

1872-056

Chancery Causes'. John Ramsey + Wt, + John Ramsey, admr of Caroline Eley vs

35

Isle of Wight County

Emily Eley, Hubert Eley + Stanley Eley, alias Belinda Eley, b & c

other surnames: Gay

them under the laws of Virginia and should it be necessary that
a Sale may be made in order to effect a division - That the interests
of your Complainants may be set apart to them, and that such
other and further order and decree in the premises may be made
as may be in accordance with the principles of law and equity,
and as in July. bonds they will ever pray &c

James E Jenkins p. 9.

John Fleming & co.

Done in
Chancery

Emily Hubert and Stanley
Somebody Calls Ireland a Boy

Nov. 4. 1850 Pacific St. St.

History. See

Sept. 6. 1857 incl. wood

"Being appraised and managed" as before mentioned.

Your Complainants further charge that the said Elisha Ely by his last will and testament nominated and appointed your Complainant Martha (then Martha Ely) now Ramsey his whole and sole executrix; but she refusing or being unable to qualify, the County Court of Isle of Wight County appointed Josiah P. Gay adm^r with the will annexed who being duly qualified proceeded to administer and completed the administration of said decedent's estate, that there are left due and unpaid no debt or debts against the estate of the said Ely he duly deceased.

That after wards to wit on day of your Complainant Martha Ramsey then Martha Ely inter-married with one John Ramsey one of your Complainants.

That since the death of the said Elisha Ely dec^d, to wit sometime in the year Elisha Ely Jr the son of said testator died intestate, an infant under the age of 21 years.

That after the death of the said Elisha Ely Jr to wit sometime in the year the said Benjamin Ely the son of the said Elisha Ely your Complainant's testator, died also, intestate and like wise an infant under the age of 21 years of age.

That after the death of the said Benjamin Ely dec^d to wit sometime in the year Caroline Ely daughter of your testator died intestate and an infant under twenty one year of age and that one of your Complainants John Ramsey obtained letters of administration upon her estate and was duly qualified by the County Court of Isle of Wight County at its monthly Term in 1844 as administrator thereof.

That before the death of the said Caroline Ely dec^d one of your Complainants Martha Ramsey wife of John Ramsey was appointed guardian to the infant children of the said Elisha Ely dec^d and that by her intermarriage with the said John Ramsey he thereby became guardian in right of his said wife.

Your Complainants charge that the personal Estate of the said Elisha Ely dec^d which was given by the 3rd clause in his said will to his said children Emily, Hubert, Stanley and Caroline Ely (except the negro slave Mary who was set apart as the dower of your Complainant Martha from her said husband's Estate as aforesaid) still remains in the hands of your Complainants as guardian of the said infants, undivided - that by the death of one of the said infants by Caroline your Complainant John Ramsey in right of his wife Martha, has become entitled to receive one fourth of the personal estate belonging to said intestate Caroline Ely dec^d the said Martha his wife being the mother of the said infant intestate, and that the said Emily, Hubert, and Stanley sometimes called Belinda are entitled to receive, each, one fourth part of the said infant intestate's estate, they being the Sisters and Brother of the said Caroline.

Your Complainants John Ramsey and Martha are anxious to obtain their distributive portion of said Caroline's Estate, but they find it impossible to do so without the aid of a Court of Equity, where they are advised all matters of this kind are properly Cognizable, and they represent that they believe it will be to the interest of the said infants now living that a division may be made in order that each one's respective share may be assigned them, and that a division may be effected.

In tender Consideration whereof and for as much as your Complainants are without remedy, save in this Court; to the End thereof they pray that the said Emily Ely Hubert Ely and Stanley sometimes called Belinda Ely who are infants under the age of twenty one, may be made defendants hereto. That a suitable and proper person may be appointed to defend the interests of the said infants in this suit, who shall be required to answer the several allegations in this bill contained on oath properly; that Commissioners may be appointed to divide the said Slaves and other personal property into lots and shares, to be apportioned amongst the said infants as they are entitled to.

To The Hon Justices of the County Court of Isle of Wight County
in chancery sitting, Humbly Complaining shew unto
your worships your Complainants John Ramsey and Mar-
tha his wife late Martha Eley in their own Right and your
Complainant John Ramsey administrator of the goods and
chattels of Caroline Eley dec^d

That some time in the month of August 1843 one Elisha
L Eley late of Isle of Wight County dec^d seized and possessed
of certain real and personal Estate, having first duly made
and published his last will and testament in writing which
was as m^odes to probat by the County Court of Isle of Wight
County on the 3rd day of October 1843 an office copy of
which is filed here with and prayed to be taken as a part
A of this bill (see exhibit A

Your Complainants charge that by her said will he gave
unto her said wife your Complainant Martha Eley, all of
his land and negroes included untille her son Elisha L Eley
arrived at the age of Twenty one years, which said provision for
her, as her said widow, she not deeming a just and equitable
portion of her estate, she in open Court renounced said will
and appealing to the said County Court was duly assigned her dower
in said decedents estate according to law, to wit one third of
all the lands of said Elisha Eley dec^d and one negro woman
named Mary - for and during the term of her natural life

That he gave to her son Elisha L Eley the plantation where
he then resided when he should arrive at the age of Twenty
one years, to be valued by three appraisors and should it
be valued at more than his equal portion of said estate
then he the said Elisha his son should pay the "balance" or sur-
plus to the remaining children

That he gave to her son Benjamin Eley, his Batt plantation
upon similar terms and to be appraised as Elisha's bequest -

That the remainder of her estate be equally divided between
her children Emily, Hubert Stanley & Caroline after the lands

The Answer of Emily, Hubert
and Stanley, Sometimes Called
Belinda Eley by W. P. Young
gdn and litem

The answer of Nathaniel P. Young who is by the Court appointed Guardian ad litem to defend Emily Hubert and Stanley some times called Belinda Eley, to the bill of Complaint of John Ramsey and Martha his wife and John Ramsey Administrator of Caroline Eley dec^d.

The defendant saving and reserving to himself all manner of Exception to the foregoing bill of Complaint, for answer thereto or to as much as he is advised is material to his defence for answer thereto, answers and says - That the said infants are under the age of Twenty One, and that in as much as he knows nothing of the facts in the bill Contained, he submits to the discretion of this honourable Court, Compend that they will protect the interests of the said infants, and decree in the premises what in their superior judgment they are advised is just, proper and in accordance with the principles of Equity and as in duty bound he do

(Signed)

Rec^d of M^r Darsen & Jos P. Gay Comm^{rs} in the Subey Room.
by it up in Ely to the ten dollars only for insaid Case

July 8th 1857

Wm E. Jenkins

Wm

Rec^d. of. Mills W. Gardner Josiah P. Gay and Jas.
Lunkins The Sum of one hundred and twenty eight
dollars eleven Cents. for Emily Ely. The Sum
of one hundred and ~~eleven~~ twenty eight dollars
and eleven Cents. for Herbert Ely. and The
Sum of one hundred and twenty eight dolls.
and eleven Cents. for Belinda Ely. it being
their proportions of the Sale of negro girl
Mary and Child Cornelius } sold by auction
of the Court April 7th 1837

Josiah P. Gay &c

Rec^d. of Josiah P. Gay. Mills W. Barber and D
James. C Jenkins, The Sum of one hundred and
two dollars, forty nine Cents. in full for my portion
in right of my wife Martha for the note procured
of the Sale of Negro girl Mary and Child Cornelius
Also Rec^d. of ~~one~~ ^{the} Sum of one hundred and twenty
eight dollars. eleven Cents. in full for Caroline
Eliz. portions of Sale of said ~~and~~ Negro.

John Ramsey

Rec^d of Mills W. Darden and Joseph P. Gay Com^{rs} appointed
in a Chancery suit in the County Court John
Ramsey and wife vs. Ely and others. The sum
of Sixty nine dollars and 49 Cts in full of my
proportions of the sale of Negro baby Nat - that
belongs to the estate of Caroline Ely dec^d
which negro was sold under a decree

Witness
Geo. A. Gowan

John Ramsey
in right of his wife Matthe

Rec^d from the Sale of boy Nat. under a decree of the
Court in the Suit Ramsey & Wife against Ely &
others the sum of eighteen dollars and seventy five
for my Ward Emily Ely and the sum of twelve
dollars and fifty Cents for my Ward Hubert Ely
to make these proportions equal in the distri-
bution of the negroes named in said decree and
Rec^d the sum of sixty nine dollars and $\frac{48\frac{3}{4}}{100}$ for
Emily and the sum of sixty nine dollars &
 $\frac{48\frac{3}{4}}{100}$ for Hubert and the sum of sixty nine
dollars and $\frac{48\frac{3}{4}}{100}$ for Belinda their full portion
of said boy Nat under the said order of
the Court —

Josiah P. Gay Jr
for Emily Hubert S. &
Belinda Ely —

After giving bond as the law requires in the office, we
the undersigned in obedience to the annexed decree of
the Court. did value ~~value~~ the negroes in said decree
as follows Isabella and Child Davy @ \$250. Amanda \$50.
Lucy \$300, Jimmy \$325. Nat. \$350. Making the whole
Amt. of Valuation \$1275. That Amt. of Valuation
we divided in four equal parts. Making 4 or each
part. \$318.75 we allotted them as near as possible and
was drawn as follows ^{by Emily} Isabella & Child Davy \$250
Amanda \$50. And to receive from Caroline portion
\$18.75. Hubert. Lucy \$300. to receive from Caroline
\$12.50. And from Belinda \$6.25. Belinda, Jimmy
at \$325. and to pay Hubert \$6.25. Caroline, Nat
at \$350. to pay to Emily \$18.75 And to Hubert \$12.50.
Making each portion as above stated \$318.75. We
then advertised as directed Caroline's portion and did
on the 30th day of Decr 1850. Sell Nat. who was allotted
to her, at Waver. Cross roads. to Monte Briggs who
was the highest bidder for the sum of \$340. And after
^{deducting} the sum of \$30.80 for the Cost of sale and expense of ^{sale}
left an Amt. of \$309.20. We then paid to Josiah P. Gay
Gr for Emily Ely the sum of \$18.75. And to Josiah P. Gay
Gr for Hubert Ely the sum of \$12.50 the Amt. which
was due them in the division of the above negro
And after deducting the said sums of \$18.75 and \$12.50
making \$31.25 from the above Amt. of \$309.20. left
an Amt. of \$277.95. And that Amt. of \$277.95. we
divided in four equal parts or shares. making to
each part the sum of \$69.48 ³/₄. And for those parts
or shares we have paid them as follows. one to
John Ramsey in right of his wife Martha formerly
Martha Ely. and the other three parts or shares
we have paid to Josiah P. Gay Gr for Emily, ^{Hubert}
Stanly, and Belinda ^{Elys}, (which proceeding, is most
Respectfully submitted to this Court. M. W. Dandridge
July 6th 1837 Josiah P. Gay } M. W. Dandridge

Ramsay et ux
vs. J. Co. de
Cly and others

Dec. 6. 1851. apt.
made t.

In the County Court of Caloofwight November 2nd, 1850
John Ramsey & Martha his wife & als. Defts.

Against In Chancery
Emily, Herbert, and Belinda S. Ely Infants Plffs
This cause came on this day to be heard on the bill, answers
and exhibits and was argued by counsel; On consideration
whereof the court doth adjudge, order and decree that Mills
W. Darden, Josiah D. Gay and Jas. M. McElhenny, who are hereby
appointed special commissioners for that purpose, or any ^{two} ~~three~~
of them, do after having ^{given} bonds with sufficient security
in the penalty of Two Thousand dollars conditioned as the
law directs, proceed to value the negroes in the bill men-
tioned, as being the negroes sought to be divided, and to divide
the same into four equal portions according to value, and to the
said Emily, Herbert, & Standly, or Belinda a share each, one
of those portions as and for their respective portions of their
father's (the late Elisha S. Ely's) estate under the will in
the bill mentioned, and the said commissioners or a majority
of them, will then after having given ten days notice of the
time and place of sale by advertisement posted at the door
of the court house of Caloofwight County and other pub-
lic places in the vicinity of the residence of the said
John Ramsey, proceed to sell for cash the remaining
equal portions of the said slaves to the highest bidder
they having fixed the time and place of sale at their
discretion, and after having paid the ^{costs} ~~cash~~ attending
the said sale and the costs of this suit do then divide the
net proceeds of said sale into four equal portions, and to
the said John Ramsey in right of his wife Martha late Martha Ely
pay over one of those equal portions, and to the guardian of the
said infants Emily, Herbert & Standly (or Belinda) pay the remaining
three equal portions as and for the distributable portions of the estate of Elisha
Ely decd, & the said commrs. will report their proceeding to this Court in order
to a final decree.
costs \$15.00

A Copy - Lest. Saml. M. Boykins D.C.

John Ramsey & ux
Concepts } Decem
 } Inchy

Or.

Emely Hurbert & Stan-
-ley (or Belinda) infants
of Elisha & Eley - by R.
P. Young ~~not~~ for son
ad litem

Nov. 4. 1850 entered.

[Faint, mostly illegible handwritten text, likely bleed-through from the reverse side of the page.]

-equal portions, and to the said John Ramsey in right of his wife Martha late Martha Ely pay one of those equal portions, and to the guardian of the said infants ~~for~~ Emily Hubert, and Stanley (or Belinda) pay the remaining three equal portions as and for their distributable portions of the estate of Caroline Ely dec'd -

~~The guardian of Emily, Hubert, and Belinda shall pay out of said estate what their proper~~

And the said Commissioners will report their proceedings to this Court in due time and place.

allow fee \$10.00

[Faint handwritten notes and scribbles, possibly a list or ledger.]

John Ramsey and Martha his wife late Martha Eley in their
own rights and John Ramsey administrator of the goods and chat-
tels of Caroline Eley
Complainants
against Emily, Hubert, and Stanley, ^{sometimes called Belinda} Eley, infants under
the age of twenty one years ~~and~~ Dependents. } *Plaintiffs*

Nath^l P. Young — is by the court appointed Guardian
ad litem to defend the interests of the infant dependents
in this suit.

This Cause came on this day to be heard on
the bill, answer and exhibits and was argued by Coun-
sel: on Consideration whereof the Court doth order and judge
and decree That Mills, W. Darden ^{Joseph P. Gay} ~~Benjamin P. Gay~~ and James
McGlenny who are appointed Special Commissioners for
purpose ^{or any two of them} do after having given bonds with sufficient security
in the penalty of **Two Thousand dollars** - dollars
condemned as the law directs, ~~and they are to~~ proceed
to value the negroes in the bill mentioned as being the ne-
groes bought to be divided, and to divide the same into
four equal portions according to value, and to the said
Emily, Hubert, and Stanley or Belinda, assign, each, one of
those equal portions as and for each of their respective por-
tions of their father's (The late Eliza L. Eley's) estate under
the will in the bill mentioned, and the said Commissioners
or a majority of them will then after having given ten
days notice of the time and place of sale by advertise-
ment posted at the door of the Court house of Isle of Wight
County and other public places in the vicinity of the
residence of the said John Ramsey proceed to sell for cash
the remaining Equal portion of the said estate to the highest
bidder, they having fixed the time and place of sale at their
own discretion and after having paid the costs attending the
said sale, and ~~the payment of the costs of this suit to be~~
~~borne by John Ramsey~~ ~~and the said~~ ~~of Caroline Eley de-~~
do then divide the net proceeds of the said sale into four E-

Joseph P. Fay, Jr. 18

or Geo. Dunn

Hubert, Emily and
Belinda Elvins.

==

120
receive the same by virtue of the deed of trust in the
bill mentioned pay four of those equal parts or
and for the dower interest in the said female slave
Mary and her child derived from the estate
of her former husband Elisha C. Ely decd. and
to the said John Ramsay administrator of Elisha
Ely decd. pay five of those equal parts, to be
administered by him according to law and to
Josiah P. Gay guardian of Emily, Herbert and
Belinda Ely, pay the remaining fifth of those
equal parts: And the said Commissioners will report
thereon proceeding under this decree in order to enforce
same. And the said Josiah P. Gay guardian
as aforesaid is hereby directed to pay to John Ramsay
the late guardian to the said infants, or his
representative or assigns, the respective sums reported
to be due by them to their late guardian, by
the report of Commissioners Mills W. Dorrance.

Attest

State

Costs \$15.00

W. P. Young

In the County Court of Isle of Wight February 3^d 1857.

Joshua P. Gay god: of Emily, Herbert and Belinda Ely. Inf.

@ and

3 In Ely.

Emily, Herbert and Belinda Ely infants, John Ramsey and
Martha his wife and others Dft.

N. P. Young is by the Court appointed guardian and
trustee to defend the infants in this suit. This cause came
on this day to be heard upon the bill answers of the several
defendants and exhibits filed, ~~and arguments~~ in
this cause marked A. & B. with the assent of the Court &
the consent of parties, and was argued by counsel; the
Court then considered whereof, and it appearing to the Court
that the infants of the infant defendants will be
greatly benefited, and the rights of the said John
Ramsey and wife not violated by granting their decree,
and the said Ramsey and wife having given their
assent thereto by their answer filed in this cause. The
Court doth order, adjudge and decree that James E.
Jenkins and Joshua P. Gay who are hereby appointed
special commissioners for that purpose, after having
given bond and security in the sum of Twelve
hundred dollars, conditioned as a commissioners bond
prowise to sell at public auction for cash, after
giving ten days notice of the time and place of
sale (they fixing the same at their own discretion),
by advertisement posted at the Courtroom door of
Isle of Wight County and other public places, the
negro woman Mary in the bill mentioned and
her child, and the commissioners will
pay the costs of this suit and expenses of sale, and
divide the net proceeds thereof, after paying the
costs of suit and expenses of sale into Twenty four
equal parts. And to the said John Ramsey and
right of his wife Martha, or to those entitled to

Ramsay & wife to.

vs: } comp. bond.

Eley's

Know all men by these presents that we Mills W. Darden,
Josiah P. Gay and James M. McClenny and Thomas Hall
are held and firmly bound unto the Commonwealth of Virginia
in the sum of Two Thousand Dollars: To the payment whereof
well and truly to be made, we bind ourselves and each of us
our and each of our heirs, executors and administrators
jointly and severally, firmly by these presents: Sealed with
our seals and dated this 2nd day of Decr 1857.
The condition of the above obligation is such that whereas by a
decree of the County Court of Isle of Wight County, pronounced on the 4th
day of November 1857 in a cause depending in the said Court, in
which John Ramsey and Martha his wife, late Martha Ely, and
John Ramsey administrator of Caroline Ely are plaintiffs, and
Emily, Herbert and Belinda S. Ely, infants, are defendants,
The above bound Mills W. Darden, Josiah P. Gay and James M. McClenny
were appointed Commissioners to sell certain slaves in the said
proceedings and decree mentioned, and dispose of the proceeds
as likewise in said decree mentioned. Now if the said
Mills W. Darden, Josiah P. Gay and James M. McClenny shall
faithfully discharge their duties of commissioners under the said
decree according to law: Then the above obligation to be void,
otherwise to remain in full force and virtue.

Witness.

Mills W. Darden

Josiah P. Gay

J. Hall

Seal

Seal