

1806-046

Chancery Causes: William Smelley's infants by &c VS William Smelley &c

Isle of Wight County

other SURNAMES: Eley,
Everitt, Everett

Isle of Wight born by writ,

August 1805.

Jane, Thomas, and John Smully, infant children of
William Smully decd: by William Cay their next friend

comps.

against

Thomas Smully executor of William Smully decd: Samuel
Critt, and Patsy his wife, Nancy and Amelia Smully

Defts.

In Chancery

By consent of the parties by their Attorney- This day the bill &
answer was filed and heard thereon; whereupon it is decreed and ordered, Thomas Holladay,
Brittain Butt, Anthony Payne, and William Jordan, or any three of them, make par-
tition and division of the slaves of which William Smully decd possessed, among the
complainants, and the Defendants Samuel Critt and wife- Nancy Smully, and Amelia
Smully, - and make report thereof to the Court in order to a final decree.

Attest Teste Lightfoot S. C. 1806.

Smelly was 77°

Smelly deere.

Smelly 77°

In obedience to the annexed Decreeal order We the
 Undersigned have Appraised & Divided the Negroes
 belonging to the Estate of William Smalley Dec
 Agreeably to the Subjoined Statement Given
 under our hands this 31st Day of December
1805

James Jordan
Wm. Holladay
Britton Brail
Anthony Payne

No 7. Thomas Smalley Tom — £75.0
 Charlotte — 75.0
 ————— £150.0—
 pay N^o 4 — £24.14.3¹/₄
 pay N^o 3 — 24.14.3¹/₄
 pay N^o 2 — — 17.2¹/₄ — 30-5.7¹/₄
 ————— £99-14.4¹/₄

Nancy Smalley for N^o 4. Negro Lucy £75.0
 to Receive from N^o 7 — 24.14.3¹/₄
 ————— £99.14.3¹/₄

John Smalley for N^o 1 Negro Moses £60.0
 do Kate — 45.0—
 to pay to N^o 6 £1.18.6¹/₂ £105.0—
 to pay to N^o 2. 3.7.2¹/₄ — 5.5.8³/₄
 ————— £99.14.3¹/₄

William Smalley for N^o 2 Negro Sale 77.10
 do Penny 11.8—
 Receives from N^o 7. £0.17.2¹/₄ 95.10
 Receives from N^o 1 3.7.2¹/₄ — 4.4.4³/₄
 ————— £99.14.4³/₄

Samuel Everett for N^o 5. Negro Sam £75.0
 Violet — 47.10
 to pay N^o 6. — 122.10
 ————— 22.13.8³/₄
 ————— £99.14.3¹/₄

Jane Smalley for N^o 6 Bobb — £75.0.0
 to Receive from N^o 5 — 122.13.8³/₄
 ————— £99.15.8³/₄
 to Receive from N^o 1 — 1.18.6¹/₂
 ————— £99.14.3¹/₄

Amelia Smalley for N^o 3
 Negro Nelly £75.0—
 to Receive from N^o 7 24.14.3¹/₄
 ————— £99.14.3¹/₄

Division & Report
Negroes belonging
to the Estate of
William Smalley Dec

To the worshipfull Court of Isle of Wight in Chancery Sitting
Humbly Complaining shew unto the Court your Petors and
Oratrix, Jane, Thomas & John Smelley, infant Children of William
Smelley dec^d living by William Eley — Their next friends,
that your Complainants Father, William Smelley, departed
this life, testate, on or about the day of in
the year of Christ eighteen hundred, leaving seven Children
namely, William, Nancy, Patsy and Amelia, who are
all arrived at mature age, and your Complainants
who are yet in a state of infancy. That Patsy has
since the death of her father, intermarried with a
certain Lemuel Swill. That by the will of your
Complainants father, he has directed that all his Children
shall be continued at the place where he then dwelt, and
that all his negroes and personal estate should be
kept together, in the care of his son William, untill the
youngest of your Complainants should come of age, and
that then the negroes and personal estate should be divided
equally among all his Children. He then provides that in
the event of Williams death, the negroes shall be hired out
untill the period before mentioned, to wit the mature age
of your youngest Complainants; That then a division of
the slaves to be made as before directed, and the personal
estate sold to the highest bidder, and the proceeds to be
equally divided among all his Children. —

Your Complainants represent to your worships that
while they are persuaded their father intended to promote the
interests of each and all his Children, he has in this instance
it would appear misconceived the means. William their
elder Brother, ⁱⁿ whose care the slaves &c were so placed
finds it inconvenient and unprofitable to keep the
family and property together; He has for several years
past hired out the most of the slaves; in which several of
them have died. — Beside the inconvenience arising to
the said William, the provision in the said will, is
likely to produce the most serious loss to your Complain-
ants, who, for want of specific and separate funds, ~~will~~

and Guardians to manage them, are in danger of missing that portion of Education and improvement, which their several portions, if separated & well managed, would enable them to acquire. — They further state to your worship that the said William, having all in his power, as respects your Complainants, who, from their tender years are disqualified from investigating his acting and doings in and concerning the premises, so as to control them, seems sometimes to forget the duty assigned to him; by neglecting to make the most of the property for the family use; but ~~leaving~~ and combining with the said Nancy, the said Patsy, her husband Lemuel Everitt, ~~and~~ Amelia, and Thomas Smalley, the executor of the said Will, seem intirely to neglect your Complainants, whose health requires the greatest care. — In tender consideration whereof and for as much as your Complainants are only and properly relievable in a Court of equity, to the end therefore they pray that the said William Smalley, the said Thomas Smalley the Executor, the said Lemuel Everitt & Patsy his wife, and the said Nancy and Amelia, be made defendants to this bill and may, full, true and perfect answer make to all and singular its allegations. And that your worship will name and appoint fit persons to make an equitable division of the slaves among your Complainants and the others thereto intitled (unless some good and sufficient cause should be shewn against it) and that proper Guardians be assigned to your Complainants, as the law directs. They lastly pray that such other or further Order or decree may be made for their benefit or relief, as may accord with Justice and equity. — may it please V. —

Barber - for Compts.

The answer of Wm Smalley to one of the defendants in the foregoing bill. This respondent, acknowledges that he cannot conveniently, or with a strict attention to the interests of all the parties interested, especially the Complainants, carry the said Clause of the testators will into execution. That he thinks the testators intention, the promotion of all their interests, would be frustrated by a literal observance of that part of the will which the bill sets out. That he is desirous of fixing his own family, and cannot, without too great a sacrifice, remain at the head of the charge assigned him by the testators. And, upon the whole, that a division of the slaves, as prayed for will be to the interests of all parties concerned; and therefore he will cheerfully submit to such arrangement. He denies all league and combination in the bill charged, and prays to be hence dismissed with his Costs &c. —

William Smalley

The Joint answers of Thomas Smalley, Executor of Wm Smalley decd., of Lemuel Everitt & Patsy, his wife; Nancy, and Amelia Smalley, to the foregoing bill. These respondents deny all league & combination in the bill charged. In every other respect they are consenting to the allegations and prayer of the bill; being convinced that the interests of all will be better secured and promoted by a division of the slaves, and that more satisfaction will be derived by each. — They therefore pray to be hence dismissed with their Costs &c. —

Nancy Smalley
Amelia ^{her} Smalley
Lemuel Everitt
Patsy Everitt

around this time. by inserting the relinquishment on Record
in apt. 1800. by W.D.

Smellys infants } Bill &
as
Smellys. Ex. H. } ans-

July 1805

Anteily decue

Sept. 1800

Rept. ut. Camp decuey H.