

1824-008 Chancery Causes: Robert L. Eley & Jemima J. Eley, by &c vs Patsey Eley, admx of
Sale of Wight County Benjamin Eley other surnames Hancock

Ely & at. ... Court 18.23.

{ ... } ...

This day this cause came
on to be tried, on the 14. answer, &c. and
was argued by counsel: on consideration
whereof, the court with the judges, did
decree, that Isaac Ely, David Roberts &
Jerial Watkins, or any two of them, do
go to value the following claims, belong-
ing to the estate of ~~Benj^e~~ Ely dec^d viz. Mills,
Anthony, Isaac, Mills, Pami, Lona, Row,
Bate & Fulpham & divide them equally into
three parts, assigning to Patsy Ely widow of
1st Benj^e one third, to Robert & Ely, one third
part & to Jermina & Ely the remaining third
(they being children of 1st Benj^e). and also that
the same commissioners or any two of them,
taking to them assistance the surveyor of
the county of Isle of Wight, or any other, if he
cannot attend, do, after notice to the adult
party & to the next friends of the infants, pro-
ceed to lay off ^{the} the lands above of the 1st Benj^e
Ely dec^d seized & possessed in the following
manner viz, into three equal parts, & allot

[illegible]

In Obedience to the annexed Decree of the Honourable Court of Chancery
 -ight County to us directed bearing date November Court 1823 We the
 Undersigned Commissioners have Valued and Divided the Slaves which
 Benjamin Eley died possessor as directed in said Decree and have as-
 signed to Patsy Eley Widow of said Decd the following slaves as her share
 for life (to wit) Will, Long and Fulgham Valued at \$800.00 and direct
 that she receive of Robert L Eley and Samima J. Eley orphans of said
 decd the sum of twenty five Dollars each to make her equal third
 part of the slave of said decd

and we have valued and assigned to Robert L Eley orphan of said
 decd the following slaves (to wit) Isaac, Pap and Rose valued at
 \$875.00 and direct that he pay to Patsy Eley Widow of said decd the
 sum of twenty five Dollars

And we have also valued and assigned to Samima J Eley orphan of
 said decd the following slaves (to wit) Anthony, Mills, and Kate valued
 at \$875.00 and direct that she pay to Patsy Eley Widow of said
 decd the sum of twenty five Dollars the following statement will more
 particularly shew

Patsy Eley third
 Will \$400.00
 Long 250.00
 Fulgham 150.00
 \$800.
 to receive of R. L. E. 25
 to receive of S. J. E. 25
 \$850

Robert L. Eley third
 Isaac \$400
 Pap 300
 Rose 175
 875
 to pay the Widow 25
 \$850

Samima J Eley third
 Anthony 350
 Mills 350
 Kate 175
 875
 to pay the Widow 25
 \$850

And we the Commissioners after having given Notice to the parties as
 mentioned in said Decree proceeded to lay off the land which the
 aforesaid Benjamin Eley died possessor without the assistance of any
 Surveyor one being inconvenient to be had and considering that
 we could come at Justice between the parties without such asis-
 tance, into three equal parts having regard to quality and
 quantity and we have Allotted the Plantation which the decd
 purchased of William Hancock & Wife to Patsy Eley Widow of said
 decd as her equal third part of the land which the said decd
 died seized & possessed containing by estimation eighty Acres
 And we the Commissioners have laid off and equally divided
 the tract of land which the said decd derived by the death
 of his decd father and by the death of his decd Brother Estate

(to wit) Gale Ely decd. containing two hundred and eighty Acres
more or less Between Robert L Ely and Samima J. Ely orpham
of said decd. the dividing line of said Land Commences at
a White Oak standing on the road leading from the fork at a
place called Roberts Shop to Carrywagh Swamp about one
hundred & fifty yards from the fork from thence a Northwa-
-rd course along a line of marked trees to Patience Sam-
-ders line and the Piece or parcel of Land lying on the side
of said line on the right side we have ~~marked~~ and set apart
to Robert L Ely containing by estimation ninety Acres
And we have lastly allotted and set apart the Piece or tract of
land lying on the opposite side of said line call'd the Percoron
to Samima J Ely containing by estimation ninety Acres
more or less. Given under our hands this 31st day of January
1824

Eum Ely
David Roberts

Isle of Wight County November Court 1823

Robert L. Eley, and Semina J. Eley infant children of Benjamin

Eley by Edwin J. Eley their next friend.

against

Pattay Eley.

Complainants

In Chancery

Defendant

This day this cause came on to be heard on the bill, answer &c, and was argued by counsel, on consideration whereof, the court doth adjudge, order and decree, that Edwin Eley, David Roberts and Josiah J. Watkins, or any two of them, do proceed to value the following slaves belonging to the estate of Benjamin Eley deceased (viz) Will, Anthony Isaac, Miles, Paris, Lona, Rose, Dale, and Valfham and divide them equally into three parts, assigning to Pattay Eley, widow of said Benjamin one third; to Robert L. Eley one third part, and to Semina J. Eley the remaining third (they being children of said Benjamin), and also that the same commissioners or any two of them taking to their assistance the surveyor of the county of Isle of Wight, or any other if he cannot attend do after notice to the adult party and to the next friend of the infants, proceed to lay off the land ~~belonging to said Benjamin Eley and~~ proposed into three equal parts, and allot them in the following manner, viz, to said Pattay Eley widow of said Benjamin one full and equal third part of the whole and to the said Robert L. Eley, and Semina J. Eley the remaining two thirds severally, and that the said commissioners do make a report of their proceedings, in order to a final decree

Attest Teste Nathl. Boning &
Secy

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or Copy of Deera

Copy

The answer of Patrick Sley to a bill exhibited against
him, in the county Court of Isle of Wight, by Edwin Sley, was
found by the infants Robert L Sley, & Jeremiah Sley —

This respondent, now and at all times hereafter,
saving and reserving to himself, all benefit of exceptions
to the ^{allegations of the} Complainant's bill, for answer thereto, saith, That
she admits that the allegations of the bill are true, & that
she has no objection to any decree, which this honorable
Court may think proper to make in the premises; and
having thus answered, prays to be dismissed with her
reasonable costs, in this behalf expended and to be paid.

M^{rs} H. M. Sley *att^{est}*

For deft. —

E

Patry Lloyd's mss.
to a bible



To the Honorable Court of Chancery of the County of
in Chancery telling: - Humbly complaining shew
unto your wisdoms, your petitioner (Ely. and Soni-
me I Ely informant sheweth that by Com-
Ely this most grievous that at the death of a Ely man
time in Court the said Ely man was the father
of said man did intestate; leaving a widow Patsy Ely
and two children, your petitioner & oratrix; that the said
intestate was seized and possessed at the time of his death
of two tracts of land, lying and being in the county of
Isle of Wight, the one called Hamersley ordinary containing
one hundred acres, the other a piece of wood land con-
taining one acre, and also the following slaves, viz,
Mile, Anthony, Isaac, Milly, Pami, Lona, Rono, Cato &
Sulphur. That some short time after the death
of the said Benj^d Ely, the said Patsy only qualified
in this Court, as the administratrix of the said Benj^d and pro-
ceeded to settle the estate according to law, that it seems
to be agreed on all hands at this time, that all the debts
of the said intestate have been discharged, & that a di-
vision of both the real & personal estate before the be-
ginning of the next year, will be to the interest of your
petitioner & oratrix, as their guardian, no doubt, would

~~managing their interests better than yet men to be~~
man long undivided. That your orator & oratrix
by their next ~~will~~ applied to the said Patey
widow & adm^r ~~of the said~~ Benja^a Eley to have the
~~two parts of the said~~ ^{assigning} ~~the said~~ ^{to himself, one part} ~~the said~~ ^{to receive that}
~~the remaining part~~ ^{the personal estate} ~~of the said~~ ^{by law}
withheld ~~the~~ ^{that} now ~~is it~~ ^{is} That the said Patey
Eley, being after called defendant, while she has no ob-
jection to make such a division of the intestate
estate as the law ~~in such cases~~ ^{permits} & directs yet
refuses to do so on account of the infamy of your con-
plaintiffs & unless authorized by a court of equity. Al-
of which conduct on the part of the said defendant is
contrary to equity and good conscience. In tender con-
sideration whereof, and for as much as your orator &
oratrix by their said next friends are authorized by law
to come only be relieved in this worshipful Court,
where matters of this kind are only cognizable & justice
duly administered. To the end therefore, that the said
defendant may answer the premises, as fully & as dis-
tinctly, as if the same were again repeated, & she spe-
cially thereto interrogated. And that by a decree of this
Court the said defendant, may be compelled to make
such a division of the personal estate, of by commission.

in to be appointed for that purpose, as is directed by law in
such cases; and that the same commissioners, may also
be directed to lay off and allot to the said defendant
one full and equal third part, ^{as he owns} of the said tract of land
whereof her husband Benja^a Eley was seized & possessed, &
to your orator & oratrix the remaining two
thirds. And may it please your worship to grant
all such other & further relief in the premises, as may
be consistent with the rules & principles of this court, &
to award all such process, as may be necessary & proper
by the premises to do -
Edwin D. Eley

Ely & others
 as Oil & Land
 Ely

Ely had 10 friends
 as Bill & Anderson
 Ely

November 1923 Bill and ans.
 filed & Interd. decree

March 1924 report returned
 and decreed accordingly

March 1924