

CONTENTION OVER THE ESTATE OF ELEANOR GRIER

Sometime in the year 1791, Eleanor "Nelly" Mitchell landed at the port of Charleston accompanied by her brother, James Mitchell. Eleanor had separated from her husband, James Gault, in Larne, County Antrim, Ireland. Her son, James Gault, Jr., stayed with his father in Ireland.

Not long after arriving in South Carolina, Eleanor Mitchell married Robert Grier in York District. When Robert Grier died in 1818 or 1819, Eleanor inherited half of his estate. Grier's nieces and nephews inherited the other half.

Eleanor Grier's pleading letters to her son James in Ireland increased. Finally, James relented, sold his cottage, a dozen acres, two cows and a horse, and brought his wife, Betty Gingles, and their children to the United States.

James and Betty Gingles Gault brought with them a married daughter, Barbara, and her husband, William Wham, as well as their younger children — John, James, Joseph, and Elinor Gault. They arrived at Baltimore in 1820 and were met by a Mr. Bell of Chester District, who drove a wagon to Baltimore. Mrs. Grier had hired Bell for \$130. She gave Bell \$30 to start the trip and \$100 when he returned with her family.

Bell found the family but before they got out of Baltimore, James Gault, Jr. died. In 1824, his widow, Betty Gingles, died. This left the children in the care of their grandmother Grier. In 1831 Eleanor Grier died without leaving a will. A grandson of Eleanor's brother, "Capt. Jimmy" Mitchell, James M. Love, was made administrator of Eleanor Grier's estate.

Love decided that the Gault children were not legitimate heirs to Mrs. Grier's estate. He contended that Eleanor Mitchell had never married James Gault, Sr. This denial of the Gault children's claim prompted the suit "William Wham and Barbara his wife, et al, vs. James M. Love, et al" in the York District Equity Court.

Love's case rested on the hope that the marriage of Eleanor Mitchell and James Gault, Sr. could not be proved. Love also charged that the complainants were foreigners and aliens — a point that got little attention.

The Whams were able to assemble a number of witnesses who had known the Gaults and Eleanor Mitchell in Ireland.

John Gault, Sr's younger sister, Nancy Woodside, of Greenville District, was too "aged and infirm" to travel to Yorkville but dictated a statement that her family in Ireland considered John Gault, Jr. to be legitimate — that he inherited "in exclusion of all other kindred a large property" from his grandfather Gault. Fourteen citizens vouched for Nancy Woodside's "virtue, discretion and veracity."

Witness after witness testified that "females in my time always were called by their maiden names." For Eleanor to be known as Mitchell while married to Gault, they each said was common. They also knew Eleanor in Ireland as either Nelly or Ellen.

All witnesses for the Gaults agreed that Eleanor left John Gault, Sr. because of differences with Gault's mother. Some witnessed that many lawful marriages were never recorded in the parish books.

Samuel Snoddy testified that he was present the day the earth bank of a quarry caved in on John Gault, Sr. Snoddy visited Eleanor Grier soon after he arrived in America and informed her of her former husband's untimely death. Snoddy testified that Eleanor wept.

The testimony given by witnesses Mary McNinch, James Ford, Henrietta Hemingway, William W. Coker, James Alexander, Robert Meek and William Wilson allows the reader of the court records to piece together the evidence. It is revealed that Eleanor had an earlier husband than Gault, named only as "Mr. Knox." And, her second husband, John Gault, Sr., lived with Jane McCracken after Eleanor came to America.

The witnesses traveled great distances. William Wilson traveled 474 miles round trip and spent 23 days in Yorkville. Robert Meek traveled 192 miles and spent 17 days. Each witness received a dollar a day, and three cents a mile for his trouble.

October 13, 1836, Judge John B. O'Neill endorsed the decision of the jury that the Gault children were the rightful heirs of Eleanor Grier.

And so ended five years of contention over whether or not Eleanor Mitchell was legally the mother of James Gault, Jr.

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[Note:

"if you should re-run your article...the Wham brothers did not come over with the Gault family but were already in Chester County where they met the Gault "children" after they left the home of their grandmother, Ellen Mitchell Gault Greer. After checking the documents and comparing to birth records plus granddaughter Eleanor Gault Wham's bible records & obit, the girls were married AFTER they arrived in America. They were youngsters when they arrived with their parents."