1815-009 Chancery Causes. Catherine W. Eley & Nancy Eley, by & c vs Ishmael Moody, admr of

Dale of Wight County Elizabeth Moody

other surnames: Cowling

Eleys & Hyde
vs
Woody, admr &c

Bill & Answer

Janry 1815 Default & decree

November 6th 1815 upon set.
& decree accordingly

a defendant to this Plaintiffs Bill of Complaint, and be compelled upon his Corporal Oath fully true, and perfect Answers to make, to all and Singular the allegations herein Contained, as fully and particularly as if the same were here again repeated, and he thereunto interrogated - More especially, that he may set forth discover and declare, whether the degrees of relationship have not been correctly set forth: whether the said Sally Ely hath not departed this life an Infant, and Intestate, and entitled to a Slave named Luke: are they not entitled to the third part each of the said Slave: Is not a division impracticable: Is he not the admor of their Mother, and does he not claim one third part thereof in consequence thereof: Which he consent to a Sale for the purpose of division:

Your Oratrices lastly pray, that your Worships will appoint fit and proper persons to act as Commissioners to make Sale of the said Slave, - or that they will make such other, or further decree in the premises as shall be more consistent with equity and good conscience - May it please &c to grant &c —

Pendtis. p: q

The answer of Ishmael Moody admr of Elizabeth Moody his late wife - to the bill of complaint exhibited against him, by Catherine W. Ely and Nancy Ely, infants of Stephen Ely dec[d] in the worshipful Court of Isle of wight This respondent, except as to any thing like impropriety of Conduct charged against him, acknowledges the truth of the allegations in the said bill contained, and will readily and chearfully submit to such order or decree as this worshipful Court shall enter, consistent with the prayer of the bill. — J Barbour for Dept

Wm Jordan Thomas Brem, Chas Brem. Nichols Jones, wm J —

To the Worshipful the Justices of Isle of Wight
County in Chancery sitting.

Humbly complaining sheweth unto your Worships, your oratrices Catherine U. Eley, and Nancy Eley infant children of Stephen Eley dec'd claiming in this behalf by Willis Cooling their guardian: That a certain Stephen Eley their father, departed this life some years ago, after having first duly made and published his last will and testament whereby among other things he devised to his daughter Sally a certain negro man slave named Luke - That the said Sally departed this life an infant & unmarried leaving a mother who has since died, and your oratrices her sisters as her Heirs.

That Elizabeth their mother intermarried with a certain Ishmael Moody and is now dead, and that administration on her estate hath been in due form of law committed by this Worshipful Court to the said Ishmael Moody her late husband - That frequent and repeated applications have been made to the said Ishmael Moody for a division of the said slave among your Oratrices & the Heirs at law of their deceased sister - That ~~neither~~ the said Moody having possessed himself of the said slave Luke, has hitherto refused to consent to a division, or to take any steps in the premises whereby your oratrices rights could be promoted - Your oratrices represent that by reason of the impossibility of a division, they humbly conceive that this Court will direct a Sale of the Slave -

In tender consideration whereof and for as much as they are remediless in the premises, without the aid and interposition of a Court of equity, where matters of this sort are cognizable, and alone relievable - To the End therefore they pray, that the said Ishmael Moody administrator &c. of Elizabeth Moody may be made

Cooling Eley per Guard.ⁿ & Moody admr. Claire. This
cause came on this day to be heard upon the bill
and answer filed therein, and was argued by Counsel
whereupon the Court doth order adjudge, and decree
that Charles Wrenn, Isham Jordan Nicholas Jones
and Peter Jones, or any three of them do make
sale of the slave Lucy in the bill mentioned,
upon a credit of six months, having first duly
advertized the time and place of Sale
15. days previous thereto, taking bonds
with security from the purchaser or purchasers
at such sale, payable to the following persons and
in the following proportions, viz. £3 payable
to Willis Cooling Guardian of Catherine M. Eley,
£3. payable to the said Willis Cooling as Guard.
of Nancy Eley, and the remaining £3. to
Micajah Moody the admr. and make re-
port &c. in order to a final decree.

Copied

Nicholson Jones

Chas. Wm

Eley's pr. Guardian
vs
Moody's admr.

175
96
32

392

State of Wilkes County — Fancy Court 1815.

Catharine Ely & Nancy Ely
infants of Stephen Ely dec'd by Willis
Cowling their guardian . . . . Complainants

against

Ishmael Moody adm'r of Elizabeth
Moody late wife . . . . Deft.

In Ch'y

This cause came on this day to be heard upon the Bill and answer filed therein and was argued by Council, whereupon the Court doth order, adjudge & decree that Clerk Mann, Ishm Jordan, Nicholas Long and Dixon Long or any three of them do make sale of the slave Luke in the Bill mentioned upon a credit of six months except the cost which is to be paid in Cash, having first duly advertised the time and place of sale for fifteen days previous thereto — taking bonds with security from the purchaser or purchasers at such sale payable to the following persons and in the following proportions — one third payable to Willis Cowling Guardian to Catharine Ely, one third payable to the said Willis Cowling Guardian of Nancy Ely & the remaining one third to Ishmael Moody the adm'r and make report thereof to the Court in order to a final decree.

A Copy Test

David Hix D. C.

Amt. Cost $13.97 —