

1826-014

Chancery Cases. Dorothy Eley, widow of John B. Eley v al vs John B. Eley's exors

Sale of Wight County

other surnames. Whitfield,
Watkins, Fletcher

To the Honourable Court of Suffolk County

This is to certify that I as Guardian
for Samuel and Elbert Eley orphans of John B Eley decd
do on behalf of said orphans request the County Court
aforesaid to grant a decree to sell three Slaves (to wit
Abram, Jack & Phill) belonging to the Estate of said John
B Eley decd for a Division Among the decd. Heirs and I as
Guardian aforesaid do nominate and request the Court
aforesaid to appoint Eum Eley as a Commissioner
to carry said Decree into effect, Given under my
hand this 5th day of December 1825

Witness

James M. Eley

his op
James Fletcher
marks

Wey & Ely v. Potter - Chy.

This cause came on again to be heard this day, upon the papers formerly read and the report of the Com. made in pursuance of the order of the 5th Dec. 1825 - to which report no exceptions have been filed and was argued by counsel. On consideration whereof the Court doth advise, order & decree that the said report be confirmed and that the costs of this suit be borne by the parties -

Rley
7 3 Terial
Rley ^{pen} to this

sept 4. 1826

Ely Jottun

2/3 chf.

Ely's son

This came upon this day docket & came on to be heard upon the bill, as usual by court the bill, as usual by court, and was argued by Counsel, who the Court both decreed, or in Jaques the Exm. Ely, Joshua Coomill and Lorick J. Watkins or any two of them

Charity given at least ten days previous notice of the time of sale of said, do proceed to sell to the highest bid and upon a credit of 9 months except for so much as will be required to pay the costs of suit & of the sale, the slaves in the bill mentioned Jel. Abram, Jack, and Phil

That of the moneys proceeds of the sale, they do pay over and allot to the compt. Dorothy mrs of John B. Ely one sixth part of to her ~~share~~ by her in fee in lieu of her life estate in the said slaves, that of the balance they do allot they or one fifth to Robert, 1/5 to John one

fifth to second and on fifth to Elbert and the
other 1/5 to Esem Ely

That of the purchase, they do state bonds with
good security in such way as to enable
them to carry this deed into effect that
they pay over the same to the gr. of those who are infants -
That they make report of this act to
this Court in order to a final decree

Wm. Ely

Wm. Ely

Pursuant to the annex'd Decree of the County Court of Alleghenye bearing date December Court 1825 we the undersigned Commissioners after having advertised as directed in said decree made sale of the slaves in the decree mentioned (to wit) Abram, Jack and Phill at public auction at the following sum to wit Abram to Dorothy Ely at \$370.00 Jack to Benjamin Ely at \$503.75 Phill to Robert Ely at \$481.00 amounting in the whole to \$1354.75 and after deducting a Commission at 5% Cent and the clerks, and attorneys fee for said Decree amounting to \$81.70 leaves a net balance of \$1273.05 which ^{was} have divided into Six equal parts and have allotted & paid over to Dorothy Ely widow of John B Ely dec'd the sum of two hundred & twelve Dollars & seventeen & a half Cents it being one sixth part to her in fee instead of her dower in the said Slaves and we have allotted and paid over to Robert Ely one sixth and have taken Bonds with good security payable to John Ely, Albert Ely, Ann Ely and Samuel Ely each for the sum of two hundred and twelve Dollars and seventeen & a half Cents it being their equal sixth part of the sale of said Slaves which we have ready to pay over to their Guardians given under our hands this 22nd day of December 1825

Ann Ely

Joshua C. Bourne

G. Malters

Eleyd others
Report
of the Sale of Slaves belonging
to the Estate of John B. Eley Esq

The answer of Deu. Ely & Co. Ely execs of
J. B. Ely to a bill of complaint
exhibited against them in the Co. court of
Ill. by Deu. Ely & Co.

These defendants say & say they are
the execs of J. B. Ely and have no
objection to the Deu. asked for
- having agreed that they may have
be in right to.

Eliza's answer

ad.

Eliza

To the County Court of Bluff County in
the State of New York complaining their
rights and wrongs you oratrix Dorcas
- the Ely widow of John B. Ely Robert
Ely John Ely, Elbert Ely and Ann Ely
and ^{the four} ~~the four~~ later infants under the age
of twenty one years say by the said
Robert Ely that the said John B. Ely
departs this life on or about the 1st day
of Jan^y 1825 having first made
his will which hath been duly
admitted to record in the Court of said
County by the will he devised that the balance
of any other things as follows to wit:
It is further my will and desire that
all the residue of my estate property
of what so ever nature or kind not
before disposed of, I wish to be equally
divided between all my children
except Nancy Whitfield the wife
of Eliza Whitfield and Polly Wether
wife of Josiah J. Wether, which I give
to them and their heirs forever, and
provide the property named in the
5th Item of my will should amount to
repurchase of \$300 a share, then in that
case I wish my daughter Polly Wether
aforsaid to come into the division
equally with my other children,
having out Nancy Whitfield aforsaid
for the balance over above \$300 which
I give to her and her heirs forever -
You complainants aver that in the said
residue are three slaves who ought to be divided

between the said Robert, John, Elbert, Isaac,
and Samuel Ely, subject to the award
of the said Dorothy Ely, widow as
aforesaid - that they are in the power
& control of one ^{John B. Ely} Isaac Ely, executor of
the said John B. Ely, who ought not
to hold the same long, it not being
necessary for the part of the said they
have refused to deliver up the slaves
aforesaid for a division - now com-
-plaintants allege that the slaves
cannot be divided in kind and pray
that your worship will decree that the
slaves aforesaid be sold & such a share
as to the Court shall seem just, be
set apart to Dorothy Ely, to be held by
her in fee simple in lieu of her dower
in the same - and that the balance
be divided equally between the
said Robert, John, Elbert, Isaac and
Samuel Ely - that the said exec^r
be compelled to answer this bill,
and that your worship will make
any other or further decree in the
premises for their relief which may
comport with equity &c.

Dolly Ely
Prover by

200	530
350	375
600	400
400	300
400	275
450	250
150	250
<u>2950</u>	<u>2400</u>
	2450
	<u>5350</u>
	1249.94
	<u>74.94</u>

499.46	7
73	8
3) 572.98	
190.90 2/3	midoux
4) 381.97 2/3	
95.49 1/4	
62.50	
37.50	
12.50	
<u>207.99 3/4</u>	
74.94	
120.00	
<u>402.93 3/4</u>	

Wine

Aug. Ballou B. Co. that Dick or Louis
to Eamon Moody

Eley
" 3rd Dec 26
Eley Joels

December 5th 1825
Bile and ans. filed and
Antisly decem

February 8th 1826
Report returned Court

Sept. 4th 1826 Report con.
firmed final decem

~~December 23rd 1827~~ were
amended. Court authorized
to make division of the land
which was begun with the
5th clause of John B. Eley Will