

1823-001

Chancery Causes: John Blair vs Mill Eley

Sale of Wight County

1829			Miss Eley		De John Blair			
Feb	7	To 3 primers 2/3 1 lb. Raisins 1/5						" 62 1/2
April		" 25 Sugar 25/ 2 Raisins 3/19 1 lb. nutmeg 1/10	4.98					
		" 1 Raisins 1/5 2 lb. Pepper 1/5	.50					5.48
May		" 5 Coffee 2/3 29th 42 Sugar 1/3 1/2 1 lb. nutmeg 3/1	14.87 1/2					
		" 1 lb. nutmeg 1/5	1.00					15.87 1/2
June		" 1 Baril Herring 33/ 5 Coffee 1/3 molasses 1/10						9.31
July	26	" 8 Sugar 29 5 Coffee 2/3 1 lb. nutmeg 3/1	3.50					
		" 2 1 lb. Corn 10/5 6 yds. Homespun 1/5 1 lb. fish 33/	8.75					
		" 1 Nail 9 Tobacco 4/6 Caper Sauce 1/5	1.12 1/2					
	27	" 1 Paper prim 1/5 muslin 3/9 fan 1/5 1 lb. nutmeg 3/1	1.94					15.31 1/2
Aug	1	" 1 lb. Corn 5/3 12 Paper 2/3 20 Flour 6/ butter 3/1	2.75					
	9	" 3 yds. 1/2 n. d. 1/5 1/5 8 Sugar 6/1 1 lb. Corn 22/	6.81					
		" 1 Flour barrel 1/5 13 lb. 3 yds. ribbon 1/5 15 lb. 4/6	" 8 1/2					
		" 3 1/2 yds. Gingham 1/5 1 lb. nutmeg 2/3 small mug 4/6	1.31					
		" 12 lb. Cambric 3/9 14 lb. 2 Cucumbers 1/10	" 94					
		" 1 lb. Water mutton 1/2 2 musmelons 1/10	" 31					
		" 12 Iron 1/4 lb. Salt 9 1 lb. Cambric muslin 3/9	1.50					
		" 1 lb. French lawn 9/ 1 lb. 1/5 15 lb. large 2/3 1 lb. 1/5 1 lb. 1/5	3.19					
	21	" 1 lb. Linen 4/6 Tobacco 4/6 8 Sugar 6/ 2 Coffee 4/6	3.25					
		" 6 small mugs 2/3 nutmeg 4/6 1 lb. nutmeg 1/5 4/6	" 50					21.43 1/2
Sept	1	" 20 Flour 6/ 1 Corn 2/3 3 1 lb. fish 30/ 1 Coffee 2/3	7.75					
	7	" 3 1/2 yds. Homespun 1/5 1 lb. Corn 4/6 10 lb. 10 lb. 3/1 1 lb. 1/5	2.87 1/2					
	10	" 8 yds. dimity 2/3 6 yds. linen 1/5 2 lb. nutmeg 4/6	9.00					
		" 1 lb. Cambric 1/10 12 yds. Calico 2/3 1 lb. 1/5 1 lb. 1/5	6.81					
		" 4 Candles 1/5 2 Sugar 1/5 20 lb. 1/5 14/100	3.30					
	17	" 21 Sugar 1/5 3 Coffee 6/ 2 powder 4/6 Tobacco 4/6	6.12 1/2					
		" 1 lb. 1/5 15 lb. 2 Tobacco 1/5	2.69					38.55 1/2
Oct	7	" 7 Coffee 2/3 1 lb. Spice 1/5 1 lb. 1/5 10 lb. 1/5 9	16.62 1/2					
	10	" 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5	2.56					
		" 1 3/4 4 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5	2.84					
		" 50 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5	7.75					29.77 1/2
Nov	1	" 26 Nails 29 lb. 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5	7.75					
		" 2 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5	4.29					
	20	" 5 Coffee 1/3 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5	14.95					26.99
Dec	14	" 10 Sugar 10/ 5 Coffee 1/3 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5	4.53					
1820		" Tobacco 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5	2.56					7.09
Jan	7	" 20 Sugar 20/						3.33
Mar		" 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5	6.03					
		" 13 3/4 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5	2.29					8.32
May		" 10 yds. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5	3.62 1/2					
		" 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5	" 31					3.93
June		" 2 yds. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5	2.12 1/2					
		" 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5 1 lb. 1/5	" 8 1/2					3.00
							189.02 1/2	

	To amount brought forward		189.02½
July 7	" 8 Sugar 6¢ 8 Soap 6¢ 1 Chocolate 1/8	2.25	
	" 2 Gall. molasses 10 3/4 Pepper 9 1/8 Sugar 3 1/2 Tobacco 1/10	1.87½	4.12½
Aug 12	" 20 Sugar 15 1/2 Coffee 10¢	4.17	
24	" 1 Gall. bib 6¢ 1 Tobacco 1/10	1.25	5.42
Sept. 21	" 6 yds. Ging ham 10 1/2 Ribbon 9	1.12½	
	" 1/2 B Salt 3¢ Dyed. Cotton lace 2 3/4 Ball blades 4¢	.94	2.06½
1819			200.63½
Sept.	By 155 Gall. brandy — 3¢ \$77.50		
	" Cash —	1.49	
Nov.	" Samuel rec of Mr. Hancock 15.81	94.80	
	" Balance due W Blain —	105.83	
		\$200.63	
	To balance due John Blain —		105.83

Isle-of-Wight County, March Court, 1821.

John Blair, Complainant,
against
Mills Eley, Defendant, } In Chancery.

ON the motion of the complainant by his attorney, and it appearing to the satisfaction of the Court, that the said defendant Mills Eley is not an inhabitant of this Commonwealth, that process cannot be served upon him, and having also failed to enter his appearance according to the rules of this Court—It is Ordered, That the said defendant do appear here on the second day of June Court next, and answer the bill of the complainant, and give security according to the Act of Assembly and the rules of this Court—And that a copy of this order be forthwith inserted in some newspaper published in the Borough of Norfolk for two months successively, and posted at the front door of the Court-House of this County for two successive Court days.—A COPY—Teste,

Nath'l Young, Clk.

March 24.

2mS

Sherrif certifies that the annexed notice, in the case of Blair vs Eley has been inserted, as directed, for two months successively, in the American Beacon, commencing on 24th March 1821.

Wm C. Shucas, one of the proprietors of the Beacon.

Nasf: Oct: 27th 1821.

Sworn to by Wm C Shucas this 27th day of October 1821.
before me.

Geo. A. Trevor
Recorder of the County of Wight

These affidavits
of
Order. Subly.

Know all men by these presents that we John Blair Josiah
Holliman Jordan Parr and Thomas Lizzell are held and firmly
bound unto Mills Ely his heirs or assigns ⁱⁿ the sum of two thousand
four hundred dollars current money of Virginia to which
payment well and truly to be made we bind ourselves and
each of our heirs executors and administrators jointly and
severally firmly by these presents sealed with our Seals and
dated this 4th day of November 1819

The constitution of the above obligation is such that whereas
on this said 4th day of November in a suit in the Chancery
Court of this County a decree was pronounced in favor of
the said John Blair against the said Mills Ely for the
sum of \$105.03 with int. from 31st of ^{November 1819} and costs to be made out of the
land in this county belonging to the said Mills Ely

Now provided the said John Blair shall abide and perform
any further order or decree which may hereafter be pronounced
by the Court in the said suit, then the above obligation to be
void else remain in full force & virtue

Teste

John Blair Seal

Josiah Holliman Seal

Jordan Parr Seal

Seal

Mr John Blair (Smithfield)
To Childs, Arkborn & Co } Dr.
Office of the American Beacon

1821.

Mar. 24. To publishing Librarian notice
in the case of John Blair } \$6
vs Mills & Gay. - 2 months

1821. Oct. 27th Recd payment
Childs, Arkborn & Co

Isle of Wight County November Court 1822-

John Blair

Complainant

against

J. W. Chanery

Mills Eley.

Defendant

This cause this day came on to be heard, on the bill answer and exhibits filed therein and the arguments of counsel, and appearing to the court that the defendant Mills Eley is not an inhabitant of this state, and still fails to appear and answer the plaintiffs bill: on consideration whereof, the court doth adjudge order and decree that the defendant Mills Eley do pay to the plaintiffs the sum of \$115. 03. with Interest thereon from the 30th day of November 1819 till paid at the rate of six per cent per annum and the costs of this suit; and it appearing from the report of Commissioner Smalley that there are no personal funds of the defendant in the power of the court, and a valuation of the land in the bill mentioned having been returned by the commissioners appointed for that purpose, the court doth further adjudge order and decree that Jacob H. Duck, Einn Eley, John H. Chapman, and Augustus Ballard commissioners appointed for this purpose or any three of them after having given notice thereof at the courthouse of this county on a court day and at other public places ten days previously, sell at public sale to the highest bidder the tract or parcel of land in this county containing about two hundred acres, and belonging to the said defendant, and designated and described in the foll^d bill on the following terms to wit, so much of the purchase money as shall be necessary to pay the expenses of the sale and the debt and costs of the plaintiffs to be paid in cash and for the balance of the purchase money, that the said commissioners take bonds with good security, payable, one half in six months and

and the other half in twelve months, payable to the defendant Miles Elegg, and
make report of their proceedings to this court. But the plaintiff is not to have the
benefit of this decree until he shall give bond with such security as the court
shall approve payable to said Miles Elegg in the penalty of \$1200. and conditions
for performing the future orders and decrees of this court.

Geoffrey Toste. Att. Gen. Young &

Blair

vs

Elegg

2
2
2
2

Geoffrey Toste

Isle of Wight County to wit,
John Blair

against

Mills Eley

November Term 1822

Complainant

In Chancery

Defendant

The defendant Mills Eley who is out of this country & against whom the Plaintiff John Blair appears to have proceeded in the mode prescribed by law against absent Defendants; still failing to appear and answer - On motion of the complainant by his counsel, and on satisfactory evidence adduced to the Court, of the justness of the complainant's debt charged to be due in the said bill, the Court doth take the said bill for confessed against the said Defendant, and the cause coming on to be heard on the bill and exhibits, was argued by counsel, on consideration whereof the Court doth order that the Master Commissioners of this County Thomas Smalley take an account of the personal funds belonging to the said Defendant, subject to the power of the Court, and which the said Commissioners is directed to report to this Court, with any matters specially stated deemed pertinent by himself, or which may be required by the parties to be so stated; and the Court doth further order that Jacob H. Duck, John H. Chapman and Augustus M. Ballard or any two of them do value the land in the said bill mentioned to wit, a tract or parcel of land containing about two hundred acres belonging to the said Defendant - and which said Commissioners for such purpose appointed after having on oath fairly valued the said land, are further directed to report such valuation thereof to this Court, with any matters specially stated deemed pertinent by themselves or which may be required by the parties concerned to be so stated -

Attest Teste

Wm. H. Young Clk

In conformity to the annexed decree of the worshipful Court of Isle of Wight County, to us directed, and the said Commissioners have valued the land of Mills Eley, lying in this County containing about two hundred acres, and upon our oaths we say that we are of opinion that the said land is of the value of three dollars per acre, amounting to six hundred Dollars - Given under our hands about 4th day of November 1822

J. H. Duck
J. H. Chapman
Augustus Ballard

Blair
as copy decree
Eley

for
Thos. Smelly

Islesworth County, to wit: Nov. Court, 1821. —

John Blair, Complainant

against

Mills Eley, Defendants

In Chancery

The defendant, Mills Eley, who is out of this County, and against whom the complainant, John Blair, appears to have proceed in the mode prescribed by law against absent Defendants, still failing to appear and answer. On motion of the complainant by his counsel, and on satisfactory evidence adduced to the Court of the justness of the complainants charge in the bill, the Court doth take the said bill for confessed against the said defendant, and the cause coming on to be heard on the bill and exhibits filed, was argued by counsel, on consideration whereof, the Court doth order that Master Commissioner Smelly, of this County, take an account of the personal estate belonging to the said defendant, subject to the power of the Court, and which said Commissioner is directed to report to this Court, with any matters specially stated, deemed pertinent by himself, and which may be required by the parties to be so stated. And the Court doth further

order that Jacob H. Duck, John H. Chapman, and Augustus Mallard or any two of them do value the lands belonging to the defendant, lying in this County, containing about two hundred acres, and adjoining the lands of Godwin Council, John H. Chapman, Jacob H. Duck, and the land belonging to the heirs of John Eley decd. which said Commissioners for such purpose appointed, after having on oath fairly valued the said land, are further directed to report such valuation thereof to this Court, with any matters special stated, deemed pertinent by them selves, or which may be required by the parties concerned to be so stated.

A copy - Teste

Math. Young, C.C.

Commissioner Smellys office
Isle of Lany 4th. 1822

The parties concerned are notified that on the 31st of the present month, I shall proceed to carry the above decree in to effect on which day they are directed to attend at my house, by 10 O'clock in the forenoon, with all the evidence appertaining to the above case, also copies of the Court papers, and this notice and decree -

Thos. Smelly M.C.

Commissioner Smellys office
Isle of Wight Lany 31st 1822

Pursuant to the foregoing order of the honorable Court of Isle of Wight County ~~and~~ and the notice given your ~~commissioner~~ commissioner has proceeded to carry the said decree into effect as far as he is directed. he hereby states that no evidence of any personal estate belonging to the defendant Mills Eley subject to the power of the Court has been produced and he has no knowledge of any him self which he reports to Court -

Thos. Smelly M.C.

Commissioners fee
2 hours @ 75 cts \$1.50

Shelby County, Wm. Court 1821. - ~~In Chancery~~
John Main, Complainant
Mills Eley defend - ~~In Chancery~~

The defendant Mills Eley, who is out of this country, and against whom the plaintiff John Main appears to have proceeded in the mode prescribed by law against absent defendants, ~~there~~ failing to appear and answer. On motion of the plaintiff by counsel, and on satisfactory evidence adduced to the court of the ~~plaintiff's~~ ^{Plt's} ~~plaintiff's~~ charge to be due in the said bill, the court doth take the said bill for confessed against the said defend^t. And the cause coming on to be heard on the bill, & exhibits, was argued by counsel on consideration whereof, the court doth order that the Master Commissioner of this County Thomas Smalley, take an account of the personal funds belonging to the said defend^t & subject to the power of the court - and what the said Commissioner is directed to report to this court with any matters specially stated, deemed pertinent with any matter specially stated, deemed pertinent by himself, a which may be ~~not~~ required by the parties to be so stated - And the court doth further order that Jacob H. Leach - John H. Chapman & Augustus H. Hollar or any two of them, do value the lands in the said bill mentioned belonging to the said defend^t, and which said Commissioner, for such purpose appointed, after having on oath, fairly valued the said lands are further directed, to report such valuation to this court with any matter specially stated, deemed pertinent by themselves - a, which may be required by the parties concerned to be so stated.

Blau
Hes

Isle of Wight County Court

This day, John Blair came before me a Magistrate
in the said County, & made oath, that in a suit in
Chancery, now depending between himself, Compt.
and Mills Eley, deft in the County Court of
Isle of Wight, that the said deft. is out of the country
& that he could not be found at his usual place
of residence, so as to be served with process.

Given under my hand & seal this
fifth day of March 1821.

Bar. Lightfoot J. P. Esq.

In Chancery - In Isle of Wight County Court, March 5th 1821.

John Blair - plff
Mills Eley. deft { Chy.

On the motion of the ~~plff~~ plaintiff by his attorney, and it appearing
to the satisfaction of the Court, that the said deft. Mills Eley is
not an inhabitant of this Commonwealth, that process cannot be
served upon him, and having also failed to enter his appear-
ance according to the rules of this Court, the said Court doth
order that the said deft. Mills Eley, do appear
here on the second day of June Court next, and ~~enter answer~~
~~the Bill of the Plaintiff~~ and give security according to the act of
assembly and the rules of this Court, - And that a copy of this
order be forthwith inserted in some news paper in the borough of
Norfolk for two months successively, and posted at the front
door of the Court house of this County for two successive Court days, -

Affidavit

"Hain

³
Eley
=

Dr. M.
Mackinac
Hain
Eley.

In obedience to the annex'd decree of the Honourable Court of Suffolk County to us directed bearing date November Court 1822. We the Undersigned Commissioners after having advertised as directed in said Decree have on this 12th day of December 1822 sold at public Auction the tract of land mentioned in said Decree and at which sale Godwin Cornhill became the purchaser thereof at the sum of three hundred & five Dollars and we the said Commissioners have received of the said Godwin Cornhill the sum of one hundred & fifty Dollars & 33 cents in cash it being the amount of the expenses of the sale the Plaintiffs Debt Interest and cost in the said Decree mentioned and the the Commissioners have taken of the said Godwin Cornhill — two bonds with security made payable to Mills, Eley each for the sum of seventy seven Dollars & 33 cents one of said bonds made due at the end of six and the other at the end of twelve months from this date which bonds we have ready and cash to dispose of as in said Decree we are directed and required.

J. Buck

Sam Eley

John, A. Chapman

Augustus Ballance

Blair
vs } Decree
Eley
Report of Commissioners

In conformity with an order of Court made at February Court
1833 I have this day Rec^d of a Nathaniel Young clerk of Isle of
Wright county two bonds which were filed in a suit in chancery
of John Blair against Mills Ely in said Court. which bonds
were given by Governor Council with Jacob H. Duck his security to Mills
Ely, one of said bonds is for \$77. 33 $\frac{1}{2}$ ~~payable~~ dated the 12th day of
Dec^r 1822 and payable ~~the~~ six months after the date - the other said
bond is for the same amount dated the said 12th day of Dec^r 1822
and payable twelve months after the date -

Attest

L. M. Hays

Silas Sumner atty
for Wm. Hays & Son

Sumner
to rect. for
Young clerk & bonds

The commonwealth of Virginia to the Sheriff of Halifax County
greeting we command you to summon all &c. they to
appear before the Justice of County Court of Halifax County at
the Court House on the first Monday in March next to
answer Bill in Chancery exhibited against him by John
Blair and have then there this writ Witness Nathaniel
Young clerk of our said court at the Court House the 10th
day of February 1821 in the 45th year of the commonwealth.

Nathl. Young
(R)

Note to be found in my balliwick

J. Gordon M.

copy

to

Dear

all

of 22. July.

Blair
 May 3rd Bill
 5th
 March 1837 was filed
 & Q. for publication

Blair
 May 3rd Bill
 May 3rd

Blair
 May 3rd Bill
 May 3rd

March 10th. Bill filed and
 order of publication

November 10th.

Decree according to the within
 decree filed

Nov^r: 1022. Decree for Pth. for
 \$105. 83. with int. from 30th of
 Nov^r: 1019. till paid & costs. & decree
 for sale of Defts. land on Pth. giving
 bond & security

Jan^y 1023. Account^r. report with
 & final decree entered

[Faint signature]