, who are hereby appointed Commissioners for the purpose, any three or more of whom may act, having been first duly sworn, do proceed to lay off and divide the real estate in the bill mentioned into two equal shares or parts, having regard to quality and quantity and assign one of said parts to the complainant, Algernon S Darden, and the other of said parts to the defendants, the widow

and heirs at law of R. Seth Eley, deceased, — But if the said Commissioners should find it impracticable to divide the said land between the aforesaid parties, or should be of opinion that the interest of the said parties would be more promoted by a sale of the same or of any part thereof, in such case they are required to report the facts upon which their opinion is based, to the Court, and also what, in their opinion what is the fee simple value of the whole of the said real estate; and in either case they are required to report their proceedings under this order, to the Court.

A Copy

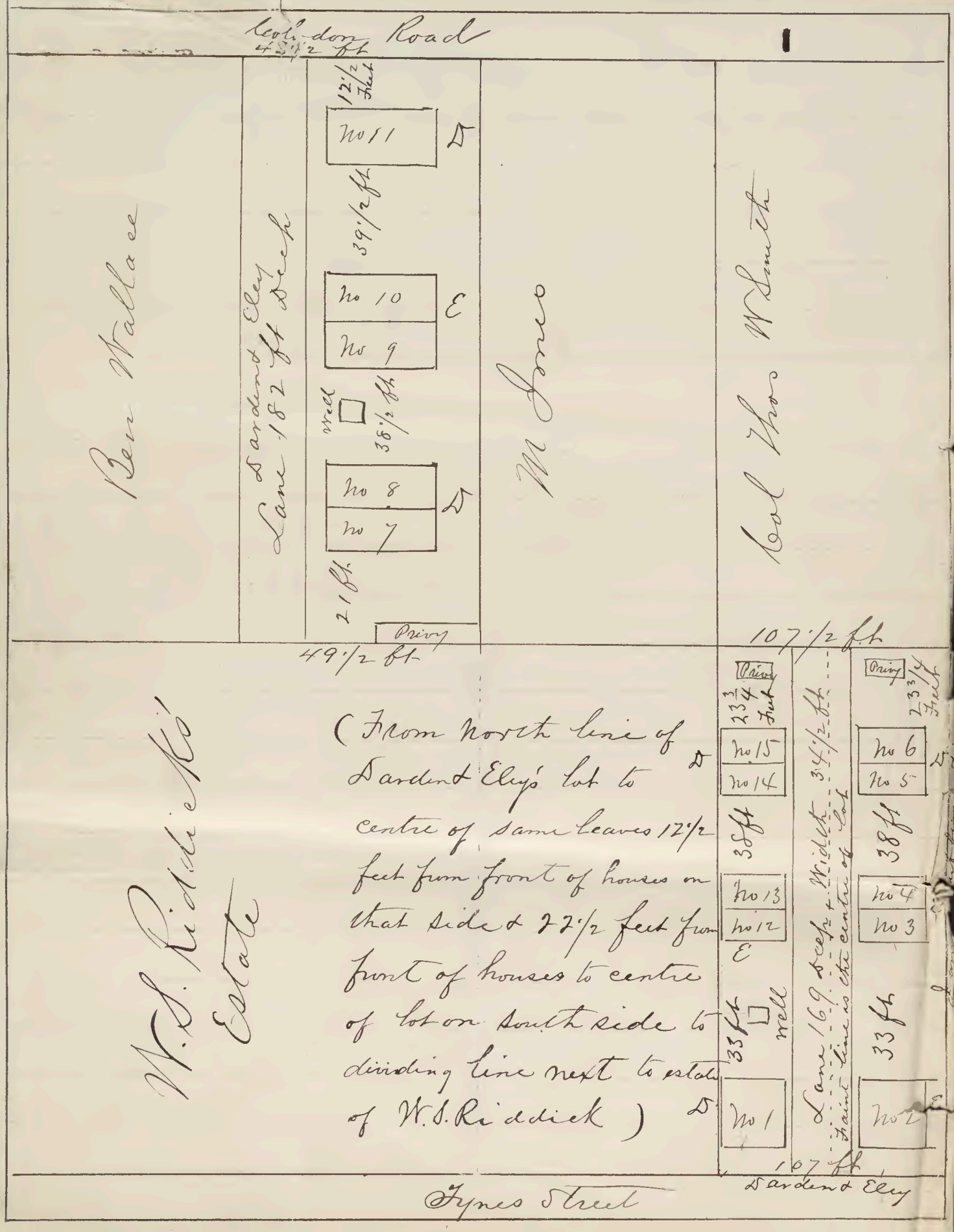
Teste:

Peter B. Prentis. Clerk

State of Virginia:—
County of Nansemond, to wit:—
I Lee Britt, a notary public in and for the county of Nansemond in the State aforesaid do certify that Peter B. Prentis, John F. Pinner Thomas W. Smith, Dempsey C. Harrell and Sydney P. Ellis Commissioners appointed by a vacation decree of the Circuit Court of Nansemond County entered on the 18th day of January 1887 in the Chancery cause of A. S. Haden vs Eliza P. Eley & others, a copy of which decree is hereto annexed, personally appeared before me in the County aforesaid

and made oath that they would impartially and to the best of their ability discharge the duties enjoined upon them in said decree.
Given under my hand this 29th day of March 1887

Lee Britt
Notary Public



All Available Text Successfully Captured

To the Honorable C.V. Hill, Judge of the Circuit Court of Nansemond County:-

A. S. Warden

vs

Eliza P. Eley and others.

The undersigned commissioners appointed by the vacation decree made in the above cause on the 18th day of January 1887, having been first duly sworn, proceeded to lay off and divide the real estate in the bill mentioned in said cause & beg leave respectfully to report as follows, to wit:-

1st " That in our judgment the total value (fee simple) of the said real estate in the bill described is $3240.00/xx.

2nd " That we have assigned one half of said real estate, having regard to quality and quantity, to the complainant A. S. Warden, which is valued and described as follows, to wit:-

I. That certain lot or parcel of land fronting upon Washington Street in the Town of Suffolk, (upon which there is at present an unfinished brick store), which lies within the following lines, to wit: Beginning on the South side of

Washington Street at the centre of the foundation wall recently put down by Hall and Halt and Haines & Heley, thence through the centre of said wall one hundred (100) feet to the rear of the brick building now upon said land, thence eastwardly along the rear wall of said building fourteen (14) feet, five (5) and one half (½) inches, thence South 23°, 13 m. along the line of Hall and Halt, one hundred and thirteen (113) feet and three (3) inches to the land of Benj. L. Saunders, thence eastwardly along said Saunders' line twenty five (25) feet, seven (7½) and a half inches to the lot hereinafter assigned to the defendants, thence northwardly along the line of the said last named lot to the rear wall of the said brick building at a point twenty five (25) seven and a half (7½) inches from Hall and Halt's line, thence westwardly along the rear of said building to the centre of the dividing wall between the store herein before referred to and the store hereinafter assigned to the defendants, thence northwardly

along the centre of said partition wall to Washington Street, thence westwardly to the point of beginning. It being a part of the real estate conveyed to Harden F Exley and Joseph P Wash by two deeds, one from James B. Warfleet, dated the 4th day of April 1870 and recorded on the 21st day of April 1870 (See L.B. No 2 p 316), the other from Pemelia F. and Benj. L. Saunders, dated the 21st day of March 1883 and recorded on the 16th day of April 1883 (See L.B No 11 p 575). Valued at ——— $6000.00

II That certain lot or parcel of land situated on Poplar Avenue in the Town of Suffolk and fronting on said Avenue and bounded and described as follows, to wit:- Beginning at a point fifty-seven (57) feet and three (3) inches from the north east corner of the land of John Douglas' estate it runs along Poplar Avenue fifty-seven (57) and three (3) inches to the land of John Douglas's estate, thence South sixty four (64) feet and seven (7) inches to the lot hereinafter assigned to

the defendants, thence eastwardly sixty two (62) feet along the line of the last named lot, and thence sixty three (63) and six (6) inches, in a straight line to the point of beginning on Poplar Avenue, together with a right in common with John F. Pinner and other grantees of John F. Pinner to a right of way twenty four (24) feet wide over the land of John Douglass' estate to Sycamore Street. This being the same land conveyed to Mary Ella Riley by John F. Pinner and wife by deed dated the 6th day of November 1885 and recorded on the 20th day of November 1885 (See D. B. no 15 P. 498). This lot is assigned, however, subject to a right of way nine (9) feet wide on the western boundary thereof from Poplar Avenue for the benefit and use of the lot hereinafter assigned to the defendants. Valued at $1000.00

III That certain lot or parcel of land fronting on Washington Street in the Town of Suffolk, and bounded on the South by said Street, on the west by the land of Anna M. Riddick and Missouri P. Withers, on the North by the land of Margaret P. Pinner and on the

east by the land of Margaret P. Pinner, Kate G. Kirby and Lelia Kirby. It being the same land conveyed to Harden & Riley by deeds from A. T. Ellis Trustee of the Commercial Bank of Suffolk, and John T. Pinner and wife, duly recorded in the clerk's office of the County Court of Nansemond County. (See D. B. No 15. p.p. 249 & 498) Valued at $300.00

IV. That certain lot or parcel of land fronting thirty eight (38) feet more or less on the East side of Lower Main Street in the Town of Suffolk, bounded on the north by the land of George T. Young, east by a branch or ditch, South by the land of Margaret A. Rayster. It being the same land conveyed to Harden & Riley by John R. Copeland Trustee by Deed Dated the 14th day of October 1881 and recorded on the 26th day of October 1881. (See D. B. No 9 p. 598). Valued at $135.00

V. That certain lot or parcel of land fronting forty four (44) feet more or less on the East side of Main Street, Suffolk, Va., bounded on the north by the Christian

Church lot and the lot of the estate of R.S. Eley, on the east by a branch, and on the south by the lot of Beatrice J. Daughtrey. It being the same real estate conveyed to Wardlow Eley by Wilbur J. Kelly Trustee by deed dated the 10th day of May 1880 and recorded on the 15th day of May 1880 (See D.B. No 8 p 372)

Valued at $1600.00

VI That certain lot or parcel of land situated on the east side of Pinner Street, in the Town of Suffolk fronting on said Street fifty (50) feet, and running back eastwardly from said Street between parallel lines one hundred & sixty (160) feet to the land of Emmett K. Channell, and bounded on the south by the land hereinafter assigned to the defendants and on the north and east by the land of Emmett K. Channell. It being the same land conveyed to Wardlow Eley by Henry R. Culley Trustee by deed dated the 29th day of January 1885 and recorded on the 30th day of January 1885. (See D.B. No 14 p. 239).

Valued at $1500.00

VII. That certain lot or parcel of land situated in the County of Nansemond near the Town of Suffolk, fronting on Culloden Road, designated on the Diagram hereto annexed as No 11 and bounded on the north by lot formerly owned by M. Jones, on the east by lot no 9 & 10 hereinafter assigned to the defendants, the dividing line being midway between the houses now on said lots, on the South by a lane ten (10) feet wide and on the west by the said Culloden Road. And also that certain lot designated as no 7 & 8 on said Diagram, bounded on the north by the lot formerly owned by M. Jones, on the east by the land of the estate of Willis S. Riddick, on the south by the said lane and on the west by the said lot no. 9 & 10 the dividing line being midway between the said lots nos 9 & 10 and 7 & 8. The building now occupying the space on the eastern boundary of lot no 7 & 8 and the land upon which it is located are reserved for the use of lots nos 7 & 8, 9 & 10 & 11. It being a part of the land conveyed

to Warden Coley by Benj Riddick. Trustee by deed dated and recorded on the 19th day of November 1881. (See D.B. No 9 P. 65th) Valued at $700.00

VIII That certain lot or parcel of land situated in the County of Nansemond, near the Town of Suffolk, fronting on Tynes Street, designated as No 1 on the Diagram hereto annexed, and bounded on the north by a lane thirty four and a half (34½) feet wide ~~or less~~, on the east by Tynes Street, on the south by the land of the Estate of Willis S. Riddick, and on the west by lot no 12 & 13, hereinafter assigned to the defendants, the dividing line being midway between the houses on said lots.

Also that certain lot or parcel of land designated as no 14 & 15 on said Diagram, and bounded on the north by a lane thirty four and a half (34½) feet wide, on the east by lot no 12 & 13, the dividing line being midway between the houses on said lots nos 12 & 13 and 14 & 15, on the south by the land of the

Estate of Willis S. Riddick and on the west by the land of Thomas W. Smith. And also that certain lot or parcel of land designated as lot no 5 & 6 on said diagram, and bounded on the North by the land of James Ruffin, on the east by lot no 3 & 4, hereinafter assigned to the defendants, the dividing line being midway between the houses now on said lots, on the south by a lane thirty four and a half (34½) feet wide, and on the west by the lot of Thomas W. Smith. It being a part of the real estate conveyed to Mansfield Eley by E. D. Britt & wife by deed dated and recorded on the 19th day of November 1881 (See DB. no 9 p. 653).

Valued at $1050.00

The total valuation of real estate assigned to the complainant, Algernon S. Mansfield being $1612.00

3rd That we have assigned the other one half of said real estate, having regard to quantity and quality to the defendants Eliza P. Eley, Emeline Eley, Henry Eley and Eliza Porter Eley, the widow and heirs at law of R. Stith Eley deceased, which is valued and described as follows, to-wit:

I. That certain lot or parcel of land fronting upon Washington Street in the Town of Suffolk (upon which there is a brick store) which lies within the following lines, to-wit: Beginning on Washington Street at the centre of the partition wall between the said brick store and the lot herein before assigned to A. S. Warden, thence southwardly along the centre of the said partition wall one hundred (100) feet to the rear of said building, thence eastwardly along the ~~said~~ rear wall of said building to a point twenty five (25) feet seven and a half (7½) inches from Hall & Holt's line, thence southwardly along the line of the lot herein before assigned to A. S. Warden to the land of Benj. L. Saunders, thence eastwardly along said Saunders's line twenty five (25) feet, seven and a half (7½) inches to the lot of Joseph P. Webb, thence northwardly along the line of said Joseph P. Webb to the rear wall of said building at a point twenty five (25) feet, seven and a half (7½) inches from the line of the lot herein before assigned to the said A. S. Warden for fifty one (51) feet and three (3) inches from Hall & Holt

line) thence westwardly along the rear of said building to the centre of the dividing wall between the store hereby assigned and the store of Joseph P. Webb, thence northwardly along the centre of said partition wall to Washington Street and thence westwardly to the point of beginning. It being a part of the real estate conveyed to Warden & Raley and Joseph P. Webb as hereinbefore specified. Valued at $7000.00

II. That certain lot or parcel of land fronting on the west side of Lower Main Street in Suffolk, Va, bounded on the north by the lot of James R. Baker, on the west by the lot of Nathaniel Jordan and Back or Church Street, on the South by the land of Joseph Prentis' Estate and on the east by said Main Street. It being a part of the land conveyed to Warden & Raley by Peter B. Prentis & wife by deed dated the 1st day of January 1874 and recorded on the 6th day of January 1874 (See D. B. 2 p. 13)
Valued at $3150.00

III. That certain lot or parcel of land situated in the Town of Suffolk on the north side of the Seaboard & Roanoke Railroad, and

bounded on the north by the land of Wilbur J. Kelby, on the east by lot of R. S. Eley's Estate (formerly owned by Henry Bulls), on the south and west by the land of the Seaboard & Roanoke Railroad Company, which land was conveyed to Wm. A. Eley by Wilbur J. Kelby, Special Commissioner, by deed dated and recorded on the 26th day of April 1881. (See Deed Book No 9. p. 281)

Valued at $530.00

IV. That certain lot or parcel of land situated in the Town of Suffolk, near the Norfolk & Western depot, and bounded on the north by the land heretofore assigned to A. S. Warden, the complainant, and the land of Eugenia C. Bulls & John W. Douglas, Est'd, on the south by the land of the Norfolk & Western Railroad Company and on the west by the land of W. B. Ferguson and Richard N. Brinkley which land was conveyed to Wm. A. Eley by Wilbur J. Kelby, Special Commissioner, by deed dated and recorded on the 26th day of April 1881, (See Deed Book No 9. p. 281) together with a right of way, ninety (90) feet wide across the lot hereinbefore assigned to A. S. Warden as hereinbefore specified,

Valued at $900.00

V. That certain lot or parcel of land situated on the east side of Pinner Street in the Town of Suffolk, fronting on said Street one hundred (100) feet running back eastwardly from said Street between parallel lines one hundred and sixty (160) feet to the land of Wells S. Riddick's Estate, and bounded on the north by the lot hereinbefore assigned to A. S. Glenden, known as the "Culley lot," on the south by the lot of James M. Leavett. It being a part of the real estate conveyed to Glenden Culley by John F. Pinner & wife by deed dated the 14th day of February 1874 and recorded on the 22nd day of January 1875. See D. B. no. 4 p. 494. Valued at $3 100.00

VI. That certain lot or parcel of land situated in the county of Nansemond, near the Town of Suffolk, designated as no. 9 & 10 on the Diagram hereto annexed, and bounded on the north by the lot formerly owned by M. Jones, on the east by lot no. 7 & 8, hereinbefore assigned to the complainant, the dividing line being midway between the houses now on said lots, on the south by a lane ten feet wide and on the west by lot no 11 hereinbefore assigned

to the complainant, the dividing line being midway between the houses on said lots. It being a part of the land conveyed to Harden & Exley by Benj. Riddick, Trustee, by deed dated and recorded on the 19th day of November 1881. (Deed B. No. 9. p. 65?)

Valued at $300.00

VII. That certain lot or parcel of land situated in the county of Nansemond, near the Town of Suffolk, fronting on Tynes Street designated as no. 2 & 3 & 4 on the Diagram hereto annexed, and bounded on the north by the land of James Ruffin, on the east by Tynes Street, on the south by a lane thirty four and a half (34½) feet wide, and on the west by lot no. 5 & 6 hereinbefore assigned to the complainant, the dividing line being midway between the houses now on said lots nos 3 & 4 and 5 & 6.

And also that certain lot or parcel of land designated on said Diagram as no 12 & 13, and bounded on the north by a lane thirty four and a half (34½) feet wide, on the east by lot no 1 herein before assigned to the complainant, the dividing line being midway between the

houses now on said lots nos 11 & 12 & 13, on the south by the land of the Estate of Willis S. Riddick, and on the west by lot no 14 & 15 herein before assigned to the complainant, the dividing line being midway between the houses now on said lots nos 12 & 13 and 14 & 15. It being a part of the real estate conveyed to Madam & Eley by E. B. Britt & wife by deed dated and recorded on the 19th day of November 1881. (See D. B. no. 9. p. 653)

Valued at $1000.00

The total valuation of the real estate assigned to the defendants, Eliza P. Eley, Emeline Eley, Henry Eley and Eliza Potter Eley being $1620.00

The Diagram hereinbefore referred to is returned herewith as a part of this report.

Given under our hands this 29th day of March 1887.

Peter B. Pruden Jr.
Thos W. Smith
John F. Pinner
Sydney T. Ellis
D. C. Hamlin
Commissioners

Commrs: fees.
$5.00 each or $25.00
in all.

Algernon S. Dardew

v.

Report of Commissioners.

R. Seth Eley's widow
Heirs at law.

J.

1887. March 31st. Filed
Clk

In the Clerk's Office of the Circuit Court of Nansemond County on Wednesday the 19th: day of January A.D. 1887, the following decree pronounced on the 18th: day of January A.D. 1887 in the following cause has been by C. W. Still Esquire, ordered to be entered in Vacation, to wit:

Algernon S. Darden. Complainant

Against } In Chancery.

Eliza P. Eley. in her own right, and as Administratrix of R. Seth Eley. deceased, Emeline Eley, Henry Eley, and Eliza Porter Eley; the last three of whom are infants under the age of twenty one years. Defendants.

This Cause came on this day by consent, to be heard upon the bill of the Complainant, the answer of the adult defendant, and the answer of the infant defendants by Peter B Prentis their guardian ad litem, duly assigned at rules to defend them in this suit, with general replications to the said answers, and upon legal and sufficient notice of the application for this decree in accordance with the Statute in such case made and provided, and was argued by Counsel.

On consideration whereof the Court adjudge, order and decree that Peter B. Prentis, John F. Pinner, Thomas W Smith Dempsey C. Harrell and Sydney T. Ellis who are hereby appointed Commissioners for the purpose, any three or more of whom may act, having been first duly sworn, do proceed to lay off and divide the real estate in the bill mentioned into two equal shares or parts, having regard to ~~quality~~ quantity and quantity, and assign one of said parts to the Complainant Algernon S. Darden, and the other of said parts to the defendants, the widow and heirs at law of R. Seth Eley, deceased.

But if the Commissioners should find it impracticable to

divide the said land between the aforesaid parties, or should be of opinion that the interests of the said parties would be more promoted by a sale of the same, or of any part thereof, in such case they are required to report the facts upon which their opinion is based, to the Court, and also what in their opinion is the fee simple value of the whole of the said real estate; and in either case they are required to report their proceedings under this order to the Court.

C. W. Hill
Judge &c

A Copy
Test:
Peter B. Prentis. Clerk

In Vacation:
In the Circuit Court of Nansemond County on Tuesday the 18th day of January 1887.

Algernon S. Darden, Complainant.

v.

Eliza P. Eley in her own right and as Administratrix of R. Seth Eley deceased; Euclid Eley; Henry Eley and Eliza Porter Eley, the last three of whom are infants under the age of twenty one years. Defendants.

This cause came on this day by consent to be heard upon the bill of the complainant, the answer of adult defendant and the answers of the infant defendants by Peter B. Prentis their guardian ad litem duly assigned at rules to defend them in this suit with general replications to the said answers; and upon legal and sufficient notice of the application for this decree in accordance with the statute in such case made and provided, and was argued by counsel.-

On consideration whereof the Court doth adjudge, order and decree that Peter B. Prentis, John T. Turner, Thomas

W. Smith Dempsey C. Harrell and Sydney J. Ellis,
who are hereby appointed Commissioners
for the purpose, any three or more of
whom may act, having been first
duly sworn do proceed to lay off and
divide the real estate in the bill
mentioned into two equal shares
or parts, having regard to quality
and quantity and assign one of
said parts to the complainant
Algernon S. Darden, and the other of
said parts to the defendants, the
widow and heirs at law of R.
Seth Eley deceased. - But if the
said Commissioners should find it
impracticable to divide the said
land between the aforesaid parties,
or should be of opinion that the
interest of the said parties would
be more promoted by a sale of the same,
or of any part thereof, in such
case they are required to report
the facts upon which their opinion
is based to the Court, and also what,
in their opinion, is the fee simple
value of the whole of the said
real estate; and in either case

they are required to report their proceedings under this order to this Court. —

C W Stuart
Judge &c

To the Clerk of the
Circuit Court of
Nansemond County.

A. S. Darden

Decree

M. appointing

Commissioners

Eliza P. Eley Fathers.

We consent to this decree

Rob. R. Davis p.q.

Lee Britt p.q.

Algernon S. Darden — Complainant.

v.

Eliza P. Eley in her own right and as Administratrix of R. Seth Eley deceased. Emeline Eley; Henry Eley and Eliza Porter Eley, the last three of whom are infants under the age of twenty-one years. — Defendants. —

This cause came on this day to be further heard upon the papers formerly read and upon the report of Peter B. Prentis, John F. Pinner, Thomas H. Smith, Dempsey C. Harrell and Sydney T. Ellis the Commissioners appointed by the decree entered herein on the 18th. day of January 1887, of the partition of the real estate in the proceedings mentioned among the several parties entitled thereto, agreeably to the terms of the said decree, which report is dated the 29th. day of March 1887 and was filed the 31st. day of March 1887, to which no exceptions have been taken and was argued by counsel. —

On consideration whereof, it appearing to the Court that in the partition made by the said Commissioners they

assigned to the complainant Algernon S. Darden, the real estate described as follows, viz:

I. That certain lot or parcel of land fronting upon Washington Street in the Town of Suffolk (upon which there is at present an unfinished brick store) which lies within the following lines, to wit: beginning on the South side of Washington Street at the centre of the foundation wall recently put down by Hall & Holt and Darden & Eley, thence through the centre of said wall one hundred (100) feet to the rear of the brick building now upon said land, thence Eastwardly along the rear wall of said building four (4) feet five and one half (5½) inches, thence South 23° 13' W. along the line of Hall & Holt one hundred and thirteen (113) feet and three (3) inches to the land of Benjamin L. Saunders, thence Eastwardly along said Saunders' line twenty-five (25) feet seven and a half (7½) inches to the lot hereinafter described assigned to the defendants, thence Northwardly along the line of the last named lot to the rear wall of

the said brick building at a point twenty-five (25) feet seven and a half (7½) inches from Hall & Potts line thence Westwardly along the rear of said building to the centre of the dividing wall between the store hereinbefore referred to and the store hereinafter described assigned to the defendants, thence Northwardly along the centre of said partition wall to Washington Street and thence Westwardly to the point of beginning. - It being a part of the real estate conveyed to Darden Eley and Joseph F. Webb by two deeds, - one from James B. Norfleet dated the 4 day of April 1870 and recorded the 21. day of April 1870 (See D.B. No. 2 p. 316), - the other from Pernudia F. and Benj. L. Saunders, dated the 21. day of March 1883 and recorded on the 16. day of April 1883 (See D.B. No. 11 p. 526.)

Valued at $6000.

II. That certain lot or parcel of land situated on Poplar Avenue in the Town of Suffolk and fronting on said Avenue, bounded and described as follows to wit: beginning at a point fifty-seven (57) feet and three (3) inches from the North-east corner

of the land of John Douglass' Estate it runs along Poplar Avenue fifty-seven (57) feet and three (3) inches to the land of John Douglass' Estate, thence South sixty-four (64) feet and seven (7) inches to the lot hereinafter described assigned to the defendants, thence Eastwardly sixty-two (62) feet along the line of the last named lot, and thence sixty-three (63) feet and six (6) inches in a straight line to the point of beginning on Poplar Avenue, together with a right in common with John F. Pinner and others grantees of John F. Pinner to a right of way twenty-four (24) feet wide over the land of John Douglass' estate to Sycamore Street. This being the same land conveyed to Darden & Eley by John F. Pinner & wife by deed dated the 6. day of November 1885 and recorded on the 20. day of November 1885 (See D.B. No. 15 p. 498). This lot is assigned however subject to a right of way nine (9) feet wide on the Western boundary thereof, from Poplar Avenue for the use and benefit of the

lot hereinafter described, assigned to the defendants. - Valued at $1000.-

III. That certain lot or parcel of land fronting on Washington Street in the Town of Suffolk and bounded on the South by said Street on the West by the land of Anna M. Riddick and Missouri J. Withers, on the North by the land of Margaret F. Pinner and on the East by the land of Margaret F. Pinner, Kate G. Killy and L. Clay Killy. - It being the same land conveyed to Darden Eley by deeds from S. T. Ellis Trustee of The Commercial Bank of Suffolk and John F. Pinner unrecorded recorded in the Clerk's Office of the County Court of Nansemond County. (See D.B. No. 15 pp. 349 & 498.)

Valued at $3000.-

IV. That certain lot or parcel of land fronting thirty-eight (38) feet more or less on the East side of Lower Main Street in the Town of Suffolk bounded on the North by the land of George F. Young, East by a branch or ditch and South by the land of Margaret A.

Royster. - It being the same land conveyed to Darden & Eley by John R. Copeland Trustee by deed dated the 14 day of October 1881, and recorded on the 26. day of October 1881. (See D.B. No. 9. p. 398)

Valued at $1350.-

V. That certain lot or parcel of land fronting forty-four (44) feet more or less on the East side of Main Street, Suffolk Va, bounded on the North by the Christian Church lot and the lot of the Estate of R. S. Eley, on the East by a branch, and on the South by the lot of Beatrice J. Daughtrey. - It being the same real estate conveyed to Darden & Eley by Wilbur J. Kelly Trustee by deed dated the 10 day of May 1880 and recorded on the 15. day of May 1880. (See D.B. No. 8, p. 372)

Valued at $1600.-

VI. That certain lot or parcel of land situated on the East side of Main Street in the Town of Suffolk fronting on said Street fifty (50) feet and running back Eastwardly from said Street between parallel lines, one

hundred and sixty (160) feet to the land of Emmett K. Chappell and bounded on the South by the land hereinafter described, assigned to the defendants, and on the North and East by the land of Emmett K. Chappell. It being the same land conveyed to Darden & Eley by Henry R. Culley & wife by deed dated the 29. day of January 1885 and recorded on the 30. day of January 1885 (See D.B. No. 14, p. 239). -

Valued at $1500. -

VII. That certain lot or parcel of land situated in the County of Nansemond near the Town of Suffolk, fronting on Culloden road, designated on the Diagram filed with the said report as No. 11 and bounded on the North by the lot formerly owned by W. Jones, on the East by lot No. 9 & 10 hereinafter described, assigned to the defendants the dividing line being midway between the houses now on said lots, on the South by a lane ten (10) feet wide and on the West by the said Culloden road. -

And also that certain lot designated

as No. 708 on said Diagram, bounded on the North by the lot formerly owned by M. Jones on the East by the land of the Estate of Willis S. Riddick, on the South by the said land, and on the West by the said lot No. 9&10, the dividing line being midway between the buildings now on said lots Nos. 9&10 and 708.- The building now occupying the space on the Eastern boundary of lot No. 708 and the land upon which it is located are reserved for the use of lots Nos. 708, 9&10 and 11.- It being a part of the land conveyed to Dardan & Eley by Benjamin Riddick Trustee by deed dated and recorded on the 19 day of November 1881.- (See D.B. No. 9, p. 652) Valued at $700-

VIII.- That certain lot or parcel of land situated in the County of Nansemond near the Town of Suffolk fronting on Tynes Street designated as No. 1 on the Diagram filed with the said report and bounded on the North by a land thirty-four and a half (34½) feet wide, on the

East by Tynes Street on the South by the land of the Estate of Willis S. Riddick, and on the West by lot No. 12 & 13 hereinafter described assigned to the defendants, the dividing line being midway between the houses on said lots. –

Also that certain lot or parcel of land designated as No. 14 & 15 on said Diagram, and bounded on the North by a lane thirty-four and a half (34½) feet wide, on the East by lot No. 12 & 13 the dividing line being midway between the houses on said lots Nos. 12 & 13 and 14 & 15 on the South by the land of the Estate of Willis S. Riddick, and on the West by the land of Thomas H. Smith. –

And also that certain lot or parcel of land designated as lot No. 5 & 6 on said Diagram, and bounded on the North by the land of James Ruffin, on the East by lot No. 3 & 4 hereinafter described, assigned to the defendants – the dividing line being midway between the houses now on said lots, on the South by a lane thirty-four and a half (34½)

feet wide, and on the West by the lot of Thomas W. Smith - It being a part of the real estate conveyed to Darden & Eley by E. B. Britt & wife by deed dated and recorded on the 19th. day of November 1881. (See D.B. No. 9, p. 653.) Valued at $4050.-

Of the total value of $16200.-

And that in the partition made by the said Commissioners they assigned to the defendants Eliza P. Eley, Emeline Eley, Henry Eley and Eliza Porter Eley the widow and heirs at law of R. Seth Eley deceased, the real estate described as follows, viz;

I. That certain lot or parcel of land fronting upon Washington Street in the Town of Suffolk (upon which there is a brick store) which lies within the following lines, to wit: beginning on Washington Street at the centre of the partition wall between the said brick store and the lot hereinbefore described, assigned to Algernon S. Darden, thence Southwardly along the centre of the said

partition wall one hundred (100) feet to the rear of said building, thence Eastwardly along the rear wall of said building to a point twenty five (25) feet seven and a half (7½) inches from Hall & Kotts line, thence Southwardly along the line of the lot hereinbefore described assigned to Algernon S. Darden to the land of Benjamin L. Saunders, thence Eastwardly along said Saunders' line twenty-five (25) feet, seven and a half (7½) inches to the lot of Joseph P. Webb, thence Northwardly along the line of the said Joseph P. Webb to the rear wall of said building at a point twenty-five (25) feet, seven and a half (7½) inches from the line of the lot hereinbefore described assigned to the said Algernon S. Darden (or fifty-one (51) feet three (3) inches from Hall and Kotts line), thence Westwardly along the rear of said building to the centre of the dividing wall between the store hereby described and the store of Joseph P. Webb, thence Northwardly

along the centre of said partition wall to Washington Street and thence Westwardly to the point of beginning. - It being a part of the real estate conveyed to Dardan & Eley and Joseph P. Webb as hereinbefore specified.

Valued at $7000.-

II. That certain lot or parcel of land fronting on the West side of Lower Main Street in Suffolk Va. bounded on the North by the land of James R. Baker, on the West by the lot of Nathaniel Jordan and Back & Church Street, on the South by the land of Joseph Prentis' Estate, and on the East by said Main Street. - It being a part of the land conveyed to Dardan & Eley by Peter B. Prentis and wife by deed dated the 1. day of January 1874 and recorded on the 6. day of January 1874 (See D.B. No. 4, p. 13). Valued at $3150.-

III. That certain lot or parcel of land situated in the Town of Suffolk on the North side of the Seaboard Roanoke Railroad and bounded on the North by the

Jesse Turner formerly the land of
land of Wilbur J. Kilby, on the East
by the lot of R.J. Eley's Estate (formerly
owned by Henry Butts), and on the South
and West by the land of the Seaboard
Roanoke Railroad Company. Which
land was conveyed to Darden & Eley
by Wilbur J. Kilby, Special Commis=
sioner by deed dated and recorded
on the 26. day of April 1881. (See
D.B. No. 9, P. 281). Valued at $550.-

IV. That certain lot or parcel of land
situated in the Town of Suffolk,
near the Norfolk & Western Depot,
and bounded on the North by the
land hereinbefore described assigned
to Algernon S. Darden, and the land
of Eugenia C. Butts and John Doty lass'
Estate, on the South by the land of
the Norfolk & Western Railroad Com=
pany and on the West by the land
of W. B. Ferguson and Richard
H. Brinkley, which land was conveyed
to Darden & Eley by Wilbur J. Kilby,
Special Commissioner by deed dated
and recorded on the 26. day of
April 1881. (See D.B. No. 9, P. 281).*
Together with a right of way
nine (9) feet wide across the lot

hereinbefore described assigned to Algernon S. Darden as hereinbefore specified.-
Valued at $900.-

V. That certain lot or parcel of land situated on the East side of Pinner Street in the Town of Suffolk fronting on said Street one hundred feet (100), running back Eastwardly from said Street between parallel lines one hundred and sixty (160) feet to the land of Willis S. Riddick's Estate and bounded on the North by the lot hereinbefore described, assigned to Algernon S. Darden known as the "Culley lot", and on the South by the lot of James M. Caudle. It being a part of the real estate conveyed to Darden & Eley by John F. Pinner & wife by deed dated the 14. day of February 1874 and recorded on the 22. day of January 1875. (See D.B. No. 4, p. 494) Valued at $3100.-

VI. That certain lot or parcel of land situated in the County of Nansemond, near the Town of Suffolk, designated as No. 9 & 10 on the Diagram filed with the said report, and bounded on the North by the

lot formerly owned by W. Jones on the East by lot No. 7 & 8 hereinbefore described, assigned to the complainant - the dividing line being midway between the houses now on said lots, on the South by a lane ten (10) feet wide, and on the West by lot No. 11 hereinbefore described assigned to the complainant - the dividing line being midway between the houses on said lots. - It being a part of the land conveyed to Darden & Eley by Benj. Riddick Trustee by deed dated and recorded on the 19 day of November 1881 - (see D.D. No. 9, f. 632) - Valued at $500. -

VII. That certain lot or parcel of land situated in the County of Nansemond, near the Town of Suffolk, fronting on Tynes Street, designated as Nos. 2 and 3 & 4 on the Diagram filed with the said report and bounded on the North by the land of James Ruffin, on the East by Tynes Street on the South by a lane thirty four and a half (34 1/2) feet wide, and on the West by lot No. 5 & 6 hereinbefore described, assigned to the complainant -

the dividing line being midway between the houses now on said lots 3 & 4 and 5 & 6. —
And also that certain lot or parcel of land designated on said Diagram as No. 12 & 13, and bounded on the North by a land thirty-four and a half (34½) feet wide, on the East by lot No. 1 hereinbefore described, assigned to the complainant - the dividing line being midway between the houses now on said lots Nos. 1 and 12 & 13, on the South by the land of the Estate of Willis S. Riddick, and on the West by lot No. 14 & 15 hereinbefore described, assigned to the complainant - the dividing line being midway between the houses now on said lots Nos. 12 & 13 and 14 & 15. —
It being a part of the real estate conveyed to Darden & Eley by E.B. Britt & wife by deed dated and recorded on the 19 day of November 1881. (See D.B. No. 9, p. 653) Valued at $1000. —
Of the total value of $16200. —
It is therefore adjudged, ordered and decreed that the said report of the said Commissioners be in all respects ratified,

approved and confirmed, and that the partition in manner and form as aforesaid made be held forever firm, effectual stable and binding.-
It is further ordered that the costs of this suit including a fee of One Hundred and Twelve 50/100 Dollars to Robert R. Prentis, the complainants counsel and a like fee of One Hundred and Twelve 50/100 Dollars to Lee Britt, the defendants' counsel be paid one half by the complainant and the other half by the defendants.-
And the objects of this suit having been accomplished it is ordered to be stricken from the docket.-

Copied

Algernon S. Darden

vs

Decree

R. Seth Eley's widow
& heirs at law.

Entered April 1884.

The answer of Eliza P. Eley in her own right and as the administratrix of all and singular the goods, chattels and credits which were of R. Seth Eley, deceased at the time of his death, who died intestate to a bill exhibited against her in her own right and as such administratrix as aforesaid, and others in the circuit court of the County of Nansemond, by A. S. Harden, complainant in said bill.

This respondent saving and reserving to herself the benefit of all just exceptions to the 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 believes the statements made in the said bill are true, to wit:-

1st That R. Seth Eley, who departed this life on or about the . Day of September 1886, and the complainant were at the time of the said Eley's death seized and possessed, in fee simple absolute, as the joint and equal owners of the real estate mentioned in said complainant's bill, a full description of which real estate is therein contained.

2nd That the said R. Seth Eley died intestate, leaving surviving him a widow, this respondent, and three children, viz. Emelie Eley, Henry Eley and Eliza Porter Eley, infants

under the age of twenty one years who are his only heirs at law. That this respondent has qualified as Administratrix of the said R Seth Eley.
That this respondent does not object to the division and allotment in severalty of the said real estate to the said complainant and the estate of the said R Seth Eley as each may be respectively entitled, and in the event the said real estate cannot be partitioned in kind that the same be exposed to sale and the proceeds of such sale be divided among the parties entitled thereto.
That this respondent as the widow of the said R Seth Eley deceased, and as such entitled to dower in the real estate of the said R Seth Eley specially waives the right to assignment of her dower in the real estate to be allotted to said estate if the same shall be divided in kind, and prays that the portion so allotted to the said Estate of R Seth Eley be not further divided but retained in kind to the estate for the joint support of the said widow, this respondent and the said infants, as will best subserve their interests and support. That this respondent consents that the Court shall allow to the counsel who institute and conduct this suit such reasonable attorneys' fees

as may be deemed proper.
And now having fully answered
the complainant's bill she prays
to be hence dismissed with her reasonable
costs &c, and she will ever pray &c

Lee Britt, P. d.

Eliza P. Eley.
in her own right and
as Administratrix
of R. Seth Eley, deceased

State of Virginia,
County of Nansemond, to wit:—
This day personally appeared before me
a notary public for the said County
Eliza P. Eley in her own right and as the
administratrix of R. Seth Eley deceased and
made oath that she believes the several
statements made in the foregoing answer
to be true.
Given under my hand this 13th day
of January 1887

Lee Britt
Notary Public

Cir Ct Nansemond County

A. S. Darden
vs
Eliza P. Eley & als

In Chancery

Answer of Eliza P. Eley
in her own right and
as the Administratrix
of R. Seth Eley deceased

"

Britt
P. A.

The separate and joint answer of Emiline Eley, Henry Eley and Eliza Porter Eley infants under the age of twenty one years, by Peter B. Prentis their guardian ad litem, assigned to defend them in this suit, to a bill of complaint exhibited against them and others, in the Circuit Court for the county of Nansemond by A. S. Harden:—

The respondents, reserving to themselves the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as they are advised that it is material they should answer, by their said guardian ad litem, answer and say:—

That they are infants of tender years, and by reason of their infancy, are incapable of understanding, or of taking care of their rights and interests. They, therefore, by their said guardian, commend themselves and their rights and interests to the protection of the Court, and pray that no decree may be pronounced which will tend to their prejudice. And having fully answered, the said respondents pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pray &c.

Lee Britt
P. Q.

Peter B. Prentis
Guardian ad litem

State of Virginia;
County of Nansemond, to wit.—
This day personally before me Robert R. Prentis, a commissioner in chancery for the Circuit Court of said county Peter B. Prentis, guardian ad litem to Emiline Edey, Mary Edey and Eliza Porter Edey the infant defendants, under the age of twenty one years mentioned in the foregoing answer and made oath that he believes the several statements made in the said answer are true.
Given under my hand this 6th day of December, 1886.

Rob. R. Prentis
Commissioner in Chancery—

Algernon S. Darden

vs } Answer of Infants.

R. Seth Eley's Executors Heirs at Law

Algernon S. Dardew

Eliza P. Eley in her own right and as Administratrix of R. Seth Eley deceased, Emeline Eley, Henry Eley and Eliza Porter Eley, the last three of whom are infants under the age of twenty one years.

To the Honorable George Blow, Judge of the Circuit Court of Nansemond County.

The complainant Algernon S. Dardew of Suffolk Virginia respectfully represents to the Court.

I. That R. Seth Eley who departed this life on or about the day of September 1886, and the complainant were at the time of the said Eley's death ~~the joint and equal~~ seised and possessed, in fee simple absolute, as the joint and equal owners of the following real estate, viz;

1. That certain lot or parcel of land with its appurtenances lying on the South side of Washington Street Suffolk Virginia, described as follows: Beginning

on Washington Street at the centre of the foundation wall recently laid by Hall & Nott and Darden & Eley thence Easterwardly along Washington Street to the line of Joseph P. Webb, thence in a Southerly direction along the line of Joseph P. Webb, (as defined by the Deed of Partition between Darden & Eley and Joseph P. Webb dated 11 June 1886 and duly recorded in the Clerk's Office of Nansemond County Court on 21 June 1886) to the line of Benjamin L. Saunders, thence in a Westerly direction along said Saunders' line to the land of Hall & Nott and thence along said Hall & Nott's line to the point of beginning on said Washington Street. -

2. That certain lot or parcel of land with its appurtenances lying on the North side of Washington Street, Suffolk, Virginia, bounded on the South by the said Street, West by the lot of Anna M. Riddick and Missouri T. Withers, North by the land of Margaret P. Pinner, and East by the land of said Pinner, L. Clay Nilly and

It being the same land which was

purchased by Darden & Eley in two parcels - one from Sydney T. Ellis Trustee and the other from John T. Pinner & wife. -

3. That certain lot or parcel of land with its appurtenances lying on the West side of Lower Main Street, Suffolk Va. bounded East by said Street, South by the lot of Joseph Prentis' heirs at law and Nathaniel Jordan, West by Back Street and Nathaniel Jordan, North by the lot of James R. Baker. - Which lot fronts ninety-eight feet on Main Street, and is a part of the land bought by Darden & Eley from Peter B. Prentis and wife by deed dated January 1. 1874 and duly recorded in the Clerk's Office of Nansemond County Court 6. January 1874. -

4. That certain lot or parcel of land with its appurtenances, fronting 38 feet more or less on the East side of Lower Main Street, Suffolk Va. bounded on the North by the land of George F. Young, East by a branch or ditch, and South by the land of Margaret A. Royster. - It being the same real estate which was sold to Darden &

Eley by John R. Copeland Trustee, and conveyed to them by deed dated the 14 day of October 1881, and duly recorded in the Clerk's Office of Nansemond County Court on the 26. day of October 1881. –

5. That certain lot or parcel of land with its appurtenances, fronting 44 feet more or less, on the East side of Main Street, Suffolk Va, bounded on the North by the Christian Church lot and the lot of R. Seth Eley, on the East by a branch and on the South by the lot of Beatrice J. Daughtrey, wife of William L. Daughtrey. It being the same real estate which was sold and conveyed to Darden Eley by Wilbur J. Kirby, Trustee, by deed dated the 10. day of May 1880, and duly recorded in the Clerk's Office of Nansemond County Court on the 15. day of May 1880. –

6. That certain lot or parcel of land with its appurtenances fronting 150 feet on the East side of Pinner Street in the town of Suffolk Virginia, and running back or Eastwardly from said Street between parallel lines

160 feet bounded North by the lot of E. K. Channell East by [illegible] and South by the lot of St James M. Baulk—
It being the same real estate which was sold and conveyed to Darden & Eley by John F. Turner and wife by deed dated 14 February 1874 and duly recorded in the Clerk's Office of Nansemond County Court 22 January 1875.—

7. That certain lot or parcel of land with its appurtenances, fronting 100 feet on the West side of Tynes Street, near the town of Suffolk Va, and running back of Westwardly from said Street between parallel lines 182 feet bounded North by the lot of [illegible] dec'd West by the lots of Marmaduke Jones and Thos. H. Smith, South by the lot of W. S. Riddick dec'd.
It being the same real estate which was sold and conveyed to Darden & Eley by Exum B. Britt and wife, by deed dated and admitted to record in the Clerk's Office of Nansemond County Court on the 19 day of November 1881.—

8. That certain lot or parcel of land with its appurtenances fronting 57 feet and 3 inches on the South side of Poplar Avenue in

the town of Suffolk bounded on the West by ~~John~~ the land of John Douglass' Estate South by the land of Darden & Eley and East by the land of Engenia Bulls formerly the land of John F. Pinner. — It being the same real estate which was conveyed to Darden & Eley by John F. Pinner & wife by deed dated 6. November 1885 and duly admitted to record in the Clerk's Office of Nansemond County Court 20. November 1885. —

7. Those two certain lots or parcels of land with their appurtenances in the town of Suffolk described as follows: First: a lot near the depot of the Norfolk & Western Rail-road about half way between Riddick and Sycamore streets, bounded South by the land of the Norfolk & Western Rail-road Company, North by the ~~Estate of~~ lands of Wm. H. Atkinson & wife Eugenia Bulls and Darden & Eley and West by the lands of Richard H. Brickley and Walter B. Ferguson. Second: a lot bounded South and West by the land of the Seaboard & Roanoke Rail-road Company, North by the land of Wilbur J. Killy, and East by the land of R. Seth Eley's Estate. —

It being the same real estate which was conveyed to Darden & Eley by Wilbur J. Killy, Special Commissioner, by deed dated

23. April 1881, and duly admitted to record in the Clerk's Office of Nansemond County Court 26. April 1881. —

10. That certain lot or parcel of land with its appurtenances fronting 50 feet on the East side of the Culloden Road near the town of Suffolk, and running back from said Road about 150 feet to the lands of Willis S. Riddick's Estate, bounded on the North by the lot of Marmaduke Jones, East by the lands of Willis S. Riddick's Estate and South by the lot of Ben. Wallace. —
It being the same real estate which was conveyed to Darden & Eley by Benjamin Riddick Trustee, by deed dated and admitted to record in the Clerk's Office of Nansemond County Court 19. November 1881. —

II. That the said R. Seth Eley died intestate, leaving surviving him a widow Eliza P. Eley and three children viz, Henry Eley, Emeline Eley and Eliza Porter Eley who are infants under the age of twenty-one years, who are his only heirs at law. That the said Eliza P. Eley has qualified as Administratrix of the said R. Seth Eley.

III. That the said real estate is ~~~~ as the complainant avers and believes susceptible of partition in kind among the parties entitled thereto; but if it be not then the complainant desires the same to be sold and the proceeds divided between the adult and infant parties according to their respective rights, the shares of the infants to be held as directed by the statute in such case made and provided. Should the property not be divisible in kind the complainant believes and avers that the interests of those who are entitled to the said real estate or its proceeds, will

be promoted by a sale of the whole of said real estate, or by allotment of part and sale of the residue.-

Forasmuch therefore as the complainant is without remedy in the premises save by the aid of a court of equity, where matters of this sort are properly cognizable and relievable, the complainant prays that the said Eliza S. Eley in her own right and as Administratrix of R. Seth Eley deceased; Euclind Eley; Henry Eley and Eliza Porter Eley, the last three of whom are infants under the age of twenty one years, may be made parties defendant to this bill, and required to answer the same on oath; that a proper guardian ad litem be assigned the infant defendants to defend their interests in this suit, who shall also answer this bill; that proper process issue; that the said real estate be divided between the several parties entitled thereto and the complainants portion thereof allotted to him in severalty, and in case the said real estate cannot be partitioned

and divided in kind, that the same be exposed to sale and the proceeds of such sale be divided among the parties entitled thereto; that the Court will allow to the counsel who institute and conduct this suit such reasonable attorneys fees as may be deemed proper; that all proper orders and decrees may be made, and proper enquiries be directed, and that all such other, further and general relief may be afforded the complainant as the nature of the case may require or to equity shall seem meet.-
And complainant will ever pray &c.-

(and notice is here given that this Court will be asked to fix said counsel fee)

Rob't R. Dentis, A. S. Darden

p. q.

State of Virginia,
County of Nansemond, to wit:
This day Algernon S Darden personally appeared before me and made oath that the statements contained in the annexed bill, so far as made of his own knowledge are true, and so far as made from knowledge or information derived from others he believes them to be true.-
Given under my hand this 6 day of December 1886.-

Rob't R. Dentis
Commissioner in Chancery.-

Prentis. P.q.

Algernon S. Dardan

v. Bill

R. Seth Eley's widow
& heirs at law.

Hanover Cir: Ct:

Algernon S. Garden

vs } Chy: Notes

Eliza P. Ely, in her own right and as
admx: of R. Seth Ely, deceased & als:

1886. Nov: 24th: Sum[s] in Chy: issued to Decr: Rules, 1886

" Decr: 6th: Bill filed - and Decree Nisi vs the adult defendants

" " " Peter B. Prentis, appointed Guardian ad
litem to the infant defendants who filed their
answer, to which there was a general replic[n] &
the Cause set for hearing as to them.

1887. Janry: 3rd: Decree Nisi confirmed and Cause set for
hearing on Mot: of Pltff's Counsel.

" " 18th: Decree absolute, Commiss:

" March 31 . Report filed

" April 11th: Decree confirming Report, confirmed

Chy: Notes

Prentiss. S. J.

Chancery Papers

Algernon S. Garden

against

Eliza D. Eley, in her own right, and as admrx. of R. Seth Eley, deceased & als

1887.
April Term.
Final Decree.

Hanscomb Cir. Co.