

1841-015

Chancery Causes: Benjamin Chapman & ux + Mills J. Eley & ux vs William H Eley & ux

Sole of Wight County

Plats in Oversize Box 3

other surnames: Vellines,
Velines

Chapman and
wife. 76
vs. } Chase
Eleg & wife

Sept. Term 1841. p. 470.

Bill of Sale & entry; answer

Decr. 1st 1841. Report
Notary Genl. and
final decr.

that the said William & Elizabeth and
Polly his wife be made defendants
hearts and that the said William
by a guardian ad litem for that
purpose to be appointed be required
to answer the premises fully and
distinctly and by a decree of the
court the said land may be
~~divided~~ by commissioners for that
purpose and the portions of each
may be allotted to the parties res-
pectively to be held and enjoyed
separately and may it please the
court to grant all further relief
in the premises that may be found
consistent with equity and the nature
of the case &c and as in duty
they will &c

William

The answer of William & Elizabeth by An-
thony Pyrony his guardian ad litem to
a bill exhibited against him and
Polly his wife in the Superior Co. court
by Rufus Chapman and Elizabeth his wife
and Miss Elizabeth and Catherine his wife

This respondent by his said guardian
avowing & answering &c for answer to said
bill answers and says that it is
true he and his estate are under
the management of a committee, that
he asks to be protected by the court
and that his full portion of the
lands belonging to George W. Veltman
be preserved to him in any decree
the court may make & having thus
answered he prays request
to be dismissed &c
W. P. Young

To the justices of the county court of
Idaho in chancery sitting

Humly complaining there unto the
court your orators and oratrices Benjamin
Chapman and Elizabeth his wife and Mills
L. Eley and Catharine his wife that a cer-
tain George M. Nellmes late of said county
died under age about the day falling
1841 and intestate possessed of a tract
of land in said county by devise from
his father ^{containing about four hundred acres} the said George M. was un-
married and without children and
also without father or mother living;
his heirs at law were your oratrix
Elizabeth and ~~also~~ Catharine and
a certain Polly Eley the wife of a
certain William B. Eley of said county
who some years past has been under
the care and management
of a committee on the ground that
he is mentally incapable of man-
aging his affairs, your orators and
oratrices are anxious to have the said
land divided and their portions
thereof allotted to them in equity;
but now as it is the said William
B. Eley and his estate being under
the care and management of a
committee as aforesaid and he ha-
ving no power to act or consent
in the matter, your orators and
oratrices are precluded from their
just rights except by the interpo-
sition of a court of equity. To the
end therefore that relief may be
had and procured as they are
without remedy at law, your
orators and oratrices pray the court

Ely Wife &c
in 3 Report &c

Chapman &c

Dec. 5th 1844
P. Conf. &c

In obedience to a Decree of the honourable court of
Isle of Wight bearing date September 6th 1840. we
the undersigned commissioners their in name have proceeded
with the County Surveyor to divide the lands belonging
to the estate of George W. Villiers Esq. in the follow-
ing manner to wit we have assigned lot no. one
containing 218 acres called the Origgs track to Benjamin
Chapman in right of his wife Elizabeth and bounded
as is stated in Plat no one see Plat D Survey—

=
we have assigned to William H. Cley in right
of his wife Polly lot no. two containing 235 acres
called Hollisford's track and bounded as stated in
Survey Plat no. two — — — — —

=
we have also assigned to Mells L. Cley in right of
his wife Catherine lot no. 3 containing 134 acres
called the home track and bounded as stated in
plat no. 3 see Surveyor's Report given under our
hands this day of 1841

Hardy Chapman
W^m D. Duff
Benjn. Swatney

Chapman & wife

in

Elizabeth & wife &

beene

Benjamin Chapman and
Elizabeth his wife, Mills & Eley
and Dr Catharine his wife

vs.
Mr & Eley and Polly his wife
and H. H. Chapman coin of the
person and estate of the said Mr
& Eley

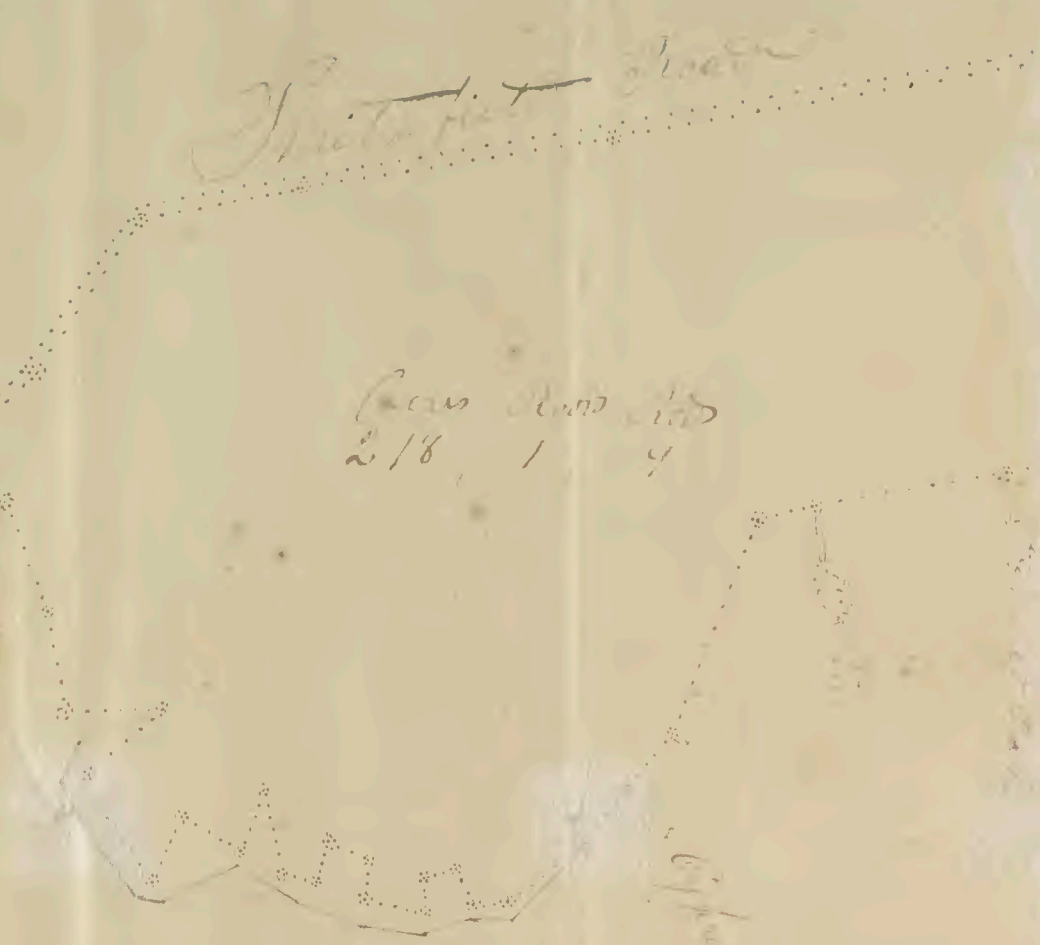
By consent of parties and with the
assent of the court this cause was this
day docketed & came on to be heard
on the bill and answer filed and
was argued by counsel on conside-
ration whereof the court doth adjudge
order & decree that Hardy Chapman
Mr & Eley, Benjamin granting
& others barons or any three of them
with
after calling in the witnesses of the
county surveyor do divide the tract
of land containing 497 acres of which
George Mallins died seized and
possessed into three equal parts ^{as nearly & possible} re-
garding quality as well as quantity
and that they assign one part
thereof to the plaintiff Benjamin
Chapman and Elizabeth his wife, one
other part to the said Mills & Eley
and Catharine his wife and the
remaining third part to the said
Mr & Eley and Polly his wife
and make report of their pro-
ceeding to the court in order
for a final decree

two hundred and thirty five acres two rods and
thirty eight rods of land Surveyed for the estate of
George Melius and drawn by William H. Eley one
of the Justices of the Peace. This day of
Sept. 1841

By John H. Duesch, Surveyor

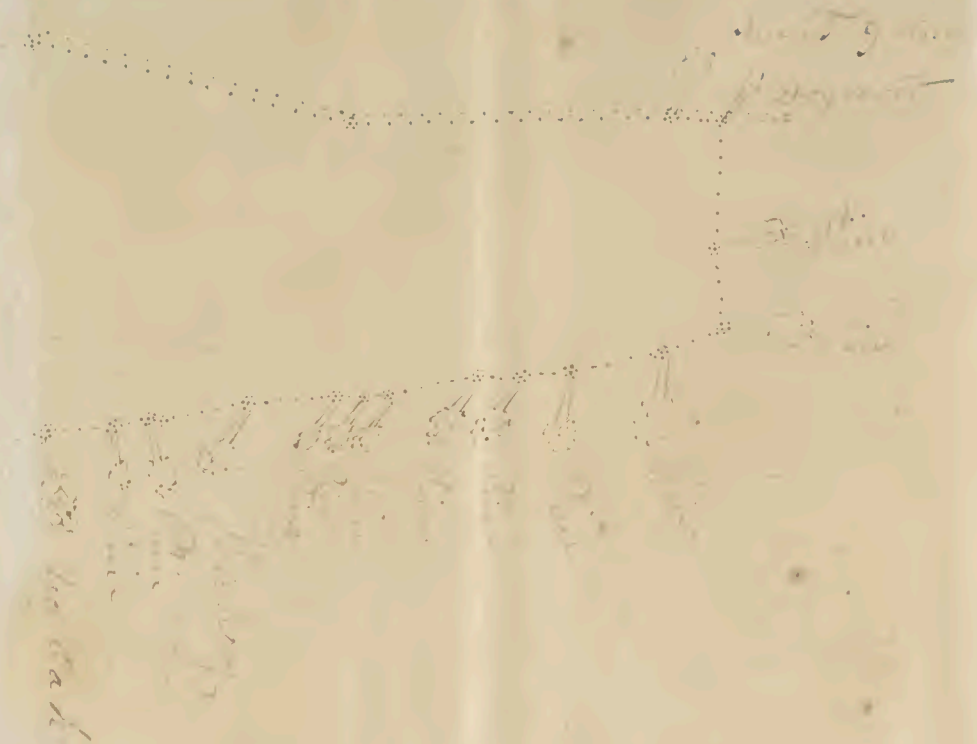
Walter Fort

237 no 2



Cedar River
2/8 1 4

See also the index



The above part of map is a correct representation of two hundred and eighteen acres, one acre and nine rods of land surveyed for the estate of George H. Chapin and drawn by Benjamin Chapman, one of the assessors of said dec'd and marked and bounded as follows, beginning at a red oak on Smith's River then down N and N 43 E 42 ft. thence N 27 30 E 38 ft. in 2d. thence N 75 30 E 214 ft. in 2d. thence S 84 E 40 ft. on 2d. thence N 76 E 42 ft. on 2d. to a degraded corner on 3d. then thence S 13 0 E 27 ft. to a pine thence S 12 E 16 ft. to a pine corner on Ballin and Carson thence S 72 10 a long a line of marked ^{lines} 227 ft. to a pine at the head of a branch thence down the various courses of sd. branch 112 ft. to Mill pond thence along the various courses of sd. Mill pond 103 ft. to the junction of a branch a corner on Henry H. Chapman thence up the various courses of sd. branch 71 ft. to a

fine time 181 W 14 for 10 Links to the Beginning
Containing 215 Lines 1 Row and 9 Rows of Lines as a
further survey of this day of Sept 1841

By Anne W. L. L. L.

Bugs track
no 1

Home track 103