

1817-028

SOUTHAMPTON COUNTY
CHANCERY PAPERS

HOLLAWAY and Wife VS. ELLYSONS et al.

3/1817

other SURNAMES: Cofield,
Coffield

Halloway Ship

N

Elipson K -

March 19. 1846 Deered
and Obed

W. 9

To the honorable Court of Southampton in Chancery
sitting - Humbly complaining shew unto your
wishes your complainant James Holloway and
Gulie his wife late Gulie Ellyson. That Caleb
Ellyson the father of your female complainant
deceased this life sometime in the year of
full age and estate without issue and seized
possessed of a tract of land lying in this County
containing fifty nine acres. That the said Caleb
had no father or mother but had at the time of
his ^{death} three brothers and one sister who deced who
had each intermarried with a certain Graham
child, Edmund Ellyson, James Ellyson and
Richard Ellyson all of whom are still living
and are equally entitled to the aforesaid tract of
land with your female complainant Gulie Holloway
That the aforesaid tract of land is not worth one
hundred dollars to each of the complainants
~~and of the parties entitled~~ and that to effect
a division it should be sold under an act
of the General Assembly in such case made
and provided. In order to consideration thereof
and in as much as your complainants are
without remedy ~~and~~ in a Court of Equity
where matters of this kind are properly
deceivable they pray that the aforesaid tract
of land may be sold when such order as this
Court may think proper to order and the proceeds
of the sale be divided between your complainants
and the aforesaid brothers and sisters of the said
Caleb Ellyson dead and that they be made
defendants hereunto and be compelled to answer
all and singular the allegations herein con-
tained fully and unreservedly, and your complai-
nants pray for General relief and they will
ever pray &c.

To the honorable Court of Southampton in
Chancery sitting - The joint and separate
answers of Edmund Ellipton, James Ellipton,
Bachamab Ellipton, and Graham Whiles
and his wife Lucas late Lucas Ellipton to
the bill of Complaint exhibited against them
by James Holloway and his wife Gulie late
Gulie Ellipton -

The respondents now and at all
times saving and reserving to themselves all and
every benefit of exemption to any extent contained
in the complainants bill for answer thereto
say that they cannot gain say the complain-
ants allegations and that they are willing
that such deed as is prayed for may be
procured in the premises and having
assented they pray to be hence dismissed.

Holloway and wife P^lffs
Colts & - - - Defts
In Chancery

This cause was this day docketed by consent
of parties and spent of the Court and was
heard on the bill and answers and argu-
ments of counsel whereupon and upon due
consideration thereof the Court hath
ordered and decreed that John Melchior
Thomas & Deatts, John C Gray and Peter
Booth or any three of them do after giving
reasonable public notice of the time and
place of sale expose to public auction the
tract of land lying in this County whereof
Edmund Ellipton did die and containing fifty
more acres or a credit of nine months that
they divide the proceeds of the sale into five
equal parts allotting to each of the defendants
one equal part and to the complainants and
equal part, taking bills with approved
security for the payment thereof from the
purchaser payable to the defendants and
the complainants as aforesaid. That they
make a good and sufficient deed of
conveyance of the said land to the purchaser
thereof and make a report to the Court
in order to a final decree -

Hollaway
Allyson's } Interlocutory
Deceit

March 181st - Rept. ret. &
final decree by consent

Southampton County March Court 1816

James Holloway and Dulce his wife

late Dulce Ellison

Complainants

against

Edward Ellyon, James Ellyon, Zachariah

Ellyon and Graham Coffield and his

wife Darcas late Darcas Ellyon

Defendants

In Chancery

This Cause was this day docketed by consent of parties and
agent of the Court and was heard on the bill and answer and
arguments of counsel whereupon and upon due consideration thereof
has the Court with order adjudge and decree that John Nicholson
Thomas D. Heath, John C. Gray and Peter Boothe or any three of them
do after giving reasonable public notice of the time and place of
sale expose to public auction the tract of land lying in this County
whereof Caleb Ellyon did seized containing fifty nine acres or
more or less, that they divide the proceeds of the sale into five
equal parts allotting to each of the defendants one equal part and to the
complainants one equal part, taking bond with approve Security for
the payment thereof from the purchaser payable to the defendants
and the complainants as aforesaid, that they make a good and sufficient
deed of conveyance of the said Land to the purchaser thereof and
make a report to this Court in order to a final Decree

Attest

Testes James Rochelle c. c. c.

Memorandum
for advice to
see Elgin's
land —

John Nicholson
Wm D. Beattie
John C. Gray
Peter Booth

Caleb Ellyson died in the service without a will. Surrogate
of a trust of land containing 59 acres to which his
brothers and sisters are entitled
Edison Ellyson James Ellyson Joshuaiah Ellyson
Leucas married to Graham Asfeld. Julius married
to James Holloway —

Report of Commissioners
appointed to sell Caleb
Edgson's land —

In obedience to the annex's decree we have proceeded to
expose to public sale the Land whereof Caleb Ellison
did seize & possess which was purchased by Anthony
Andrews at One hundred & forty five Dollars & fifty five
Cents — after retaining Twenty Dollars as Compensation for
our Trouble — Allowing James Holman Ten Dollars
paid in obtaining this decree & Five Dollars & fifty five
Cents which he has paid for Taxes on said Land we find a
Surplus balance of One hundred & ten Dollars which
we have divided in five equal parts & taken bonds
with security payable to the Complainants & defendants
as required by the said decree & ~~will~~ under our hands
this 11th day of June 1816

J. M. Nicholson
Wm. D. Hath
John Gray
Peter Booth

We the subscribers here to
are willing that our lands be
sold by

James Holloway

Graciver in Coffield

Forces Coffield
Zachariah Ellyson

We the subscribers here to are willing
that our land be sold by James Hollaway

Edwin Ellyson

James Ellyson
— " —