

1901-006

Nansemond Co (Suffolk)

Chancery Causes: Admr of Samuel Eley vs Mills Rogers Sr et al

Nelms, Kilby, Butts

Folder 1 of 2

W. J. Kilby Reg.
Saml. Eley's Admr.
vs In Chancery
Mills Rogers & others

1901
April 17th
Final Decree

Wm. J. Kilby Reg.
vs Admr. Rogers & others

Cost-
Clerk #218
Paid

In the Circuit Court of Chausse-
mond County, Va.

Adolphus S. Eley, Administrator
of all and singular the goods and
chattels, rights and credits, which
were of Samuel Eley deceased at
the time of his death, who died
intestate. Complainant.

Against } In Chancery

Mills Rogers Sr. and Virginia his
wife, Robert E. Telms and Sarah J.
his wife and the said Robert E.
Telms, Trustee of said Virginia
wife of said Mills Rogers Sr. Thomas
W. Telms and Clara T. ^{Wilbur J. Kilby, Trustee,} his wife, Ida
O. Rogers, Fanny Mary Telms, Elaud
W. Telms, James M. Telms, Mills
C. Telms, Eva Mary (sometimes called
Eva Virginia) Telms, and Thomas
C. Telms, the last seven named
being infants under the age of
twenty-one years. Defendants

To the Honorable George Blow,
Circuit Court Judge in and
for the County of Chaussemond

in the State of Virginia:

Complaining respectfully represents and shows unto Your Honor, Your Complainant Adolphus S. Eley Administrator of all and singular the goods and chattels rights and credits which were of Samuel Eley deceased at the time of his death who died intestate, the following case:

That by deed of bargain and sale dated the 27th. day of January A.D. 1869 and recorded the 30th. day of June A.D. 1869 in the Clerk's office of the County Court of Chausemond County, Va. John R. Kilby, Trustee, in consideration of three thousand dollars and James E. Godwin and Margaret Adaline his wife in consideration of two thousand dollars, sold and conveyed to Robert E. Aclius one undivided ^{fee-simple} half interest, and to Daniel Brinkley Sr. Trustee the other one-half undivided interest in a parcel of land situated in Chuckatuck Magisterial District in said County, containing 370 acres, more or less, and bounded by the Crocker farm, then owned by Henry

L. Tyner Sr. the Pembroke farm, formerly owned by Jeremiah Primer, the lands of others and the county road leading to said Pembroke farm; the said one-half interest sold to said ~~Trustee~~ Daniel Brinkley Sr. to be held in trust by him for the sole and separate use and benefit of Virginia the wife of Mills Rogers Sr. during her life and ~~after~~ ^{in fee simple} her death to go ^{to} the children of said Mills Rogers or their descendants living at her death, ~~in fee simple~~, as will appear by a copy of said deed herewith filed as part of this bill and marked "Exhibit A".

That the said sum of \$2000. was paid to said James E. Godwin and Margaret Adaline his wife at the time said land was sold,

That the said sum of \$3000. was not paid at the time of said sale, but ~~was~~ by a lien retained in said deed upon the said land, was secured to be paid in three separate installments as follows, to wit: \$1000.

on the 1st. day of July 1869, \$1000. on
the 1st. day of January 1870 and \$1000
on the 1st. day of July 1870 with inter-
est on each sum from the 1st. day
of January 1869 till paid as will
~~appear by reference to said deed~~
That for and in evidence of
the said indebtedness of \$3000.
the three separate Bonds each
~~for \$1000, for~~ of Ro. E. of said
Robert E. Chelms and Mills Rogers
were given, each for the sum
of \$1000, payable with interest
as above stated, unto John R. Kilby
Trustee for said James E. Godwin
and his creditors.

That the first and ~~third~~
second of said bonds in the or-
der of their maturity have long
since been paid, but the third
has never been paid.

That on the first day of July
1869, the said third bond was
assigned for value by said John
R. Kilby, Trustee as aforesaid, to-
gether with said lien and all
benefit thereof unto Samuel
Eley, as will appear by the en-
dorsement upon said bond herewith
which is herewith filed as part

of this bill and marked "Exhibit B."

That the interest only on said third Bond from the first day of January 1869 to the 1st. day of January 1875 has been paid, as will appear by the endorsement upon said bond.

That both the said Ro. E. Belus and Mills Rogers have declined and refused to pay said third bond, or any part thereof, and are supposed to be insolvent and unable to pay the same, or the interest due thereon.

That for the satisfaction of said indebtedness of \$1000, and the interest due thereon, it is necessary to resort to said land and enforce the lien retained ~~retained~~ thereon in said deed.

That the said indebtedness of \$1000 is payable to your Complainant to whom letters of administration were granted on the ~~the~~ estate of said Samuel Eley by the County Court of said County on the 11th. day of March 1879, the said Samuel Eley hav-

previously, to wit, on the 30th day of January 1879 departed this life intestate,

A copy of the order of said Court granting said letters is herewith filed as part of this bill and marked "Exhibit C."

That on the 14th day of July 1884, said Robert E. Helms was appointed trustee under said deed for the benefit of said Virginia Rogers by said County Court in the place of said Daniel Brinkley Sr. who had previously, to wit, in the month of April or May 1881 departed this life.

A copy of the ^{County} Order of said Court appointing said R. E. Helms Trustee as aforesaid is herewith filed as part of this bill and marked "Exhibit D."

That by deed of bargain and sale dated the 2nd day of February 1869 and recorded in said Clerk's office the 11th day of June 1870, a ~~one-half undivided fee simple interest in a~~ parcel of seven (7) acres of land more or less adjoining the above-mentioned parcel of 370 acres,

was sold and conveyed by Geo. W. Butts and ^{and others} wife unto said Ro. E. Belus and the other half interest to said Daniel Brinkley Sr. Trustee to be held in trust by him "on the same terms and conditions set forth in said deed above referred to from John R. Kilby Trustee and James E. Godwin and wife to said Ro. E. Belus and Daniel Brinkley Sr. Trustee dated the 27th January 1869, as well appear by a copy of said deed from said Butts and wife and others dated 2 February 1869 herewith filed as part of this bill and marked "Exhibit E".

That by deed of bargain and sale dated the 14th day of January 1875 and ^{duly} recorded in said Clerk's office, the said Robert E. Belus ^{and his wife} sold and conveyed his one-half undivided interest in both said parcels of land to said Mills Rogers Sr. the parcel of 370 acres, more or less, being then as it is now, subject to the lien aforesaid to secure said indebtedness of \$1000.- a copy of which last mentioned

deed is herewith filed as part of this bill and marked "Exhibit F."

That ~~on the 16th day~~ by deed of trust dated the 16th day of January 1875 and duly recorded in said Clerk's office, the said Mills Rogers and Virginia his wife conveyed the one-half interest in said two parcels of land acquired by him as aforesaid of said Ro. E. Helms and wife, unto John R. Kilby, Trustee, in trust to secure to said Samuel Eley the payment of the sum of \$780⁰⁰ due and payable by said Rogers unto said Samuel Eley, as evidenced by the Bond of said Rogers dated the 1st day of January 1875 and payable on demand unto said Samuel Eley.

A copy of said deed of trust is herewith filed as part of this Bill and marked "Exhibit G"

And said bond for said sum of \$780. is herewith filed as part of this bill and marked "Exhibit H."

That in part satisfaction of said

and for \$780.⁰⁰ the sum of \$360.⁰⁰ was paid on the 15th. day of Sept. 1878. the sum of \$25.⁰⁰ on the 3d. day of October 1878, and the sum of \$80.⁰⁰ on the 24th. day of April 1882, leaving a large balance still due and now payable to Your Complainant.

That the said Mills Rogers declines and refuses to pay the balance still due of said sum of \$780.⁰⁰ and is supposed to be insolvent and unable to pay the same.

That it is, therefore, necessary to sell the interest of said Rogers in said land by virtue of said deed of trust for the satisfaction of the balance still due of said sum of \$780.⁰⁰

That on the 14th. day of July 1884 Wilbur J. Kilby was appointed trustee by said County Court in the place of the said John R. Kilby the trustee named in said deed of trust, who had previously departed this life, as will appear by a copy of the order of said County Court herewith filed as part of this bill and

marked "Exhibit K"

That the children of said Mills Rogers now living are Sarah J. the wife of said Ro. E. Telus, Clara V. the wife of Thomas W. Telus and Ida O. Rogers, the last one named being under twenty-one years of age.

That the descendants of said children of said Mills Rogers now living are Fanny Mary Telus ^{infant} daughter of said Ro. E. Telus and Sarah J. his wife, and Claud W. Telus, James M. Telus, Mills C. Telus, Eva Mary (sometimes called Eva Virginia) Telus and Thomas C. Telus infant children of ~~the~~ said Thomas W. Telus and Clara V. his wife.

In consideration whereof, Your Complainant being without remedy save in a Court of Equity, prays that the said Mills Rogers, ^{Sr.} and Virginia his wife, Robert E. Telus and Sarah J. his wife and the said Ro. E. Telus, Trustee of said Virginia wife of said Mills Rogers Sr. Thomas W. Telus and Clara V.

his wife, Wilbur J. Kilby, Trustee,
Ida O. Rogers, Fanny Mary Melus,
Clara W. Melus, James M. Melus
Mills C. Melus, Eva Mary (some-
times called Eva Virginia) Melus
and Thomas C. Melus, the last
seven named being infants
under the age of twenty-one
years, may be made parties
defendants, to this bill and
be required to answer ^{on oath} all the
allegations therein contained.
The adults in their own proper
persons and the infants by
their guardian ad litem to be
appointed to defend them in
this suit: That an account
of the indebtedness aforesaid
of said Mills Rogers to your
Complainant's intestate or his
estate, now payable to your
Complainant, ~~may~~ may be
taken, stated and reported to
Court: That the real estate aforesaid
subject to the satisfaction
of said indebtedness by virtue
of said deeds and the liens
thereby effected may be sold
and the proceeds of the sale

applied in payment of said
indebtedness and that said
liens may be enforced for that
purpose; and that all ^{such} further
and adequate relief may be
granted Your Complainant, as
the nature of his case may require
or to Equity may seem proper. And
as in duty bound, Your Complainant
will ever pray etc.

Adolphus S. Eley. Admr.
of Saml. Eley deceased
By Counsel.

Wilbur J. Kilby p. q.
27th. August 1885

Saml. Eley's Admr.

vs. } In Chy.

Mills Rogers Sr. & al.

Bill

Samuel Eloy's Auditor

to Chy. Notes

Mills Rogers, Sr. Val.

1885. Aug. 27th: Sum^s in Chy: issued to Sept^r. Rules, 1885.

" Sept^r. 7th: Bill & Exhibits filed

" " " Decree nisi to adult defendants

" " " Peter B. Prentiss, aff'd^d gen. ad litem to
infant defendants who filed their answer to
which there was a genl. replication, and
cause set for hearing, as to them

" Oct^r. 7th: Answer of The debt: Mills Rogers Sr: filed & genl.
repl^y thereto.

" " " Decree nisi: Comp'd & Cause set for hearing.

" " 12th: Decree for sale

" Nov. 23rd: Commisⁿ's Sale's but executed Filed

1886. Feb. 18th: Report of Sale Filed

" April 15th: Decree &c.

" Sept^r. 16th: Report of Commⁿ: Prentiss, filed

" Oct^r. 11th: Decree for payment and investment
of money.

1890 Sept 29th: Report of Commissioner William Kelly
under decree of 11th Oct-1886 Filed

Why: Notes

In the Circuit Court of House-
mond County, Va.

Samuel Eley's Admr.

Against } In Chancery.

Mills Rogers Sr. & al.

The joint and several an-
swers of Ida O. Rogers, Fanny Mary
Belms, Claud W. Belms, James M.
Belms, Mills C. Belms, Eva Mary
(sometimes called Eva Virginia)
Belms and Thomas C. Belms, mi-
nors under the age of twenty-one
years by Peter B. Prentiss, their guar-
dian ad litem assigned to defend
them in this suit, to the Bill of Com-
plaint, exhibited against them
and others in the Circuit Court
for the County of Housemond by
Adolphus S. Eley Administrator
of Samuel Eley deceased

These 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 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
taking care of their rights and
interests. They, therefore, by their
said guardian, commend them-
selves and their rights and in-
terests to the protection of the Court
and pray that no decree may be
pronounced, which will tend to
their prejudice or be against
their interest.

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 etc.

Peter B. Prentiss.

Gdn: ad litem

7 Sept. 1885

Eley's Admr.

vs. } In Chy.

Rogers & al.

Answer of the
infant defend-
ants by their
guardian ad
litem.

In the Circuit Court of Housemond
County, Va.

Samuel Eley's Admr.

vs. } In Chancery

Rogers & al

The answer of Mills Rogers Sr.
to the Bill of Complaint exhibited
against him and others in the Cir-
cuit Court for the County of Housemond
by Adolphus S. Eley, Administrator of
Samuel Eley deceased:

This Respondent reserving to himself
the benefit of all just exceptions to the
said Bill, for answer thereto, says,

That the allegations and state-
ments in said Bill contained are
true; that his indebtedness as stated
in said bill, now payable to the
administrator of Samuel Eley de-
ceased, is one thousand dollars
with interest due thereon from the
first day of January 1875 till paid
and also the sum of six hundred
and twelve dollars with interest
due on the sum of five hundred and

seventy and $33/100$ dollars part thereof from the 24th day of April 1882 till paid, and that the said indebtedness is secured to be paid by the liens upon his lands in said Bill mentioned and described in the manner therein specified; that he is not able to pay said indebtedness and must suffer the said lands to be sold for the satisfaction thereof, praying only that the said lands, if sold, may be sold for cash without delay.

And having fully answered, this Respondent prays to be hence dismissed with his reasonable costs in this behalf expended and he will ever pray etc.

5 Octo. 1885

Mill. Rogers Sr.

Eley's Admr.

vs. } In Chy.

Rogers Adl.

Answer of
Mills Rogers Sr.

1885. Oct. 7th. Filed
Mk

Eley's Admr.

vs.

Rogers & al.

This cause came on this day to be again heard on the papers formerly read and on the Report of Special Commissioner, Wilbur J. Kilby, this day filed by leave of the court (the same being a Report of the collection and disbursement of interest under the decree entered herein on the 11th day of October 1886, etc.) and was argued by counsel.

On consideration whereof the court doth approve and confirm the said Report to which no exception has been taken.

And the court doth adjudge, order and decree that the proceedings had in this cause be final and binding between the parties.

And nothing more appearing to be done in this cause it is ordered that it be removed from the docket.

Eley's Admr.
v. } In Chy.

Rogers & als.

In the Circuit
Court for the County
of Chaussemond
April 17, 1901,

Final Decree,
To be entered

Robert H. Smith

Entered in Chancery
Order Book No 3 Page 360.

Whereas James E. Godwin, by his deed of Trust, dated the 23^d day of April one thousand eight hundred and sixty eightth in order to secure the payment of certain sums of money as therein named to Broscius & Reorner and others convey unto John R. Kilby the Trustee therein named, among other estate, the following parcel of Land, to wit a tract of land, in the Lower Parish of Hansemond County, Virginia, containing by survey three hundred and seventy acres and which was estimated in said deed of Trust to contain four hundred acres more or less and which land is bounded and described by John M. Cowling Surveyor, who surveyed the same in two parcels as follows. First one hundred and twenty-five acres Beginning on Henry D. Tyner's line running S. 45° E. 9 poles S. 28° E. 38 poles across the path leading on to Pembroke S 63° W 23 poles S 55 1/2° W. 14 poles S. 58° W. 8 1/2 poles then along Mrs. Mary Butts line N 54° W. 16 poles. S. 67 1/2° W. 90 poles to corner of Mrs Butts line. S. 8° E 7 poles to path S. 89° W. 8 poles S. 59° W. 6 poles S. 89° W. 34 poles N. 44° W 20 poles N. 57 1/2° W 32 poles. N. 32 1/2° W. 16 poles N. 54° W 20 poles. N. 46° W 12 poles. N. 59° W 20 poles. to main road. then down main road N. 8° E 24 poles N. 19° E 16

poles. N. 11° E. 78 poles N. 74° E. 11 poles to a
pine near the sign. Post at the cross
road leading on to Suffolk, then N. 13° E 24
poles. S. 40° E. $12\frac{3}{4}$ poles, to the Corner of H. L. Tynes
& Jesse Whitehead on James & Godwins line
then N. 46 poles S. 51° W. 84 poles to the beginning
second Two hundred and five acres by
survey and described by same Surveyor
as follows. Beginning on the road leading
to Pembroke at the head of swamp and
cove N. 60° W. 90^{poles} to a cedar N. 86° W. 41 poles then
across making two surveys of the land)
N. 28° W. 38 poles to H. L. Tynes line, then along
said line N. 50° E. 188 poles to a cove, then down
said cove S. 74° E 94 poles then along the Marsh
S. 45° E. 72 poles thence along said Marsh
S. $18\frac{1}{2}^{\circ}$ W. 65 poles to the landing on Warehouse
creek, then up a cove dividing the lands
of Jeremiah Pinners estate called Pembroke
S. 74° W. 38 poles S. 60° W. up said cove and Branch
93 poles to the beginning

Thirdly The marsh attaches to said land
not surveyed but estimated to contain
Forty acres. All three parcels forming
one tract and containing Three hundred
and Seventy acres more or less. and where-
as by said deed it is provided that the
said John R. Kilby Trustee aforesaid

might make sale of the property conveyed whenever he might deem it best to do so and at private or public sale for cash, or on credit as he might deem best and whereas the said John R. Kilby as Trustee as aforesaid in execution of the power conferred on him by said Deed. has made sale of said Land (in which the wife of said James E. Godwin has not relinquished her title to Rowet) to the parties of the second part herein after named for three thousand dollars and whereas Mrs. Margaret Adaline Godwin the wife of said James E. Godwin has sold her right in said lands to the same parties for two thousand dollars, she together with her said husband James E. Godwin does now join in this Deed to make a full and complete title to said Land. This Deed therefore made this 27th day of January One Thousand eight hundred and sixty nine, between the said John R. Kilby as Trustee as aforesaid, and the said James E. Godwin and Margaret Adaline his wife of the first part and Robert E. Helms, and Daniel Brinkley Senr. Trustee as hereinafter named of the second part their heirs, shal the parties

of the first part in consideration of the said
sums of money, that is to say, the said John
R. Kilby as Trustee as aforesaid, in con-
sideration of the sum of Three Thousand
dollars and the said James E. Godwin
and Margaret Adaline his wife in con-
sideration of the sum of Two thousand
dollars as aforesaid do grant (the said
John R. Kilby as Trustee aforesaid, with
special warranty and the said James E. Godwin
and Margaret Adaline his wife with general
warranty) the above described lands and
appurtenances unto the said Robert E. Helms
and Daniel Brinkley Senr. Trustee as here-
in after named, each to own, one undi-
vided half of the same. The undi-
vided half sold to said Daniel ^{Brinkley Senr} ~~Brinkley~~
~~Senr~~ is in trust for the sole and sepa-
rate use and benefit of Mrs. Virginia
Rogers wife of Mills Rogers, for and
during her life and then to the
children of said Mills Rogers, that
maybe alive at the death of his pres-
ent wife whether by his first or pres-
ent wife) and to the descendants of
any such child that may then be
dead and whereas three thousand
dollars of the purchase money remains

due and unpaid, due as follows
\$1000 due 1st July 1869. \$1000 due 1st Janu-
ary 1870 & \$1000 due 1st July 1870 and
all carrying interest ^{from} the 1st January
1869. therefore a Lien is hereby retained
on the said Land to pay the same.
Witness the following signatures & seals

John R. Kilbuck 

James E. Godwin 

Margaret Adaline Godwin 

Virginia

Nausemond County to wit,

We John F. Bunting and Henry L. Tynes
Jr. Justices of the Peace in and for said
County and State do certify that James
E. Godwin, a party to the foregoing writ-
ting bearing date the 27th day of Janua-
ry 1869, has acknowledged the same be-
fore us in said County and we fur-
ther certify that Mrs. Margaret Adaline
Godwin the wife of James E. Godwin
aforesaid also a party to said writing has
personally appeared before us in our said
County & being examined by us privily
and apart from her said husband, and
having the writing aforesaid fully
explained to her she the said Margaret

Adeline Godwin acknowledged
the same to be her act and deed,
and declared that she had willingly
executed the same & that she does
not wish to retract it.

Given under our hands this 26th
day of May 1869.

John J. Bunting J.P.
Henry A. Tynes J.P.

In the Clerk's Office of Nantsemond
County Court, the 30th day of June 1869.
This deed was acknowledged by
John R. Kilby, Trustee, and with the
Certificate written thereon admit-
ted to record (the requisite stamp
of \$5.00 having been affixed and
cancelled)

Teste

Peter B. Prentiss D.C.

A Copy

Teste:

Peter B. Prentiss, Clerk.

xnd
John R. Kelly, Trustee, and
James E. Godwin & wife

In & Copy Deed

Robert E. Molnar and
Daniel Brinkley, Sr.
Trustee for Virginia Rogers.

"Exhibit A"

\$1000.



on the first day of July 1870, with Intent I promise to pay unto
John R. Kilby, Trustee for Jas. E. Gordon & security his heirs,
executors, administrators or assigns, the just and full sum of one thousand —

_____ Dollars, and _____ Cents, current money of the United
States, for value received, for the true payment of which I bind myself, my
heirs, executors and administrators, firmly by these presents.

As witness my hand and seal, this 1st day of January in the year of
our Lord, one thousand eight hundred and sixty nine.

Witness

Jo E Kilby [Seal.]

Milt Ryan [Seal.]

Ro. E. Kelms and
Mills Rogers Sr.
To

Samuel Eley Dr.

To Amt. of Bond
" Interest from 1 Jan. 1869
to 1 Jan. 1875 - Cy.

Paid 1 Jan. 1875

" Interest from 1 Jan. 1875
to

\$1000 00

360 00

~~\$~~ 1360 00

360 00

~~\$~~ 1000 00

A monthly Court, continued and held for
the County of Monmouth. on the 11th day March 1879.

On the Motion of Adolphus T. Eley, who made oath
as the law directs, and entered into a bond, in the
penalty of Fourteen Thousand Dollars, conditioned
according to law, with Alfonso W. Eley and Susanah
J. Eley, his sureties therein, who justified on oath
as to their sufficiency, and which said bond being
acknowledged by the obligors therein, is ordered to be
recorded, Letters of Administration on the Estate of
Samuel Eley, deceased, in due form are granted him.

A Copy

Teste:

Peter B. Prentiss, Clerk

(Copy) ^{Xind}
order of qualification of
Adolphus S. Ely, as Admin^r;
of Samuel Ely, dec'd

Exhibit C.

At a monthly Court held for Stansmond County
the 14th day of July, 1884.

It appearing to the Court that Daniel Brunkley Seneor
the Trustee named in the Deed executed by John R. Kelly,
Trustee, James E. Godwin & wife and others, to said
Daniel Brunkley Sr. for the sole and separate use and
benefit of Virginia, the wife of Mills Rogers Seneor
during her natural life, and dated the 27th day of
January, 1869, and recorded in the Clerk's Office of this
Court the 30th day of June, 1869, on page 83. of deed
book No 2. has departed this life, it is ordered on the
motion of said Mills Rogers Sr. and Virginia his wife
with the consent of all parties concerned, given in
open Court, that Robert E. Selms. be and he is hereby
appointed Trustee in said deed. in the place of said
Daniel Brunkley Sr. and substituted to all the rights,
powers, duties and responsibilities of said Daniel
Brunkley Sr. as Trustee under and by Virtue of
said deed.

A copy.

Teste.

Peter B. Pentis. Clerk.

(Copy) xmd
Order of Hansmann Co: Co:
Substituting Robert E. Helms
Trustee, in place of Daniel
Bunkley Sam: decd, Trustee for
Virginia Roper, wife of Miles Roper Sr.

"Exhibit D"

This Deed made this second day
of February one thousand eight hun-
dred and sixty nine between George
W. Butts and Hattie his wife and
Joseph M. Kilby and Eudora his wife
of the one part and Ro. E. Nelsons and
Daniel Brinkley Sr. trustee for Mrs.
Virginia Rogers, wife of Mills Rogers
of the other part, Witnesseth, that the
parties of the first part in consid-
eration of the sum of one hun-
dred dollars, do grant with general
warranty unto the parties of the
second part a small piece of land
on the North side of and adjoining the
road leading to the Pembroke farm,
containing seven acres more or less,
and is bounded South, by said Road and
and on all other sides, by the lands re-
cently purchased by the parties of the second
part of John R. Kilby Trustee & Jas E. Godwin
& wife. a diagram of which is annexed
which piece of land is part of the farm
formerly belonging to Dr. Edward A. Butts
now dead & now belongs to his two children
the said Geo. W. Butts & Eudora Kilby, which
piece of land now sold is to be held by
said Ro. E. Nelsons & Daniel Brinkley Sr.

Trustee aforesaid, on the same terms
& conditions set forth in the Deed above
referred to from John R. Kilby, Trustee
& James E. Godwin and wife To said
parties of the second part, dated the 27th
January 1869. Witness the following sig-
natures & seals.

Geo. W. Butts	Seal
Hattie C. Butts	Seal
Joseph M. Kilby	Seal
Eudora Kilby	Seal

Diagram of land sold.
North

Piece of land sold, 7 acres more or less

Road to Pembroke

Virginia Hansemond County to wit:
We John M. Bowling and Cornelius Hall
Justices of the Peace in and for said County
and State of Virginia, do certify that
George W. Butts and Joseph M. Kilby
parties to the foregoing writing bearing
date the second day of February 1869,
have severally acknowledged the same
before us in our said County. And
we further certify that Hattie Butts

the wife of Geo. W Butts, and Eudora Kilby
the wife of Jos. M Kilby, also parties to the
foregoing Deed, have severally appeared
before us in our said County and
being examined by us privily and
apart from their husbands and having
the said deed fully explained to them,
they the said Hattie Butts & Eudora Kilby
severally acknowledges the same to be
their act and deed, and declares that
they had willingly executed the
same and that they do not wish to re-
tract it. Given under our hands this
24th day of February 1869.

Jos. M Cowling J.P.
Cornelius Hall J.P.

In the Clerk's Office of Nausemond County
Court, the 11th day of June 1870.

This deed, with the Diagram an-
nexed was received, and with the
Certificate written thereon admitted
to record. (the requisite stamp of
50¢ having been affixed and cancelled.)

Teste:

Peter B. Prentiss Clerk.

Copy

Teste:

Peter B. Prentiss Clerk.

Kind
George W. Britto & wife
To { Copy Sent
Ro. E. Nelson & others.

"Exhibit E"

This Deed,

made the fourteenth day
of January in the year of our Lord one thousand eight hundred
and ~~eighty-five~~ seventy-five between Robert E. Nelms
and Sarah J. his wife of the
County of Nansemond in the State of Virginia
of the one part, and Mills Rogers, Senr
of the same place

of the other part, **Witnesseth:** That in con-
sideration of the sum of Twenty-one hundred Dollars

the said
Robert E. Nelms and Sarah J. his wife
~~his wife~~, do grant with general warranty, unto the said Mills Rogers,

Senr and to his heirs and assigns, forever, the
following real estate, to wit: one undivided half of two parcels
of land (now forming one tract) situated in Chickadee
Township, Nansemond County, Virginia, one parcel contain-
ing three hundred and seventy acres, more or less, and is particu-
larly described in a deed of Bargain & Sale, executed by John R. Kelly,
Trustee & James E. Godwin & wife, dated the 24th day of January,
1869 to said Ro. E. Nelms & Mills Rogers and others, to which
reference is made for said description; the other parcel contains
seven acres more or less, & was conveyed to said Nelms & Rogers &c.
by George W. Butt's wife &c. by deed dated the 2nd day of February, 1869,
recorded, to which reference is made for further description, which
lands adjoin the lands of Honry L. Sykes' Estate, the Pembroke
farm &c. and all known as the James E. Godwin land

together with all and singular the appurtenances belonging to the same.

And the said Robert E. Nelson covenants that he has the right to convey the said land to the said grantee; that the said grantee shall have quiet possession of the said land; that he has done no act to encumber the said land; and that he will execute such further assurances of the said land as may be requisite.

Witness the following signatures and seals:

Witnesses:

Robert E. Nelson [SEAL.]

Sarah J. Nelson [SEAL.]

State of Virginia,
County of Nausamund

} To wit:

I, John R. Kelly, a Notary Public, in and for the county aforesaid in the State of Virginia, do certify that Sarah J. Nelson, the wife of Robert E. Nelson, whose names are signed to the writing above, bearing date the 14th day of January 1875, personally appeared before me in the county aforesaid, and being duly examined by me privily and apart from her husband, and having the writing aforesaid fully explained to her, she the said Sarah J. Nelson acknowledged the said writing to be her act, and declared that she had willingly executed the same, and does not wish to retract it.

Given under my hand this 15th day of January eighteen hundred and seventy-five.

John R. Kelly
Notary Public

Virginia,

County of Nausamund

} To wit:

I, John R. Kelly, a Notary Public in and for the said county, in the State of Virginia, do certify that Robert E. Nelson whose name is signed to the writing above, bearing date the 14th day of January 1875, has acknowledged the same before me in the county aforesaid.

Given under my hand this 15th day of January 1875

John R. Kelly
Notary Public

In the Clerk's Office of Nausamund County Court, January 16th 1875.

This Deed was received, duly certified and thereupon admitted to record.

Teste: Willis E. Calhoun, Clerk

A copy:
Teste: Peter B. Prentiss, Clerk

Xm 2

(Copy)

Deed of Bargain and Sale.

Robt E. Nelson & wife

TO

Mills Rogers, Sr.

"Exhibit F"

This Deed, made the Sixteenth day
of January, one thousand eight hundred and seventy-five
between Mills Rogers, Sr and
Virginia, his wife, of the county of Nassau
and State of Virginia, of the one part, and John R. Kelly,

chosen as trustee for the purposes herein named, of the other part, **Witnesseth:**

That the said Mills Rogers, Sr and
Virginia, his wife, do grant, with general warranty,
unto the said John R. Kelly
trustee as aforesaid, the following property, to wit: one undivided half
of three hundred and seventy-seven acres, more or less, in Chucka-
tuck Township, Nassau County, Virginia, conveyed to said
Mills Rogers, Sr by Re: E. Nelson wife, by deed, dated the 14th day of this
present month (January, 1875) and therein described as
adjoining the lands of Henry L. Sykes' Estate & the Pembroke farm
& others & known as the James E. Godwin farm (and which one
half of said lands now conveyed is subject to a Deed of Trust
executed by said Mills Rogers Sr & wife to John R. Cepeland,
Trustee for the Farmers Bank of Nassau and to secure One
Thousand Dollars, as therein named, & is dated the 15th day
of this month

together with all and singular the appurtenances belonging to the same.

In trust to secure to Samuel Eley, his heirs, executors, administrators or assigns, the sum of Seven hundred ~~and~~ eighty dollars with interest from the 1st day of January, 1875, till paid, due by bond with power to the said John R. Kelly, Trustee as aforesaid, to sell the said Estate hereby conveyed as the law directs, and after paying all expenses of sale, including a Commission of five per cent on all sales, then pay the said debt, & all interest due thereon, and the residue pay as the law directs.

Witness the following signatures and seals:

Mills Rogers Sr. [SEAL.]

Virginia Rodgers [SEAL.]

State of Virginia,

County of Hanover

To wit:

I, Wilbur J. Kelly, a Notary Public in and for the county aforesaid, in the State of Virginia, do certify that Virginia Rogers, the wife of Mills Rogers, Sen. whose names are signed to the writing above, bearing date the 16th day of January 1875, personally appeared before me in the county aforesaid, and being duly examined by me privily and apart from her husband, and having the writing aforesaid fully explained to her, she the said Virginia Rogers acknowledged the said writing to be her act, and declared that she had willingly executed the same, and does not wish to retract it.

Given under hand this 16th day of January eighteen hundred and seventy five

Wilbur J. Kelly
Notary Public

Virginia,

County of Hanover

To wit:

I, Wilbur J. Kelly, a Notary Public in and for the said county, in the State of Virginia, do certify that Mills Rogers, Sen. whose name is signed to the writing above, bearing date the 16th day of January 1875 has acknowledged the same before me in the county aforesaid.

Given under my hand this 16th day of January 1875

Wilbur J. Kelly
Notary Public

In the Clerk's Office of Hanover County Court 16th day of January, 1875.

This deed was received, duly certified and thereupon admitted to record.

Teste: Willis E. Cohen, Clerk

N. Copy: Teste: Peter B. Prentiss, Clerk

(Copy.)

xmd

DEED of TRUST.

Mills Rogers, Sr. & wife.

To

John R. Kelly,
Trustee for
Samuel Eloy.

"Exhibit G"

Mills Rogers Jr.

To

Samuel Eley

To Amount of Bond
" Interest from Jan. 1875
to 15 Sept. 1878, - 3y. 8m. 14ds.

\$ 780 00

173 55

953 55

360 00

593 55

Paid 15 Sept. 1878

Int. on \$593.55 from 15 Sept.
1878 to 3 Octo. 1878 - 18ds.

1 78

595 33

25 00

570 33

Int. on \$570.33 from 3 Octo.
1878 to 24 Apl. 1882 - 3y. 6m. 21ds.

\$ 121 67

Paid 24 Apl. 1882

80 00

41 67

Balance due

\$ 612 00

with interest on \$570.33
part thereof from 24th.
Apl. 1882

Exhibit H.

\$ 780.

On demand I _____ promise to pay
unto Saml Eley _____ his heirs,
executors, administrators, or assigns, the just and full sum of seven hundred & Eighty
_____ Dollars and _____ Cents,
for value received; for the payment of which I bind my self my _____ heirs,
executors and administrators, firmly by these presents; and I _____ hereby waive the benefit
of my Homestead Exemption as to this debt and obligation.

As witness my hand and seal this 1st day of January
in the year of our Lord one thousand eight hundred and seventy five.

Witness

John R. Kieh

Milh Rogers (SEAL.)

Exhibit H.

\$780.
Rogers bond

Suffolk Va. Sept. 15th 1878
Recd. of Miller Rogers Three Hundred
and Sixty Dollars of the within
bond.

\$360

Samuel Eley
for A. S. Eley

Suffolk Va. Oct. 3rd 1878

Recd. of Miller Rogers Twenty
Five Dollars in part of the within
note, and given him in effecting a
compromise with W. G. Kelly for Jas. W.
Wilson.

\$25.⁰⁰

Samuel Eley
for A. S. Eley

Suffolk Va. April. 24th 1882

Recd. in part of the interest on this
note Eighty Dollars.

A. S. Eley
Admr. S. Eley Decd

Secured by Decd.
of Trust.

At a monthly Court held for Hanson and County the
14th day of July 1884.

It appearing to the Court, that John R. Kelly the Trustee
named in the deed of Trust, executed by Miles Rogers Sr. and
Wife to said Trustee for the benefit of Samuel Eley,
and dated the 16th day of January, 1875. and recorded
the same day, in the Office of the Clerk of this Court,
on page 475 of Deed Book No 4, has departed this
life; it is ordered, on the Motion of said Miles Rogers,
and with the consent of all parties concerned, given
in open Court, that William J. Kelly Jr and he is hereby
appointed trustee in said deed, in the place of said
John R. Kelly, deceased, and substituted to all the rights,
powers, duties and responsibilities of said John R.
Kelly, as trustee, under and by virtue of said deed

A copy

Teste:

Peter B. Prentiss, Clerk

Exhibit K.

Adolphus S. Eley Administrator of all
and singular the goods and chattels
rights and credits which were of
Samuel Eley deceased at the time
of his death, who died intestate.
Complainant.

Against } In Chancery

Mills Rogers Sr. and Virginia his wife,
Robert E. Telus and Sarah J. his wife,
and the said Robert E. Telus, Trustee
of said Virginia wife of said Mills
Rogers Sr. Thomas W. Telus and Clara
W. his wife, Wilbur J. Kilby, Trustee,
Ida O. Rogers, Fanny Mary Telus, Elaud
W. Telus, James M. Telus, Mills E.
Telus, Eva Mary (sometimes called
Eva Virginia) Telus and Thomas C.
Telus, the last seven named being
infants under the age of twenty-one
years. Defendants.

This Cause, regularly matured at Rules,
came on this day to be heard on the Bill of
the Complainant, taken for confessed as to all the
adult defendants ^{except Mills Rogers Sr.} upon whom process had been
duly executed, they still failing to appear and plead
answer or demurr to the Bill and on the several ex-

the answer of Mills Rogers Sr. and exhibits filed with the Bill and on the joint and several answers of the infant defendants by Peter B. Prentiss, their guardian ad litem, appointed ^{at Rules} to defend them in this suit, with general replications to said answers, and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that the defendant, Mills Rogers Sr. do pay to the plaintiff within thirty days from the date hereof the sum of one thousand dollars with interest thereon at the rate of six per centum per annum from the first day of January 1875 till paid and also the sum of six hundred and twelve dollars with interest on the sum of five hundred and seventy and $\frac{33}{100}$ dollars at the rate of six per centum per annum from the 24th day of April 1882 till paid.

And it is ordered ~~that~~, if the said ~~Mills R~~ sums of money be paid to the plaintiff within the time specified above with interest as aforesaid, that the plaintiff release the property in the lile and proceedings mentioned, or cause the same to be released from the liens and encumbrances thereon, mentioned in the lile.

But, if the said sums of money be not paid to said plaintiff within the time specified above with interest thereon as aforesaid, then and in

that case the Court doth adjudge, order and decree that the parcel of three hundred and seventy acres of land, more or less and the one-half undivided fee-simple interest of said Mills Rogers Sr. in the parcel of seven acres of land more or less in said Bice mentioned and described, be sold, and that Wilbur J. Kilby, who is hereby appointed a Special Commissioner for the purpose, do proceed to sell the same to the highest bidder by public auction before the Court-house door of this County on some County Court day for cash, and out of the proceeds of the sale pay first in full the costs of this suit and the expenses of the sale and then out of the ^{net} proceeds of the sale of said parcel of three hundred and seventy acres of land, more or less, pay the said sum of one thousand dollars with interest thereon as aforesaid to said plaintiff and then out of one-half the remainder thereof together with the entire ^{net} proceeds of the sale of said one-half interest in said parcel of seven acres of land more or less, pay to said plaintiff said sum of six hundred and twelve dollars with interest on the sum of five hundred and seventy and $\frac{33}{100}$ dollars, part thereof, as aforesaid, and retain the surplus of said proceeds, if any then remaining until the further order of Court, and make ^{to} the purchaser of said lands a deed with special warranty in the usual form conveying the same

to him and make report to Court.

But before proceeding to make said sale, the said Commissioner will advertise the same and the time, place and terms thereof by notice to be printed in a newspaper published in the Town of Suffolk, Va. for a reasonable time and posted at said Court house door and at various public places in said County for twenty days or more prior to the day of sale, and will execute before the clerk of this Court a Bond in the penalty of \$3500, with good personal security waiving the benefit of the homestead exemption and payable to the Commonwealth of Virginia and conditioned for the faithful execution of this decree and all other decrees he may be required to execute in this cause, and will obtain of said Clerk a certificate that the said Bond has been executed as required above and append such certificate, or a copy thereof to the advertisement of said sale.

Saml. Eley's Admr.

vs. } In Chy.

Rogers & al.

In the Circuit Court
of Chaussemond County
October 12th. 1885

Decree

To be entered.

Geo. T. Brown,
Clerk

Entered for Recd. 148

(Copied)

Samuel Eley's Admr.

vs.

Mills Rogers & al.

This cause came on this day to be again heard on the papers formerly read and on the Report of Special Commissioner, Wilbur J. Kilby, filed the 18th. day of February A. D. 1886, the same being a Report of the sale made by said Commissioner and of the payment of the claims of the plaintiff out of the proceeds of the sale in pursuance of the decree entered in this cause on the 12th. day of October A. D. 1885, and was argued by counsel.

On consideration whereof the Court doth approve, ratify, and confirm the said Report and the sale and deed made to Mills Rogers & al. as specified in said Report to which Report, sale and deed no exception has been taken and doth adjudge, order and decree that the papers in this cause be referred to one of the Commissioners of this Court, who is

Eley's Admr.

vs. } In Chy.

Rogers & al.

In the Circuit Court
of Chausemond County
April 14th 1886

Decree

To be entered

Geo. Blom.

directed to ascertain and report
to Court the names of the persons
entitled to the sum of one thousand
and six dollars and the sum of
three hundred and nine and
75/100 dollars mentioned in said
Report and to whom the same
should be paid.

Samuel Eley's Admr.

vs.

Mills Rogers & al.

This Cause came on this day to be again heard on the papers formerly read and on the Report of ~~Special~~ Commissioner, Peter B. Prentiss, filed the 6th day of Sep-
made in pursuance of the decree entered in this Cause on the 14th
tember A.D. 1886, showing to whom the sums of one thousand and six dollars and three hundred and nine and $\frac{7}{100}$ dollars under the control of the Court in this Cause, are payable respectively, and was argued by Counsel.

On consideration whereof the Court doth approve and confirm said Report to which no exception has been filed and doth adjudge, order and decree that Special Commissioner, Wilbur J. Kilby, in whose hands said sums of money are, do pay said sum of three hundred and nine and $\frac{7}{100}$ dollars ~~in his hand~~ to Mills Rogers Sr. who
as specified in said Report of Commissioner, Peter B. Prentiss
is entitled to the same, and make

report thereof to Court and file with
such Refnt, the receipt of said Rogers
for the money.
^{as specified in said Refnt of Commissioner, Peter B. Prentiss}
And it appearing, that Virginia
the wife of said Mills Rogers Sr. is
entitled to said sum of \$1006. for
~~and during her natural life her~~
sole and separate use and benefit
for and during her life and that ~~after~~
^{at} her death the same is to go to the
children ~~then living~~ ^{at the time of her death} of said Mills
Rogers Sr. and the descendants then
~~living~~ ^{at the time of her death} of such of his children as may
then be dead; the Court doth ad-
judge, ~~order~~ and decree that said
Commissioner, Wilbur J. Kilby de-
posit said sum of one thousand
and six dollars to the credit of
this Cause at The Farmers Bank
of Chausemand in Suffolk Va.
on interest account and take of
said Bank a certificate showing
said deposit and make Refnt
thereof to Court and file said cer-
tificate with the Refnt

But ~~the~~ said Commissioner ^{Wilbur J. Kilby} is
hereby authorised to withdraw the
money deposited as aforesaid for

the purpose of lending it to some reliable person who will borrow it and execute his bond or bonds for it and secure the payment thereof and interest thereon by deed of trust to constitute the first lien upon ~~any~~ ^{worth at least two thousand dollars and} real estate, free of prior incumbrance, said bond or bonds to bear interest from their dates payable semi-annually and to be made payable to said Commissioner and to be filed with his Report which he will make to Court of his transactions hereunder.

And ~~the~~ ^{said} Commissioner, Wilbur J. Kilby is hereby authorized and directed to collect the interest ^{as} ~~at~~ it may accrue on all or any part of said sum of one thousand and six dollars at any time hereafter and pay the same to said Virginia Rogers until the further order of Court.

Eley's Admr.

vs. } In Chy.

Rogers & al.

In the Circuit Court
of Chaussemond County
October 11th, 1886

Decree

To be entered

Geo. B. Reed.

Judge of the

—

Entered CB in 2/2/94

Copied

Eley's Admr.

vs.

Rogers Sal.

This cause came on this day to be again heard on the papers formerly read and on the Report of Special Commissioner, Wilbur J. Kilby, filed on the 29th day of September A.D. 1890 (being a Report of his transactions under the decree entered herein on the 11th day of October A.D. 1886), and was argued by Counsel.

On consideration whereof the Court doth confirm the said Report to which no exception has been taken and doth order that this cause be continued.

Eley's Admr.

vs. } John Chy

Rogers Sale

Decree to be
entered 10th Octo.

1890

~~10~~

CMS

Entered in Chancery
Order Book
No 2. Page 339.

Samuel Eley's Admr.

vs.

Rogers & als.

This cause came on this day to be again heard on the papers formerly read and on the Report of Special Commissioner Wilbur J. Kilby, filed on the 6th day of September 1894 (the same being a report of the collection and disbursement of money under the decree entered herein on the 11th day of October 1886), and was argued by counsel.

On consideration whereof the Court doth approve and confirm the said Report to which no exception has been taken, and doth order that this cause be continued

Eley's Admr. ¹³

vs. } In Chy.

Rogers Adm.

In the Circuit
Court of Chancery-
mond County, Va.
October 10 1894

Decree
To be entered
Cmt

Entered in Chancery
Order Book No. 2.
Page 569.

Sam'l. Eley's Admr.

vs. } In Chy.

Rogers & al.

Exhibits

A. B. C. D. E. F. G.

H. K.

To the Circuit Court of Hansemond
County, Va.

In pursuance of the decree
of said Court pronounced on the 12th.
day of October A.D. 1885 in the
Cause in Chancery in said Court
depending between Samuel Eley's
Administrator, Plaintiff, and Mills
Rogers Sr. and others. Defendants,
the undersigned, Wilbur J. Kilby,
Special Commissioner appointed
for the purposes specified in said
decree, respectfully reports to Court:

That the said Mills Rogers
failed and refused to pay the
several sums of money, which
by said decree he had been re-
quired to pay to said Plaintiff
within thirty days from the date
of said decree.

That, as directed by said de-
cree in the event of the failure
of said Mills Rogers Sr. to pay
said sums of money within the
time specified above, your Com-
missioner, after he had executed
before the Clerk of said Court
the bond required of him by
said decree and had obtained
of said Clerk a certificate that
said bond had been executed,
proceeded to see the real estate
referred to in said decree on

the terms specified in said decree, and to that end, after the expiration of said thirty days, did advertise said real estate for sale in the manner and for the periods of time specified in said decree by publication of notice thereof once a week for three successive weeks in the "Suffolk Herald", a newspaper printed in the Town of Suffolk in said County and by posting printed notices of the sale at the Courthouse door of said County and at various public places in said County for more than twenty days prior to the day of sale.

That by authority of said decree and in pursuance of said notice, your Commissioner sold the said real ^{estate} by public auction before said Courthouse door on County Court day, Monday, the 11th. day of January A.D. 1886 for cash to said Mills Rogers Sr. the highest bidder; his bid for that parcel of said real estate mentioned in said decree as containing three hundred and seventy acres, more or less, being the sum of three thousand nine hundred and fifty dollars and for the other parcel, to wit, the one-half undivided fee -

simple interest of himself in the
 parcel of seven acres of land, more
 or less, being fifty dollars, making
 the total proceeds of the sale four
 thousand dollars.

That out of said sum of four
 thousand dollars, your Commis-
 sioner has paid the several sums
 of money, which by said decree
 he was directed to pay and has
 retained the surplus money sub-
 ject to the future order of Court,
 as will appear by the receipts
 hereto attached and the follow-
 ing statement:

Statement.

By Cash of said Mills Rogers for said 370 acres of land.				\$3950 00
" Cash of same for said $\frac{1}{2}$ inter- est in said parcel of 7 acres of land.				50 00
Total proceeds				\$4000 00
To 5 per cent commissions retain- ed by the Court. on \$4000.-	\$200 00			
" paid Wilbur J. Kilby, attorney for the Plaintiff, per rect.	16 50			
" " Same, Attorney for the defendants per rect.	15 00			
" " Peter B. Prentiss, Clerk, "	15 00			
" " John L. Fulgham, Shff. "	4 00			
" " Geo. T. Parker, Crier "	10 00			
Carried over	260 50	4000 00		

brought on	260	50	4000	00
To paid J. E. Booker, Proprietor of "Suffolk Herald" for printing notices of the sale etc. per rect.	8	75		
" " for deed conveying to the purchaser the land sold.	5	00		
" Net proceeds of sale of said 1/2 interest in said parcel of 7 acres of land.	46	50		
" Net proceeds of sale of said parcel of 370 acres of land.	3679	25		

4000	00	4000	00
------	----	------	----

By Amount brought on.			3679	25
To paid Adolphus S. Eley Admr. of Samuel Eley deceased and plaintiff in said Cause, as per said decree and per statement and receipt hereto attached.	1667	25		
" Amount to Balance	2012	00		

3679	25	3679	25
------	----	------	----

By Amount brought on			2012	00
To 1/2 of \$2012. carried to the cred- it of said Mills Rogers	1006	00		
" ditto retained by order of Court.	1006	00		
	2012	00	2012	00

By Amount brought on to the cred- it of said Mills Rogers.			1006	00
" Net proceeds of the sale of said 1/2 interest in said parcel of 7 acres of land brought on.			46	50
carried on			1052	50

brought on			1052	50
To paid said A. S. Eley Admr.				
as aforesaid, as per said				
decree and per state-				
ment and receipt here-				
to annexed.	742	75		

" Amount retained per or-				
der of Court.	309	75		

1052	50	1052	50
------	----	------	----

By Amount retained by order of				
Court, brought on from above			1006	00
" ditto ditto "			309	75

A copy of said decree and of the notice of said sale, the certificate of the clerk of said Court referred to in this Report and a statement of the sums of money paid said A. S. Eley Admr. are hereto attached as part of this Report.

A deed with special warranty in the usual form has been made as directed by said decree, to said Mills Rogers Jr. conveying to him the real estate purchased by him as aforesaid.

Respectfully submitted this 18th, day of February A. D. 1886.

Wilbur J. Kilby
Spl. Court.

(over)

1886 Feby. 18th. Received of Wilbur J. Kilby, Special Commissioner, the respective sums of money charged in the foregoing Report as paid to us and set opposite our names as follows:

Wilbur J. Kilby Atto. for Plaintiff	\$16.50
Wilbur J. Kilby Atto. for Defendants	\$15.00
Peter B. Pender - Clerk	\$15.00
J. L. Fulgham Sff	\$4.00
Geo. D. Parker crs	\$10.00
J. E. Boker Prosr Suffolk Herald	\$8.75
Wilbur J. Kilby for writing deed	\$5.00
Wilbur J. Kilby, Atto. for A. S. Eley, Admr.	\$1667.25
Wilbur J. Kilby Atto. for A. S. Eley, Admr.	\$742.75

1
Saml. Eley's Admr.
vs. } In Chy.
Mills Rogers & al.

Report of Sale etc.

Confirmed 14 April 1886

1886. Feb. 18th. Filed
clk

At a Court held at the County of Dorchester, the 10th day of October, 1888.

Adolphus Eley, Administrator of all
and singular the goods and chattels, rights
and credits which were of Samuel Eley,
deceased, at the time of his death, who
died intestate.

Complainant

Against The Chancery

Miles Rogers Sr and Virginia his wife
Robert E. Nelson and Sarah his wife
and the said Robert E. Nelson, Trustee
of said Virginia, wife of said Miles
Rogers Sr, Thomas W. Nelson and Clara
his wife, William H. Eley, Trustee for
O. Rogers, Fanny Mary Nelson, Claude
W. Nelson, James M. Nelson, Miles E.
Nelson, Eva Mary, sometimes called Eva
Virginia Nelson and Thomas E. Nelson
the last seven named being infants
under the age of twenty one years.

Defendants

This cause regularly returned at Rules, came
on this day to be heard on the issue of the Complainant's
bill in rem for compels as to all the adult defendants
except Miles Rogers Sr upon whom process had
been duly executed they still failing to appear and
plead, answer ^{or} answer to the bill and on the several
exhibits filed with the bill and on the answer of
Miles Rogers Sr and on the joint and several answers
of the infant defendants by Peter B. Butler their guardian

ad been appointed at the 10 to appear there in the
said court general appearance to our answers and
was assigned by Counsel.

Contentment of the Court with the judge, order
and decree that the defendant, Miles Rogers, shall pay
to the plaintiff within thirty days from the date being
the sum of Five Thousand dollars with interest thereon
at the rate of six per centum per annum from
the first day of January 1875 till paid and also the
sum of Five Hundred and twelve dollars with interest
on the sum of five hundred and seventy and ³³00
dollars at the rate of six per centum per annum
from the same day of April 1882 till paid.

And it is ordered of the said decree of being to pay
to the plaintiff within the time specified above with
interest as aforesaid that the plaintiff give to the
property in the title and proceedings mentioned, or
cause the same to be released from the liens and
encumbrances therein mentioned in the bill.

But of the said decree ordering to not paid to said
plaintiff within the time specified above with interest
thereon as aforesaid then and in that case the Court
with the judge, order and decree that the parcel of three
hundred and seventy acres of land more or less and
the one half undivided fee simple interest of
said Miles Rogers, in the parcel of seven acres of
land more or less in said West positions and situated
to do, and that Walter, Wiley, who is hereby appointed
a special Commissioner for the purpose, do proceed

to sell the same to the highest bidder by public auction
before the Court House of this County on some County
Board day for cash and out of the proceeds of the sale
said Court will be paid of this suit and the expenses
and then out of the net proceeds of the sale
of the sale of said parcel of three hundred and seventy
acres ^{of land} or less pay the said sum of one thousand
dollars with interest thereon as aforesaid to said plaintiff
and then out of One half the remainder thereof together
with the entire net proceeds of the sale of the said one
half interest in said parcel of seven acres of land
or less pay to said plaintiff said sum of six
hundred and twelve dollars with interest on the
sum of five hundred and seventy and ³³ 100 dollars
paid thereof as aforesaid, and retain the balance of
said proceeds of any sum remaining until the
fourth day of Court and deliver to the Sheriff of
said County a deed with special warranty in the
usual form conveying the same to him and make
report to Court.

But before proceeding to make said sale the said Court
and justice will advertise the same and the time place
and terms thereof by notice to be printed in a news-
paper published in the Town of Suffolk Va for a
reasonable time and posted at said Court House doors
and at various public places in said County for
twenty days or more prior to the day of sale, and
will execute before the Clerk of the Court a bond in
the penalty of \$3500. with good personal security
waiving the benefit of the Homestead exemption

and payable to the Commonwealth of Virginia and con-
 ditioned for the faithful execution of this decree and
 all other decrees the may be required to execute in this
 cause, and will obtain of said Clerk a certificate
 that the said lands have been executed as required above
 and append such certificate as a copy thereof to
 the advertisement of said sale.

Attest

Peter B. Prentiss, Clerk

Certs

Clark \$15.00

Allo: Has 16.50

Shiff 4.00

Att: for Diff 15.00

\$50.50

Samuel Eloy's Memoir

MS Copy given Octo. 12/85

Mills Rogers's Friday, Feb.

In the Circuit Court of Nassau and County

Samuel Eley's Administrator. . . . Plaintiff.

against & In Chancery

Mills Rogers, Sr: and wife, and Others. . . . Defendants

I, Peter B. Prentiss, Clerk of said Court, certify, that the bond
required of the Special Commissioners, by the Decree, in said
Cause, of October 12th: 1885, has been duly given.

Given under my hand. This 24th: day of November, 1885.

Peter B. Prentiss.

**A VALUABLE FARM NEAR THE
VILLAGE OF CHUCKATUCK
FOR SALE.**

By authority of the decree of the Circuit court of Nansemond county, Va., pronounced on the 12th day of October, 1885, in the cause in chancery in said court depending between Samuel Eley's administrator, plaintiff, and Mills Rogers, Sr., and others, defendants, I shall sell by public auction, before the Court-house door of said county, on County court day,

MONDAY, JANUARY 11, 1886,

the following real estate of which said Mills Rogers is seised and possessed, to wit:

1. All that certain parcel of land upon which said Mills Rogers now resides, situated about one mile from the village of Chuekatuck, in said county, containing 370 acres, more or less, and bounded by the Crocker farm, formerly owned by Henry L. Tynes, Sr.; the Pembroke farm, formerly owned by Jeremiah Pinner, and the lands of others and the county road leading to said Pembroke farm.

2. All the one-half undivided fee-simple interest, which by deed dated January 14, 1875 and duly recorded, was sold and conveyed by Ro. E. Nelms and wife to said Mills Rogers, in all that certain parcel of seven acres of land, more or less, which adjoins the above parcel of 370 acres.

The above lands constitute one of the finest farms in Nansemond county. There are four dwellings upon the place, with a barn and all necessary outhouses and a well of good water connected with each of them. The property can be conveniently divided into four farms, with one of the dwellings on each farm. The rents from the place, outside of that part upon which Mr. Rogers lives, amount to \$500 a year. There is ample timber upon it for all purposes and the fences and buildings are in good order. The soil is excellent, highly improved and easily cultivated. About 40 acres consist of a hard, fresh marsh, which affords excellent grazing for cattle above salt water. A good wharf is attached to the farm on Holaday's Point creek, from which produce can be shipped by way of said creek and Nansemond river to Norfolk or elsewhere.

TERMS CASH!

WILBUR J. KILBY,
Special Commissioner.

GEORGE T. PARKER, Crier.

I, Peter B. Prentis, Clerk of the Circuit court of Nansemond county, certify that the bond required of Wilbur J. Kilby, special commissioner, by the decree entered the 12th of October, 1885, in the chancery suit pending in said court between Samuel Eley's administrator, plaintiff, and Mills Rogers, Sr., and others, defendants, has been duly given and filed.

Given under my hand this 24th day of November, 1885.

de25-2t **PETER B. PRENTIS, Clerk.**

Suffolk, Va., Feb 1886

J Kilby Cour
To Suffolk Herald, Dr.

Fine Job Work a Specialty

TERMS:

Transient Advertisements and
Subscriptions, Payable in
Advance.

Annual Advertisers are Re-
quired to Settle Quar-
terly.

Job Work Cash on Delivery.

1886

Dec 23 To Printing 100 Notices Sale of
Mills Rogers Land

1.75

Dec 25 To Adv Sale of Mills Rogers
Land in Suffo Herald
7 in 2 weeks

7.00

\$ 8.75

Statement
of the sums of money to be paid
to Adolphus S. Eley Admr. of Saml.
Eley deceased under the decree of
the 12th day of October 1885 in the
Chancery Cause pending in the Cir-
cuit Court of Chaussemond County
between said Admr. Plaintiff and
Mills Rogers Jr. and others, Defend-
ants, to wit:

One sum		\$1000 00
Interest thereon from 1 Jan. 1875 to 18 Feby. 1886 - 11 y. 1m. 17 ds.		667 25
		<u>\$1667 25</u>
Another sum	\$612 00	
Interest on \$570. ³³ part thereof from 24 April 1882 to 18 Feby. 1886 - 3 y. 9m. 24 ds.	130 75 =	742 75
Total		<u>\$2410 00</u>

A VALUABLE FARM

Near the Village of Chuckatuck

FOR SALE!

By authority of the decree of the Circuit court of Nansemond county, Va., pronounced on the 12th day of October, 1885, in the cause in chancery in said court depending between Samuel Eley's administrator, plaintiff, and Mills Rogers, Sr., and others, defendants, I shall sell by public auction, before the Courthouse door of said county, on County court day,

MONDAY, JANUARY 11, 1886,

the following real estate of which said Mills Rogers is seised and possessed, to wit:

1. All that certain parcel of land upon which said Mills Rogers now resides, situated about one mile from the village of Chuckatuck, in said county, containing 370 acres, more or less, and bounded by the Crocker farm, formerly owned by Henry L. Tynes, Sr.; the Pembroke farm, formerly owned by Jeremiah Pinner, and the lands of others and the county road leading to said Pembroke farm.

2. All the one-half undivided fee-simple interest, which by deed dated January 14, 1875, and duly recorded, was sold and conveyed by Ro. E. Nelms and wife to said Mills Rogers, in all that certain parcel of seven acres of land, more or less, which adjoins the above parcel of 370 acres.

The above lands constitute one of the finest farms in Nansemond county. There are four dwellings upon the place, with a barn and all necessary out-houses and a well of good water connected with each of them. The property can be conveniently divided into four farms, with one of the dwellings on each farm. The rents from the place, outside of that part upon which Mr. Rogers lives, amount to \$500 a year. There is ample timber upon it for all purposes and the fences and buildings are in good order. The soil is excellent, highly improved and easily cultivated. About 40 acres consist of a hard, fresh marsh, which affords excellent grazing for cattle above salt water. A good wharf is attached to the farm on Holladay's Point Creek, from which produce can be shipped by way of said creek and Nansemond river to Norfolk or elsewhere.

 **Terms Cash!** 

WILBUR J. KILBY,

GEORGE T. PARKER, CRIER.

SPECIAL COMMISSIONER.

December 18, 1885.

I, Peter B. Prentis, Clerk of the Circuit court of Nansemond county, certify that the bond required of Wilbur J. Kilby, special commissioner, by the decree entered the 12th of October, 1885, in the chancery suit pending in said court between Samuel Eley's administrator, plaintiff, and Mills Rogers, Sr., and others, defendants, has been duly given and filed.

Given under my hand this 24th day of November, 1885.

PETER B. PRENTIS, CLERK.

A VALUABLE FARM

Near the Village of Chuckatuck

FOR SALE!

By authority of the decree of the Circuit court of Nansemond county, Va., pronounced on the 12th day of October, 1885, in the cause in chancery in said court depending between Samuel Eley's administrator, plaintiff, and Mills Rogers, Sr., and others, defendants, I shall sell by public auction, before the Courthouse door of said county, on County court day,

MONDAY, JANUARY 11, 1886,

the following real estate of which said Mills Rogers is seised and possessed, to wit:

1. All that certain parcel of land upon which said Mills Rogers now resides, situated about one mile from the village of Chuckatuck, in said county, containing 370 acres, more or less, and bounded by the Crocker farm, formerly owned by Henry L. Tynes, Sr.; the Pembroke farm, formerly owned by Jeremiah Pinner, and the lands of others and the county road leading to said Pembroke farm.

2. All the one-half undivided fee-simple interest, which by deed dated January 14, 1875, and duly recorded, was sold and conveyed by Ro. E. Nelms and wife to said Mills Rogers, in all that certain parcel of seven acres of land, more or less, which adjoins the above parcel of 370 acres.

The above lands constitute one of the finest farms in Nansemond county. There are four dwellings upon the place, with a barn and all necessary out-houses and a well of good water connected with each of them. The property can be conveniently divided into four farms, with one of the dwellings on each farm. The rents from the place, outside of that part upon which Mr. Rogers lives, amount to \$500 a year. There is ample timber upon it for all purposes and the fences and buildings are in good order. The soil is excellent, highly improved and easily cultivated. About 40 acres consist of a hard, fresh marsh, which affords excellent grazing for cattle above salt water. A good wharf is attached to the farm on Holladay's Point Creek, from which produce can be shipped by way of said creek and Nansemond river to Norfolk or elsewhere.

 **Terms Cash!** 

WILBUR J. KILBY,

GEORGE T. PARKER, CRIER.

SPECIAL COMMISSIONER.

December 18, 1885.

I, Peter B. Prentis, Clerk of the Circuit court of Nansemond county, certify that the bond required of Wilbur J. Kilby, special commissioner, by the decree entered the 12th of October, 1885, in the chancery suit pending in said court between Samuel Eley's administrator, plaintiff, and Mills Rogers, Sr., and others, defendants, has been duly given and filed.

Given under my hand this 24th day of November, 1885.

PETER B. PRENTIS, CLERK.

A VALUABLE FARM

Near the Village of Chuckatuck

FOR SALE!

By authority of the decree of the Circuit court of Nansemond county, Va., pronounced on the 12th day of October, 1885, in the cause in chancery in said court depending between Samuel Eley's administrator, plaintiff, and Mills Rogers, Sr., and others, defendants, I shall sell by public auction, before the Courthouse door of said county, on County court day,

MONDAY, JANUARY 11, 1886,

the following real estate of which said Mills Rogers is seised and possessed, to wit:

1. All that certain parcel of land upon which said Mills Rogers now resides, situated about one mile from the village of Chuckatuck, in said county, containing 370 acres, more or less, and bounded by the Crocker farm, formerly owned by Henry L. Tynes, Sr.; the Pembroke farm, formerly owned by Jeremiah Pinner, and the lands of others and the county road leading to said Pembroke farm.

2. All the one-half undivided fee-simple interest, which by deed dated January 14, 1875, and duly recorded, was sold and conveyed by Ro. E. Nelms and wife to said Mills Rogers, in all that certain parcel of seven acres of land, more or less, which adjoins the above parcel of 370 acres.

The above lands constitute one of the finest farms in Nansemond county. There are four dwellings upon the place, with a barn and all necessary out-houses and a well of good water connected with each of them. The property can be conveniently divided into four farms, with one of the dwellings on each farm. The rents from the place, outside of that part upon which Mr. Rogers lives, amount to \$500 a year. There is ample timber upon it for all purposes and the fences and buildings are in good order. The soil is excellent, highly improved and easily cultivated. About 40 acres consist of a hard, fresh marsh, which affords excellent grazing for cattle above salt water. A good wharf is attached to the farm on Holladay's Point Creek, from which produce can be shipped by way of said creek and Nansemond river to Norfolk or elsewhere.

 **Terms Cash!** 

WILBUR J. KILBY,

GEORGE T. PARKER, CRIER.

SPECIAL COMMISSIONER.

December 18, 1885.

I, Peter B. Prentis, Clerk of the Circuit court of Nansemond county, certify that the bond required of Wilbur J. Kilby, special commissioner, by the decree entered the 12th of October, 1885, in the chancery suit pending in said court between Samuel Eley's administrator, plaintiff, and Mills Rogers, Sr., and others, defendants, has been duly given and filed.

Given under my hand this 24th day of November, 1885.

PETER B. PRENTIS, CLERK.

To The Circuit Court of Hanover County,
Virginia:

In pursuance of the Decree of said Court, pronounced the 14th day of April, A.D., 1886, in the suit in Chancery in said Court, depending between Adolphus S. Eley, Administrator of Samuel Eley, deceased, Plaintiff; and Mills Rogers, Sr and wife and others, Defendants: The undersigned, one of the Commissioners of said Court, respectfully reports to Court, that, having given to all the parties to said suit notice of the time and place of taking the account, as will appear by the notice hereto attached, he proceeded on this 6th day of September, 1886, at his Office to take the account and make the inquiry specified in said decree, and having completed the duties required of him, he respectfully submits the result of the proceedings, as follows:

Your Commissioner reports.

1. That Virginia Rogers, wife of Mills Rogers, Sr., is entitled to the sum of \$1006⁰⁰, under the control of said Court, in said suit, as set forth in the Report of Special Commissioner, Wilbur J. Kelby, filed in said suit on the 18th day of February A.D. 1886, for ~~and~~ her sole and separate use and benefit, for and ~~and~~ during her life: and at her death the children, then living of said Mills Rogers, Sr., and the descendants, then living of such of his children as may then be dead, will be entitled to the same in fee-simple; said sum of \$1006⁰⁰ being proceeds of the sale of Real Estate, belonging to said Virginia Rogers, for and during her life, and, at her death, to the children, then living, of the said Mills Rogers, Sr., and the descendants, then living,

of such of his Children, as may then be dead, as appears,
by "Exhibit A", filed, with the Bill, in said suit.

III. That said Mills Rogers, Sr. is entitled to the sum of
\$309.⁷⁵ under the control of said Court, in said suit as set
forth in said report of Special Commissioner, Wilbur
J. Kelby: the same being proceeds of the sale of Real Estate
belonging to him, in fee-simple, as appears, by "Exhibit B",
filed with the Bill, in said suit.

III. That the said sum of \$1000⁰⁰ should be invested,
and the interest paid to said Virginia Rogers, as
long as she may live: the principal, being payable
at her death to the Children of the said Mills
Rogers, Sr, then living, and the descendants, then
living, of such of his Children, as may then be dead.

IV. That the said sum of \$309.⁷⁵ is now payable,
to said Mills Rogers, Sr.

Respectfully submitted, This 6th day of
September, AD, 1886.

Peter B. Pentecost.
Commissioner in Chancery

Samuel Ely's Adm^r
vs Ely
Melle Rogers, Ex. Adm^r

Report of Com^r: Peter
B. Prentiss, showing the names
of the persons who have entitled
to the sums of \$1006. & \$309⁷⁵
under the Control of the Court
& to whom the same should
be paid.

Confirmed 11 Octo.
1886

1886. Sept. 6th: Filed
Ct.

To Adolphus S. Eley, Administrator of all and singular the goods
and Chattle, rights and Credits which were of Samuel Eley,
deceased, at the time of his death, who died intestate. Complainant
and To Mills Rogers, Sr, and Virginia, his wife; Robert E. Nelms
and Sarah J. his wife; and the said Robert E. Nelms, Trustee
of said Virginia; Thomas W. Nelms and Clara V. his wife;
Wilbur J. Kilby, Trustee; Ida O. Rogers, Fanny Mary Nelms,
Clara W. Nelms, James M. Nelms, Mills C. Nelms, Eva
Mary (sometimes called Eva Virginia) Nelms, and
Thomas C. Nelms. the last seven named, being infants,
under the age of twenty-one years Defendants.

You are hereby notified that on the 6th. — day of September — 1886.
at my office, in Suffolk, Va., (at which time and place you are required to attend), I shall take, state and
settle the following account, which is to be taken, stated and settled and reported to Court in pursuance of the
decree of the Circuit — Court of Hansemond County, Va., rendered the 14th.
day of April — 1886 in the suit in chancery pending in said Court to which you
are parties plaintiff and defendants, to wit:

An Account specifying the names of the persons entitled to the
sums of \$1000 and \$309.⁷⁵/₁₀₀, under the control of said Court
in said suit, as set forth in the Report of Special Commissioner
Wilbur J. Kilby, filed in said suit, on the 18th. day of February
AD, 1886; and to whom the same should be paid.

Given under my hand, as Commissioner in Chancery of said Court, this 20th. — day of
August — 1886.

Peter B. Prentiss ~~WILBUR J. KILBY,~~

Commissioner in Chancery.

Sufficient and legal service of this Notice is hereby accepted
and acknowledged by us, this 20th day of August, 1886

Peter B. Prentiss, Guardian ad
litem to the infant defendants.

Wilbur J. Kilby, atto. for
all the adult parties,
Plaintiffs and defendants.

To the Circuit Court of Chausemond
County, Va.

In pursuance of the decree of
the Circuit Court of Chausemond County
Va. pronounced on the 11th. day of Octo-
ber 1886 in the Chancery Cause depend-
ing in said Court between Adolphus
S. Eley, Administrator of Samuel Eley
deceased, Plaintiff, and Mills Rogers
Sr. Virginia Rogers and others Defend-
ants, the undersigned, Special Com-
missioner for the purposes specified
in said decree, respectfully reports
to Court,

1. That he has paid to said Mills
Rogers Sr. the sum of Three hundred
and nine and $\frac{75}{100}$ dollars, which
was in his hands ^{to the credit of said cause} at the date of
said decree and which by said
decree he was directed to pay to
said Mills Rogers Sr. as will
appear by the receipt of said Mills
Rogers Sr. dated the 18th. day of Oc-
tober 1886 and herewith filed.

2. That, as directed by said de-
cree, he deposited in the The Far-
mers Bank of Chausemond, in suf-
folk, Va. to the credit of said Cause

on interest account, the sum of one thousand and six dollars which was ^{also} in his hands ^{to the credit of said cause} at the date of said decree as therein specified, but, as further authorised by said decree to do, he withdrew the same from said Bank on the 28th. day of December 1887 and loaned it to Algernon H. Saunders, a reliable person, who executed his bond for it payable on demand to the undersigned with interest payable semi-annually from its date, and secured the payment thereof by a deed of trust, constituting the first lien upon his farm, - a parcel of land containing 325 acres more or less in said County, for which he gave \$2500 and which is worth at least that amount. The said Bond is payable to the undersigned as Special Commissioner in said Cause and is in his possession. The said deed of trust is dated the 28th. day of December 1887, and was recorded in the office of the Clerk of ~~said~~ the County Court of said County on the same day. Wil-

Liam W. Murray is named as Trustee in the deed which was also signed and acknowledged by the wife of said Algernon H. Saunders

3. That the undersigned has regularly collected the interest as it has accrued on said sum of \$1006, and paid the same to Virginia Rogers as directed by said decree and as will appear by her receipts herewith filed and the following statement, to wit:

Statement

By Interest received of said Bank on said sum of \$1006, from the time of its deposit in said Bank to 1 Jan. 1888, =			91	50
By Interest of said Algernon H. Saunders on said sum of \$1006 in semi-annual installments to 1 July 1890 =			150	90
To 5 per cent Commissions on \$242.40	12	08		
" paid Virginia Rogers 28 Jan. 1887, per rect.	39	42		
" " Same 30 Apl. 1888 "	47	50		
" " Same 23 July 1888 "	28	68		
" " Same 22 Jan. 1889 "	28	68		
" " Same 8 July 1889 "	28	68		
carried on	185	04	242	40

Eley's Admr. &c
 vs. } In Chy.

Rogers & als.

Report of Special
 Court. Wilbur J.
 Kilby, under decree
 of 18th. Octo. 1886

1890. September 29th Filed
 A. P. Gorney Clerk

brought on		185	04	242	40
To paid Virginia Rogers 7 Jan. 1890, for net		28	68		
" " same 18 July 1890, "		28	68		
Respectfully submitted this		242	40	242	40
29th. day of July 1890.					
Wilbur J. Kilby					
Special Court.					

1886. October 18th.

Received of Wilbur J. Kilby
Special Commissioner, the sum
of three hundred and nine and
⁷⁵/₁₀₀ dollars, the same being
the surplus proceeds of the sale
of certain real estate belonging
to me, under proceedings had
in the Chancery Cause pending
in the Circuit Court of Cause-
mond County, Va. between Sam-
uel Eley's Admr. Plaintiff and
myself and others, Defendants,
which said sum of money is
paid to me in pursuance of
the decree entered in said
Cause by said Court on the
11th day of October 1886.

\$309.⁷⁵

Wm. Rogers Esq.

1890 July 18th. Received of Wil-
bur J. Kilby, Special Commr. twenty-
eight and ⁶⁸/₁₀₀ dollars in-
terest due me on \$1006 sub-
ject to control of Court in
the Chancery suit in the Cir-
cuit Court of Chaussemond
County between Samuel Eley's
Admr. Plaintiff and Mills
Rogers & al. Defendants
\$28. ⁶⁸/₁₀₀

Virginia Rogers

1890 Jan. 7th Received of Wilbur
J. Kilby, Special Comr. twenty-eight
and ⁶⁸/₁₀₀ dollars interest due me
on \$1006, subject to control of Court
in the Chancery suit in the Circuit
Court of Chautauque County between
Saml. Eley's Admr. Plaintiff and
Mills Rogers & al. defendants.

\$28. ⁶⁸/₁₀₀

x Virginia Rogers

1889 July 8th Received of Wilbur J.
Kilby. Special Commr. Twenty-eight
and ⁶⁸/₁₀₀ dollars on account of
interest due me on \$1006, subject
to control of Court in the Chancery
suit depending in the Circuit
Court of Chancery County be-
tween Saml. Eley's Admr. Plain-
tiff and Mills Rogers and others,
Defendants.

\$28. ⁶⁸/₁₀₀

* Virginia Rogers

1889 Jan. 22. Received of Wilbur J. Kilby
Special Comr. twenty-eight and ⁶⁸/₁₀₀
dollars on account of interest due
me on \$1006, subject to the order of
Court in the Chancery suit depending
in the Circuit Court of Chautauque
County between Saml. Eley's Admr.
Plaintiff and Mills Rogers and
others, defendants

\$28.⁶⁸

+ Virginia Rogers

1888 July 23. Received of Mil-
bur J. Kilby, Special Commr. Twenty
eight and $\frac{68}{100}$ dollars on ac-
count of interest due me on \$1006.
subject to the order of Court in the
Chancery suit depending in the Cir-
cuit Court of Chaussemond County
between Samuel. Eley's Admr. Plain-
tiff and Mills Rogers & others, De-
fendants

\$28. 68

x Virginia Rogers

1888 April 30th. Received of
Wilbur J. Kilby, Special Comr.
Forty-seven and ⁵⁰/₁₀₀ dollars
in full of the interest to 1 Jan.
1888 on the sum of \$1006, deposited
in The Farmers Bank of Chause-
mond to the credit of the Chan-
cery suit depending in the Cir-
cuit Court of Chausemond County
between Saml. Eley's Admr. Plain-
tiff and Mills Rogers & als.
defendants.

\$47.⁵⁰_—

Virginia Rogers

1887 Jan. 28th. Received of Wilbur
J. Kilby, Special Comr. Thirty-nine
and $\frac{42}{100}$ dollars in full of the
interest to 1 Jan. 1887 on the sum
of \$1006. deposited at The Far-
mers Bank of Chausemond to
the credit of the Chancery suit
pending in the Circuit Court
of Chausemond County between
Samuel. Eley's Admr. Plaintiff
and Mills Rogers & al. defendants
\$39 $\frac{42}{100}$

Virginia Rodgers

To the Circuit Court of the County of chausemond, Virginia:

In pursuance of the decree of the Circuit Court of the County of chausemond in the State of Virginia, pronounced on the 11th day of October 1886 in the cause in Chancery in said Court depending between Adolphus Eley, administrator of Samuel Eley, deceased, Complainant and Mills Rogers, Sr. Virginia Rogers and others, defendants, the undersigned, Wilbur J. Kilby, Special Commissioner, appointed for the purposes specified in said decree, respectfully reports to Court as follows:

That he has regularly collected the interest as it accrued on the sum of one thousand and six dollars under the control of the Court in said cause, from the first day of July 1890 to the first day of July 1894 and, as directed by said decree, has paid the same to Virginia Rogers as the vouchers herewith returned and the following statement will fully show:

Statement.

By Interest of Algernon H. Saunders
on said sum of \$1006. from 1 July 1890
to 12 Dec. 1892.

\$14788

1	Brought on			147	88
2	By Interest of The Farmers Bank				
3	of Chausemond on said sum of				
4	\$1006. from 12 Dec. 1892 to 1 July 1893			20	30
5	" Interest of Joseph King and Towns-				
6	end W. Artman on the same sum				
7	from 1 July 1893 to 1 July 1894			60	36
8	To paid the said Virginia Rog-				
9	ers as follows:				
10	" Cash 11 October 1890, per acct.	10	00		
11	" " 2 Jan. 1891 "	18	68		
12	" " 8 April " "	6	00		
13	" " 13 July " "	22	68		
14	" " 6 Jan. 1892 "	28	68		
15	" " 9 July " "	28	68		
16	" " 23 Dec. " "	25	80		
17	" " 15 July 1893 "	19	23		
18	" " 26 Jan. 1894 "	28	68		
19	" " 23 July " "	28	68		
20	" 5 per cent Commissions on \$228. ⁵⁴	11	43		
21		228	54	228	54
22					
23					

The said sum of \$1006, as heretofore re-
 ported, was loaned on the 28th day of De-
 cember 1887 to Algernon H. Saunders. On
 the 12th day of December 1892 he returned
 the same to the undersigned, who de-
 posited it in The Farmers Bank of
 Chausemond where it remained un-
 til the first of July 1893, when it was
 loaned to Joseph King and Townsend W.

Artman upon ample real estate as
security.

Respectfully submitted this 5th,
day of September 1894.

Wilbur J. Kilby,
Special Commr.

Eley's Admr.
vs. } In Chy.

Rogers & als.

Report of the col-
lection and disburse-
ment of money under
decree of 11 Octo. 1886

confirmed Octo. 10th 1894.

1894 September 16th

Filed
A. J. Gorney Clerk

2
1890 Octo. 11th. Received of Wilbur J. Kilby
Special Comr. Ten dollars on account of
interest on the sum of \$1000. subject to.
the order of Court in the Chancery suit
of Eley's Admr. vs. Rogers & al. pending
in the Circuit Court of Chaussemonne
County.

\$10.⁰⁰

Wm. L. Virginia Rogers

1891 Jan. 2. Received of Wilbur
J. Kilby, Special Comr. Eighteen
and ⁶⁸/₁₀₀ dollars on account
of interest on the sum of \$1006
subject to the order of Court in
the Chancery suit of Eley's Admr.
vs. Rogers &als. pending in the
Circuit Court of Chautauque County.
\$18 ⁶⁸/₁₀₀

x

Virginia Rogers

1891 April 8th. Received of Wilbur J.
Kilby, Special Comr. Six dollars on ac-
count of interest on the sum of \$1006.⁰⁰
subject to the order of Court in the Chan-
cery suit of Eley's Admr. vs. Rogers &
al. pending in the Circuit Court of Chau-
seman County.

\$6.⁰⁰

Virginia Rogers

1891 July 13th. Received of Wilbur J.
Kilby, Special Comr. Twenty-two and
 $\frac{68}{100}$ dollars on account of interest
on the sum of \$1006, subject to the order
of Court in the Chancery suit of Eley's
Admr. vs. Rogers &als, pending in the
Circuit Court of Chautauque County,

\$22 $\frac{68}{100}$

Virginia Rogers

1892 Jan. 6. Received of Wilbur J. Kilby
Special Commr. twenty-eight and ⁶⁸/₁₀₀
dollars on account of interest on the
sum of \$1006, subject to the order of
Court in the Chancery suit of Eley's
Admr. vs. Rogers & als, pending in
the Circuit Court of Chautauque County.

\$28 ⁶⁸/₁₀₀

Virginia Rogers

1892 July 9. Received of Wilbur J.
Kilby, Special Commr. twenty-eight and
⁶⁸/₁₀₀ dollars on account of interest on
the sum of \$1000, subject to the order
of Court in the Chancery suit of Eley's
Admr. vs. Rogers & als. pending in the
Circuit Court of Chatham County.

\$28 ⁶⁸/₁₀₀

Virginia Rogers

1892 Dec. 23. Received of Wilbur J.
Kilby, Special Comr. Twenty-five
and ⁸⁰/₁₀₀ dollars on account of
interest on the sum of \$1006, sub-
ject to the order of Court in the Cham-
bery suit of Eley's Admr. vs. Rogers
& als. pending in the Circuit Court
of Hansewood County.

\$25.⁸⁰/₁₀₀

Virginia Rogers

1893 July 15. Received of Wilbur J.
Kilby, Special Commr. nineteen and $\frac{23}{100}$
dollars on account of interest on the
sum of \$1006, subject to the order of
Court in the Chancery suit of Eley's
Admr. vs. Rogers & als, pending in the
Circuit Court of Chautauque County,
\$19. $\frac{23}{100}$

Wm. C. Rogers.

1894 Jan. 26, Received of Wilbur J.
Kilby, Special Commr, twenty-eight and
⁶⁸/₁₀₀ dollars; interest on the sum
of \$1006, subject to the order of Court
in the Chancery suit of Eley's Admr,
vs. Rogers &als, pending in the Circuit
Court of Chaussemond County...

\$28.⁶⁸/₁₀₀

Virginia Rogers

1894 July 23 Received of Wilbur J.
Kilby, Special Commr. twenty-eight and
 $\frac{68}{100}$ dollars, interest on the sum of \$1006.⁰⁰
subject to the order of Court in the Chancery
suit of Eley's Admr. vs. Rogers & als,
pending in the Circuit Court of Chausmond
County, Va.

\$28 $\frac{68}{100}$

Virginia Rogers

Received of Wilbur J. Kilby,
Special Commissioner, Three hundred
and thirty-five dollars and
thirty-three cents, the same be-
ing the one-third part of \$1006,
to which, the undersigned, Sarah
J. Kelms, wife of Robert E. Kelms,
is entitled in the chancery suit
of Adolphus S. Eley, Administra-
tor of Samuel Eley, deceased,
Complainant, against Mills
Rogers, Jr., Virginia Rogers, his
wife and others, Defendants; - the
said Mills Rogers, Jr., and Vir-
ginia Rogers, his wife, being now
dead and I, the said Sarah
J. Kelms being one of his three
children living at the time of
the death of his said wife, and
there being no descendants of
any dead child of said Mills
Rogers, Jr., living when his said
wife died.

Witness:

Robert E. Kelms

Sarah J. Kelms.

Received of Wilbur J. Kilby,
Special Commissioner, Three hundred
and thirty-five dollars and thirty-
four cents, the same being the
one-third part of \$1006, to which
the undersigned, Clara V. Kelms,
wife of Thomas W. Kelms, is en-
titled in the Chancery suit of
Adolphus S. Eley, Administrator
of Samuel Eley, deceased, Com-
plainant, against Mills Rogers,
Sr. Virginia Rogers, his wife, and
others. Defendants, - the said Mills
Rogers, Sr., and Virginia Rogers, his
wife, being now dead, and I, the
said Clara V. Kelms, being one of
the three children of said Mills
Rogers, Sr., living at the time of the
death of his said wife, and there
being no descendants of any dead child
of said Mills Rogers, Sr., deceased, living
when his said wife died.

Witness:

J. W. Kelms

Clara V. Kelms

Received of Wilbur J. Kilby,
Special Commissioner, Three hundred
and thirty-five dollars and
thirty-three cents, the same being
the one-third part of \$1006. to
which the undersigned, Ida O.
Green, wife of Percy E. Green, is
entitled in the Chancery suit
of Adolphus S. Eley, Administrator
of Samuel Eley, deceased, Com-
plainant, against Mills Rogers,
Sr., Virginia Rogers, his wife, and
others, Defendants; - the said Mills
Rogers, Sr., and Virginia Rogers,
his wife, being now dead, and
I, the said Ida O. Green, being one
of his three children living at the
time of the death of his said wife,
and there being no descendants
of any dead child of said Mills
Rogers, Sr., living when his said wife
died.

Ida O. Green.

Witness:

J. W. Nelson

Virginia:
In the Circuit Court for the
County of Chancery.

Samuel Eley's Adm'r.

Against } In Chancery
Mills Rogers, Sr., & als.

To Honorable Robert R. Prentiss,
Judge of the Circuit Court for
the County of Chancery.

In pursuance of the decree of
the Circuit Court for the County of
Chancery, pronounced on the 11th
day of October 1886 in the cause
in Chancery in said Court de-
pending between Adolphus S. Eley
Administrator of Samuel Eley, de-
ceased, Complainant, and Mills
Rogers, Sr., Virginia Rogers and
others, Defendants, the under-
signed, Wilbur J. Kilby, Special
Commissioner, appointed for the
purposes named in said decree,
respectfully reports to Court as
follows:

That Your Commissioner has reg-
ularly collected the interest as
it accrued on the sum of one
thousand and six dollars under
the control of the Court in said

cause, from the first day of July 1894 to the 22nd day of October 1900 ^{with the exceptions, hereinafter noted, has} and paid the same to Virginia Rogers as directed by said decree and as the vouchers herewith returned and the following statement will fully show:

Statement			
By Interest on said sum of \$1006 for the period named above,			372 55
To paid Sydney T. Ellis, Treas. State and County taxes for 1896, per acct.	8		
" " Same, State and County taxes for 1897. per acct.	8		
" " Same, State and County taxes for 1898	8		
" " Same, State and County taxes for 1899.	6 40		
" " Same, State and County taxes for 1900.	7 60		
" " Virginia Rogers as follows:			
1895 Jan. 23. Cash, per acct.	28 68		
" July 17 " "	28 68		
1896 Jan. 18 " "	28 68		
" Sept. 2 " "	28 68		
" Dec. 22 " "	20 68		
1897 July 20 " "	28 68		
1898 Jan. 25 " "	20 68		
" Sept. 24 " "	28 68		
Carried on	251 44	372 55	

brought on				251	44	372	55
To paid Virginia Rogers, 4 Feby. 1899, per acct.				13	93		
" " Same 22 Augt. " "				28	67		
" " Same 7 March 1900 "				22	27		
" " Same 10 Augt. " "				27	60		
" " A. P. Gomer, clerk, in full of fees due him, per acct.				2	18		
" " Robert W. Baker, undertaker, on account of his bill for \$79. for coffin and burial of said Virginia ^{Rogers} , who died on the 22d. day of October 1900, per acct.				7	89		
" 5 per cent commissions on \$372.55				18	57		
				372	55	372	55

Your Commissioner reports specially that said interest was paid to said Virginia Rogers up to the first day of July 1900; that she died on the 22d. day of October 1900, before the interest on said sum of \$1006. from the first day of July 1900 to that date, was collected; that the interest for the last-named period, amounting to the sum of \$10.⁰⁷, was collected by Your Commissioner, and paid, as shown in the above statement, as follows:

To A. P. Gomer, clerk	2.18
" Robt. W. Baker, undertaker.	7.89
Total	\$ 10.07

And Your Commissioner further reports that by the decree of said

Court entered in said cause on the 11th day of October 1886, it was adjudged and decreed that, at the death of said Virginia Rogers, the said sum of one thousand and six dollars should go to the children, then living of Mills Rogers, Sr., and the descendants then living of such of his children as might then be dead.

And Your Commissioner further reports that at the time of the death of said Virginia Rogers, there was living no child of his and no descendant of any of his dead children, except his three children, Sarah J. Chelms, wife of Robert E. Chelms, Clara V. Chelms, wife of Thomas W. Chelms, and Ida O. Green, wife of Percy E. Green.

Your Commissioner has, therefore, paid the said sum of \$1006. to said three children of said Mills Rogers, Sr., deceased, living at the death of said Virginia Rogers as follows:

To said Sarah J. Chelms	$\frac{1}{3}$ per cent.	\$335.33
" " Clara V. Chelms	$\frac{1}{3}$ "	335.34
" " Ida O. Green	$\frac{1}{3}$ "	335.33
Total		\$1006.00

As there is nothing further to

be done in said cause it may
be removed from the Court dock-
et.

Respectfully submitted this
16th. day of April 1901.

Wilbur J. Kilby,
Special Commissioner.

Eley's Admr.

vs. } In Chy.

Rogers & als.

Report of the col=
lection and dis=
bursement of money
under decree of 11th.
October 1886

Filed by leave of the
Court and confirmed
17th. April 1901

1895 Jan. 23. Received of Wilbur J.
Kilby, Special Comr. Twenty-eight
and ⁶⁸/₁₀₀ dollars, being the net
amount of interest for six months ending
1 Jan. 1895 on \$1006. invested for my benefit
under order of Court in the Chancery cause
of Saml. Eley's Admr. vs Rogers &als. in
Harrison County Circuit Court.

\$28. ⁶⁸/₁₀₀

Virginia Rogers

1895 July 17. Received of Wil-
bur J. Kilby, Special Comr. Twenty-
eight and $\frac{68}{100}$ dollars, being
the net amount of interest for
six months ending 1 July 1895
on \$1006, invested for my benefit
under order of Court in the
chancery suit of Saml. Eley's
Admr. vs. Rogers &als, in Cham-
paign County Circuit Court.
\$28 $\frac{68}{100}$
Virginia Rogers

1
1896 Jan. 18, Received of Wilbur J.
Kilby, Special Commr. Twenty-eight
and $\frac{68}{100}$ dollars, being the net
amount of interest for six months
ending 1 Jan. 1896 on \$1006, in-
vested for my benefit under
order of court in the Chancery suit
of Daniel Eley's Admr. vs. Rogers
& als. in Claiborne County Cir-
cuit Court.

\$28. $\frac{68}{100}$

Virginia Rogers

1896 Sept. 2 Received of
Wilbur J. Kilby, Special Commr.
Twenty-eight and ⁶⁸/₁₀₀ dol-
lars, being the net amount of
interest for six months end-
ing 1 July 1896 on \$1006. in-
vested for my benefit under
order of Court in the Chancery
suit of Saml. Eley's Admr.
vs. Rogers & al. in Chaussemond
County Circuit Court,
\$28 ⁶⁸/₁₀₀

Virginia Rogers

1896 Dec. 22 Received of Wilbur
J. Kilby Twenty and $\frac{68}{100}$ dol-
lars on account of interest on
\$1006, invested for my benefit
under order of Court in the
Chancery suit of Samuel. Eley's
Admr. vs. Rogers & als; in
Hauemann County Circuit Court.

\$20 $\frac{68}{100}$

Virginia Rogers

1897 July 20 Received of Wil-
bur J. Kilby, Special Commr. Twenty
eight and $\frac{68}{100}$ dollars, the
same being interest to 1 July
1897 on \$1006, invested for my
benefit under order of court
in the Chancery suit of Eley's
Admr. against Rogers, & al., in
Chancery and County Circuit Court.
\$28 $\frac{68}{100}$

Virginia Rogers

1898 Jan. 25 Received of Wilbur
J. Kilby, Special Commr. Twenty and
⁶⁸/₁₀₀ dollars on account of interest
on \$1006. invested for my benefit
under order of court in the chancery
suit of Saml. Eley's Admr. vs.
Rogers & als. in Chausemond County
Circuit Court.

\$20 ⁶⁸/₁₀₀

Virginia Rogers

1898 Sept. 24 Received of Wilbur
J. Kilby, Special Commr. Twenty-eight
and ⁶⁸/₁₀₀ dollars, the same being
interest to 1 July 1897 on money
invested for my benefit under
order of Court in the Chancery
suit of Eley's Admr. against Rogers
&als. in the Circuit Court of
Chauvenoud County.

\$28. ⁶⁸/₁₀₀

Virginia Rogers

1899 Feb. 4 Received of Wil-
bur J. Kilby, Special Comm.
Thirteen and 93/100 dollars
on account of interest due me
on money invested for my bene-
fit under decree of Court in the
Chancery suit of Eley's Adm., a-
gainst Rogers & als. in the Circuit
Court of Chaussemond County,
\$13.⁹³/₁₀₀

Virginia Rogers

1899 Augt. 22 Received of Wilbur
J. Kilby, Special Commr, Twenty-
eight and $\frac{67}{100}$ dollars on ac-
count of interest due me on
money invested for my benefit
under decree of Court in the
Chancery suit of Eley's Admr,
against Rogers & Co, in the
Circuit Court of Chausseman
County.

\$28 67

Virginia Rogers

1900 March 7th. Received of
Wilbur J. Kilby, Special Comr.,
Twenty-two and ²⁷/₁₀₀ dollars
on account of interest due me
on money invested for my benefit
under decree of court in the chancery
suit of Eley's Admr. against
Rogers &als. in the Circuit Court
of Chausemond County.

\$2.2 27

Virginia Rogers

1
1900 Aug. 10 Received of Wilbur
J. Kilby, Special Commr. Twenty-
seven and $\frac{60}{100}$ dollars on ac-
count of interest due me on
money invested for my benefit
under decree of Court in the
Chancery suit of Eley's Admr.
against Rogers & Co. in the
Circuit Court of Chautauque
County
\$27.60

Virginia Rogers

Received of Wilbur J. Kilby,
Special Commr., Two and $\frac{18}{100}$
dollars in full of fees due
me in the chancery suit of
Eley's Admr., against Rogers and
others.

\$2.18

A. J. Gomer Clerk

Received of Wilbur J. Kilby,
Special Contr., Seven and 89/100
dollars on account of my bill
for \$79.⁰⁰ for coffin for burial
of Virginia Rogers, use of carriages,
and services on the occasion
of her burial.

\$7.⁸⁹₁₀₀

Robert St. Baker
Undertaker

1890.

J. T. ELLIS, Treasurer of Nansemond County, Va.

No.-----	State Tax, 30c. on \$100.	State School Tax, 10c. on \$100.	County Levy, 20c. on \$100.	Parish Levy, 8c. on \$100.	County School Tax, 5c. on \$100.	District School Tax, 5c. on \$100.	County Road Tax, 10c. on \$100.	TOTAL TAX
No. of Acres-----								
To Real Estate, value-----\$								
" Personal Property, value-----\$4.000	3 00	1 00	2 00		50	50	1 00	8 00
" Income, &c., value-----\$								
" Poll Taxes-----		1 00					50	
Total-----								
5 per cent. additional-----								
Total-----								

Received payment 30 day of November 1896

J. T. Ellis
Per King

Treasurer,

Mr. *W. J. Kirby* *Comr Eley B. Rogers*

1897.

To S. T. ELLIS, Treasurer of Nansemond County, Va.

No.-----	State Tax, 30c. on \$100.	State School Tax, 10c. on \$100.	County Levy, 20c. on \$100.	Parish Levy, 8c. on \$100.	County School Tax, 5c. on \$100.	District School Tax, 5c. on \$100.	County Road Tax, 10c. on \$100.	TOTAL TAX,
No. of Acres-----								
To Real Estate, value \$-----								
" Personal Property, value \$ <i>1000</i>	<i>300</i>	<i>100</i>	<i>200</i>	<i>7</i>	<i>50</i>	<i>50</i>	<i>100</i>	<i>800</i>
" Income, &c., value \$-----								
" Poll Taxes-----		<i>1 00</i>					<i>50</i>	
Total-----								
5 per cent. additional-----								
Total-----								

Received payment

day of

27 *November* *7*

189

S. T. Ellis
King

Treasurer,

Per

Mr *W. L. Kilby Commisr Elegr. AS Rodgers*
 1898. To S. T. ELLIS, Treasurer of Nansemond County, Va.

No. <i>197</i>	State Tax		State School Tax,		County Levy,		Parish Levy,		County School Tax,		District School Tax,		County Road Tax,		TOTAL	
	30c. on \$100.		10c. on \$100.		20c. on \$100.		8c. on \$100.		5c. on \$100.		5c. on \$100.		10c. on \$100.		TAX.	
No of Acres.....																
To Real Estate, value.....\$																
" Personal Property, value.....\$ <i>1000.</i>	<i>3 00</i>		<i>1 00</i>		<i>2 00</i>		<i>+</i>		<i>50</i>		<i>50</i>		<i>1 00</i>		<i>8 00</i>	
" Merchandise, value.....\$																
" Poll Taxes.....			<i>1 00</i>													
Total.....													<i>50</i>		<i>8 00</i>	
5 per cent. additional.....																
Total.....																

Received payment *28* day of *Nov.* 189*8* *Sydney J. Ellis* Treasurer,
 Per.....

Mr. *W. J. Kirby Com^r, Ely vs. Rogers*

1899.

To S. T. ELLIS, Treasurer of Nansemond County, Va.

No.-----	State Tax, 30c. on \$100.	State School Tax, 10c. on \$100.	County Levy, 20c. on \$100.	Parish Levy, 8c. on \$100.	County School Tax, 5c. on \$100.	District School Tax, 5c. on \$100.	County Road Tax, 10c. on \$100.	TOTAL TAX.
No. of Acres-----								
To Real Estate, value-----\$-----								
" Personal Property, value-----\$-----								
<i>Bonds</i> value \$ <i>800.</i>	<i>240</i>	<i>80</i>	<i>160</i>	<i>X</i>	<i>40</i>	<i>40</i>	<i>80</i>	<i>640</i>
" Poll Taxes-----		<i>1 00</i>					<i>50</i>	<i>640</i>
Total-----								<i>640</i>
5 per cent. additional-----								
Total-----								

Received payment *27* day of *Nov* 1899

W. A. King
Per _____ Treasurer,

Mr. Wilbur J. Kilby Comr Dr. Ely v.s. Rogers
 1900. To S. T. ELLIS, Treasurer of Nansemond County, Va.

No.-----	State Tax, 30c. on \$100.	State School Tax, 10c. on \$100.	County Levy, 30c. on \$100.	Parish Levy, 8c. on \$100.	County School Tax, 5c. on \$100.	District School Tax, 5c. on \$100.	County Road Tax, 15c. on \$100.	TOTAL TAX.
No. of Acres-----								
To Real Estate, value-----\$								
" Personal Property, value-----\$ <u>800</u>	<u>240</u>	<u>80</u>	<u>240</u>	<u>X</u>	<u>40</u>	<u>40</u>	<u>120</u>	<u>760</u>
"-----, value-----\$								
" Poll Taxes-----		<u>1 00</u>						
Total-----							<u>50</u>	
5 per cent. additional-----								
Total-----								

Received payment 15 day of Nov 1900

W. A. King Depy Treasurer,
 Per-----

In The Circuit Court of Nausemud County:

Samuel Eley's Administrator, Plaintiff:

against } In Chancery

Mills Rogers, Sr and wife, and others. Defendants.

I, Peter B. Prentiss, Clerk of said Court, certify, that the bond required of the Special Commissioners by the Decree in said Cause of October 12th: 1885, has been duly given.

Given under my hand, this 24th day of November 1885.

Peter B. Prentiss.

Know All Men by These Presents,

THAT WE, *Wilbur J. Kilby and L. Clay Kilby*

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of *thirty-five hundred (3500)* DOLLARS, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this *23rd* day of *November* in the year one thousand eight hundred and *eighty-five*, and in the *110th* year of the Commonwealth. And we hereby waive our homestead exemption as to this obligation.

THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above bound *Wilbur J. Kilby,*

who has ~~by this day qualified before the~~ *a Decree of the Circuit Court of Nansemond County, pronounced on the 12th day of October 1885, in the Chancery Cause of Amos S. Eley, Administrator of all and singular the goods and Chattels, rights and credits, which were of Samuel Eley deceased, at the time of his death, who died intestate, Plaintiff against Miles Rogers, Sr, and Virginia, his wife & others, Defendants, been appointed a special Commissioner to sell certain Real Estate, in said Cause described, shall faithfully perform his duties, as such Commissioner, under said Decree, and all other Decrees, he may be required to execute in said Cause,*

~~shall faithfully discharge the duties of his said trust,~~ then the above obligation to be void, or else to remain in full force and virtue.

Executed in presence }
of the Court. }

Wilbur J. Kilby (SEAL.)
L. Clay Kilby (SEAL.)
(SEAL.)
(SEAL.)
(SEAL.)

Samuel Eley's Admth

$\frac{4}{25}$ { Commrs: Bond

Mills Rogers, Sr. & wife & al:

~~~~~

Nov: 23<sup>rd</sup>: 1885 Executed & filed

At Rules held in the Clerk's office  
of the Circuit Court for the County  
of Nausemond on the 7th day of  
September 1885:

Adolphus S. Eley, Administrator of  
all and singular the goods and  
chattels rights and credits which  
were of Samuel Eley deceased at  
the time of his death, who died  
intestate, ----- Complainant

Against } In Chancery.

Mills Rogers Sr. and Virginia his wife,  
Robert E. Telus and Sarah J. his wife,  
and the said Robert E. Telus, Trustee  
of said Virginia wife of said Mills  
Rogers Sr. Thomas W. Telus and Clara  
V. his wife, Wilbur J. Kilby Trustee, Ida  
O. Rogers, Fanny Mary Telus, Claude  
W. Telus, James M. Telus, Mills Co.  
Telus, Eva Mary (sometimes called  
Eva Virginia) Telus and Thomas  
B. Telus, the last seven named  
being infants under the age  
of twenty-one years ----- Defendants

On the motion of the Com =

Eley's Admr.

vs. } In Chy.

Rogers & al.

Order appointing  
guardian ad  
litem for infant  
defendants.

Plaintiff by Counsel, Peter B. Prentiss  
is assigned guardian to the ~~infant~~  
defendants, John O. Rogers, Henry Mary  
John, David W. Johns, James M. Johns  
Mills E. Johns, Eva Mary (sometimes called  
Eva Virginia) Johns and Thomas R.  
Johns, who are infants under the age  
of twenty-one years, to defend them in  
this suit.

Peter B. Prentiss, Clerk.

CHANCERY SUMMONS.

**The Commonwealth of Virginia,**

TO THE SHERIFF OF NANSEMOND COUNTY - GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Mills Rogers, Sr. and*  
*Virginia, his wife; Robert E. Nelms and Sarah J. his wife;*  
*and the said Robert E. Nelms, Trustee of said Virginia,*  
*wife of said Mills Rogers, Sr; Thomas W. Nelms and Clara*  
*W. Nelms, Trustee;*  
*John O. Rogers, Fanny Mary Nelms, Clara W.*  
*Nelms, James M. Nelms, Mills C. Nelms, Eva Mary (sometimes*  
*called Eva Virginia) Nelms, and Thomas C. Nelms: the last*  
*seven named being infants, under the age of twenty-one years,*  
*Defendants.*

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 *September* next to answer a

*Bill in Chancery, exhibited against them,*  
in the said Court by *Adolphus S. Eley, administrator of*  
*all and singular the goods and chattels, rights and credits*  
*which were of Samuel Eley, deceased, at the time of his*  
*death, who died intestate. Complainant.*

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this *27th* day of *August* 1885, in the *110th* year of the Commonwealth.

Teste:

*Peter B. Prentis.* Clerk.

I hereby acknowledge receipt of a copy of this process  
in my own proper person and as trustee of Virginia  
the wife of Mills Rogers Sr. this 29th day of August  
1885

Test & the law

sufficient and legal service of this process as  
well as receipt of a copy thereof, is hereby acknowl-  
edged by the undersigned this 29th day of August  
1885  
William J. Kilby, Justice

Kilby. p. 9

Adolphus S. Eley, Adm<sup>r</sup>  
of Samuel Eley, deceased

2<sup>d</sup> { Summons in Chy.

Mills Rogers, Sr. & wife

To September Rules, 1885

Pro. B. U. 1. page  
Civ. Co.

Received Sept 2nd 1885 and a copy thereof  
Admitted to each of the within named defendants

J. C. X. Sept 2<sup>d</sup> 85  
J. S. Thompson Clk