

1813-013

Chancery Causes'. Henry Tynes vs William Smelly

Isle of Wight County

other surnames Smelley

all

Bill

by

1898 till filed

for publication

with 1899 record

and on the

(one minute)

March August

1899

Super  
m  
Amely

such sum as they may be able to get taking bond  
with security for the same and assigning the  
said bonds to your estate until his debt  
may be discharged. and your estate prays  
that an order of publication may be granted  
and that your worship would grant subsidies  
and further relief in the premises as may be  
consistent with equity and your estate will  
etc -

Sworn to in Court 5th Sept 1608

M. Young

To the worshipful Court of Isle of Wight in Chancery  
sitting - Humbly complaining sheweth unto  
your worships your orator Henry Tyner. That a  
certain William Smelly formerly of this County by  
his certain sealed writing bearing date the first day  
of November in the year eighteen hundred and  
seven became indebted to your orator in the sum  
of fifty four pounds - which writing obligatory is  
hereto annexed and prayed to be taken as part of  
this bill. your orator represents to your worships  
that said Smelly from the most authentic infor-  
-mation which can be obtained has settled in the  
Western Country so that there is little or no prob-  
-ability of his ever returning to Virginia - your  
orator further states that said Smelly when he  
left Virginia owned some personal property all  
of which has been attached and otherwise  
secured by his creditors and that he has no  
prospect of obtaining the amount of this  
claim unless it is by subjecting a tract of  
land to the payment thereof - In tender  
consideration whereof and in as much as your  
orator is remediless in the premises except by  
the intervention of this worshipful Court he  
he prays that your worships would decree the  
said land to be rented out by  
commissioners annually for

Types

as

one

Spar. in Chy

Samelly

Trugant P. q.

Not found within  
my Ball with

D. W. Mills & Co

The Commonwealth of Virginia to the Sheriff of Bedford County (greeting); we command  
you to summon William Smelly

to appear before the Justices of our county court at the courthouse of said county on the first  
Monday in November next then there to answer a bill in Chancery against ~~him~~ exhibited  
by Henry Tynes

and this ~~you~~ shall in no wise omit under the penalty of £100 Shave this then  
this writ. Witness Nathaniel Young Clerk of our said court at the Courthouse  
the 23<sup>rd</sup> day of August 1808 in the 33<sup>rd</sup> year of the Commonwealth

Nathl. Young

Smally

no

to

Spencer

L 54-010

One day after it appeared to have been  
seen to Henry Jones the first in full force of  
the above named current was by it his young  
at a low level but very handsome but that  
the point of November 1807  
lost

David Jones

Bo 3 West No 1  
L

Mr. Robert West

16 High Street

1808

Oct 11

To admit in Norfolk & P<sup>r</sup>ov<sup>in</sup>  
General Order of Society of Friends  
Lieut Henry Sympson of the 6<sup>th</sup>  
Regt for 2 months.

Wm  
Tenn

Y<sup>r</sup> a friend & Admirer

Report of the  
Commissioners acting  
under a decree of  
the Court in the case  
of *Synes vs. Smalley*

*Synes*

or *Report of com?*

*Smalley*

Dec. 1813 not 1812

December

*Adgms*

1813

William Smelly

1807

Nov. 10<sup>th</sup>

To Henry. Tynes. Chs

|                                                 |                    |
|-------------------------------------------------|--------------------|
| To amount of Obligation of this date            | £54. 0. 0          |
| " Interest to 3 <sup>rd</sup> of December 1809. | 6. 15. 0           |
|                                                 | <hr/> 60. 15. 0    |
| Then paid.                                      | 9. 1. 0            |
| " Interest on balance to Dec. 1810.             | 51. 14. 0          |
|                                                 | <hr/> 2. 16.       |
| Then paid.                                      | 54. 10. 0          |
|                                                 | <hr/> 32. 12. 0    |
| " Interest to Dec. 1813. is 3 years.            | 21. 18. 0          |
|                                                 | <hr/> 4. 14. 10    |
|                                                 | <hr/> £ 26. 12. 10 |
| <del>the to be paid amount of 1813.</del>       |                    |
| <del>To pay</del> Both of the above -           | 3. 4. 2            |
|                                                 | <hr/> £ 29. 14.    |

amt. of Rents Received To wit

|                           |                  |
|---------------------------|------------------|
| The amt. of Rent for 1809 | £9. 1. -         |
| " " " " 1810              | 32. 12           |
| " " " " 1813              | 32. 15. 6        |
|                           | <hr/> £ 74. 8. 6 |

Paid Tynes. 71. 7

Trouble and commissions. 3. 1. 6

for 15 Years, of three Commissioners -  
- ones - Robt. Daffells, Rich<sup>d</sup>. Pope } 4. 10 -  
and Henry W. Wills }

Balance due the Commissioners - £1. 18. 6

Isle of Wight County Court March 1809

Henry Sykes

against

William Smelly

Complainant

Defendant

In Chancery

On the motion of the complainant by his attorney, this cause this day came on to be heard upon the bill and other exhibits, Whereupon it is decreed and ordered that William Jordan, Robert Deshul, and Henry W. Mills, or any two of them, do rent out for the best price, the tract of land with the appurtenances thereunto belonging, whereof the defendant William Smelly is seized in fee, until the rents so made amount to a sufficient sum to discharge the debt due to the complainant, of fifty four pounds with interest thereon from the tenth day of November Eighteen hundred and seven till paid and the cost of this suit. And that they take bond with security for the payment of the rent annually, and assign the said bond to the complainant Henry Sykes, till the debt, interest & costs aforesaid shall be fully paid and discharged.

Attest Teste Daniel [illegible]

Received December 3<sup>d</sup> 1809 from Mr Jordan, Henry W. Mills, and Robert Deshul. Commissioners Appointed by the Court of Isle of Wight to carry in to effect a Decree in the case of Henry Sykes vs. William Smelly, the sum of Nine Pounds and Shillings for the Rent of the Plantation & Mill belonging to the said Smelly for the year 1809 also the Rent of said Plantation & Mill for the year 1810 for twenty six pounds twelve Shillings and as I Henry Sykes have rented the Plantation & Mill I do hereby promise to fence & tend the Orchard joining Sepia Church to Repair the Mill house as Farms of Renting and not to send any of the Manure Plantation in corn except the Orchard as far as the Barn on the east side of the Road

Wm. Sykes Am. paid in part of the Decree

and [illegible]

Rent 1809 - £9.1

do 1810 - 26.12

Henry Sykes

Jan<sup>y</sup> 16<sup>th</sup> 1811 Rec<sup>d</sup> of Henry W. Mills, Robt. Deshul & Rich<sup>d</sup> prop<sup>rs</sup> twenty dollars in addition to the last years rent in part of a decree in Chancery vs Wm Smelly for fifty four pounds with 6% interest from 10<sup>th</sup> of November 1809

Re. Jordan

Henry Sykes

26.12  
20  
5.12

5.3

*Handwritten notes in the top left corner, possibly a list or address, including the word "St."*

Henry Lynes  
to { Recd.  
Wm. Andrew & others, Commissioners  
Recd. Paper in lieu  
of London

1312  
3104  
6  
87

with c.  
invaluable  
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to the  
the  
the  
the

In Obedience to the annexed decree of the Worshippful Court  
of Isle of Wight County we the undersigned Commissioners  
Respectfully report as follows. To wit. That the land &  
Plantation &c. in the Order mentioned was rented out to  
the highest bidder for the year 1809 for Nine pounds  
one Shilling which sum was paid over to Henry Fynes  
as per his receipt hereunto attached. That for the year  
1810 the premises were rented out to the highest Bidder  
for the sum of Thirty two pounds twelve Shillings  
which was also paid over to the said Henry Fynes  
as per his receipts hereunto also attached. That for the  
years 1811. and 1812 The premises were let out (to the  
lowest undertaker) for the repairs of the Mill, so that  
no money was drawn for that period. That for and  
during the present year (1813) The premises were  
rented out to the highest bidder for the sum of  
thirty two pound 15/6 which will become due at  
the end of this year and so much thereof as will  
satisfy the said Fynes's Claim will be paid over to him  
and the balance held subject to the will of the  
Court - The undersigned for the better informa-  
-tion of the court here subjoin an Account current  
Between the said Fynes and William Smelly  
founded on the decree of the Court. -

Robert Darshire  
Jy Wm  
Brick. Pope

*At a Court held for 1st. of Wight county,  
the 5th day of Sept. 1808.*

HENRY TYNES, Complainant, }  
                  Against                } *In*  
WILLIAM SMELLY, Defendant, } *Chancery.*

ON the motion of the Complainant by his Council, and it appearing to the Court that the Defendant is an absconding debtort *It is ordered*, that unless the said Defendant appear here on the first day of Decembe, Court next, and answer the Complainant's bill, and give security for performing the decree in this case, the bill shall be taken for confessed: *And it is also ordered*, that a copy of this order be published in the Norfolk Hera'd for two months successively, and posted at the front door of the court-house of the said county.

*A copy.                Teste.*

NATH'L. YOUNG, C. C.