

1803-019

Dale of Wight County

Chancery Causes: John Seabrook Wills, the Elder & Mills Wills vs
William Gooseley

Mills Wills vs William Gooseley
Mills Wills vs William Gooseley

other SURNAMES: Davenport,
Govan

Complainants may have such other and farther relief therein as the nature of their case shall require — May your Worships, upon consideration of the premises, to grant unto the Compts, not only a writ of injunction, to be directed to the s^d. William Gooseley and all others in authority under him, to restrain him and them from proceeding at ~~unlawful~~ law against the Compts or either of them touching the matters in question, — but also a writ of Subpoena to be directed to the s^d. William Gooseley, and his confederates, when discovered, thereby commanding him and them, at a certain day and under a certain penalty, personally to be and appear before your Worships in this Court, then and there to answer the premises, and to stand to, and abide by such order and decree therein as to your Worships shall seem proper —

Meint M^r. Robinson
for the Compts

Will^m & Will^m
v. Bill
Gooseley }

on the 1st day of August did not exceed 25% for 100 lb thereof, yet
the 1st Goosley, intending to injure and defraud the Complainants in and
respecting the premises, has credited and set-off the 1st £76.6 against
the 1st second judgment, after the high rate of 32% for 100 lb of tobacco,
and for the balance of the 1st second judgment thereupon appearing, to
wit, 2310 lb of tobacco, has since, on the 16th day of August in the
year of Christ 1789, sued out a writ of fieri facias, directed to the
Sheriff of the 1st County of Isle of Wight, and by virtue thereof caused
divers goods and chattels of the 1st Mills to be seized and taken by the 1st
Sheriff in order to obtain the said balance, altho' the 1st Goos-
ley was fully acquainted with the facts and circumstances above
set forth, and must have known that had he applied the 1st £76.6
in the manner stipulated and agreed upon at the time of paying
the same, and as is expressed in the acquittance afore-mentioned,
it would have been nearly, if not fully sufficient to have dis-
charged the said second judgment — But now so it
is, that altho' the Complainants have repeatedly called on
the 1st Goosley and requested him to apply the 1st £76.6 to-
wards the payment of the 1st second judgment agreeably to the
terms mentioned in the 1st acquittance, yet the 1st Goosley,
(combining with divers others, unknown to the Complt, but whom
they pray may be made parties and Defts here to when discovered,
in order to injure and defraud the Complt in the premises) has
hitherto refused and still does refuse to appropriate the 1st £76.6
pursuant to his agreement expressed in the afore-said acquittance
— in tender consideration whereof, and for as much as
the Complt are only and properly releasable in a Court of
Chancery — and to the end that the 1st William Goosley,
and his confederates, when discovered, may severally and respect-
ively upon their oaths, true and perfect answer make to all and
each of the allegations, facts, and circumstances above set forth,
as fully and particularly as the same were here again repeated and
interrogated — That the 1st £76.6 may be credited and set-off
against the 1st second judgment agreeably to the terms stipulated at
the time of the payment thereof as afore-stated — and that the

To the Justices of the County of Isle of Wight in Chancery sitting —
John Scarsbrook Wills, the elder, and Mills Wills, humbly —
complaining, shew — That at a Court of common law holden for the
said County in November in the year of Christ 1783, William Gooseley,
obtained a judgment against the Complainant
of John S. Wills for £200, but to be discharged by the payment of 6000
lb of inspected crop tobacco, at the ware-houses at Hanover Town,
with lawful interest thereon from the first day of January in the year
of Christ 1782, and the costs attending the said judgment, to wit,

— That on the 15th day of September in the year of Christ 1784 the
s^d Gooseley sued out of the s^d Court a writ of fieri facias upon the
said judgment, which was levied upon certain goods and chattels of
the s^d John S. Wills, who thereupon replevied the same on the 6th
day of October in the year last mentioned, by entering into a bond with
the Comptrol Mills Wills as his security, agreeably to the terms pre-
scribed by the laws then existing — That at a Court of common
law holden for the s^d County of Isle of Wight in December in the
year of Christ 1785 the s^d Gooseley moved for and obtained a judgment
upon the s^d replevin bond against the s^d Mills only, for 12000 lb of
tobacco, but to be discharged by the payment of 6000 lb of crop to-
bacco with legal interest thereon from the first day of January
in the year of Christ 1782, — and the costs, to wit,

— That on the first day of December in the year of Christ 1785 the
said Gooseley sued out a writ of fieri facias upon the second
judgment afore-mentioned, which writ was returned without hav-
ing been levied — That on the 17th day of August in the year
last afore said the s^d John S. Wills paid (by the hands of one
Thomas Pierce, since deceased) unto the s^d Gooseley £76. 6, which
(agreeably to an acquittance then given for the same) was to
be appropriated towards the payment of the s^d 6000 lb of tobacco
at such rate as tobacco currently sold at Page's

on the 5th day of August
then next preceeding the said payment — And that, altho' the cur-
rent price of tobacco at Page's

~~John~~
~~of the~~
~~as~~
~~and~~

Wills

v.

Gooseley

{ Bill of
Injunction

Sept. 1789

Bill filed & time & logie
Bond at next Court

Novemb. 1789

Cont'd for answer

April 1790

Cont'd for answer

May 1790

Alta for answer

June 1790

Alta & answer

Aug. 1790

Alta with Procd.

November 1790

Dist. no Subst. & Proclam.
according to law

April 1791

Bill to him pro. confes.

August 1792 1st day

Response like tomorrow

2nd day Service of Pro. & C.

and return to Rules & C.

and the Bill

To the worshipful Court of the of Wight sitting
in Chancery.

Humbly complaining shew to
y^r Worships of Crator ^{Falices Wells} ~~John John Wells~~
that William Goosley instituted a Suit upon
a Tobacco Bond against y^r Crator as a secu-
- rity to ^{William} Davenport for the Recovery

of Six thousand pounds of Tobacco &
Interest ^{said Crator} that y^r Crator confessed judg-
ment ^{that soon a judgment was recovered against y^r Crator} & hath since paid the sum twenty

six pounds six shillings which ^{of Tobacco} was to
be credited at the Current price as it then
passed at Hanover Ware Houses which price
y^r Crator says he is Creditable in form
ed ~~was twenty eight~~ ^{was} twenty five shil-
lings. y^r Crator further shew to y^r Worships

that s^r Goosley instead of using the Tobacco
at ^{the rate of} twenty five shillings per Hundred Weight
hath settled at thirty two shillings &

issued execution thereon as y^r Crator
for the Balance which appeared to be
due upon the settlement of thirty two
shillings instead of twenty five shillings
per Hundred weight all which actions
& doings are unjust & oppressive & tend
to the manifest injury of y^r Crator
and are only properly replicable in
this worshipful Court.

To the End therefore that William Goobly
may upon his Corporal Oath, ^{make} full true
& perfect Answer to all & singular
the allegations in this Bill contained
& more especially set forth whether
he did not constitute as such an Apr Court
as is before set forth whether y^e Deator
did not confess a judgment whether he hath
not paid the Sum of ~~twenty~~ ^{twenty} five pounds
six shillings whether it was not ^{to be dis} ~~to be~~ ^{posed} ~~posed~~
counted at the Current price at Hanover
Warehouse at the Time of payment whether
that the Current price was not twenty Five
shillings whether he has not valued it at
thirty ^{two} shillings per Hundred Weight instead
of twenty Five shillings per Hundred—
whether he hath not issued an Execution
for the Balance at the rate of thirty two
shillings per Hundred & that by a De-
cree of this Worshipful the s^d William
Goobly his Counsellors aiders & abettors
may be charged & enjoined until such
Time as the matter may be heard in
Equity. May it please y^e Worship
to grant the Common Wealth with
writs of Injunction &c. R^t Godwin

To the Justice of the County Court of Middlesex, sitting
in Chancery. The Answer of Wm. Grosby of the Town & County
of York, to the bill of Complaint exhibited against him in
this Honourable Court by John Sch. Mills the Clerk, & Mills
Mills. This Respondent saving & reserving to himself
all advantages & benefits of Exceptions to the many un-
certain & insufficiencies in the said Bill - for Answer
thereto or to so much thereof as he is advised is material
for him to answer, he answers & saith, that he admits
it to be true that Judgement was obtained by him against
the Complainant ~~John Sch.~~ John Sch. together with a
certain Wm. Davenport in the month of November 1783,
as stated in the Bill; that an Execution issued on the
same, & was ^{was} kept the property taken on it, & received,
& that the sum of £46.6.0 was paid this Respondent,
on or about the 17th of Aug^r 1785, in part of said Judgment
& a receipt signed by him in the same form and
manner as in the Bill expressed: But this Respondent
positively denies that the price of Tobacco at the Auction
at Hadover Town, on the 5th day of August 1785 (the
time to which the Receipt spoken of refers) was at
or under 25% of 100. And avers that from the information
he at that time obtained from Merchants of respectability
then in the habit of purchasing that article at that
Place, 32 to 33% of 100 was currently given; & this, this
Respondent firmly believes the Complainant John Sch.
well knows, notwithstanding his affected Ignorance in
the premises. That this Respondent, under a thorough
conviction of the truth of the information obtained,
credited the aforesaid payment at the lowest price of
the Tobacco consequently most in favour of the Complainant
when there remained due to this Respondent 2310^{to} of
Twelve Pence cts. for which ^{thing} Respondent waited

patiently, reasonably expecting that a sense of Justice
operating on the Mind of the Complainant John Scho (the
real Debtor) would ~~compel~~ ^{influence} Him to pay the same in
some short time, without further recurrence to Law on
the part of your Respondent: But to it was, may it
please your worship, that having, in four Years, found
this expectation vain & ill founded, this Respondent was
under the necessity of issuing out a writ of *Fiore Facias*
to enforce the payment of the same: when the Complainant,
contriving & intending to defraud & injure your Respondent,
appeared to this worshipful Court & by misstating a
material point or fact, obtained a writ of *Injunction*
which prevented the operation of the ~~same~~ ^{that} Precept, to
the great injury of ~~the~~ Respondent.

The Exhibits accompanying this Answer, this Respondent
trust will fully support the material Allegation contained
in it, & ~~show~~ away that Equity which appeared in
the Bill of the Complainant. Your Respondent denies
~~the~~ ^{all} Combination alleged & prays to be hence dismissed
with his reasonable costs -

Yours truly so.

Before me, one of the Justices for the said County,
Wm. Gooshy, this day made oath that the several Matters &
Things stated in this Answer, so far as the same are said
to be on his own knowledge, are true; & that such as are
said to be on the information of others, he believes to
be true. Given under my Hand this 30th of April 1794.

Wm Reynolds

Wills

~

Gooseley

}

Injunct

Sp. a ~

The Commonwealth of Virginia to James Wills Gent. Sheriff
of Isle of Wight County and to William Goosely his Counsellors,
attorneys, Solicitors & Agents and every of them greeting; whereas
it hath been Represented unto the Court of the County of Isle of
Wight in Chancery on the part of Miller Wills who hath prayed
that he may have our writ of Injunction for stay of all
further proceedings at common law, until hearing of his
cause, We therefore in consideration of the premises aforesaid
do strictly enjoin and command you the said Sheriff William
Goosely &c and all and every the persons before mentioned
that you & every of them do absolutely desist from all further
proceedings against the said Miller Wills on a Judgment ^{& execution} obtained
in our said County ^{County} of Isle of Wight against him by the
said William Goosely until the hearing of the said Cause in
Chancery, Witness Francis Young Clerk of our said Court at
the Court-house the 15th day of September 1789 in the fourth
year of the Commonwealth

Francis Young

For not appearing to answer a Bill of Injunction
Exhibited against him by Mills Wills by order of
Court

Thos. Young Esq.

Wm. Wills

Wm. Wills & Co.

Wm. Wills

Wm. Wills & Co.

The Commonwealth of Virginia To the Sheriff of Isle
of Wight County Greeting; The Command was that you
Arrest William Cooselia so that you have his body before our
Justices of our Court at our said County in Chisbury at the
Court house on the first Monday in August next to answer us
as well of a certain Contempt by him to us ordered as it is
said as upon those things which to him then there shall
be objected & further to do and receive what our said Court
shall in this part consider and this you shall in no wise
omit - And have then there this Writ Witness Francis
Young Clerk of our said Court at the Court house
the 10th Day May 1790. in the 17th year of the Commonwealth
Francis Young

Wells

104 } attn with procds.

Gooseley

defendant no inhabitant
procla^d according to
Lawⁿ

James Wells M

August 1792

Service of Sp^{al} Repl. & by
consent & mandis to the Repl.
of leave given to amend the Bill

For not appearing to answer the Bill of Complaint exhibited
against him by James Wells

By order of Court

Thomas Young Clk

The Commonwealth of Virginia To the Sheriff of Isle of wight
County Greeting; We Command you that in all and singular places
in your Shire, whento you shall from most Excellence you
Cause it publickly on your part, to be proclaimed that William
Goosley under the penalty of this Allegiance before our Justices of
our ~~said~~ Court of our said County in Chancery at the Court house
on the first Monday in November next, personally do appear
and ~~nevertheless~~ the said William Goosley in the mean time if
you can find you attack so that you have his body before our
Justices of our said Court at the Day of our said to answer us as
well of a certain Contempt by him to us offered as it is said.
as upon those things which to him, then and there, shall be objected
and further to do and receive what our said Court shall in this
part Consider, and this you shall in no wise omit, And
have then there this Writ Witness Francis Young Clerk
of our said Court at the Court house the 7th Day of
August 1790 in the 15th year of the Commonwealth
Francis Young

Notes

Mr William Gooseley.
Sir,

You will take notice that I shall
proceed, on the third or day of October next, ~~at~~ the house
of John Syme Esq., of Stanour County, ~~between~~ the
hours of ten of the clock in the morning ~~day~~ of the
clock in the evening, to take the affidavit of the
said Syme to be read as evidence in a certain
suit in chancery upon an injunction now
depending & undetermined in the County Court
of the Co. of Wight, wherein you the said
William Gooseley are defendant and my-
self plaintiffs — I am, Yr. obt. Serv^t

Wm. Wills
Smithfield Aug: 6. 99

To
Mr. William Gooseley
York Town

York County Sec.

Virginia

Capt. Henry Howard came before me
and made oath that he delivered W. Wm. Gooseley a true
copy of the above notice given under my hand this 19th
of August 1799

Ro: Sheld
—

W. Mills

Sir,

Be pleased to take notice that I shall on the twenty second day of December next, at Moss' Tavern in the city of Richmond between the hours of ten in the morning, & four in the afternoon, take the Deposition of James Govan Esq., to be read as evidence in a certain suit in Chancery, upon an Injunction now depending in the County Court of Isle of Wight, in which you are plaintiff and I am defendant; Should Mr. Govan be unable to attend at the time above mentioned, the deposition is to be taken at the same place, & between the same hours on the succeeding day. I am Sir

W. W. Servant

W. Goosley

York 26th Oct. 1801.

Isle of Wight County to wit.

Geo. Goosley this day appeared before me a Justice of the peace for the said County and made oath that on the third day of the present month he delivered to the within named Miller Wells a notice in writing of which the within is a true copy. Given under my hand this fourth day of December 1801.

Geo. Purdie JP



William Goosley Esq.
York Town Va

Dear Sir,

Poughkeepsie, 7. April 1802

I have transmitted the affidavit
you sent me last-expected a day or two ago,
I am sorry it has been so long withheld from you,
owing (as you conjectured) to the difficulty of getting
two magistrates to attend in a remote corner, &
my seldom going from home.

I am Dear Sir,

Yours very resp^t

James Givan

Dear Sir,

You will find in the office of this county the Dep^t of A. G.
9.12. to be read as evidence in the case of Wells & Goosby inj^r. - I have
left with Mr. Roberts of the Judge a notice to be served on Wells which
if done will enable you to disprove his inj^r. at the next court. The
is to the first day of the court! Wells will probably consent to a decree
Mr. Rich^d. Byrd.

Y^r O^r. Geo. Goorley

To Mr. Mills Wills of Isle of Wight

Sir. You will take notice that on the first day of Isle of Wight Court holden at the court house of the same County on the first Monday in April next, a motion will be made against you by my attorney to disprove an injⁿ obtained by you to a Judge^t rendered by the County Court of Isle of Wight in which I was plaintiff, & yourself, & John Scarborough Wills were defendants. —

You will also take notice that on the morning of the same day, ^{at the same place} the Affidavit of Geo. Gosley on a matter relative to the same suit will be taken to be read in Evidence. I am Sir Your Ob^d

William Gosley

March 14. 1803

I acknowledge the service of the above notices.

Mills Wills

This day George Goosley personally appeared before me
a Justice of the Peace for the County of ~~St. Louis~~ ^{St. Louis}
& being first duly sworn, saith, that it ^{was} agreed with him
by W. Mills Mills that the ^{filed with the papers of the case} letter of W. Govan should
be read in Evidence in the suit of Mills vs Goosley
before the worshipful Court of St. Louis now depending;
that this application was made in character of attorney
for William Goosley, & that W. Mills consent was
readily obtained because from W. Govan's ill state
of health, it was inconvenient for him formally to
give his deposition or affidavit, & because it seemed that
W. Mills was inclined to admit what was just & Equi-
table. Given under my hand this 4th day of April

1813 — These submissions were made before
the signing hereof. —

Geo. Benn

Hanover County — Now it.

The Affidavit of James Govan of the County of Hanover, taken to be used as testimony in a cause depending in the County Court of Newington on an Injunction, in which Mills Wells is now Plaintiff and William Gooshy Defendant.

The said James Govan, before me the undersigned, a Justice of the Peace for the County — aforesaid, this day made oath that on the 4th day of August in the Year of our Lord one thousand eight hundred and eighty five he paid thirty Melling's 10 hundred pounds w.^h for tobacco of the Hanover town Inspection, and that he believes that was the current cash price of that Article at that time —

Given under my Hand & Seal this 5th day of April 1802. —

Wm. C. Phillips
Deputy

Norfolk. 17.th Aug 1785 rec^d of the hands of Capt
Thomas Pein the sum of Seventy six pounds & exp^t of
my Just^{ice} in Plainte betw^{en} of A. Pomeroy & Mills
to pay tobacco as it was current at Pages the
5th of the present month — W. Gossly.

£76.6

Goodbye

Colo. Miller's Order to
T. G. to sign his name &c.

Dear Sir,

15th. Sept. 17, 09.

As I go to Carolina to morrow & it's uncertain whether
I may return by our next carrier, you'd please to ~~sign~~ my name to an
Indorsement bond, Gooshy vs. Will, &c.

I am yours &c.

W. Francis Young.

John S. Will.

Mills

v.

Goosely

{ Lyman's
Bond in

Know all men by these presents that we Miles Mills, John Sch Mills & Francis Young are held & firmly bound unto William Gooseley in the sum of sixty pounds five shillings current money of Virginia to which payment well & truly to be made unto the said William Gooseley his heirs or assigns we bind our selves overtly each of our heirs Executors & Admors Jointly & severally firmly by these presents sealed with our Seals & Dated this 15th Day of September 1789.

The Condition of this obligation is such that whereas the said William Gooseley hath obtained a Judgment & Execution at Common Law against the said Miles Mills in the County Court of Isle of Wight for the sum of two thousand three hundred & ten pounds of Tobacco & Interest & the Costs, and the said Miles Mills hath obtained an Injunction to stay the Execution of the said Judgment until the hearing of the matter in equity upon a bill filed for that purpose. If therefore the said Miles Mills shall satisfy & pay the said Judgment at common law and all costs & Damages that shall be awarded to the said William Gooseley in case the Injunction shall be dissolved then the above obligation to be void and of no effect or else to remain in full force & Virtue.

Sealed & delivered
in presence of

Francis Young

Miles Mills Seal

John Sch Mills Seal

Francis Young Seal

Richmond 22^d Dec^r 1785.

I hereby Certify, the General Cash Price for Tobacco at the Hanover Warehouses, as nearly as can be collected, were on the 5th of Sep^r 84, Twenty Eight Shillings per C^t, on the 5th of Sep^r 85, Twenty five Shillings per C^t. Stem'd Tobacco sold higher, at various prices,

J. M.

Hanover County to Wit,

This day, ~~Sept~~ ¹⁷⁹⁹ Gen^l personally appeared before me a Justice of the Peace for the County, and made Oath to the Certificate annexed, agreeable to notice Inclosed, Certified under my hand this Third day of October 1799.

Jⁿ^o Thompson

Bot. Lyons City
of the Dec. of
1850.

Willis Will. Egeus

of White