

1850-05

SOUTHAMPTON COUNTY
CHANCERY PAPERS

ELEY

VS. ELEY'S ADMR & AL

2/1850

Plat

other surnames: Ely,
Duck, Langford

Langley
 N. 3 Bien
 Langley, Linsdon

1849 March: Dura as filed
 # Aug. Report
 1850 Febr. Rep. conf.

Langley

To the undersigned Justices of the County Court of the
County of Southampton: Dr. Humphreys to wit: In charge
likewise, humbly complaining, sheweth unto your worship,
your natural Nancy Eley; that she is the widow of
of Edwin Eley Esq., who departed this life, sometime in
the year: who left a considerable real & personal
estate: consisting of a tract of land, containing about
190 acres, and the following negroes: to wit: Jack, Minerva,
Ursiney, Barbara, Harry, Joseph, John, Ann, ~~Andrew~~ Amanda
& others: and besides his said widow, your natural, left two
children, Eliza L. Eley & Mary R. Eley, who are infants;
and his heirs at Law: &c: and that one William Langford
who qualified as Adm^r of said deceased, and has finally
settled the same. Therefore, your, pray, that she may have
assigned to her, in the real estate wherof her said husband,
and "her third" in the negro slaves, of which he was, properly
admitted & assigned to her: that she has called, on
her said Adm^r and on the said children to assign her
same to her, but they have as yet entirely refused:
and as she is intent on suing him in a Court of Equity
she prays, that this honorable Court: will make the said
William Langford Adm^r of said Edwin Eley: and
as give to the said Eliza L. Eley: and John W. Smith
3/4 to Mary R. Eley: and to the said Eliza L. Eley and Mary
R. Eley a part of the said Edwin Eley, parties of part
to this Will: and come to same as their copious votes:
and that: this honorable Court: will appoint Compt^s to set-
aside to your natural, one third of said Land: which
her late husband died seized: or one third during her lifetime
to which her life interest was not tied: as her dower in the
same: and also the third part of the negroes: assigned & part all
to the & her heirs: as in the premises may be met & proved

Nancy Eley

By W. M. M. M. M.

her atty.

Infant Anna

The Joint & separate Answer of Eliza L Ely and
Nancy R. Ely infants, of Edwin Ely dec'd by Littleton
R Edwards, of & ad litem: to a Bill filed against
them and als: by said Nancy & Ely: in so far as
their respondents, by their said Guardian ad litem opposes
by the Court to & for: them: for having & retaining &c.
for answer: to so much of said Bill: as they are answer.
answer, that it is true they are entitled as the said Bill
states, as the heirs of their father, to said Edwin Ely es:
But as they: are infants, of tender age: they neither admit
or deny facts in said Bill alleged; but submit their interests
in the premises to this protection & guardianship of the
Court: and & being answer: pray them to be dis-
missed &c.

Lambert. Clark.
d-r cup
at,

cup

as. ass. of. Esau Ely &c.

The answer of William Langford to a Bill of Complaint filed v. him & others. By Nancy Ely. in the County Court of W. Hampton.

This respondent, having & reserving all manner of exceptions, &c. to the said Bill: answers and says: That it is true, as is alleged in said Bill, that he is the adm. of said Esau Ely &c. and has no objection to any decree which the Court may render in the premises: as he has settled the estate provided the parties appeared to him regarding Bonds as the law in such case directs &c. and having caused pay here &c.

William Langford @.

The answer of William Langford Guardian to Eliza Ely, in part of Esau Ely &c.: to a Bill filed v. him & others by Nancy Ely. in the County Court of W. Hampton County.

This respondent. having & reserving, &c. for answer to said Bill says that he is the legal Guardian & adm. of Eliza Ely: and has no objection but wishes to pay up for the decree sought for by the complainant - and having answered -

William Langford @

J. W. Fitch.
Ct. } answ.
Mary Elly

The manuscript I have in such: to be sent to
Mary R. Ely. to a thin piece of the value of my
own age.

This is a very fine & beautiful for an
man to be.

My dear it is true it is the same in
signally qualities, to Mary R. Ely, as if just
of Edwin Ely & Co. and has no other to be
to be proved for, but writes in the paper for
the same: and being a very fine, in -

John R. D. (D)

Secret.

Eleg.

been in chamber.

11

On motion Jonathan R. Seaward is appointed guardian ad litem to bring
the rights of Elisha & Mary Eleg. by consent of parties,

Eleg. Chilton: This cause came on this day to be heard on the Bill
and answers, &c. and was argued by counsel; On consideration whereof
the Court both view, & judge, and decree, that Giles S. Whitney,
William C. Minson, Nathan Turner, and Ludlow Lawrence
(any three of whom may act,) be and the same are hereby appointed
commissaries, to examine the real estate, and personal estate
of the said Edwin Eleg, died seized & possessed to wit: a tract of land
containing about, 190 acres: and the following Slaves: to wit: Sack
Minerva, Winney, Barbara, Harry, Joseph, John, Ann, Anna
& Amos; and set apart to the widow of said Edwin Eleg,
the said Nancy Eleg, by metes & bounds, calling in the aid of the
Surveyor of the County of Hampshire, one third part of the land
whereof the said Edwin Eleg died seized, or was seized at any
time during coverture and to which her relinquishment was
not had, - having regard to quality & quantity; as her dower in
the said Real estate: and also, allot, by lot, or drawing or one
third of the said Negroes, as "her Third" in the same: and the
balance of said Negroes, and land and as well as the remainder
in the part and portion assigned to the widow, divide equally
between the children of said Edwin Eleg, to wit the said
Elisha L. Eleg & Mary R. Eleg his sister: and their respective
portions pass over to their several guardians: to wit. William
Langford as Guardian to Elisha: and Irvin W. Stick as
Guardian to Mary R. Eleg: But - the said Court is not compelled
to give up the said Negroes or personal estate unless responding
Bonds be executed here as the said requires: & report to the
Court, - as to a final decree - to the premises - &c -

Clay

a. } Copy Done

Clay adm

1829 Aug. Report.

Southampton March Court 1849.

Nancy Eley
against

Plff. } In Chancery
D

William Sankford admor. of Edwin Eley dec^d and as guardian
to Elisha Eley, Irvin W Duke guardian of Mary R Eley and
the said Elisha S. Eley and Mary R Eley infants of Edwin Eley dec^d
by S R Edwards their guardian ad litem.

Defls.

On motion Littleton R Edwards is appointed guardian ad litem to defend the
infants Elisha and Mary Eley - This cause by consent of parties came on this day
to be heard on the bill and answers and was argued by Counsel. On consideration whereof
the Court doth order adjudge and decree that Giles J Whitney, William Atkinson
Nathan Turner and Ludlow Lawrence (any three of whom may act) be and
the same are hereby appointed Commissioners to examine the real and personal
estate whereof the said Edwin Eley died, seized and possessed, to wit, a tract of
land containing about 190 acres; and the following slaves to wit, Jack, Minerva,
Winney, Barbara, Harry, Joseph, John, Ann, Amanda & Amos. and set
apart to the widow of said Edwin Eley the said Nancy Eley, by metes and bounds,
calling in the aid of the Surveyor of the County, if necessary, one third of the land
whereof the said Edwin Eley died seized, or was seized at any time during coverture
and to which her relinquishment was not had - having regard to quality and quan-
tity, as her dower in the said real estate; and also, allot, by lot, or drawing of one
third of the said negroes as her thirds in the same, and the balance of the said
negroes and land and as well as the remainder in the part and portion assigned
to the widow, divide equally between the children of said Edwin Eley to wit the said
Elisha S. Eley and Mary R Eley his sister, and their respective portions pay over
to their several guardians, to wit William Sankford as guardian to Elisha
and Irvin W Duke as guardian to Mary R Eley. But the said administrator
is not compelled to give up the said negroes or personal estate unless refunding
bonds be executed here as the law requires. And report to the Court in order
to a final decree in the premises.

A Copy

Teste L R Edwards lcb

In obedience to a decree of the Honorable Court of
San Hampton County hereunto annexed, we the undersigned
commissioners have proceeded, to have surveyed and laid
off, the lands of Edwin Ely dec'd, as follows - we find
the whole tract to contain two hundred and fifty acres;
seventy of which, with the buildings, we have assign-
ed to the widow Nancy Ely as her dower - The bal-
lance of one hundred and ~~eighty~~^{seventy} acres, we have ^{divided} in-
to two equal lots, N^o 1. and N^o 2. and have assigned by
a lotment N^o 1. to Mary R. Ely, and N^o 2. to Eliza L. Ely -
In this division Mary R. Ely Pays to Eliza L. Ely twenty
five dollars, in order to make the valuation equal
between them - The lots of lands are all laid off
by proper meters and bounds, as will more fully
appear, by the surveyors report hereunto annexed -

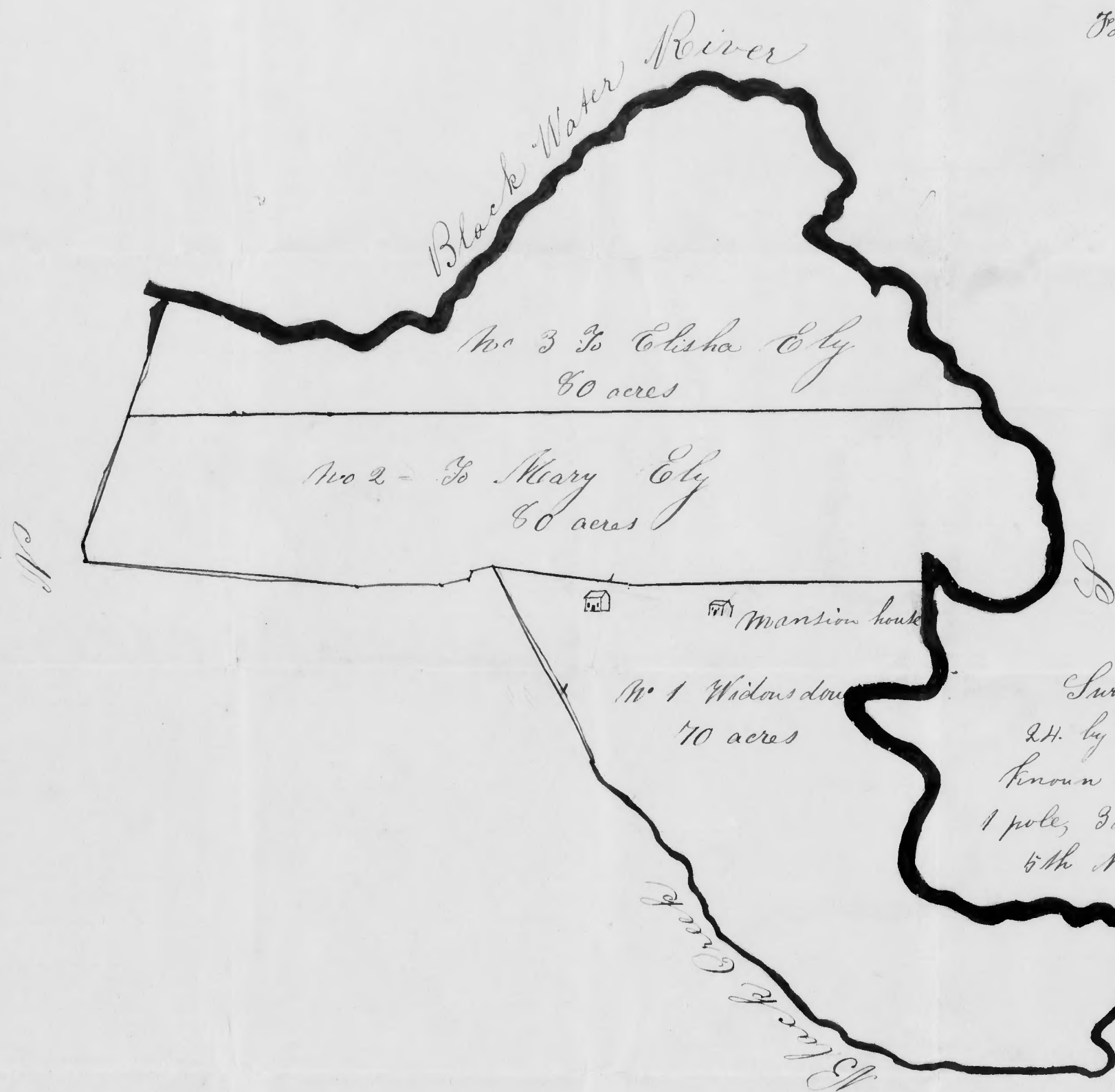
we have also, by appraisement and a lotment -
divided the negroes belonging to the said estate as
follows - Lot N^o 1. Lach, Barbara, Amos, Harriet, to Mary
R. Ely - to Pay to Lot N^o 2. or Eliza Ely, two dollars & 50 cents -

Lot N^o 2. Wincy, John, & Amanda to Eliza L. Ely, to
receive of Lot N^o 1. or Mary R. Ely \$2.50 - and of Lot N^o 3. or
Nancy Ely \$15.00 - Lot N^o 4. Minerva, Joseph, & Ann -
to Nancy Ely the widow - to Pay to Eliza L. Ely of
Lot N^o 2. \$15.00 - all of which is herewith
most respectfully submitted -

Audlow Sawnee
Giles D. Whitney
William A. Kinison
Arthur Sumner

Forty poles to the inch

Magnetic variation $0^{\circ} 23' 0''$



May 24. 1849

Survey made around the land of Elisha Ely on May 24. by order of Court. Commencing at a gum in a branch known as Longfords then 1st course N $18^{\circ} E$ M 7 poles, 2^d N $74^{\circ} W$ 1 pole, 3^d N $13^{\circ} W$ 9 poles, to a road on 4th N $1^{\circ} W$ 27 poles, 5th N $5^{\circ} E$ 85 poles, 6th N $75^{\circ} E$ 4 poles, 7th N $72^{\circ} E$ 85 poles,

To Black Water River thence down the River to the mouth of Black Creek, thence up said creek to Longfords branch, thence up L branch to beginning containing by survey 250 acres, divided by the Commissioners as follows to the Widow ^{acres} no 1st 70 acres to the daughter no 2 80 acres to the son no 3 80

Joshua Pettow
Surveyor of Southampton
County