

1812-004

Chancery Causes : Mills Eley & al, by & c vs Mary Johnson, widow of Kinchen Johnson

Dale of Wight County

other surnames: Council,  
Council

May the law be? } Bill  
25 } L

Amman

February, 1812

Interf. deced

June, 1812

Report rec'd. & deemed accordingly.

to all and singular the allegations aforesaid, and  
that as fully as if the same were here repeated  
and she thereto particularly interrogated. They  
lastly pray that your Worshipps will decree  
that one third of the said land conveyed as  
aforesaid by Kinchen Johnson to John Eley  
as will more fully appear by referring to the  
deed of conveyance hereto annexed and prayed  
to be taken as a part of this bill, be allotted  
to the said Mary Johnson as her dower, and  
that the residue thereof be equally & legally  
divided between themselves; or that your Wor-  
shipps will make any other or farther order  
or decree in the premises, for their relief,  
which may seem just and equitable. They  
lastly pray to be hence dismissed with their  
reasonable costs in this behalf expended—  
May it please you

Nich<sup>d</sup>. H. Byrd  
P. L.

The answer of Mary Johnson to the bill of  
complaint exhibited against her in the wor-  
shipful court of Isle of Wight, by Messrs Eley,  
Messrs M. Eley, Gehlson Eley, Hartnell Eley, and  
Willis Eley. infants suing by Godwin Council  
their next friend.

She admits that her late hus-  
band Kinchen Johnson did sell and convey  
unto John Eley the father of the complainants the  
tract of land mentioned in the bill, and  
that the said Kinchen Johnson had a fee simple  
estate in the said land. It is true also, that  
your Respondent did not join in the conveyance  
or in any manner relinquish her right of  
dower in the said land, and that she now  
claims it. She therefore joins in praying for  
such a decree as is asked for in the bill, &  
hopes that fit and proper persons may be  
appointed for carrying the same into effect.  
She admits that the complainants are the only heirs  
of John Eley, & believes, that a division of the  
residue of the land among them would be  
beneficial to them all. She lastly prays to  
be hence dismissed with her reasonable costs  
in this behalf expended—

To the worshipful court of Isle of Wight in  
chancery sitting, humbly complaining, shew  
to the court, your orators Mills Eley, Meint Mr.  
Eley, Zebulon Eley, Hartnell Eley, and Willis Eley  
infant children of John Eley dec? suing by  
Godwin Council their next friend.

That ~~God~~ Kinchen Johnson late  
of the county of Isle of Wight by a deed bearing  
date the      day of      A.D.      sold and  
conveyed unto John Eley, the father of your  
orators, a certain tract or parcel of land  
lying in the aforesaid county of Isle of Wight  
and within the jurisdiction of this court.  
That the land really belonged to the said  
Kinchen Johnson as in fee simple, but that  
as Mary Johnson his widow is intitled to her  
dower in the said land (as she never legally  
relinquished the same) your orators are  
willing that she should now have it by  
the decree of your Worships. But they are  
as willing, and anxious also for a legal division  
of the residue of the said land among themselves.  
That they are the only heirs of the said John Eley,  
who died intestate about the day of      A.D. 1810.  
and that they can not effect a legal division  
of the said land, without the aid of this court  
on account their tender years.

In Tender consideration whereof,  
and for as much as your orators are otherwise  
necessitated, they pray the intervention of your  
Worships.

To the end therefore they pray,  
that the said Mary Johnson the widow of  
Kinchen Johnson aforesaid may be made co  
defendant to this bill of complaint, and that  
she may full true and perfect answer make

1  
H. J. H. B.

Interly deuce  
Johnson

Allegory

Ipswich County February Court 1812

Mills Ely, Meritt M. Ely, Zebulon Ely, Hartwell  
Ely and Miles Ely infant children of John Ely  
decd: suing by Gordon Lounice their next friends } Complainants  
against }  
Mary Johnson widow of Ninian Johnson decd: } Defendants } In Chancery

By consent of parties by their attorney this day the bills answered  
were filed and heard thereon Whereupon it is decreed and ordered that  
John B. Ely, Robert Ely, Thomas Bowden, and Allen Gay or any three of  
them allot and set apart by certain metes and bounds to the defendants  
One third of the land in the bill mentioned and make report thereof  
to the Court in order to a final decree

Attest J. T. David Dick D.C.

A greable to an order of the worshipfull Court of Ipswich  
we the ~~undersigned~~ <sup>undersigned</sup> have met and set apart to Mary  
Johnson widow of Ninian Johnson Decd: defendant her dower  
of Lands beginning at the horse swamp and a white oak thence a  
long a line of marked trees to the right hand branch up the said branch  
to the watery branch up the sd watery Branch to a pine or  
corner tree standing in the said Branch thence along a line  
of marked trees to asseyfrs a Elbow tree thence along a line  
of marked trees to the said swamp down the said swamp  
to first station

John B. Ely  
Allen Gay  
Robert Ely