

1834-002

Chancery Causes : Fanny Eley vs Elsha Eley, by +C

Isle of Wight County

other surnames: Holland

Henry Ely

21.

Elisha Ely an infant son of David Ely by James Holl and his next friend

This cause came on this day to be heard on the bill and answer by consent of parties hereto agreed by counsel: on consideration whereof the court doth adjudge order & decree that William H. Ball and Solomon Daughtry, after advertising the time & place of sale at least fifteen days, do sell at public auction ^{on the premises} the tract of land in the bill mentioned containing by estimation seventy five acres & out of the proceeds of sale pay the costs of this suit & the expenses of the sale, & for the balance of the proceeds of sale, as to what a credit of nine months is to be given, take one bond with good security ~~pay~~ for 4/5 part thereof payable to the guardian of the infant deft. or to the court for the benefit of the said infant & one other bond with the like security ^{for the residue} payable to the court. ~~make report to~~ make report to

84.00
17.20
101.20

84.00
17.20
101.20
9.38
37.44

Ely
v 3/3 Bill pa
Ely.

7th Jan 4. 1833 docketed:
Bill answered filed
& interlocutory decree

March 4th 1833 report
of com^{rs} returned & court

Bond to Elisha Ely filed
June 2nd 1834 com^{rs} report
conf^{rs} & final decree entered

fee paid -

1844 May 16th Recd of W. P. Young to look after
Bond of 2/5 fee & dollar and, Gov. J. Hollands and
Jacob Goddard for \$35.44 ^{payable unto Elisha}
Ely nine months after date and dated the
7th July 1833. and filed in the Report of filed in
this cause.
R. P. Huntwatts for Ely
B. Johnson admr of Elisha Ely

The answer of Elisha Ely an infant by
James Hall and his next friend to the bill of complaint
exhibited against him in this court by Henry Ely complaint.

This respondent admits the validity the truth
of the statements set forth in the said bill & answers
to such degree as to the court may seem right without
that it is

To the worshipful court of Islop Wight county in
Chy. sitting & usually complaining sheweth unto your worship
your orator Harry Ely that some in the year ^{Deceased}
Ely departed this life intestate signed & possessed of a small
tract of land situate in the county aforesaid, containing by
estimation seventy five acres & supposed to be of the value
of \$100 or \$150 - your orator states that the said intestate
left your orator his widow & an infant son named Eliza
who are entitled to the said real estate - your orator
therefore pray, that your worship will decree a sale &
division of the said land in such manner as to the
court may seem right & that your worship will make
such other or further order or decree in the premises as
may seem just &c. may it please yr.

Commissaries Report.

Eley vs Eley
15

Eley Comr.
vs $\frac{5}{3}$ report =
In Chancery.
Eley vs.
March 4th 1833 -
returned vs.

In obedience to an interlocutory decree, Eley vs Eley pronounced by
the county court of Isle of Wight, January term 1833 your
commissioners having advertised the time and place of sale of the
lands in the Bill mentioned by three several advertisements at the
most public places at least ten days previous to the day of sale
When Jesse Holland became the last bidder and purchaser
for the sum of

\$ 64.00

Your comm^d then deducted \$10 the att^y fee and \$4 the clerk's
fee and 50 cent commissions which amt^d to

\$ 17.20

leaving a balance of

\$ 46.80

Your Commissioners then deducted ~~5~~ to the complainant

Fanny Eley which amt^d to

\$ 9.36

Your comm^d then took Jesse Hollands Bond with Jacob Holland & Joseph S. Holland
Securities made payable to Fanny Eley for the sum of

\$ 9.36

We also took Jesse Hollands Bond with Jacob Holland and Joseph S. Holland
Securities payable to Elisha Eley for the sum of

\$ 27.44

which will account for the purchase money of said \$ 46.80

Your comm^d then delivered the said Bonds to the said complainant

Fanny Eley and took her Receipts for the same, also placed the other
Bond made payable to Elisha Eley in the ^{clerk's} office of the said county.

All of which is submitted, Given under our hands this seventh
Day of February 1833;

William H. Ballard
Saman Leavitt

Eley
or 3 Melhancery
Eley

John B. Bessie -

Many Eley to Bessie Eley
in the middle of the Eley

Eley

vs J^r Chancery -

Eley

This cause came on this day to be again heard upon the papers formerly read, and the report of the Commissioners filed ^{herein}, to which no exceptions have been filed and was argued by counsel. On consideration whereof the Court approving the said Report doth order, adjudge and decree that the said Report be confirmed, and that the proceedings had herein be held fair and stable between the parties forever.

and it appearing to the Court that Elisha Eley the infant has died intestate and that J^r J^r B. Johnson has qualified as his administrator. It is further ordered that the Clerk of this Court deliver over the Bond filed in said Cause, executed by J^r Holland, Joseph J. Holland and Jacob Holland, to said J^r B. Johnson upon his leaving a Receipt for the same in the papers -

Ely & Decree
or Copy of
Ely

Seaboard Night County Court. January Term 1833.

Fanny Ely ----- plttf.

vs.

In Chancery

Elisha Ely an infant son of David Ely
by James Holland his next friend & depts }

This cause came on this day to be heard on the bill and answer, by consent of parties and was argued by counsel - On consideration whereof the court doth adjudge, order and decree that William H Ballard & Solomon Daughtery after advertising the time and place of sale at least fifteen days, do sell at public auction on the premises, the tract of land in the bill mentioned, containing by estimation seventy five acres, and out of the proceeds of sale pay the costs of this suit & the expenses of the sale and for the balance of the proceeds of sale, as to which a credit of nine months is to be given, take one bond with good security for 4/5 part thereof, payable to the guardian of the infant defendant, or to the commissioners for the benefit of the said infant, and one other bond with the like security, for the residue payable to the complainant and of their proceedings make report to court in order to a final decree,

Attest

Nathl. Young C. C. M. C.