

1816-034

Chancery Causes: Merit More Eley & al, by & c vs Mills Eley & John Eley's estate

Isle of Wight County

Plat in Oversize Box 2

other SURNAMES: Council

laining to his said Testator's estate: He admits that the sum of  
\$4073.47 in bonds is now in his hands, and subject to dis-  
tribution in manner set forth in the Complainants said Bill of Complaint.  
They acknowledge that your respondent Mills Eley is now of the age of  
twenty one years and that they are willing the land and personal estate  
of which the said John Eley died seized and possessed, and to which the said  
Complainants allude in their said Bill of Complaint, should be divided  
by commissioners appointed by a decree of this worshipping Court: They  
deny all fraud and combination and pray to be hence dismissed with  
their costs in this behalf most manfully sustained. &c -

Mills Eley  
Godwin Council

Eley by next friend  
vs. Bill and  
Eley & Council Answer.

said Mills Eley attain the age of twenty one years, that the said last will and testament having been recorded as aforesaid Godwin Council the executor therein hath qualified in due form, and undertaken the burden of administering the same according to the provisions thereof: that the said Godwin Council, pursuant to the directions of his testator received and paid at interest large sums of money for and in behalf your Orator, and the said Mills Eley children and distributees of the said John Eley deceased

That the said Sally Eley, widow and relict of the said John Eley, deceased, departed this life some time in the year, by reason whereof the whole estate, that is to say, a tract or parcel of land containing about thirteen hundred and eighty two acres, the following negro slaves, that is to say, Jacob, Jacob of Whitehead, Bob, Esau, Tom, Randolph, David, Sue, Phillis, Nancy, Bealey, Leah, Lucy, Jerry, Abby, Demus, Mike, Jim, Peter, ~~Henry~~, together with some other personal estate, is liable to division among your Orator, and the said Mills Eley, in manner aforesaid - your Orator further represents, that notwithstanding their just claims in manner herein before stated and altho the said Mills Eley has attained his age of twenty one years, the said Mills Eley as well as the said Godwin Council executor as aforesaid, have hitherto wholly refused to make division of the said real and personal estate as by the said last will and Testament of John Eley deceased is directed: **IN TENDER** consideration whereof and for as much as your Orator are remediless in the premises except by the interposition of this worshipful Court: To the end therefore they pray, that the said Mills Eley and Godwin Council executor as aforesaid, be made defendants to this Bill of Complaint, and upon their corporal oaths full, true and perfect answer make to all and singular the allegations

herein contained, as if the same were here again repeated, & they think more especially interrogated: that they may set forth and discover, whether the said Mills Eley is of the age of twenty one years: whether the said John Eley died seized and possessed of the land and personal estate aforesaid, leaving a will, and appointing the said Godwin Council executor thereof, what is the amount of money now in the hands of the said executor and subject to distribution in manner aforesaid: whether the situation of the estate of the said Testator renders it necessary that the said Godwin Council executor as aforesaid should longer retain the funds for the payment of debts due to or from the said estate: and whether they the said Mills Eley and Godwin Council will consent that the said lands & personal estate should be divided in manner aforesaid by fit and proper persons appointed by order or decree of this worshipful Court - Lastly your Orator pray that your worship will make such other or further order or decree in the premises as may be consistent with the principles of justice and equity and that you will grant them the commonwealth's writ of subpoena commanding &c and as in duty bound ~~bound~~ they will ever pray &c.

Richard H. Baker for Compt.

The Joint and Separate Answers of Mills Eley and Godwin Council exor<sup>t</sup> of John Eley Deceased, to a Bill of Complaint exhibited against them by Milt More Eley and others in the County Court of Isle of Wight.

These Respondents, saving and reserving to themselves every benefit & advantage of exception to the errors and insufficiencies in the said Bill contained, for answer thereto, say, that the allegations in the said Bill contained are substantially correct: that it is not necessary your respondent Godwin Council as executor of John Eley deceased should retain any property for the purpose of adjusting business apper-

To the justices of the County of Isle of Wight in Chancery  
sitting: Humbly Complainings shew unto your worship, your Orators  
Morit More Eley, Gabelon Eley, Startwell Eley, Willis Eley Infants suing  
by Gerson Eley their next friend, that by the last will and testament  
of John Eley deceased bearing date the 14<sup>th</sup> day of July in the year  
eighteen hundred and nine, which has been duly recorded in the  
court of the said County, an attested copy whereof is hereto annexed  
and prayed to be considered apart of this Bill, a considerable real  
and personal estate was devised and bequeathed to Sally Eley, the wife  
of your Complainants Testator, that is to say, the plantation in the  
County of Isle of Wight lying on the South side of the road leading  
from Blackwater Bridge to the Town of Suffolk, water grip Mill,  
many articles of Household & Kitchen furniture, and farming utensils,  
some stock of Horses, sheep and hogs, together with the following  
negro slaves, (viz), Davy, Jacob, Bob, Phillis, Celia, Lucy, Jerry, Ainy,  
Jin, Sue, and Ransdell, for and during the natural life or widow-  
hood of her the said Sally Eley, except the Household & Kitchen  
furniture, as well as a few other articles, which, by a codicil  
annexed to the said last will and Testament, are given and bequeathed  
to the said Sally Eley as her own free and absolute estate -  
that your Complainants Testator devised and bequeathed to your  
Orators & his son Mills Eley, a sixth of them as might be  
living, all the said real & personal estate so as aforesaid devised  
and bequeathed to the said Sally Eley for and during her  
natural life or widowhood, to be divided among them at  
her death a marriage, share and share alike: and all  
the rest and residue of his estate, both real and personal,  
the said Testator devised and bequeathed to your Orators, and the  
said Mills Eley, to be divided in manner aforesaid, when in the

Eliza W. Grund

in the name

Eliza

Dec 4th 1815 Love for the  
Sister of the same name

Moss-More Eley, Yobelon Eley, Hartwell Eley, Willis Eley  
by Exam Eley their next friend -

<sup>is -  $\frac{3}{3}$</sup>  In Chancery  
Mills Eley & Godwin Council ex<sup>t</sup> of John Eley, Dec<sup>r</sup>.

This cause this day was called on  
& came on to be heard upon the Bill & answer by  
consent of the parties and assent of the court when  
upon the court both sides agreed that Robert Eley,  
John B. Eley & Mills Darden or any two of them agents  
by the County surveyor, do divide the lands and slaves  
in the Bill mentioned together with the other personal  
estate & allot to Mills Eley the defendant one fifth, & to  
each of the complainants one fifth part thereof &  
make Report in due time to a final decree

My dear friend

11

My dear

Copy done

5

Isle of Wight County December Court 1815

Mrs. M. Ely, Eubulon Ely, Foxworth Ely and Willis  
Ely by Eubulon Ely, their heirs, friends, specially appointed  
by the court to prosecute this suit  
against

In Chancery

Miss Ely, and Godwin Council, executor of John Ely decd.

By consent of the parties by their attorney. This day  
the bill and answer was filed and heard thereon whereupon it is decreed and  
ordered that Robert Ely, John B. Ely and Willis Darden or any two of them assisted  
by the County Surveyor, do divide the lands and slaves in the bill mentioned together  
with the other personal estate of John Ely decd. and allot to Miss Ely the defendant  
one fifth and to each of the complainants one fifth thereof and make report  
thereof to the Court in due to a final decree

Attest  
Wm. B. Smith, Clerk of Court

With compliance to the Deeds of the Court of Wills of  
 Wight County, Va. to annex to the Subscribers Lane  
 Deeded the land and slaves & personal Estate  
 William Murrell by last Testment & Willed at 87246

For Court Clay No 3  
 The manor plantation \$2500-  
 To pay No 2 & 3 & 4 & 5 - 1050000  
 Mills Clay No 2 \$144900

Grass Hopper Tract \$1320  
 To Robert No 3 - 129000  
 Murrell M. Clay No 3 \$144900  
 The Trencher field Tract \$990  
 To R. from No 3 - 45700

Willis Clay No 4 \$144900  
 Johnsons & Boon Tract \$1168  
 To R. from No 3 - 28100  
 = \$144900

Zebulan Clay No 5  
 Spr. Plugs Tract - \$1268  
 To R. from No 3 - 18100  
 = \$144900  
 = \$724600

The Spring Branch is the dividing line up to papered  
 from the manor plantation & a small Branch running  
 out of the same back the hill to Cammell Lane is the  
 Lane of the Grass Hopper Tract the Old Lane from  
 paper is the head Lane of the Trencher Tract and the  
 dividing line between the Clay Tract and Johnson  
 Tract Begins at a small Safferswood near the Blane  
 field and runs a straight line of marked trees  
 to Robert Elph Lane near a north and by having  
 reference to the ancient plot etc.

To rent Slaves Willed at \$4160.00  
 Mill Clay No 3  
 Jacob of Whitfield \$350  
 Bob - 120  
 Cely - 275  
 Peter - 100  
 and to pay No 2 & 4 - 845  
 13

Zebulan Clay No 2  
 Sam - 350  
 Ho Jacob - 130  
 Leah - 275  
 H. - 20  
 to R. from No 1 - 825  
 and No 5 - 6  
 1

Murrell M. Clay No 3  
 David - 350  
 Jerry - 250  
 Arce - 200  
 phyllis - 10  
 to R. from No 5 - 810  
 22

Willis Clay No 4  
 Ho Sue - 0  
 Randolph - 350  
 Bernar - 200  
 Lucy - 275  
 to R. from No 1 - 825  
 7

Harbrell Clay No 5  
 Osce - 250  
 Moke - 200  
 Hans - 275  
 Jeyn - 130  
 to No 2 & 3 - 855  
 23

\$832  
 \$4160.00

The personal Estate Remaining in the Hand of  
Godwin Samuell Esq of John Eley Esq the first  
day of January one Thousand Eight Hundred  
and Sixteen from the Account Current of  
the said Estate this Sum — \$4873<sup>00</sup>45

Mills Eley  $\frac{1}{3}$  — \$974<sup>00</sup>69

Merritt M. Eley  $\frac{1}{5}$  — 974<sup>00</sup>69

Yehulan Eley  $\frac{1}{5}$  — 974<sup>00</sup>69

Hartwell Eley  $\frac{1}{5}$  — 974<sup>00</sup>69

Mills Eley  $\frac{1}{3}$  — 974<sup>00</sup>69

\$ 4873<sup>00</sup>45

In Witness to the aforesaid Decree we the Sub-  
scribers both taking the Oath then upon our  
Selves By the assistance of the County Sur-  
veyor to Divide the Lands and Slaves and  
Personal Estate of John Eley Esq and His  
Devised as within Mentioned and we find  
that there is a Balance Due in the Hands  
of the Esq from the Beasts of Land &  
Hires of Negroes Due to the Heirs of the  
said Esq But as the Esq account for that  
yearly we thought proper to let that  
part Remain and do nothing without  
given under our hands this 16<sup>th</sup> day  
February 1816 —

Mills Darden

John B. Eley  
John Eley

St. Croix County December 14<sup>th</sup> 1815

Survey of a place of John Ely dec<sup>d</sup> containing fourteen hundred and fifty five Acres beginning at a marked Gum in the Bows and Arrow Swamp in the head of Lawrence Mill pond thence N. 24° pole to a poplar thence N. 3° E. 130 pole to a small pine near the line - N. 5° W. 24 pole - N. 5° E. 60 pole - N. 8° E. 64 pole - N. 20° pole - N. 5° E. 88 pole to a Large red oak at So. Popes - S. 28° W. 50 pole to lightwood stump in the branch thence up the branch to the head thereof thence N. 27° E. 40 pole to pine over the road - N. 33° E. 19 pole - N. 36° E. 16 pole - N. 8° E. 20 pole - N. 22° E. 34 pole - N. 32° E. 18 pole - N. 22° E. 34 pole - N. 32° E. 22 pole to post oak Corner tree of John Ely & Allen Gay - N. 10° E. 66 pole - N. 8° pole - N. 18° E. 22 pole - N. 14 pole - N. 27° W. 14 pole to post oak Corner tree of Robt Ely - N. 66° W. 14 pole - N. 5° W. 30 pole - N. 38° W. 8 pole - N. 6° W. 7 pole - N. 10 pole - N. 40° W. 20 pole - N. 8° E. 30 pole - N. 85° W. 24 pole to the head of a branch then down the branch to a white Gum a corner tree of John Ely - thence S. 72° pole to the corner swamp then down the horse swamp the Meanders thence to a marked oak at the foot of a branch thence up the said branch to a marked pine at the head of a branch met John Wilson thence S. 27° W. 28 pole to a pine at the N. 13 pole to post oak Corner of J. Johnson - S. 84° W. 58 pole - W. 24 pole - S. 86° W. 25 pole - N. 83° 12° W. 8 pole to the head of Grapohopper swamp then down the meanders of said Swamp to Bows and Arrow swamp in the Mill pond then up Bows and Arrow swamp to the beginning. - Mag. Car.

Thos. Smalley Junr.

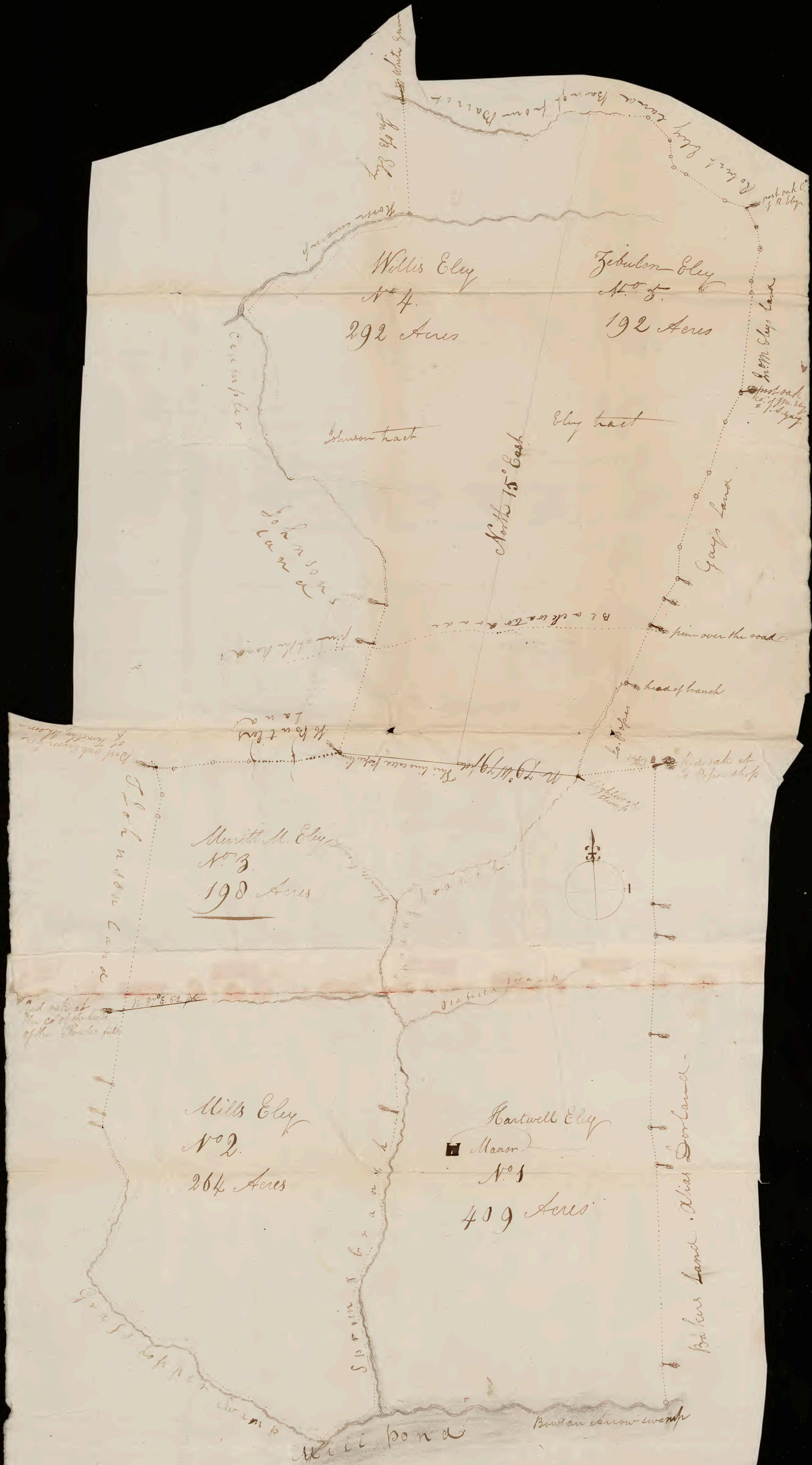
By the direction of the commissioners have made a division in the said land in the following manner. The dividing line for lots No 1, 2 and 3 begins at the foot of the spring branch thence up the meandered land branch to lightwood stump standing in the branch in So. Popes line near the corner of his fence.

The dividing line for lots No 2 and 3 begins at a red oak at the corner of the fence of the Fowler field thence North 87° East to the head of a branch near the bars thence down the branch the meanders thence to the same branch aforesaid.

The dividing line for lots No 2 and 3 begins at the lightwood stump in So. Popes line in the spring branch thence North 78° West to a red oak a corner tree in the said line adjoining Hollands Butlers land at a marked swamp.

The dividing line for lots No 4 and 5 begins in the meanders line for lots No 3, 4 and 5 Cold Popes old line 79 pole from the lightwood stump aforesaid thence North 15° East to Robert Elys line as will appear by reference to the annexed Map.

Thos. Smalley Junr.



Ely & Co.

or Z Reps. &

Ely

3

March 1815 Remit to

to be paid accordingly

March 1816 Remit to

1816

No. 3