

1846-002

Chancery Causes'. John Ramsey & ux & al vs Elisha S. Eley's infants

Isle of Wight County

other SURNAMES: Wright

Ramsay & wife
against Bill &c
Elys infants

Dec. 1. 1845 A. P. Garry
ap. 20th ad litem & inter deus.

Apr. 2. 1846 Report made
& final decree

your orders further charge, that the other estate personal of the said surviving infants Emily, Hubert, Caroline & Belinda Eley, consists only of ~~three~~ ^{four} negroes, a woman & small children, exposure than other and at the present - that the said real estate upon the assignment - owner, thence to the widow of ^{1st} Martha L Eley, to wit the ^{2^d} Martha your name, will be of no annual value to the said Emily, Caroline Hubert & Belinda, the eldest of whom is not ten years of age - whence your orders charge that as she intended, on the proceeds of the sale of the real estate will more than the annual rent of the same, either upon a division, or otherwise of the said that the interests of all parties will be greatly promoted by a sale out of the premises or both plantations, and a division of the proceeds, according to the contents of the will - that they therefore pray the Court to decree a sale of the said real estate - ^{off which the interest of each heir will not exceed the sum of} ^{three hundred dollars} ^{& in the right of} ^{the said Martha Eley} - that Belinda, Emily, Hubert, Caroline Eley be made parties defendant hereto - & be compelled to answer the premises -

Thamyzing
St.
Eleg, heir

In the worshipful justices of the County Court of Sale of Wright County
in Chancery sitting humbly complaining Sheweth unto your worships your orator
John Ramsey & Martha his wife, formerly Martha Ely & widow of one Elisha
L Ely decd.; who sue as well in their own behalf, as the next friends of Emily, Hubert, Caroline
& Belinda Ely, infant-children of the^d Elisha L Ely decd. That some time in the year
1843, the said Elisha L Ely departed this life, seised of considerable real & personal estate
leaving as his widow the^d Martha, your oratrix, and the following, children to wit: Elisha,
Dwight, Emily, Hubert, Caroline & Belinda Ely, as his heirs at-law: and after having published
& executed his last will & Testament bearing date the 28th July. 1842, of record in the Clerk's Office
in the County aforesaid, a copy of which, marked A is hereto annexed and prayed to be taken as part
this Bill - That the said Martha his widow as aforesaid, renounced the provisions and
all the benefits in the 1st Will & Testament, and asserted her rights of dower &c, at-law
That the 1st testator, as by his said Will will more fully appear, did devise, unto each of
his two sons, Elisha & Dwight, each a plantation, with certain provision & upon certain
conditions: but the 1st Elisha & Dwight, each having died under the age of twenty one
& without having performed the conditions & provisions aforesaid, your orator charge that they
nor either of them took any vested interest into the 1st plantations devised to them severally
but that the same have descended to the heirs at-law of 1st Elisha L Ely, who, as to his
two plantations has died intestate: That the said son Dwight having departed
this life unmarried & before he attained unto the age of twenty one, & before he could comply with the condition
as to the devised 3^d land devised to him - the 2^d plantation to wit the plantation called Brady
farm,

has descended to the heirs of his father, to wit, his said brother & sister, Elisha, Emily,
Hubert, Caroline & Belinda Ely in equal parts. That after wards, to wit:

The other son Elisha Ely - to whom was devised the plantation called
the home tract

unmarried,
having also departed this life, under twenty one, the 1st home plantation
deviseed to his heirs at-law, by the father's side, to wit, the said Emily, Hubert, Caroline
& Belinda Ely - But your orator also charge, that in regard to the interest, or portion

which the 1st Elisha inherited from his deceased brother the 1st Dwight
out of the plantation - That the said interest therein, being one fifthth of the said

Brady's - will descend in the following manner, to wit: to his mother, the
said Martha Ramsey - & his whole brother & sister to wit, Emily, Hubert, Caroline & Belinda Ely, ^{on}
in conjunction with a half sister, ^{on the mother's side} named Judith P. Wright - a infant under 21 yrs of age

The joint & separate answer of Emily, Hubert, Caroline & Rebecca Elzy infants under the age of twenty one - By N. P. Young, then & ad litem appointed by the Court to defend them in a suit brought by Bill Files & there by Ramsey & wife & aln -

These respondents, by N. P. Young, then & ad litem as aforesaid, for answer & saving &c. for answer &c. Answer & say that they neither admit, or deny the facts in Bill mentioned; that they are infants under the age of twenty one, & therefore they have to submit themselves & place their interests under the protection of this honorable Court. &c. and having answered pray hence &c. -

N. P. Young & son (Sign)

The separate answer of Judith P. Knight, By N. P. Young & ad litem appointed by the Court to defend her interests in a suit by Bill Files & there by Ramsey & wife & aln -

This respondent by N. P. Young & ad litem &c. saving & deservingly &c. for answer &c. Answer & say, that she believes it true as the Bill alleged that she is entitled to a portion of the estate of &c. in &c. to the portion of &c.

but as she is of tender years, they have to place herself & interests in the same, under the protection of this honorable Court. & having answered pray hence to be dismissed &c. -

N. P. Young & son (Sign)

Pursuant to a Decree of the County Court of Salem, pronounced at December term 1845 - The undersigned a Commissioner therein named, did expose to Public Sale, (after having duly advertised the same) the tracts of land in the Decree described, and of which Elisha Eley and Burmont Eley died seized and possessed - when John Ramsey became the purchaser of the tract first named at the sum of Three hundred and ten dollars (Thus) \$310.00 after deducting therefrom the costs of Decree \$15.

And the Commission amounting to 15.20 30.20

There were left to be divided among the several heirs the sum of

which being divided into 4 equal shares will make each \$69.95

The other tract of land of which Burmont Eley died possessed was purchased by John Ramsey at the price of

Sixty dollars (Thus) \$60.00

after deducting therefrom \$3. Coms: there were 57.00

left fifty seven dollars to be divided into five

equal shares & one share (a fifth thereof) into 11 shares, which amounts, your Comm. has

added together and proceeded to take the bonds in

the following manner, to wit:

One bond payable 6 mos: after date to Jas: M. McClenny Com. (for the benefit of Emily Eley) for \$83.42 2/3

One do: payable as aforesaid to the same (for the benefit of Hubert Eley) for 83.42 2/3

One do: payable as aforesaid to the same (for the benefit of Caroline Eley) for 83.42 2/3

One do: payable as aforesaid to the same (for the benefit of Belinda Eley) for 83.42 2/3

And one other bond made payable to James M. McClenny Guardn: for Judith Wright for 1.03 2/3

John Ramsey's portion (2/11) he being the purchaser his receipt on the Decree for \$2.07 1/2 and his wife's portion 2.07

\$336.80

Amount of bonds brought forward — \$ 336. 80
Add Costs of Decree & Commissions — 33. 20
Amount of Sales first to be divided under the
requisition of the Decree — \$ 370. 00

Mr. Ramsey, being the Guardian of Elisha Eley's children
(and the purchaser of both tracts of land, The undersigned
has made the bonds for the Eley children (for whom Ramsey
is Guardian) payable to himself for their benefit - which
bonds are herewith filed subject to the future order
of Court.

Your Commissioner having discharged the duty assigned
him, most respectfully submits the foregoing as his
Report to the Worshipful Court of Isle of Wight
County, under whose authority he has acted as a
Commissioner.

James, M. McGlenney

fifth of the purchase money of the tract given as
 aforesaid to said Burmont Eley, will divide into four equal
 parts of equal amounts, taking bonds with good security
 as aforesaid and a lien on the premises, will pass over
 to the legally qualified guardians of Emily, Herbert,
 Caroline and Belinda Eley; but the said sale above
 directed is to be made subject to the Court right of the s^d
 Martha Ramsey, formerly Martha Eley, widow of s^d
 Elisha Eley &c, & make report to this court, in order to a
 final decree in the premises

costs \$10 L
 " 5 cts

A. C. Copey
 Clerk

J. M. Young &c

X^r
 Ramsey and wife
 vs
 Copey & Co
 Emily Eley and als:

The said
 M. C. Copey &c

\$2.07 1/3

Att. of Wright.

1846 January 10th The said known ledge to have received of James
 M. McLomney, the sum of five dollars and seven 1/3 cts,
 being the amount to which myself & wife are entitled from
 a sale of land, within descent - the same having
 been sold by virtue of a decree of the County Court of
 John Ramsey.

At a court held for Isle of Wight County the first day of December 1845.

John Ramsey and wife

Plaintiffs

vs.

Jas Ely.

Emily Ely and also her at law of Elisha L Ely Defendants

On motion of the complainants by their counsel, Nath Young is appointed guardian ad litem to the infant defendants, and this cause was this day docketed and came on 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 Samuel M. Mc Klemmy who is hereby appointed compo. for such purpose, do proceed after giving thirty days notice of time and place of sale of the premises in the bill mentioned, on a credit of six months save so much as will be necessary to pay expenses of the suit and sale aforesaid, which shall be for cash, to offer at public auction the aforesaid tract of land in the title of said Elisha Ely ~~and~~ given to his son Elisha Ely died, and for the proceeds take five bonds of equal amt. with good security and retain a lien on the said land to secure the purchase money, one of sd bonds assign & pay over to the legal guardian of Emily Ely, one to the gd^r of Abigail Ely, one to the gd^r of Caroline Ely, & the other bond to the gd^r of Belinda Ely, also will sell the plantation devised as aforesaid to the said Burrmont Ely, and the surplus proceeds of which will distribute in the following manner; one fifth of the said purchase money being the portion to which Elisha Ely was entitled will be divided into eleven parts, of which two elevenths, will, taking bond for the same amt. with security and lien as aforesaid, pay over to Martha Ramsey, a bond for same to the gd^r of Emily Ely, one bond to the gd^r of Abigail Ely, one of said amt. to the gd^r of Caroline Ely, and one of same to the gd^r of Belinda Ely, and one being the Eleventh, will pay over to the guardian of Judith Wright; and the other four

Esqui
at
Elus-

Entus

Mrs Ramsay, Wife

vs.

Elisha L. Ely & Co.

} In Chy -

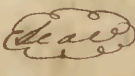
Decree -

This cause, by consent of parties came on again to be heard on the papers formerly read, and on the report of Commissioner James M. McLennan, and was argued by counsel; on consideration whereof the Court doth order, adjudge & decree that the said report and sale therein set forth stand confirmed: that the said Commissioner do execute a deed conveying with trust covenants, to the said Mrs. Ramsay the purchaser, the title to the said tract of land so bought & sold: and further more the Clerk of this Court is authorized to pay over to the legal guardians of the infants in said bill & decree mentioned, the bond by the said Commissioner deposited with him, & returned to his office. and Liberty is hereby reserved to each & all of the Reverse infant in the said suit mentioned to their cause, if any they care, within 12 months after the age of twenty one respectively ^{against} this decree -

and Testament hereby revoking all other wills heretofore
made by me. In evidence whereof I have hereunto set my
hand and affix my seal this 28th day of February 1842.

Signed, sealed and

acknowledged in presence of

Elisha L. Clegg 

Isiah P. Gay

Elisha Gay

In the County Court of Isle of Wight September 4th
1843 this will was proved in part by the oath Isiah P. Gay
and continued for further proof - and on the 2^d of
October 1843 the same was fully proved by the oath of
Elisha Gay and ordered to be recorded.

Teste

N. P. Young Clerk.

A Copy.

Teste

N. P. Young Clerk.

(A copy)

Wm.

Elisha L. Clegg

Feb 27 9

Know all men by these presents, that I Elisha L. Cley
of the County of Isle of Wight and State of Virginia
being sound in mind, but weak in body do make and
ordain this my last will and testament in manner
and form following, to wit: Item the first, Its my will
and desire that all my just debts and funeral
expenses be first paid off by my executor hereafter
named. Item the 2nd I leave unto my wife Martha
Cley, all my estate land and negron included, until
my son Elisha L. Cley becomes to the age of twenty one
years. Item 3^d Its my will and desire that my son Elisha
L. Cley have the plantation wherein I now reside when
he arrives at the age of twenty one year, after having
it valued by three appraisers named by my executor
hereafter named, and if it should be appraised
to more than his equal part of my estate, land included,
he then pay to the balance of my children the amount
that may be found by the appraisers hereafter named
as aforesaid, I give and bequeath the above named
land with the above named provisions, to him and
his heirs forever. Item the 4th I give and bequeath to
my son Bermon Cley the land and plantation which
I purchased of Robert Babb called the Babb Plantation,
and that be appraised by appraisers named as above and he pay
for the land at what it may be appraised - and if it
should not be appraised to what his equal part of
my estate amounts to, its my will and desire that my
executor pay him the amount due him out of my
personal estate. Item 5th Its my will and desire that
all my estate which I have not given away heretofore, be
equally divided between Emily, Herbert Stanley & Caroline
Cley after the land being appraised and arranged as
aforesaid to them and their heirs forever. Item 6th I hereby
nominate and appoint my beloved wife Martha Cley,
whole and sole executrix of this my last will

Gen^l Receipt
for bonds

Received of A. P. Young Clerk of Isle of Wight
County, and the following bonds filed in the court
of Ramsey and wife in Ely's Court. One bond for \$83.
42 1/2 cts date 10th of Jan'y. 1846 & due six months after
date for the benefit of Caroline Ely - One bond
for same amt. due and dated same time for the
benefit of Belinda Ely, one for same amt. due
and date same time for the benefit of Emily Ely,
One for same amt. due and dated same time
for the benefit of Herbert Ely and one for
\$103 1/2 due and dated same time for the benefit
of Lucretia Wright. All of which said bonds
are signed and sealed by John Ramsey and
Joseph P. Gay and are for the sale of a piece
of land in the foregoing mentioned.

Given under my hand this 2nd day
of December 1846.

John Ramsey & Co.
for the clerk of E. & S. Ely