

1872-072 Charney Causes: Indiana M. Eley, by vs vs Martha M. A. Eley, by vs c

53

Isle of Wight County

other SURNAMES: Chapman

To the honorable Justices of the County Court of St. Louis County  
in the County sitting hereby complaining the within unto your worship your  
orator Indiana M. Eley an infant who sue, by her next friend Benjamin  
Chapman, that sometime in the year one Mills L. Eley a resident  
of the County of said County departed this life leaving a wife  
and your orator Indiana M. Eley &  
Martha M. Eley his two children as his heirs at law: that besides  
other property consisting of negroes &c, the said Mills L. Eley owned in fee a  
tract of land situated in said County, comprising several small parcels  
known as the "Eley tract," the "Hudson tract" & the "Cotton parcel" containing  
about <sup>200</sup> acres more or less and estimated to be worth \$200.00: It is  
desiring to have a partition of the said tract of land between the  
two heirs at law viz, your orator and Martha M. Eley; but as  
who are both infants under twenty-one years of age & who are  
not entitled to the said body of land. Whilst your orator they  
are <sup>parties</sup> in the premises, yet it is advised and to that  
the said land should be sold, neither can the same be  
sold by the parties; but that other interest would be promoted  
by a sale of the said tracts or parcels of land out: the land is very  
poor, without improvement and constantly depreciating; and the  
interest on the proceeds would be more than the rent, which under  
present appearances will be nothing - The dividend of each party will  
not amount to three hundred dollars. The widow has no power  
in the premises - and the other property of the said heirs at law  
consists of a remainder in fee in a small tract out of which the widow  
has been seized donor and nine negroes (young & old) about \$1200 each  
the income income is about \$2.00 per annum. Your orator is without  
any other property. And the prayer that Martha M. Eley  
be made a party defendant, and be compelled to answer the bill -  
and that in view of the partition, the pray that the Court will decree  
a sale of the said tracts of land and divide the proceeds according to  
the interest in the same. & the pray that the Court, and grant all other  
relief which may be met & fit in the premises & Grant Costs Suffer.

Indiana M. Eley by her  
next friend Benjamin Chapman

Aug 7<sup>th</sup> rule 14  
Aug.

53  
M. Eley 100  
m. 3 Bill 10

Martha Eley

July 3<sup>rd</sup> 1854 recd, and  
sup. 10 filed + Aug. decd

Aug. 1. 1855 recd. filed.

July 6. 1857 - decd

Ely's Infant  
any

Ely's

The Assn of Martha M. A. Eley infant & child of Mills &  
Eley &c? by Nathaniel P. Young her guardian ad litem  
to a bill filed against her, by Richard M. A. Eley through her next friend  
in the County Court of Glen of West County Court:

This respondent by her said guardian ad litem N. P. Young  
savors & excepting & in answer to & in denial of said bill & she is  
averse it is unlawful to answer, says, that she is infant under  
twenty one years of age & therefore begs leave, in consequence of her want  
of education to have to submit her interests to under the protection  
of the Honble. Court & may answer pray for —

N. P. Young & son  
Attorney.

Eleg. v  
Eleg. F. po

The deposition of George W. Eley taken on the 3<sup>d</sup> July 1854,  
at the Court House of Isle of Wight County, to be read as evidence  
in a suit pending in the County Court of Isle of Wight in Chy: in  
which Indiana M. Eley by her next friend Reg. Chapman is Comptt.  
and Martha M. Eley by N. D. Young her Guardian ad Litem is Defend  
ant: The said Eley being duly sworn & dep. as follows:

Question. Do you know the several tract of land, called the "Eley tract" "Dowd's  
tract" & "Coffee Parcel" belonging to Indiana & Martha Eley as heirs  
Sas of Ellith & Eley? If so do you believe it will cost for the money  
or there interested, to find the same, or to sell it: and state your  
reasons therefor:

Ans. I know it well; and have no hesitation in saying that  
it would be to their interest to sell the land: & my reason are  
a Division would injure all; there <sup>are</sup> no improvements of any value &  
it is depreciating daily: and neither Motely would be worth  
improving as a farm: & the interest on the proceeds would be much  
more than the rent: & further this agreement together with.

Geo. W. Eley

Isle of Wight County:

George The fore going deposition of George W. Eley was sworn to  
& taken before me a Justice of the peace for said County, on the  
day & place mentioned in the Caption. Given under my hand this  
the 3<sup>d</sup> July 1854 -

N. D. Young J.P.

The above interrogatories were submitted to me, and I have  
no objection to their being submitted to a jury, and the answers  
thereto read as evidence - the case - July 3. 1854

N. D. Young given and J. R. D.  
Litem

In the District Court July 31<sup>st</sup> 1854

John M. Cley

and

J. M. Cley

Martha Cley J.C.

On motion Nathaniel P. Young is appointed Guardian ad litem to defend the infant defendant Martha Cley. And by consent of parties this case was this day docketed. & by like assent. Coming on to be heard on the Bill, Answer & examination of witnesses and was argued by counsel. On consideration whereof the Court being of opinion that a partition of the premises sought? The tract of Land in the Bill entitled "The Cley tract" The "Borden tract" and the "Coggins tract" the tract in the Bill mentioned, would be prejudicial to the interests of those entitled, and that a sale of the premises would obviously be premeditated of the interest of those entitled, the Court still further adjudge, order and decree That Henry Chapman do so is hereby appointed a Commissioner for such purpose; After having given twenty days notice of the time and place of sale, sell the said parcels of Land in the Bill and in this decree mentioned, at public auction to the highest bidder on a credit of six months. Have so much as will be required to defray expenses of Suit & Sale - which may be in Cash & take bond with <sup>ample</sup> security from the purchaser to report & account of his proceedings to this Court in order to a final decree in the premises. But this decree is to be suspended until the Commissioner executes before the Clerk of this Court in the Clerk's office a bond in the penalty of \$600. Conditioned as the law directs.

A. Copy

Test

N. P. Young Jr. cc.

In obedience to the decree annexed sold after more than twenty days notice sell at public auction at the court house on december 10<sup>th</sup> day all the lands mentioned in said decree. The Cley and the Borden tract was purchased by <sup>Hartwell</sup> ~~Hartwell~~ J. P. Pounce at \$450.00 and the coggins tract was purchased by Solomon bar at \$51.00. Both sales amounting to \$501.00 out of which <sup>Hartwell</sup> ~~Hartwell~~ J. P. Pounce paid all charges & commissions on first \$300. at 5 percent \$15.00  
Commissions on \$201. at 2 percent 4.02  
Buyers fee 6¢ 1.00  
Charges for decree 15.00  
all amounting to \$35.02  
which was paid by <sup>Hartwell</sup> ~~Hartwell~~ J. P. Pounce which a balance of \$415.02 for which he gave bond with Joseph P. Gay his surety. Solomon bar gave bond with <sup>Hartwell</sup> ~~Hartwell~~ J. P. Pounce his surety for fifty one dollar, all of which is respectfully submitted.  
The above bonds is paid over to, H. Chapman com.  
Benja. Chapman guardian for said orphans.  
H. Chapman com.

Indiana M. Eley

Copy sent

Martha Eley A.B.

A. Eley

My fee in this case  
paid by the Com<sup>d</sup>

R. P. Herring

My fee paid \$10

R. H. Hurlburt

Eley }  
Eley } Brown - Chy

On motion Nathaniel D. Young is appointed  
Guardian ad Litem to defend the infant respondent  
Martha Eley: and on by consent of Parties, this cause was  
this day docketed & by like appt, coming on to be heard  
on the Petn, answer & examination of deposed witnesses &  
was argued by counsel: on consideration whereof the  
Court ~~both then~~ being of opinion that a partition  
of the premises, to set the tracts of Land on the side, to wit, the Eley  
tract "the Broaden tract" & "Loffin parcel" the tract on the side now  
owned, would be prejudicial to the interests of those entitled, and  
that a sale of the premises would obviously be promotive of  
the interest of those entitled, the Court both therefore adjuged  
order & decree that, Harry Chapman who is hereby appointed  
a Commissioner for such purpose, after having given twenty  
days of public notice of the time and place of sale, sell the  
same said several parcels or tracts of Land in the Petn & on this  
above mentioned, at Public Auction to the highest bidder on  
a credit of six months, save so much as will be required to  
defray expenses of suit & sale which may be in Cost &  
to be paid with ample security from the purchaser - & report  
an account of his proceedings to this Court in order to a final  
order in the premises. But this decree is to be suspended  
until the Commissioner executes before the Clerk of this Court  
in his Clerk Office, <sup>a bond</sup> on the penalty of \$600 conditioned as the Law  
demands

Ely. V. Ely. sum

Eleg

N.

See over

Eleg

Aug 1837

J. L. at last

Aug 6. 1837

Tr. W. Carroll

Elegy.

Elegy.

brace

This Cause came on this day to be heard, on the papers  
formally read, and Report of Hardy Chapman made in pursuance of an order entered  
in at the July Term 1854 - to which no exception is filed: and was argued by counsel on  
consideration whereof, the Court doth adjudge, order and decree that on the payment  
by the several purchasers, of the "Land" or "tracts", the several amount due by  
them, that the said Hardy Chapman, will execute the a deed conveying, convey-  
ing to the purchaser or payors, the tract purchased by said Purchaser. And  
the Court doth further adjudge, order and decree, that Aug. Chapman Guardian  
to the said infants, is hereby directed to loan out the proceeds of said sale  
when collected, taking bond with sufficient security, (real) ~~if necessary~~  
and report the to Court, an account of his proceedings -

KNOW ALL MEN BY THESE PRESENTS, That we *Hardy*  
*Chapman & Thomas Hall*

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the sum of *Six*  
*hundred dollars* \_\_\_\_\_ to the  
payment whereof, well and truly to be made to the said COMMONWEALTH OF VIRGINIA, 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  
day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the said  
*Hardy Chapman, who by decree of the County Court of Isle of Wight, in*  
*the said of Indiana M. Ely v. Martha Ely, pronounced on the*  
*3<sup>d</sup> day of July 1857, is appointed a Commissioner to sell*  
*certain tracts of land in said decree mentioned & take same,*  
*& make report to Court &c.*

shall faithfully discharge the duties of his said office, then this obligation is to be void, or else  
to remain in full force.

Signed, sealed, acknowledged and  
delivered in the presence of }

*A. P. Loring*

*H. Chapman*

*T. Hall*

\*\*\*\*\*  
X SEAL. X  
\*\*\*\*\*  
\*\*\*\*\*  
X SEAL. X  
\*\*\*\*\*  
\*\*\*\*\*  
X SEAL. X  
\*\*\*\*\*

Ely

at  $\frac{2}{3}$  Com. Bond

Ely  
F