

1825-006

Chancery Causes, Eley Saunders, by sc. Hezekiah Fulgham's ex'or vs Helbert Eley & ex

Sale of Wright County

other surnames: Edwards,
Pierce, Westray

We with the County Clerk of North
Hampshire to deem a sale of the land
conveyed to Pamela Saunders, Betsey
Saunders and the same by Joseph
Murray in all of North Hampshire
a division equally between them
given under our hands and
seals this 5th of Dec. 1824

Joseph ~~with~~ Sugden

Gilbert Esq

Jonas Edwards Esq

John D. [unclear]

304

Hamdy

Dear Sir

This will give you some information respecting the Deed that
Anna Edwards as Guardian for Ely Sammers, Hezekiah Fulgham & his wife
Mealy and Gilbert Ely & Wife Elizabeth who ^{said Ely & his Wife} was orphan of Thomas Sam-
-ers Decd. wishd you to obtain for the Sale of a tract of land which
Joseph Hestray Executo a Deed to Ann Sammers, Mealy, Ely and
Elizabeth Sammers and their heirs for, Ann Sammers after the Deed
was given by Hestray intermarried with William Pierce & had by
him three Children (sons) Wiley a Son & two Daughters Mary and
Winney, Mary died before her Mother and Winney after her Mother
Decd. & Wiley is now living & under twenty one years old, also William
Pierce her Husband is yet living and in the State of N^o Carolina
I therefore expect that Mealy the Wife of Fulgham, Ely, and Elizabeth
the Wife of Gilbert Ely is entitled to $\frac{3}{4}$ of the Land in their own
rights, and the other $\frac{1}{4}$ to be divided into four parts one to Mealy
one to Ely one to Elizabeth & one to Wiley Pierce if I am not right in
the division the above statement will enable you to make it, the
Parties request you would prepare & obtain a Deed to have the same
this coming Season I am de yours
MB excuse these of

Mr. Archibald Atkinson Esq.

favoured by Mr. Young
he pleased to forward this
this week

Luzha Kemp

Ely Kemp³

By consent of parties with the assent of the Court
this cause having been docketed, came on
this day to be heard upon the bill returned
filed and was argued by counsel; whereupon
the Court both adjudge, order & decree that
from Ely

he and ~~they~~ ^{she} are hereby appointed Commissioners
to sell to the highest bidder upon a credit of
nine months except for so much thereof
as will be required to pay the expenses of the
decree of the sale, the land conveyed by a
 deed of bargain and sale from Joseph M. Tracy
to Ely Saunders, Mary Saunders, Elizabeth Saunders,
and Anna Saunders, bearing date the 4th day
of October A.D. 1813 and which is of record in
the County Court of Isle of Wight, which said
land lies in the County aforesaid, having
given at least ten days previous notice of the
time & place of sale by advertisement posted at
the door of the Court House of this County, &
at such other places as shall seem proper to
the Commissioners: That of the net proceeds of
the sale ~~thereof~~ ^{therein} they do pay over $\frac{1}{4}$ to Rezekiah
Luzham and his wife Mary in her right;
 $\frac{1}{4}$ to the Guardian of Ely Saunders; one fourth to
Gilbert Ely and Elizabeth his wife; the other
one fourth to the heirs of Anna Saunders;
~~that is to say~~ in the following proportions to wit:
one fifth to the said Rezekiah Luzham Wife in
her right one fifth to Ely Saunders, one fifth to
Gilbert Ely and Elizabeth his wife in her right
one fifth to Mary Pierce or his Guardian if he
be an infant and the other one fifth to the
heirs at law of Minny Pierce; in the following
proportions to wit: one fifth to the said Luzham
and his wife; one fifth to Ely Saunders, $\frac{1}{5}$ to Gilbert

My and wife and the other two fifths to said
Mily Pierce or to the Guardian of ^{such} ~~the~~ ~~same~~
infant. That they take of the purchaser bond
with good security in such manner as to
enable the Court to comply with this decree;
We further order that the Court who may
act as executor and deed of bargain and sale
to the purchaser, on the part of the parties
to this decree conveying the title of the said
plaintiff, do so, but without warranty
and that they make report to this Court of
their acting, & doing in order to a final
decree.

Fulgham Jr.

o 3 Dec

Samuel Jr.

Isle of Wight County December Court 1824

Eley Saunders and Wiley Peirce infants suing by
Jonas Edwards their next friend and Hezekiah
Fulgham and Melia his wife

Compts

against

In Chancery

Gilbert Eley and Elizabeth his wife

Defts.

By consent of parties with the assent of the court this cause, having been docketed, came on to be heard upon the bill and answer filed; and was argued by counsel: whereupon the court doth adjudge, order and decree that Eley be and is hereby appointed commissioner and directed to sell to the highest bidder upon a credit of nine months, except for so much thereof as could be required to pay the expense of this decree and of the sale, the land conveyed by a deed of bargain and sale from Joseph Westray to Eley Saunders, Mealey Saunders Elizabeth Saunders and Ann Saunders bearing date the 4th day of October 1813 and which is of record in the county court of Isle of Wight which said land lies in the county aforesaid having given at least ten days previous notice of the time and place of sale by advertisement posted at the door of the courthouse of this county and at such other place as shall seem proper to the commissioner - that of the ~~commissioners~~ net proceeds of the sale thereof he do pay over one fourth to Hezekiah Fulgham and his wife Melia in her right - one fourth to the Guardian of Eley Saunders - one fourth to Gilbert Eley and Elizabeth his wife - and the other one fourth to the heirs of Ann Saunders: in the following proportions to wit, one fifth to the said Hezekiah Fulgham & wife in her right - one fifth to Eley Saunders - one fifth to Gilbert Eley and Elizabeth his wife in her right - one fifth to Wiley Peirce - and the other one fifth to the heirs at law of Minny Peirce; in the following proportions to wit, one fifth to the said Fulgham and his wife - one fifth to Eley Saunders - one fifth to Gilbert Eley and wife - and the other two fifths to said Wiley Peirce or to the Guardians of such as are infants: that he take of the purchaser bonds with good security in such manner as to enable the commissioner to comply with this decree.

It is further more ordered that the commissioner do execute a deed of bargain and sale to the purchaser on the part of the parties to this decree conveying the title of the said Plaintiffs and Defendants, but without warranty.

of title - and make report to this court of his doings and doings in order to a final
decree -

Allegory

Teste

Burth. Lightfoot L.J.C.

Hulgham Wife

or

doone

Cley Wife

March 1825 rept. ret.
decree accordingly -

In obedience to the annex'd Decree of the Honourable Court of Steepfright County, to me directed bearing December Court 1824. Pursuant thereto after having advertised the time and place of Sale as directed in said decree did on this 17th day of February 1825 on the Premises set up at public Auction the tract of land referred to in the said Decree on a credit of nine Months except the cost and expenses of this decree and at which Sale Hezekiah Fulgham being the highest bidder became the purchaser thereof at the Sum of one hundred and five Dollars and after having deducted a commission of 5th Cent and the sum of thirteen Dollars & Ninety seven Cents to pay the Attorney and Clerk their fees respecting the said Decree have taken bonds with good Security for the balance payable in nine Months one bond in favour of Gilbert Ely and Elizabeth his Wife for the sum of twenty six Dollars & fifty nine & one fourth Cent & one bond in favour of Ely Samuels for the same sum and one in favour of Hezekiah Fulgham & Meale his Wife for the like sum & one other bond in favour of Wiley Pierce for the sum of six Dollars & one fourth of a Cent which said Bonds I have ready to pay over as directed in said Decree given under my hand this 17th day of February 1825

the whole amt of Sales \$105.00

Comm^l. 5.25

Eum Ely

Attorneys & Clerks fee . . . 13.97

amt of Cost & Comm^l . . . 19.22

Nett amt of Sales . . . \$85.78

Gilbert Ely & Wifes bond . . 26.59¹/₄

Hezekiah Fulgham & Wifes do. 26.59¹/₄

Ely Samuels . . . do 26.59¹/₄

Wiley Pierce . . . do 6.00¹/₄

\$85.78

To the County Court of ~~Tarrant~~ Tarrant County
in Chancery, ~~sheweth~~ complaining shew unto your
worship your orator Ely Saunders and Wily Pierse
infants suing by song Edward their next friends,
and your orators and oratrix Elizabeth Dugan
and Julia his wife, that a certain Joseph Mottram
by a deed of bargain and sale bearing date
the day of adominis and of record
is the officer of the County Court of Tarrant
and to which reference is made to be had,
conveyed to Anna Saunders, your orator Ely Saunders,
your oratrix Julia ~~Saunders~~ and a certain
Elizabeth Saunders now the wife of Gilbert Ely,
a certain tract of land lying in the County
aforesaid containing by estimation $4\frac{1}{4}$ acres
and bounded as described in the said deed
sometime thereafter the said Anna Saunders intermarried
with a certain Mr. Pierce and died on or
about the day of ~~adominis~~ ^{admiral} ~~adominis~~
entitled infer, to one fourth part of the land
aforesaid, having five children to wit, your orator
Ely and Wily, your oratrix Julia, also Elizabeth
now Elizabeth Ely, and a certain Winifred Pierce;
sometime thereafter the said Winifred Pierce
departed this life intestate and under the age of 21
years entitled by descent from her mother Anna
~~Saunders~~ ^{Pierce} to a part of the real estate aforesaid
having the said Wily Pierce her only brother of
the whole blood, and the said Ely Saunders,
Julia and Elizabeth her brother and sisters of
the half blood on the part of the mother from
whom the land descended, as her sole heirs
at law; - your complainants beg leave to state that
the said real estate which is not worth the sum
of three hundred dollars as has or ever one
hundred dollars as has is yet undivided and
they have long wished a sale of the same in order
to a division of the money arising therefrom

between the complainant and the said ~~Elly~~
Gilbert Elly and Elizabeth his wife, but they
have not been able to prevail upon the said
Elly wife to agree to the same. In token
consideration whereof and for as much as
you complainants are remedied in the
premises, save by and through the aid
of this Court, they ask that the said Gilbert
Elly and Elizabeth his wife, be made
defendants hereto and be compelled to answer
this bill - that your worthy the premises
considered will decree that the said real
estate be sold and the money divided
according to the respective rights of the
plaintiffs and the defendants - and that
your worthy will make any other or further
decree in the premises as may comport
with Equity &c - and as in and by the bill
will more fully appear. (signed, Joseph Keane, Solicitor General)

Attest in p. 5

The answer of Gilbert Elly and Elizabeth his wife to
the bill of complaint exhibited against them
in the County Court of Dh of Wight by Elly
sainton and others. - These respondents having
for answer say that the allegations in the
complainant's bill contained are true as
far as they know or believe and have no
reason to offer why the Court should not
pronounce the decree asked for by the complainants.
Having answered they pray leave to be dismissed.
(signed, Gilbert Elly)

Lyman Spivey
~~_____~~ &c.

vs 3 Birds &c

Wm. Spivey

~~July 1825~~

December 6th 1824

Bill & Ans: filed & Intelligences

March 7th 1825 Report returned
and decreed accordingly

~~Wm. Spivey~~
~~_____~~

Attestation