1845-023 Chancery Causes: Martha Eley, widow of Elisha S. Eley VS Elisha L. Eley's admr val

Isle of Wight County

other surnames: Gay

Mary Ely (prisoner)
3 / 3 Bill &c.
Elisha L Ely
assn & others

Nov. Court 1843 Bill, and
Ors filed & Subp. Issued

Jany 1st 1844 Report
returned and filed
for exceptions

March 3d 1845
Final Decree.

Atty for Pltf

The answer of Josiah R. Gray admr. of Elijah
L Ely to the Bill of complaint in the Surrogt Court
Eliz Wright exhibited by Martha Ely & others
vs Eliza L Ely &c. &c. &c. and others —

The defendant for answer says he is advised
with the sole exception of said Elijah Ely,
whom he avers the complainants & he have ac-
=cused the rest of his late husband & intitled
to that part of the slaves which the law gives
him, or, if he had died intestate — The def. for-
ther says that the plaintiffs have set the
above mentioned petition against the
said Elijah and the latter to the effect here-
subjoin to which and only so far as the
he is directed by defendants counsel, he
have agreeing, and keep accounts, ready
to be disposed &c —

(Signed) Jos. P. Gray

The answers of Elijah L Ely, Burwell Ely,
Emily Ely, Rutus Stanley Ely, Caroline Ely
and Melinda or Belinda Ely infants by
Nathl. P. Young their guardian ad litem
by the Court appointed, to the petition in the Court
of Chy. Wright exhibited against them by
and Josiah R. Gray admr. of Elijah L Ely deceased
Ely — The defendants for answer, say they
are infants of very tender years, & unable
to protect their interest & rights in the
cause in this Court — (Signed,

Martha Eley, Josiah P. Gay and wife Elizabeth L Eley and T. Burrus and Eley, Emily Eley, Hackett Stanly Eley, Caroline Eley and Melinda or Belinda Eley — Def.ts

Hatch. p. Young is appointed Guardian ad litem to the infant defts — and this cause came on this day to be heard by consent of parties, on the Bill, answers and exhibits — and was argued by Counsel; On consideration whereof the Court doth adjudge, order and decree that Thomas Hall, Elisha Gay, Meriditte H Watkins and David Roberts may be and they are set apart to Martha Eley widow of Elisha L Eley dec.d for the dower third part of all the slaves which Elisha L Eley died possessed or entitled to — to wit, Isabella and her four children, Mary and negro woman Conny — having regard to quality and quantity, to hold for her life

But the parties are not to have the benefit of this order until they comply with the terms and conditions to be performed by the said Complainants by the decree to be made in this cause — and it is ordered that the Commissioner do report to the next Court what he may do in the premises

To the Court Court of Isle of Wight County sitting — Humbly complaining — shew to the Court your complainant Martha Eley widow of Elisha L Eley dec.d late of Isle of Wight County that the said Elisha L Eley departed this life in the year 1863, having made his last will and testament which has been regularly proved in the said County at the Law Office, but your orator not being satisfied with the provision made for him by the said will, has before the County Court of Isle of Wight on the 4th September 1863, renounced the benefit thereof and chosen to take such part of the estate as the Law gives to him — that is the third part thereof to receive one third part thereof to hold for his life — the estate left by children all infants, that is to say Elisha L Eley, Burrus A Eley, Emily Eley, Hackett Stanly Eley, Caroline Eley and Melinda or Belinda Eley known as the legatees named in said last will and testament, deceased, leaving the said children by the said Elisha L Eley, your complainant further shews that one Josiah P. Gay before the County Court of Isle of Wight, qualified as administrator with the will annexed of said Elisha L Eley and consequently is possessed of the slaves and other personal estate of said deceased which are chargeable with the payment of the debts of said deceased, and also with the payment of the legacies given by said will — and your complainant further shews that there are no debts of any description now owing by said deceased except that the said slaves or some of them should be retained by the administrator to pay the debts due the said deceased and will soon be required

that her portion of the slaves should be set
aside as soon as convenient, but she is
advised that as the children are infants
no decree can be made, except under
an order of this Court - Let the Defendant
Action withdraw, and for any purchase she
is thereupon required to pay in the premises,
she asks the advice and aid of this
Court - Let the Decree state the name of Josiah P. Gay
as one with the said Complainant of said Elijah
Gay and the said Children to wit Elijah
Burnett, Emily Hewlett, Caroline and
Melinda Ann Belinda Ely, by reason to
premises and a petition, be made a party
to this Bill, and be compelled to account the
same fully and conveyance - that Jon
with some that one third part of the slaves
of the said Elijah Ely be set aside to the
use of his life estate and appoint persons
to do the same and make any order as to the
premises that may be correct and calculated
to relieve your Complainant - and as
in duty bound she will pray -

Atkinson P.O.

Elegy.
Elegy Lucus
Elegy admin: Gal

Xa

At a court held for Isle of Wight County the 6th day of Nov. 1843

Martha Ely
against
Josiah P Gay admr. of Elisha L Ely dec'd

In Chancery.

On Motion of the complainant Nath. P Young is appointed Guardian ad litem to the infant defendants, and this cause came on this day to be heard by consent of parties, on the Bill, answer and exhibits and was argued by Counsel, on consideration whereof the court doth adjudge orer and decree that Thomas Hall, Elisha Gay, Meredith H. Watkins and David Pobels or any 3 of them do set apart to Martha Ely widow of Elisha L. Ely dec'd. one full & equal third part of all the Slaves whereof Elisha L. Ely died possessed or entitled to - to wit: Isabella and her four children, Mary and negro woman Conny having regard to quality and quantity, to be held for her life ___ But the parties are not to have the benefit of this decree, until bond conditioned to refund as the law directs, shall be executed payable to the admr. ___ Liberty is reserved to the infant defendants to shew cause against this decree if any they can, in a year after they shall respectively arrive to the age of 21 years.

A Copy
Test
J. G. Mills D.C. I.W.C.

In obedience to the above order we the commissioners have set apart to Martha Ely widow of Elisha L Ely dec'd one full and equal third part of all the slaves belonging to P. dec'd to wit one woman Conny & girl Mary by paying to the orphans of P dec'd the sum of Eight Dollars & thirty four cents given under our hands this 28th of Oct. 1843.

T Hall
Elisha Gay
Meredith H Watkins