

1834-020 Chancery Cause, George O. F. Andrews vs Henry W. Wills' admr & al
Isle of Wight County

2 Plats in Oversize Box 2

other SURNames: Ballard,
Holliman, Hall, Smelley,
Pedin, Smelly, White,
Lightfoot, Shelton.

J. Andrews

W.

3

3 Bide

Wells & others

3

The Circuit Sup^r Ct for the
for Schofield County

May 4th 1832 Bill filed

May 7th 1832 Bill filed
Henry W. Wells

Oct^r 1st 1832 leave given
Thos. Smully to file his ans^r to
Nathl. Young app^r for as libem
to the infant defend^t

Nov^r 20th 1832 Thos. Smully
Ans^r filed as also c. t. Young
as go^r as libem to Henry W. Wells

Dec^r 1833
set for hearing as to all the
petitions

May 4th 1833 Decree for account
set decree in ch^g order book page 14
No 1

July 31st 1833 Court report, with
many documents inclosed, was this
day returned & filed

Alk.

1833 deposition of

lightfoot came to hand

Oct^r 8th 1833 Decree for a pign^r
met of the widows dower. 8th of sale.
it is in view of the land mentioned
in the plaintiffs bill. &c.

May 5th 1834 report of court.
with sundry books enclosed
& filed

May 6th 1834 Shiffs rept. of
also commissioners report of
the apportionment of dower & conf^r
in all decrees Order book No 1
page 78.

67
82
01
01
8

0
21
04
08
12
81

Geo: O. F. Andrews

vs.

Chy:

Wills's Admors. &c.

May 4th 1832 - Bill filed

May 7th 1832. alt. Sp^d in chy: vs. Henry
W. Wills -

Oct: 9th 1832 for reasons shown to the
Court leave given to the deft Thomas Smully
to file his Ans: and Nathl. Young app^r
guardian ad litem to the infant Henry W. Wills

Nov: 29th 1832 Thomas Smully's Ans: filed
also N. Young as gd: ~~ad~~ litem to H. W. Wills

apt: 1833 set for hearing

May 7th 1833 Decree for acct: on decree in chq:
order book page 18 21st -

July 31st 1833 Com: report with sundry docu:
ments to inclosed was this day returned. & filed.

State of the cause

August 3th. 1833 depo-
sition of Barth. Lightfoot
came to hand without
suit —

Oct^r 8th. 1834 Decree for
a pigment of ~~and~~ ~~and~~
dower & for sale of the
residual of the land went^d
in plain (off^r bill &c^r).

May 3th. 1834 report of
court with sundry papers
enclosed & filed —

May 6th. 1834 Hff^r
rept: of sale & court's rept
of the apportionment of dower
to conf^r & d. in dower
order book N^o 1 page 28

To the Honorable the Judge of the Circuit Superi-
Court of Law and Chancery for the County of Alb-
of Wight - humbly complaining, sheweth unto your
honor your orator George D. F. Anderson of
the County of Alb of Wight, ~~that~~ being on call
on his own behalf as also the creditors of Henry
M. Mills deceased late of the County of Alb of Wight, who
shall come in and contribute to the expenses of
this suit, that the said Henry M. Mills being in his
lifetime and at the time of his death seized in fee
of a considerable real estate, situate in the said County
of Alb of Wight, and also possessor of a considerable
personal estate, some time prior or about the year
1811 departed this life intestate; whereupon afterwards
Thomas Smalley before the County Court of Alb of
Wight qualified as administrator of the goods, chattels
& which some of the said Henry M. Mills at his death
a copy of the said order marked A is here referred to
and prayed to be taken as part of this petition and your
orator further sheweth that the said ^{Henry M. Mills} ~~deceased~~ ^{was} ~~in~~ ^{his} ~~lifetime~~ ^{as} ~~principal~~ ^{and} ~~your orator as~~
his security in consideration of a debt due owing from
the said Henry M. Mills to Joseph W. Ball and then
of Alb of Wight County since deceased executed a
certain writing obligatory bearing date the second
day of February A.D. 1816, whereby they the said
Henry M. Mills George D. F. Anderson your orator
bound themselves and their heirs jointly and
severally to pay to said Joseph W. Ball and the
sum of five hundred dollars on demand,
an attested copy of the said writing obligatory
marked A (the original being filed in the Clerk's
office of the Superior Court of Law for Alb of Wight
County, in a suit wherein the said Joseph W. Ball and
was plaintiff, and your orator surviving obligor
of himself Henry M. Mills deceased was defendant,
is here referred to and prayed to be taken as part
of this petition and your orator further states that
a suit after the death of said Henry M. Mills was instituted
by the said Joseph W. Ball and in the said Super Court
of Law for Alb of Wight County, against your orator
as aforesaid, and judgment was obtained in

favor of the said Ballance against you or for
the sum of five hundred dollars with interest thereon
from the second day of February 1818 till paid
and his costs - and thereafter to wit, on the
day of ^{ad.} an execution fieri facias
was sued out of said Court upon the said judgment
against you ~~for~~ ^{for} said sum of \$500 with
interest ~~from the 2d day of February 1818 till paid~~
and 819 Cents cost, which ~~sum~~ ^{sum} was returnable
on the

and which ~~sum~~ ^{sum} was returned by the Sheriff
of said County with the following endorsement, to
wit "Satisfied" Mr. Holliman Shff: for Benjamin
Shff: - and you orator avers that the
whole of said debt, interest and costs amounting in
the whole to the sum of five hundred and
ninety six dollars and fifty cents was paid
by him to said Mr. Holliman Shff. as aforesaid
on the 13th of May 1818 all which said appra
by reference to the receipt of said Shff: later
annexed hereto & prayed to be taken on part
of this bill and you orator refers the Court to
copies of said judgment & of this said bill - And you
to be taken as part of this said bill - And you
orator also avers that the said Henry M. Mills in his
lifetime was also indebted to one Edward Peckin
in the sum of \$

on a written obligatory wherein you orator was
his surety, and which obligation bound the heirs of
the said Mills from orator to pay to the said
the sum of \$

and the said Henry M. Mills at his death was also
indebted to several other persons in divers consider-
able sums of money - and you orator fears that they
that the said Henry M. Mills at the time of his death,
left a widow namely Elizabeth Mills and four
infant children, to wit William Mills, James Mills,
Henry M. Mills and Lucy Mills - ^{who is now wife of David Ball} ~~the said William~~
James Mills are now adults. ~~the other three children~~
~~and~~ you orator charges that upon the
death of said Henry M. Mills, his said widow and
children or his heirs at law possessed themselves of the
said real estate which is much more than suffi-
cient to pay and discharge all the just debts of
the intestate for which it is responsible, & you orator
further charges that although he has made frequent
applications to said Thomas Smalley as admor.
of the said Henry M. Mills for the payment of the said
debt and yet you orator has received no part
thereof, he the said admor. alleging that as admor.
of said Henry M. Mills, he has fully administered all
the assets which have come to him, and to be ad-
ministered by the said widow and heirs, although
often requested to pay the said debts due you
orator as aforesaid, insist that the said real estate
ought not to be sold, or in any manner be made
liable for the payment of the same, all which is
contrary to equity and good conscience. In
tender consideration whereof, for as much as
you orator is without remedy in the premises, save
by the aid of a Court of Equity - do the said Court
that the said Thomas Smalley admor. of Henry
M. Mills decd: Elizabeth Mills, Mrs. J. Mills, James
Mills, Henry M. Mills, ^{David Ball} ~~Lucy Mills~~ ^{his wife} ~~the said~~
^{and} ~~by~~ ^{by} ~~you~~ ^{you} person to be appointed ~~the~~ ^{his}
guardian ad litem, may be made defend-
ants to this bill - that they shall be required
full, true, just & perfect answer to make to
all and singular the allegations, matters &
premises as fully and particularly as if the
same were here again repeated & interrogated,
and particularly that they may set forth
whether the said Henry M. Mills was ~~indebted~~ ^{indebted} in his

legitimacy at his death intestate to the said Joseph
W. Ball and to the said Edward P. Ball
or herein before charged and whether the said
debts have not been paid by you orator. was not
the said Henry M. Mills at his death seized in fee simple
or otherwise of some considerable estate of inher-
-itance, or what real estate, and of what also
-late and annual value subject to the widow's
dower? That the said Thomas Smalley shall set
forth whether he has possessed himself of any personal
-al estate of his said intestate and may either admit
of sufficient to pay you orator's demands, or
otherwise may set forth and discover a true &
particular account of the said intestate's personal
estate? That the said widow and heirs may
set forth whether they or any of them have possessed
themselves of the real estate whereof the intestate
said entitled, or also a particular account of the
same, and where the same lies, together with
the names of the persons in whose tenure the
same now is: You orator pray, that he may
be substituted to the rights of the said Joseph W.
Ball and Edward P. Ball which existed by
reason of the said intestate's debts at the death
of said Henry M. Mills, and that in the event of
the personal estate being insufficient to pay
and satisfy you orator's said demands, that
then the said real estate may be sold, or so much
thereof as shall be necessary, and that out of
the money arising by such sale, you orator &
others the creditors of said Mills having a claim
on the real estate who shall come in & contribute
to the expense of this suit, may be paid their
said debts with interest and costs & that you
orator may be otherwise relieved in the premises
as the nature and circumstances of his case
require, and as to your honor shall seem meet
- may it please do.

Attest. Attestor
Atto. for plff

Wells are in ft
a. or. 3/4 m
Geo. C. I. Amory,
Jr.

Nov. 29th 1852 filed

To the Judge of the Circuit Court at
Law and Chy. for Dist of Wright County.

The answer of Henry W. Wiley an
infant by Nathl. Young guardian
appointed to defend him in this suit
To the Bill in the said Court against him
to the exhibition by Geo. D. F. Anderson
on account of himself to the said
Court. This defendant saith for
any one says he is of tender years
and knows nothing of the matter
stated in the bill & therefore deny
the truth of the plaintiff's aver-
ments for strict legal proof -
He prays hence to be dismissed
for

Respect

Nathl. Young Esq
as attorney for

Andrews

or Answer of
Smelly

Smelly & al.

Baker

Nov. 29th 1832 filed

Isle of M. Sup. Co.
Clerk

under the circumstances of the case by the Judge of the superior court of the said county: this respondent therefore hopes and contends that the said account may be taken & considered as altogether correct: and this respondent further answering states that since the settlement & return of the said account he has performed as admot. as aforesaid other transactions & in that character, has paid and received other monies of a large amount, an account of which said last mentioned transactions he is ready & willing to settle as the court may direct: a brief sketch of the transactions last referred to, marked B, which is believed to be mainly correct, is here referred to & prayed to be considered a part of this answer.

This respondent avers that he has honestly & fully administered all the assets of his intestate which have come to his hands to be administered, ~~and~~ that he has no property in his hands out of which the complt. demand can legally be paid, and that there are judgment claims and others still due from the estate of the said intestate - and this respondent further states that no part of the real estate of which the said Henry W. Mills did possess has come to his hands as admot. or otherwise, nor any part of the rents and profits thereof: and this respondent further answering states that altho he cannot speak of his personal knowledge, he has reason to believe & does in fact believe that the

whole or the greater part of the complainants demand is just and proper: Without that &c. and this respondent having answered &c. denies all fraud charged against him & prays to be hence absolved with his costs &c.

Baker p. d

Sale of Wright County, to wit: This day Tho. Smelly appeared before the subscriber a justice of the peace for the said county and made oath that the statements contained in the annexed answer so far as the same depend upon his own knowledge are correct, & so far as they depend upon the knowledge of others he believes them to be correct -

Given under my hand this 20th day of ~~October~~ ^{November} A. D. 1832.

Parker Wiley J. P.

The separate answer of Thomas Smelly to the bill of complaint exhibited against him & others in this court by George O. F. Andrews complainant -

This respondent saving and reserving to himself every benefit and advantage of exception to the many errors & insufficiencies in the said bill contained, for answer thereto saith, it is true that Henry W. Wells, about the year departed this life intestate, and letters of admon.^t on his estate were afterwards obtained by this respondent as charged by the complainant: this respondent by virtue of the said appointment as admon.^t received personal property of a considerable amount & in the regular discharge of his duties subsequently settled & returned to the county court of Sale of Wright an ~~account~~ account of his transactions: an attested copy of the said account is here referred to & prayed to be considered as a part of this answer: the said intestate having acted in his life time several years as sheriff & deputy sheriff in the county aforesaid & having in his hands at the time of his death many estates as guardian & admon.^t this respondent experienced much embarrassment & encountered unusual trouble, expense & difficulty in the settlement of the said estate, in consequence of which this respondent was allowed by the court who settled the said account 7½ %^{ts} commissions, which afterwards, upon exception ~~filed~~ to the same, was adjudged to be proper

April 21st 1832 Executed on Thomas Pin-
 =elly & Elizabeth Wills and the other Persons nam-
 =ed in this Subpoena resides in the County
 of Stannemont

John D. Ely Esq
 for Eam Ely Shff

Address

27.

Wells's Remor Potland

To May Circuit Sp. Court
 of Law & Chancery

Came to hand the 10th of April 1832
 Wm. W. W. W.

The Commonwealth of Virginia,

To the Sheriff of *Isle of Wight* County, GREETING :

YOU ARE HEREBY COMMANDED TO SUMMON *Thomas Smully Administrator*
of Henry W. Mills deceased, Elizabeth Mills widow of Henry W. Mills deceased, William
J. Mills, James B. Mills Henry W. Mills and Lucy Mills the four last, children of
him at Law of Henry W. Mills deceased

to appear before the Judge of the Circuit Superior Court of Law and Chancery for the County of Isle-of-
Wight, at the Court-House of Isle-of-Wight County, on the first day of *May* term next;
to answer a bill exhibited against *them*

in the said Court, by *George O. F. Andrews*

and unless the said defendant shall answer the said bill within four months thereafter, the Court will take
the same for confessed, and decree the matter thereof accordingly. And this *they* shall in no wise
omit, under the penalty of £100 *each* and have then there this writ: Witness NATHANIEL
YOUNG, Clerk of our said Court, at the Court-House, the *9th* day of *April*
1832, and in the *56th* year of the Commonwealth.

Nathl. Young
Clerk

Nauvoo County for This day Henry Rawls dep. for Thos. J. Kelly
 Coroner of Nauvoo County personally appeared before me
 a justice of the peace in & for said County and made oath
 that he did on the 3^d day of May 1832 deliver to Wm.
 S. Mills, Davis Hall & Lucy, each, a true copy
 of the within writ in Chancery. Given under my
 hand this 3^d day of May 1832

Thos. B. Benton J. C.

Geo. O. J. Anson

Wm. J. Phelps

Henry M. Wells

John

To day Sept. 1. 1832

Wm. J. Phelps

an infatigable spirit with

William Wells who

is a clear character in

character

Exhibited to Mr. J. Wells, Davis Hall and
 Lucy Hall; Henry M. Wells is no inhabitant
 of this & Kelly Com

The Commonwealth of Virginia,

To the Sheriff of *Stafford* County, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *William S. Wily,*
~~James W. Wily, Henry W. Wily, & David Hall &~~
Lucy his wife formerly Lucy Wily children and
heirs at law of Henry W. Wily decd:

to appear before the Judge of the Circuit Superior Court of Law and Chancery for the County of Isle-of-

Wight, at the Court-House of Isle-of-Wight County, on the first day of ~~May~~ *June* term next;

to answer a bill exhibited against *them and others, by George O. F. Andrews &*
~~F. Andrews~~

in the said Court, by *George O. F. Andrews*

and unless the said defendants shall answer the said bill within four months thereafter, the Court will take the same for confessed, and decree the matter thereof accordingly. And this ~~they~~ shall in no wise omit, under the penalty of £100 *each* and have then there this writ: Witness NATHANIEL YOUNG, Clerk of our said Court, at the Court-House, the *13* day of *April* 183*2*, and in the *58* year of the Commonwealth.

Nathl. Young

off inhabit
The defendant is an inhabitant
Danson D Hall Dr
for Broom Clay Shff

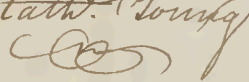
Andrews

vs.

Hills V. & chj:

To May circuit Sup.
Court of Law and Chj.
1832

The Commonwealth of Virginia
To the Sherr. of Islewight County greeting. -
You are hereby Commaned to Summon James
B. Wills to appear before the judge of the Circuit
Supr. Court of Law, and Chancery for the County of
Islewight, at the Court House of Islewight County,
on the first day of May, turn next. to answer a bill ex-
hibited against him and others, in the said Court, by
Geo. O. F. Andrews, and unless the said Defendant
shall answer the said bill, within four months, then
after the Court will take ~~up~~ the same, for Confessed
and decree the matter thereof accordingly. and
this he shall in no wise omit, under the penalty
of \$100. And have then thus this, Writ. Witness
Nathaniel Young Clerk of said ^{court}, at the Court house
in the 13th day of April 1832 - and in the 54th year
of the Commonwealth -

Nath. Young


County of Houghton to wit: This day came before
 the subscriber a justice for said County, John M.
 L. Ely. who made oath that on the ^{5th} day
 of October 1832, he delivered to ~~Henry M. Willy~~ ^{Elizabeth Willy}
 at ~~his own house~~ ^{the said Henry M. Willy} resides
~~within the county~~, a true copy of this subpoena
 from under my hand this 8th day of
 October 1832 — Jordan Fairbank

And comes
 vs. ^{Henry M. Willy}
 Houghton Co. N.Y.
 To Att. Sup. Court
 1832

~~John M. L. Ely, Justice for Houghton Co. N.Y.~~

~~Date 5th 1832 given to Henry Willy~~

The Commonwealth of Virginia,

To the Sheriff of *Isle of Wight*

County, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

James M. Mills

to appear before the Judge of the Circuit Superior Court of Law and Chancery for the County of Isle-of-Wight, at the Court-House of Isle-of-Wight County, on the first day of *October* term next;

to answer a bill exhibited against

him and thus by George A. Andrews

in the said Court, by

George A. F. Andrews

and unless the said defendant shall answer the said bill within four months thereafter, the Court will take the same for confessed, and decree the matter thereof accordingly. And this *he* shall in no wise omit, under the penalty of £100 — and have then there this writ: Witness NATHANIEL YOUNG, Clerk of our said Court, at the Court-House, the *8th* day of *May* 1832, and in the *56th* — year of the Commonwealth.

Nath. Young

To Thomas Smelly a son of Henry W. Mills,
William S. Mills, David Hall and Lucy his wife,
James D. Mills and Elizabeth Mills —

Take notice — that on the 20th day of the present
month, at the tavern of James W. Wheeler
in the town of Smithfield and County of
Elk of Wright, between the hours of 8 o'clock a.m.
and 5 o'clock p.m. of the same day, I have
take the depositions of James Chalmer, David
White and others to be read as evidence in
the suit depending in the Circuit Superior
Court of ^{Law & Equity} ~~Elk of Wright~~ ^{for} ~~County~~ ^{wherein I am plaintiff}
and you are defendants — Yours &c.

Geo. O. Fenderson
apd
1st March 1833.

County of Elk of Wright Geo.

This day came before the under-
signed a justice for the said County,

who made oath that he delivered
a true copy of the above notice to
on the day of March 1833,

Given under my hand and seal as a justice
for said County the day of March 1833.

J. P. (Sd)

~~11th of March~~ 1833 I acknowledge the Service of the
within
1st day of April 1833

Thos. Smully

10th April 1833 we acknowledge the Service of
the within

William T. Wills

David Hall

Lucy Hoar

Eliab Wills

Saml B Wills

Henry Wills

Accession

3 Subj

Wills's a on or p.

original

To Thomas Smully adv. of Henry W. Mills, Elizabeth
Mills, Wm. S. Mills, Davis Ball and Lucy his
wife, James B. Mills and Matt. Doug
guardian ad litem to Henry W. Mills
an infant - Take notice, that on the 5th
day of August 1833 at the Court of Magistrate
House, between the hours of 7 o'clock Am
and 9 o'clock pm of the same day, I shall
take the deposition of Thomas Smully
and others to be read as evidence in
the suit in the Circuit Superior Court
of Law and Chancery for the County of
Magistrate, in which I am plaintiff
you are defendants - Yours &c.

July 18. 1833

Geo. D. Anderson

County of Bluff Night No.

This day before the subscribers who
is a justice of the peace for said
County, came Benjamin Biggs
who made oath that on the
27th day of July 1833 he delivered
to Thomas, Samuel, Elizabeth Mills,
Mrs Mills, James B. Mills, David
Swiss & Henry M. Mills, each a
true copy of this notice -
five copies replaced this
29th of July 1833.

E. H. H. (D)

Andersens
" 3 probins
Mills's heirs

Large notice acknowledged. —
(signed)

Goodman

in 3/4 the skin
Wills

Senior actuary.

- signed -

signed

Nathl Young

To Thomas Smully ad. Henry M. Mills, Elizabeth Mills Mrs. D. Mills,
David Hall and Lucy his wife and estate. You are
ad. litem to Henry M. Mills, an infant. - The day of August

1833, at the next Court. House,
between the hours of 7 o'clock A.M. & 7 o'clock
P.M. of the same day, I shall take the depo-
- sitions of Thomas Smully & others
and others, to be read as evidence in the
suit in the Circuit Superior Court of Law
and Chancery for the District of Columbia, in
which I am plaintiff and you are
defendants. -

July 18. 1833.

Yours &c. -
Geo. D. F. Andrews

The deposition of P. White taken according to notice on the 20th of April 1833 at the town of James M. Wheldon in the town of Smithfield and County of Hills of Wright between the hours of 8 o'clock A.M. & 5 o'clock P.M. of same day, to be read in evidence in the said cause referred in the Circuit Superior Court of Law and Chancery in & for the County of Hills of Wright wherein Geo. O. Anderson is plaintiff and Thomas Penning a debtor of Henry M. Miles, William R. Miles & others are debtors -

Question by M. F. have you known
 someone pride more and who was,
 found of the barony of St. Mary's?
 if so, were you in the habit of seeing
 him write?

answer of L. White to above suggestion.
I knew Edmund Pedin who is now dead, and have frequently
seen him write. —

Question by Mr. G. Look on the paper
purporting to be a receipt for a deed
given in the following words, signed and dated March 10th 1879, by
~~John A. Anderson~~ for ~~the~~ ~~same~~ ~~deed~~ ~~Anderson~~
for the sum of \$84, in part of a bond due
by H. W. Miller which bond the said Anderson
was security to me for - Roman's ~~property~~
which receipt is now with us, ~~under~~ ~~the~~ ~~same~~ ~~deed~~
whether you believe the same to be in the
hand writing of said Roman's ~~property~~ ~~Anderson~~ ~~deed~~?

answer of P. White to said last question. I have examined the paper alluded to in the foregoing question and believe the whole receipt, as well as the name thereto affixed, is the true

and genuine hand writing of the said Edmund Pender?
and further the deponent sayeth not. —

J. White

Shofmire H. This 20th day of Apr
1833, the foregoing deposition of ~~J. White~~
White was taken before us at the town
of James M. Whaddon in Shofmire
County Town of Smithfield between
the hours of 8 o'clock A.M. & 5 p. M.
of same day, to appear to us, as
to be read in evidence as stated
in the caption aforesaid, & the
same was signed & sworn to before us
as justices for said County —
given under our hands & seals
this 20th Apr 1833 —

W. Jordan P. (Seal)

J. C. Jordan P. (Seal)

The clerk of the Circuit Sup^r Court
of Law & Chy - for

Isle of Wight

name to have without not this day
of Aug 1833 -)
Hastings & Co

The deposition of Bartholomew Lightfoot taken at Isle of Wight
Court House on the first Monday in August 1833 (being the 5th day
of the said month) between the hours of 7 o'clock AM & 7 o'clock
PM of same day, to be used as evidence in the suit in the
Circuit Superior Court of Law and Chancery for Isle of Wight County
in which Geo. C. F. Andrews is plaintiff & Thomas Smully Admor. of Henry
W. Mills & others are defendants - This deponent being sworn says
that at divers times in conversation with Jos. W. Ballard in his
lifetime, he heard the said Joseph W. Ballard speak of the debt,
(in controversy) that he said the debt was owing from the said
Mills. & that the said Geo. C. F. Andrews was the security for the
payment thereof - and further saith not -
Barth. Lightfoot

Isle of Wight County to wit, This day the foregoing deposition
of Barth. Lightfoot was taken & sworn to before us Justices of
the peace for the said County. Given under our hands & seals
this 5th day of August 1833

James H. Dickinson

Josiah Hallman

At a Circuit Superior Court of Law and Chancery held for the county of Isle of Wight the 4th day of May 1833

George O. F. Andrews for himself and other creditors

Compl.

against

Thomas Smalley Admor. of Henry W. Mills decd Elizabeth Mills,

Mr S. Mills, James W. Mills, & Henry W. Mills & Davis Hale and

Lucy his wife

In Chancery

Defts

Nathaniel Young having been appointed Guardian ad litem to the infant defendant Henry W. Mills - this cause (in which the bill of the complainant is taken for confessed as to the defendants Elizabeth Mills, Wm. S. Mills, James W. Mills Davis Hale & Lucy his wife, on whom the Subpoena appears to be duly executed and the bill filed more than four months) came on to be heard on the bill, the answers of Thomas Smalley and the infant Henry W. Mills, the replication thereto, the deposition of Sampson White and the record attached to in the bill, and was argued by counsel; On consideration whereof the Court doth as judge, order and decree that a Commissioner of this Court take the following accounts -

1st An account of the doings and doings of the defendant Thomas Smalley on the estate of Henry W. Mills decd. in taking which account the Commissioner may take as prima facie correct, subject to be surcharged and falsified an account audited in the county court of Isle of Wight county of said Smalley Admor. of Mills estate, in taking which account said Commissioner will ascertain and report what debts paid by the said Thomas Smalley Admor. &c. as aforesaid bound the heirs of the said Henry W. Mills & that the said Commissioner take an account of said Smalleys Administration of the estate of Henry W. Mills decd. which has taken place since the Audit herein before referred to.

2^d An account of the real estate of which the said Henry W. Mills died seized and possessed and which passed by descent or otherwise and to whom, and an account of the fee simple and annual value of the said real estate, if any part of the same has been aliened, where, by whom, and the probable fee simple value thereof at the time of such alienation.

3^d An account and statement of the plaintiffs demand and

And liberty is given to all the other creditors of the said Henry W. Mills who shall come in before the said Commissioner and agree to contribute to the expenses of this suit, to show and prove the claims to which they are respectively entitled; which said several accounts the said Commissioner is directed to examine, state and settle and to the Court report with any matters specially stated and deemed

pertinent by himself or which may be required by the parties to be so stated

Attest

Wm. Young Esq. C.S. & L.L.

Attest

Barth. Lightfoot Comr.

Smithfield Commissioners Office July 5th 1833

Notice of the time and place for the settlement of the accounts directed in the foregoing decree, having been given to the parties interested in this suit - your commissioners proceed this day to the execution thereof. Upon the settlement of Thomas Smellys Administration on the estate of Henry W. Mills, made up by your commissioners which is marked B. shows the sum of \$125.75 due the said Administrator on the 31st day of December 1826.

It was in evidence before your commissioners that Henry W. Mills died seized and possessed of real estate in the county of Isle of Wight which passed by descent to the Defendants Elizabeth Mills (widow & child of said Henry W. Mills) William S. Mills, James B. Mills, Henry W. Mills & Lucy Mills, the wife of Davis Hale to wit

One undivided third of a tract of Land containing 232 acres, the said Henry W. Mills fee simple Interest therein of the value of \$400.00

16.00

Annual value thereof

One other tract of Land containing 100 acres, fee simple value 300.00

Annual value thereof 5.00

One undivided sixth of a Water Grist Mill Seat Four Acres of Land thereto attached, said Mills fee simple Interest therein 12.50

Annual value thereof

It appears to your commissioners that on the 7th of May 1827 under a decree of the County Court of Isle of Wight, the Mill Seat & acre of Land was sold to the highest bidder - it was purchased by Charles Murphy and Thomas Dashiell for \$25.00

from which sum, was deducted the expenses of the suit which left to Mills heirs \$4.25

Upon the back of the account of Thomas Smellys Administration on the estate of Henry W. Mills, marked B. as aforesaid, is annexed a list of the debts paid by the said Administrator which bound

the heirs of the said Henry W. Mills

Statement of Plaintiffs demand in this suit

1818

July 6th For this sum paid W^m Holliman Dyff. for Benj^a Drew Shiff on an execution which issued from the Superior Court of Isle of Wight on a judgment on a bond executed to Joseph W. Ballard with George O. J. Andrews security, in which bond the heirs were bound payable the 2^d of Feb^y 1816, and paid by said Andrews the 6th July 1818 \$595.50

1819

Mar. 16. For this sum paid by said Geo. O. J. Andrews, Security for said Mills in a bond payable to Edmund Peden, in which the heirs were bound paid by said Andrews to Edmund Peden the 16th Mar. 1819 87.00

Your commissioners also reports that one claim was presented to him under the liberty granted to creditors - by William Shelton Admor. of his late wife Sarah, who was widow of Thomas Norwottry, and which is marked C. for the sum of \$98.15 & costs of suit on bond to the Admor. is \$7.01, with Interest on the \$98.15 from the 3^d of May 1817 till paid - that the claim is founded on a bond purporting to be executed by Henry W. Mills on the 18th of March 1816 for the sum of \$204.04 but which has been reduced by payments to the aforesaid sum of \$98.15 & that the heirs of Mills ~~are~~ not bound in said bond

All of which is respectfully submitted to the Court

Barth. Lightfoot Comr.

Commissioners fee

Time employed 17^h hours \$17.50

charged to Plaintiff

Smithfield Isle of Wight County to wit

Barth. Lightfoot. this day made oath before me a Magistrate of said County that the fee charged by him for this report is just & proper. Given under my hand this 17th day of July 1833

M. J. J. J.

The foregoing accounts were made up and remained in my office more than ten days before filed in the Clerk's office of this County

Barth. Lightfoot Comr.

Andruos

as

Report

Wills heirs

July 31st 1833. this report
with the enclosed documents
was this day ret^d & filed

Anderson John

24

Wells to them -

This suit was instituted to subject the
real estate to pay. of debts due by
an order last term, the same were
sold and a report has been made
by the Comr. - the Plff. asks that
the Bonds payable to Anderson,
Shively shall be delivered to
them by the Clerk of the Court,
that Shively or his exors. pay
much or Anderson, shall
pay to Anderson 1/3 part of
his costs expenses &c.

G. Aldridge

per G

Academy St.

7

Wily St.

Note to the Editor

November 3^o 1834 Rec^d of Mr C. Edwards Dy for
Nathaniel Young Clerk on a bond for twenty seven
dollars and sixteen cents

Thos. Smully

13.29
62.51
75.80

July 30th. 1834 Rec^d. of William C. Edwards deputy
Clerk of Alameda County four bonds made payable to
George C. Andrews, amounting in the whole to one
hundred and sixty two dollars, which is the amount due
said Andrews for the sale of Mills lands, and which said
bonds has been assigned over to me, by the said Andrews
as will appear by his assignment herewith filed.

To wit

Willis L. Bradley

Mills & Saunders
—o—

Lawrence

to 3 ret:

Edward

March 16th 1819 Rec^d Mr George Andrews the sum of eighty seven dollars, in part
of a bond due by H. W. Mills, which bond the said Andrews was security to me for

Edmund Peckham.

Acopy Teste Nath^l Young Esq.
"CP"

5th July 1818 Rec^d of George O. F. Andrews the sum of Five hundred and ninety
six dollars and fifty cents in full for an execution including cost against said
Andrews, surviving obligor of Henry W. Mills died in favour of Dr. W. Ballance
which execution was issued from the Superior Court of Ohio at Wright the 13th day
of May 1818 —

Wm. Holliman Off for
Benja. Drew Esq.

Acopy Teste Nath^l Young Esq.
"CP"

Given to
to receipt
Andrews

(See 34)

We Henry W. Mills & George Andrews do promise to pay unto Edmund Pease
administrator of John Parker decd. on or before the 1st day of October next the
just sum of seventy seven dollars and eighty five cents for value received for the
true payment thereof we bind ourselves our joint and several heirs, executors
administrators or assigns firmly by this presents. sealed with our seals and dated
this 1st day of April 1816

Minep

Mary Morprias to Mills

Parker Mills as to Geo. Andrews

Henry W. Mills (seal)

Geo. C. Andrews (seal)

A Copy Stated Wm. C. Edwards
1831

Wells' O. Andrews

to 3 notes
Barber's admsr.

A copy

On Demand we promised to pay Col^d Joseph W. Ballou the sum of five hundred
dollars Virg: money, for value received, for the true payment thereof, we bind
ourselves our joint & several heirs, exors., administrators, or assigns firmly
by these presents, sealed with our seals & dated this 7th day of February 1816

Witness
Mary Murrish
James Williams

Henry W. Wells
Geo. C. Andrews
A Copy Test. Nath^l Young

Mills Jr
to 3 bond.
Ballard

Stop for
A. Atkinson

In obedience to the annexed decree after having advertised the
time of the sale according to the directions of the decree I proceeded
on the 18th day of December 1833 to sell on the premises the lands
named in the decree at which sale Henry W. Murphy
became the purchaser of the tract of land adjoining
Jno. Morganhart for the sum of one hundred dollars and
Henry W. Wells became the purchaser of the third
part of the land adjoining Thomas Smully's others for
the sum of ninety dollars, which sums make \$190
I took two bonds from Henry W. Murphy with
Mills W. Darden his security for \$50^{each} payable to
George O. St. Andrews according to the direction of
the decree; I took from Henry W. Wells with
William S. Wells his security ~~two~~ bond payable
to George O. St. Andrews one bond for forty five dollars
payable on the 18th day of August 1834, the second
payable on the 18th day of April 1834 for seventeen
dollars 84 cents; I also took a bond from H. W.
Wells with William S. Wells his security pay-
able to Thomas Smully on the 18th day of April
1834 for twenty seven dollars sixteen cents
which several bonds I have in Court ready to
abide the further order of the Court

December 18. 1833 Jos. H. Whithead Clk
for E. Ely & Co

Com's Report

Andrews

or.

Mills & others

} rept.

May 3th: 1834 rept. with
undry bonds enclosed &
filed

Pursuant to the annexed decree of the Circuit Superior
Court of Isledwight county, made October 1st
eighteen hundred and thirty three we the undersigned
Commissioners named in the said decree for that
purpose, have on the 17th day of December with the assis-
-tance of Nathl. P. Phillips, ^{Surveyor} allotted and set apart
forty two acres ^{land} for Elizabeth Mills widow of
Henry W. Mills - what we think to be one full
and equal third part of the lands whereof her
late husband Henry W. Mills died seized and possessed.

Given under our hands the 5th day of May 1834

Thos. M. Daskell

Mills. W. Dandee

Wm. Dandee

Androm

m

Mils —

Statute —

piece

ad. of Andrews's ~~ad.~~ claim

say ant. pd Hollenon &c. as by report \$596.50
But then on from 6th July 1878 to the 6
of October 1833- } 545.79
1142.29

pd. to present as by report &c. 87—
int to this day: ——— 76.09
1305.38

ad. of Buckley's demand

say on paid as ad.

But from 23 Dec. 1824 to the
8 Octo. 1833 — }

\$125.75
91.98
217.73

ad. of Shelton's claim —

But from 3 May 1877 to the 8
Deco. 1833

\$98.15
— 98.15
190.30

Andrews & Pennington vs. of H. W. Mills & others

The object of this suit is to produce a settlement of the personal funds of the intestate & to have an ap. of the real estate in order (if the personal funds shall prove insufficient (as it is thought it will) to subject the real estate to the payt. of the plffs' demands. -

The state of the plffs' demands is this -

In the lifetime of Henry W. Mills, he, together with the plff. Andrews executed a bond binding him to Joseph W. Ballance & which was paid on after the death of Mills, judgment given Andrews who paid the debt. see exhibit filed with the bill. Andrews paid also a debt to pedlar as pay. for Mills - the counsel for the plff. asks for the following accounts -

1. an ap. of the est. Pennington's administration
2. an ap. of the real estate of said H. W. Mills which passed by devise or descent &c.
3. an ap. of the plffs' demands. -

C. Atkinson atty.
for plff.

Anderson

7 3/4

Handley and Miss

By —

note by the court
for the p. p.

—

-ment by himself, or which may be agreed
by the parties to be so stated

+ and that the ^{admission of the estate} Court. take an op of the so
Surrely ad. of H. M. Pety which has taken
place since the settlement of the audit
herein before refers to

Answers to
Mr. Pease
Surrely & others

Third, An acct. and statement of the plaintiff's demand.
And liberty is given to all the other creditors of the said
Henry M. Mills who shall come in before the said
commissioner and agree to contribute to the expenses of this
suit, to shew and prove the claims to which they are res-
pectively entitled, which said several accounts the
commissioner is directed to examine, state and settle and to
the court report with any matters specially stated &
deemed pertinent by himself or which may be re-
quired by the parties to be so stated.

Attest

Nathl. Young cks. &c. &c.

G. O. F. Andrews.

vs { copy of
 { Deeds -

Will. Adams: Father -

At a circuit Superior court of Law and Chancery, held for the county
of Sebecus on the 4th day of May 1833.

George D. F. Andrews for himself & other creditors, comptt.
against

Thomas Smully admor^t of Henry M. Mills decd.

Elizabeth Mills. Wm. S. Mills. James B. Mills

Henry M. Mills & David Hall & Lucy his wife. Sept. 11

Chancery

Nath^l Loring having been appointed guardian ad litem
to the infant defendant Henry M. Mills. This cause (in which
the bill of the comptt. is taken for confessed: as to the defendants
Elizabeth Mills, Wm. S. Mills, James B. Mills, David Hall & Lucy
his wife, on whom the subpoena appears to be duly executed,
and the bill filed more than four months, and who still
fail to appear) came on to be heard on the bill. The answers
of Thomas Smully and the infant Henry M. Mills, the replica-
=tion thereto, the deposition of Sampson White and the record
alluded to in the bill and was argued by counsel. On con-
=sideration whereof the court doth adjudge order and decree
that a commissioner of this court take the following
accounts - First, An acct. of the actings and doings of the de-
fendant Thos. Smully on the estate of Henry M. Mills decd. in
taking which account the commissioner may take as prima
facie correct, subject to be surcharged and false paid, an
acct. audited in the county court of Sebecus county of
said Smully admor^t of Mills' Estate, in taking which acct.
said com^r will ascertain and report what debts paid by said
Thos. Smully admor^t as aforesaid bound the heirs of the
said Henry M. Mills and that the said Com^r take an
acct. of said Smully's admor^t of the estate of Henry M.
Mills decd. which has taken place since the audit herein
before referred to. 2^{dly} - An account of the real estate
of which the said Henry M. Mills decd. seized and posses-
=sed and which passed by descent or devise and to whom
an acct. of the fee simple and annual value of
the said real estate, if any part of the same has been aliened
where, by whom and the probable fee simple value thereof at
the time of such alienation.

claims to which they are respectively entitled, which said several accounts the said Commissioner is directed to examine state and settle and to the court report with any matters specially stated and deemed pertinent by himself or which may be required by the parties to be so stated

Attesty Teste

Nathl. Young Cl. C.S. C.S.C.

Attesty Teste

Barth. Lightfoot Commr.

Smithfield Commissioners Office June 1st 1833.

The parties interested in the foregoing order are hereby notified that I have appointed the fifth day of July next to commence the settlement of the accounts directed by the preceding order of Court, on which day they are requested to attend at my Office at 9 O'clock of the forenoon with such papers, accounts & other evidence as will enable me to execute the foregoing decree.

Barth Lightfoot Commr.

Legal Service acknowledged

signed

G. O. F. Andrews. Plff.

Nathl. Young Esq. as attorn to
Henry W. Wills

Davis Hall for self

& wife

Am J Wills

Thos. Smully adon. of H. W. Wills
dec.

Larner B Wills

Elizabeth Wills

At a Circuit Superior Court of Law and Chancery held for the county
of Isle of Wight on the 4th day of May 1833.

George C. F. Andrews for himself & other creditors

compt.

against

Thomas Smully admor. of Henry W. Mills decd. Elizabeth
Mills, William S. Mills, James B. Mills, & Henry W. Mills
Davis Hale and Lucy his wife

In Chancery

Defts.

Nathaniel Young having been appointed Guardian ad litem
to the infant defendant Henry W. Mills - This cause (in which the bill of
the complainant is taken for confessed as to the defendants Elizabeth Mills
William S. Mills James B. Mills & Davis Hale and Lucy his wife on whom the
Subpoena appears to be duly executed and the bill filed more than four months
& who still fail to appear) came on to be heard on the bill, answers of Thomas
Smully, and the infant Henry W. Mills, the replication thereto, the deposition
of Sampson White, and the record alluded to in the bill, and was argued by
counsel. On consideration whereof the Court doth order & adjudge & decree that
a Commissioner of this Court take the following accounts, first - an account
of the actings and doings of the defendant Thomas Smully on the estate of
Henry W. Mills decd. in taking which account the Commissioner may
take as prima facie correct, subject to be surcharged and falsified an
account audited in the county court of Isle of Wight county of said Smully
admor. of ~~Wills~~ ^{Wills} estate, in taking which account the said Commissioner
will ascertain and report what debts paid by said Thomas Smully admor. &c.
as aforesaid bound the heirs of the said Henry W. Mills; and that the said Com-
missioner take an account of said Smully admor. of the estate of Henry W. Mills
decd. which has taken place since the audit herein before referred to: -
Second. An account of the real ^{estate} of which the said Henry W. Mills decd. seized
and possessed, and which passed by descent or otherwise to whom; and an
account of the fee simple and annual value of the said real estate, if any
part of the same has alien'd, where, by whom and the probable fee simple
value thereof at the time of such alienation - Third - an account and
statement of the plaintiffs demand - And liberty is given to all the other
creditors of the said Henry W. Mills who shall come in before the said Commis-
sioner and agree to contribute to the expenses of this suit, to shew & prove the

Geo. O. F. Andrews

James Mills, Henry M. Mills, Thomas Pennington, Esq.
of Henry M. Mills dec'd: Elizabeth Mills, (M. S. Mills, Esq.),
Hale and Lucy his wife

This cause came on this day to be again heard
on the paper formerly read, and the report of the
Court made pertinent to the order of the 4th
day of May 1833, to which no exception has
been filed and was argued by counsel, on
consideration whereof the Ct. doth adjudge
order and decree that Thomas Pennington, Esq.
do do, sell, sell, ^{William Dyer} ^{in value} and Enam Gals
or any 3 of them with the aid of a surveyor
if necessary, do allot and set apart to
Elizabeth Mills widow of Henry M. Mills,
one full and equal third part ~~part~~ ^{in value}
of the lands of which she late her husband
Henry M. Mills died seized and possessed
in the proceedings mentioned, - and that
~~Joseph M. Whitman~~ the Sheriff of this County
after ~~having a certificate that he can find~~
~~giving~~ ~~at least 6 weeks~~ ~~at the notice~~
~~of the time and place of sale~~
by advertisement posted at the door of the
Court House of Isle of Wight County and
also at some publick place in the town
of Smithfield, do expose to sale on the
premises by publick auction to the highest
bidder on a credit of 4 and 8 months
the undivided third part of the tract of
land in the County of Isle of Wight adjoining
the lands of Thomas Pennington and others in the
proceedings mentioned, also one other tract
of land in said County containing 100 acres,
adjoining the lands of John Legghart &
others in the proceedings mentioned including
the reversionary interest in the same ^{land} so as
aforesaid to be allotted to the said Elizabeth
Mills widow of Henry M. Mills, which said

estate paper by descent from Henry N. Mills
 to the said Mrs. Mills, James, Wm. Mills, Henry
 Mills, and Lucy, and also from Lucy Mills,
~~and out of the proceeds of sale, that~~
 He take Bond and good security, in such
 way as to enable him to meet this sum,
~~that he pay first to the plff. Geo. S. Fenner,~~
~~the estate of the said Geo. S. Fenner, that he take~~
^{with good security} ~~Bonds~~ ^{payable} one bond to the plff. Andrews for ~~\$1305.38~~ ^{\$1305.38}
 and his share, one other bond payable to said Fenner for
~~\$217.73~~ ^{\$217.73} out of his demand, one payable to Mr. Shelton ad. of his
~~late wife's estate who was the supplier to his self~~
^{for \$196.30} ~~or \$196.30~~ ^{proceeds of the}
 or cor. - But if the sale shall not be
 sufficient to pay the ~~plffs~~ ^{debts} demand, the bonds are
 to be taken ~~to~~ payable to the said Andrews
 and Fenner ^{for their demand, & the bal. to the executor Shelton} ~~or, as aforesaid~~; and if
 the proceeds of the sale shall be insufficient
 - ent to pay the respective sums due to the
 said Andrews and to Fenner, then
 the Court is directed to take the bonds
 to each of the last named plffs.
~~in an order as to apportioning said~~
~~paper~~

98.15
 588.90

98.15
 196.30

125.75
 7.54.50
 90.48
 1.50
 91.98

876.09
 103.09

876
 522
 20.55
 522
 73.08
 3.01
 76.9

596.50
 35.79.00
 178.91
 3579
 576.81
 8.94
 545.79

Anorus

3 } keep in
Miles &c.

In Isl of Wight Circuit Superior court of Law and Chancery October term 1833

George O. Andrews

Plaintiff

against

James B. Mills, Henry M. Mills, Thomas Smalley administrator
of Henry M. Mills, Elizabeth Mills, William S. Mills
and Maria Hall and Lucy his wife

Defendants

In Chancery

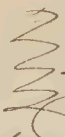
This cause came on this day to be again heard, on the papers formerly read, and the report of the commissioner made pursuant to the order of the fourth day of May eighteen hundred and thirty three, to which no exceptions have been filed; and was argued by counsel; On consideration whereof the court doth adjudge order and decree that Thomas Smalley, Thomas M. Dashiell, Mills M. Darden, William Dews and Eum Gate, or any three of them with the aid of the surveyor if necessary, do allot and set apart to Elizabeth Mills, widow of Henry M. Mills one full and equal third part in value of the lands whereof her late husband Henry M. Mills died seized and possessed, and in the proceedings mentioned, to be held by her as and for her dower; and that the Sheriff of this county after giving at least six weeks notice of the time and place of sale by advertisement posted at the door of the courthouse of Isl of Wight county, and also at some public place in the town of Smithfield do expose to sale on the premises; by public auction to the highest bidder on a credit of four and eight months, the undivided third part of a tract of land in the county of Isl of Wight adjoining the lands of Thomas Smalley, & others, and in the proceedings mentioned; also one other tract of land in the said county containing one hundred acres adjoining the lands of John Urquhart & others, in the proceedings mentioned including the reversionary interest on the above lands so as aforesaid to be allotted to the defendant Elizabeth Mills widow of Henry M. Mills, which real estate papers by descent from Henry M. Mills to the defendants William S. Mills, James B. Mills Henry M. Mills, and Lucy Hall formerly Lucy Mills, that he take one bond with good security payable to the plaintiff Andrews for thirteen hundred and eighty dollars and thirty eight cents the amount of his demand, one other bond payable to Thomas Smalley for two hundred and seventeen dollars and seventy three cents the amount of his demand, & with good security, one bond with good security payable to William Skilton administrator of his late wife Sarah for one hundred and ninety six dollars and thirty cents the amount of his demand, and for the surplus if any, bond with good security payable to himself as commissioner; But if the proceeds of the sale shall not be sufficient to pay the entire demands, bonds as aforesaid, are to be taken payable to the said Andrews, & Smalley for their demands, and the balance to the creditor Skilton, and if the proceeds of the sale shall be insufficient to pay the respective sums, due to the said Andrews and to Smalley, in that event the commissioner is directed to take the bonds to each of the last named plaintiffs in proportion to their demands, and the commissioner is to bring the said bonds into court subject to the

future order of the said court. and make report of his proceedings.

A copy to Nathl. May Jr.
" "

~~books for~~	~~\$ 5~~
~~att~~	~~10 00~~
~~commissioners fee~~	~~17 50~~
~~rent tax~~	~~7 5~~

George O. F. Andrews

to  Deener

Milo Vickers

A copy for the Siff.

and that the ~~sheriff~~ said Joseph B. White.
- has Deputy Sheriff for Exam Elyshiff. & is
convoy by ~~good~~ and sufficient ~~and~~
to the purchase, the land, purchase
under the decree of this Court. &
the liberty is reserved to the infant
afts. to show cause if any they can,
against this decree in a week & a day
after they shall respectively arrive to
the age of 21 years. ~~and the Court will~~
~~retain the cause for the report of the Court.~~
~~who are directed to attend to the~~
~~infant Elizabeth Wiley, and will proceed~~
~~to decree, or that she be hereafter~~

~~Elizabeth Wiley~~

~~by her
Wiley & others~~

~~To be entered~~

George A. L. American, on behalf of himself & others
- vs - Henry M. Mills, decd: p. 11.

James B. Mills, Henry M. Mills, Thos. Smully, admors: of
Henry M. Mills, Elizabeth Mills, Wm. Mills, & heirs, decd &
Lucy his wife p. 12.

This cause came on this day to be again heard,
on the papers formally read, the report of Joseph B.
Whithead, deputy sheriff for Essex Co., of the
of right County, of the said matter by him & the report of the Com-
missioners of the said County, in pursuance of the order
in this cause of the 4th day of October 1833, to
which ^{report} no exception has been filed, ~~and~~
~~the report of and was agreed by Council;~~ on
consideration whereof the Court doth order,
and decree, ^{that the said report be confirmed, and} that the Clerk of this Court to

George A. L. American, one of the plaintiffs ^{of} the
Bonds in the report mentioned to wit, that of Henry
M. Mills, Wm. Mills for the sum of forty five dollars,
payable the 18th of August 1834, and also one other
Bond of the said Henry M. Mills, and Wm. Mills, for
\$17.50 payable the 18th of April 1834, & ~~and that~~
~~the said report be confirmed, and~~ that the Clerk

do deliver to the said Smully, one other plaintiff, the
Bonds of Henry M. Mills, Wm. Mills, for the sum of
\$42.50 payable the 18th of April 1834, & one
other Bond for the sum of \$100 payable
by Henry M. Murphy and child, Wm. Bacon on the
18th of April 1834, in the sum of \$50, & one other
Bond of Henry M. Murphy & child, Wm. Bacon
for the sum of \$50 payable the 18th of August
1834. - and the Court also agrees, order &
decree that the Clerk deliver to Thos. Smully
one other plaintiff the Bonds mentioned in the
report or payable to said Smully, by Henry M.
Mills and Wm. Mills, in the sum of \$27.10 &
on 18th of April 1834. - and that the said
Thos. Smully pay to the said George A. L. American
1/6 of the costs, & expenses in the prosecution of this suit.

proceedings: —

Attest
Wm. B. Young D.
" Secy "

George O. Andrews

vs Σ Deems

Wills & others

Attest for
Thomas Smiley & Co.

In Solis Night county Circuit Superior court of Law and Chancery October term 1853
George O. Andrews Plaintiff

against
James B. Mills, Henry W. Mills, Thomas Smalley administrator of Henry W. Mills, Elizabeth Mills, William S. Mills, and David Hall and Lucy his wife Defendants

This cause came on this day to be again heard, on the papers formerly read, and the report of the commissioner made pursuant to the order of the fourth day of May eight hundred and thirty three, to which no exceptions has been filed; and was argued by counsel; on consideration whereof the court doth adjudge, order and decree that Thomas Smalley, Thomas M. Dashiell, Mills W. Darden, William Dew and Erum Hale, or any three of them with the aid of the surgeon if necessary, do allot and set apart to Elizabeth Mills widow of Henry W. Mills, one full and equal third part in value of the lands whereof her late husband Henry W. Mills did seized and possess and in the proceedings mentioned, to be held by her as and for her dower; and that the Sheriff of this county after giving at least six weeks notice of the time and place of sale by advertisement posted at the door of the courthouse of Solis Night county, and also at some public place in the town of Smithfield, do expose to sale on the premises by public auction to the highest bidder, on a credit of four and eight months, the undivided third part of a tract of land in the county of Solis Night adjoining the lands of Thomas Smalley & others, and in the proceedings mentioned, also one other tract of land in the said county containing one hundred acres adjoining the lands of John Ungubart & others in the proceedings mentioned including the reversionary interest on the dower lands so as aforesaid, to be allotted to the defendant Elizabeth Mills widow of Henry W. Mills, which real estate passed by descent from Henry W. Mills to the defendants William S. Mills, James B. Mills, Henry W. Mills, and Lucy Hall formerly Lucy Mills, that he take one bond with good security payable to the plaintiff Andrews for thirteen hundred and fifty dollars and thirty eight cents the amount of his demand, one other bond payable to Thomas Smalley for two hundred and seventeen dollars and seventy three cents the amount of his demand, & with good security, one bond with good security payable to William Shelton administrator of his late wife Sarah for one hundred and ninety six dollars and thirty cents the amount of his demand and for the surplus if any, bond with good security payable to himself as commissioner, But if the proceeds of the sale shall not be sufficient to pay the entire demands, bonds as aforesaid, are to be taken payable to the said Andrews, & Smalley for their demands, and the balance to the executor Shelton, and if the proceeds of the sale shall be insufficient to pay the respective sums due to the said Andrews and to Smalley, in that event the commissioner is directed to take the bonds to each of the last named plaintiffs in proportion to their demands, and the commissioner is to bring the said bonds into court subject to the further order of the said court, and make report of his

Andrews & others

as

2

Diaries

Mills

At a Court Superior Court of Law and Chancery continued, and held for
the county of Solis/Wright the sixth day of May one thousand eight hundred and
thirty four.

George O. St. Andrews on behalf of himself & others
creditors of Henry Mills dec'd. Plaintiff.

against

James B. Mills, Henry W. Mills, Thomas Smalley
administrator of Henry W. Mills dec'd. Elizabeth
Mills, William S. Mills & Davis Hall & Lucy
his wife Defendants

In Chancery

This cause came on this day to be again heard on the papers
formerly read, the report of Joseph B. Whitehead deputy Sheriff for Cass & Jay
Shiff. of Solis/Wright county of the sale made by him, and the report of the
commissioners directed to allot do over to the defendant in pursuance of the
order in this cause of the eighth day of October 1833, to which reports no excep-
tions has been filed, and was argued by counsel. On consideration whereof the court
doth adjudge order and decree that the said report be confirmed, and that the
clerk of this court deliver to George O. St. Andrews one of the plaintiffs four of
the bonds on the report mentioned, to wit, that of Henry W. Mills and William S.
Mills and William S. Mills for the sum of forty five dollars, payable the eighteenth
of August 1834 and also one other bond of the said Henry W. Mills and William
S. Mills for sixteen dollars and eighty four cents payable the eighteenth of April
1834 one bond payable by Henry W. Murphy and Mills W. Darden on the 18th
of April 1834 in the sum of fifty dollars, and one other bond of Henry W.
Murphy & Mills W. Darden for the sum of fifty dollars payable the 18th
of August 1834, and the court doth also adjudge, order and decree that the clerk
deliver to Thomas Smalley one other plaintiff the bond mentioned in the
report as payable to said Smalley by Henry W. Mills and William S. Mills in
the sum of twenty seven dollars and sixteen cents and due on the 18th of
April 1834 and that the said Thomas Smalley pay one sixth of the costs expen-
ed in the prosecution of this suit, and that the said Joseph B. Whitehead deputy Sheriff
for Cass & Jay Sheriff do convey by good and sufficient deeds to the purchasers
of the lands purchased under the decree of this court &c. and tithes is reserved
to the infant defendants to show cause if any they can against this decree in
a year and a day after they shall respectively arrive to the age of twenty one
years

Attest State Nathl. H. H. H.

Copy bond. Lupt. h.
for

Geo. O. F. Anderson

Mr. Mellyad. 1811
Sept. 18th Mills widow
children to wit
Mrs Mills, Sarah.
Benj. M. M. & Henry
Mills - last
infant -
125 Mills tract

2 1/3 plantations
in row on
say

called down

plantation

Edw. 2^d.

sp. to May
1832. app. 1842

Anderson

Mills &

exhibit

A. B. &

May 4th 1882 filed
by J. B. & Co.

On demand we promise to pay Geo. Joseph W Ballard the sum of five hundred dollars Very money, for value received, for the trespassment thereof, we bind ourselves our joint & several heirs, executors, administrators firmly by these presents, sealed with our seals & dated this 2nd day of February 1816 -

Witness

Mary Morris

Isaac Villiers

Henry M Mills Seal

Geo. O. F. Andrus Seal

A copy Teste - Mathl. Young et -

At a superior Court of Law continued and held the 9th day of May 1818 for the county of Isle of Wight

Joseph W Ballard

Plff

In debt

vs
George O. F. Andrus surviving obligor of Henry M Mills
- self and Henry M Mills and

This day came the plaintiff by his attorney and the defendant still failing to appear, ^{He pleads to issue} therefore it is considered by the Court that the plaintiff recover against the defendant the sum of five hundred dollars, the debt on the declaration mentioned with interest thereon to be computed after the rate of six per centum per annum from the 2nd day of February 1816 till paid, and his costs by him, about his suit in this behalf expended; and the said defendant in mercy do -

A copy

Teste - Mathl. Young et -

Joseph W Ballard vs George O. F. Andrus surviving obligor of Henry M Mills died - In debt. Hi: fa: forss do with six per cent. Int: thereon from the 2nd day of February 1816 till paid and 819 cents, costs. - On which Snowd was the following return - " Satisfied - Wm Holliman Ds for Benj: Brown Esq,

A copy Teste - Mathl. Young et -

Say when suit was not in case of Peori, & whether in the Superior or County Courts - N. A. M.

Wm. Holliman

Receipt

Andrus

Miss Anna

exhib. St. Philadelphia

filed May 1832 by J. W. Atter

by J. W. Atter

6th July 1878. Rec^d of George O. Hollerman the sum
of Five hundred and ninety six dollars and fifty Cents
exp^d for an Execution including Ck. against S. O. Anderson
surviving obligor of Henry W. Mills dec^d in favor of
Jos. W. Ballou, which Execution was issued from the
Superior Court of Islip N.Y. the 13th day of May 1878

Wm
O. Hollerman Attn
Per J. H. Cox Clerk

Edmund Davis
Receipt

Monies

of

which

will

be paid on 24

May 1832.

March 16th 1819. Rec^d Mr. George Andrews
 the Sum of eighty Seven dollars, in part of
 a Bond, due by H. W. Wells, which Bond the
 S^r Andrews was Security to me for, —

$$\begin{array}{r}
 87 \\
 \underline{5220} \\
 87.00 \\
 \underline{139.10} \\
 990.19 \\
 \underline{1129.39}
 \end{array}$$

$$\begin{array}{r}
 596.50 \\
 \underline{3579.11} \\
 3.93.69 \\
 \underline{5.96.50} \\
 990.19
 \end{array}$$

Examine Rec^d in Adm^t

Dr. The estate of Henry W. Wiles decd. In acct. Current with
Thomas Smully Acumr.

10/17	Sep.	To this sum retained by me (Acumr.) in payment of two executions due from my intestate	407 32
		" this sum retained by me (Acumr.) in payment of 4 writings obligatory under seal due to me from my intestate	686 30
	11	paid Robt Wilson on account of duties & direct tax due to the United States, which my intestate collected as deputy for said Wilson	480 --
			8 --
Dec. 10	11	paid for coffin for decd.	
		" paid George A. F. Andrews Esq. to John W. Parker orphan of John Parker decd. for whom my intestate was former go.	1092 56 1/2
		" George Wilson Acumr. of Solomon Wilson decd. in full of a Judgment obtained against my intestate in his life time	715 75
Feb. 10		paid Matthew Powell for 3 days services crying up the estate at the sale	8 00
		" paid Joseph Bradley Acumr. debor. now of Ann Driver decd. this sum being the balance due upon a settlement of my intestate's Acumr. Account of S ^r A. Drivers estate	85 03
May 15		" paid Eamon Ely Acumr. d. b. n. of John Chapman decd. it being the balance due upon the settlement of my inter- state's Acumr. Acct. of said Chapman's est.	327 14
		" paid Willis Morrip Acumr. d. b. n. of Ro. Dashiels decd. it being the bal. due upon a settlement of my intestate's Acumr. of said Dashiels est.	203 69 1/2
Aug. 25		paid Polly Gay Acumr. d. b. n. of Jeph Gay decd. in full of the bal. due upon a settlement of the Acumr. of S ^r Gay's estate as Acumr. by my intestate	384 23
Sep. 9		this sum paid Rachel Webb Acumr. d. b. n. of Saml. Webb decd. it being in full of the balance due upon a settlement of my intestate's Acumr.	93 06 1/4
10 th		paid Amelia Gay Acumr. of Joshua Gay decd. in full of a Judgment obtained vs. me upon a single bill under seal executed by my intestate in his life time	13 88
		This sum retained to pay the Acumr. d. b. n. of John Lawrence decd. it being a balance due upon a settlement of my intestate's administration of said Lawrence's estate	484 30
		" paid Rob. Hines Atto. for Rob. Jordan a balance in full of a Judgment vs. my intestate in his life time	141 76
29 th		" paid Joseph Prentis Atto. at Law for services rendered to me as Acumr. of Henry W. Wiles decd.	31 00
		" paid Richd. W. Baker Atto. at Law for services rendered to me as the Acumr. of Henry W. Wiles decd. in defending suits vs. me	185 00
		" this sum to pay the guardians to the orphans of Eliza F. Wiles decd. for whom my intestate was former guardian	145 57

" this sum retained to pay the clerk for the recording of the acct: amounts
 of seven estates (to wit) Ann Drivers, John Chapmans, No: Dashiels,
 Sepe Gay, Samed Melby, John Lawrence's & Emanuel Mills. 55 82 1/2
 " commissions upon receipts @ 7 1/2 % of ct. 50/ 57
 Balance due the estate 631 83 1/2
 \$ 6686 93 1/2

Contra

10/17
 Sep. 9th By cash rec^d of Darden Davis for plank 379 --
 6 " ditto for ditto 100 --
 20 " cash of James Pinner 6 --
 Nov. 4 " cash of John Whitfals 90 81
 18 " cash of Elijah Hampton 10 81
 26 " cash of Jacob Duck 1 50
 Dec. 10th " cash of Thomas Jordan 8/3 1 37 1/2
 " amount of sundry bonds 265 55
 10/18
 Jan. 12 " By cash of Robert DeFord 250 --
 Feb. 4 " cash of David Roberts 2 50
 27 " cash of sundry persons due to my intestate as exor. of Ann Driver ~~and~~ 85 03
 " amount of sales due 27th Aug. ¹⁰ meat 4264 39 1/4
 Apr. 25 " cash of Benja. Ely 5 50
 27 " cash of No. Gay 16 92
 June 1 " cash of Benj. Powell 1 75
 18 " cash of John Watkins 6 --
 July 6 " cash of Sam. Jones 4 50
 Aug. " cash of Mrs Gay, Letha Gale & Willm Morris 348 79 1/2
 Sept. " cash rec^d of Mr. Webb 92 43 3/4
 " " cash rec^d of And^{rs} Woodley Acct. of Banister Meador 22 17
 " " cash of Willm Morris for plank 15 75
 " " ditto of . . ditto . . yr. bonds 191 44 1/2
 " " this sum rec^d for plank 524 45
 \$ 6686 93 1/2

At a Court held for the County of Wright the fifth day of October 1878 the foregoing acct: burrt: was returned into court, examined & allowed by the court; and together with the auditors report thereon endorsed was ordered to be recorded

Teste Nathl Young C.

Attest Teste Nathl Young C. W. H. G.

I certify that the foregoing acct burrt: is a true copy of the one alluded to in Thomas Smellys Ans^r as Acct. of Henry W. Mills dec^d to Geo. C. F. Andrews: Bill which is in said Ans^r marked A

Nathl Young C. C. S. C. L. G.

Pursuant to the annexed order of the honourable court of the County of Wright the undersigned commissioners have stated and settled the foregoing account of the administration of Thomas Smelly on the estate of Henry W. Mills dec^d. We have seen and carefully examined the vouchers for the respective charges which we find correct, we have examined and compared the appraisement with the account of sales which we find correct; the amount of which with other credits is \$6086.93 1/2 and the debts against the estate amounts to \$6055.10 leaving a balance due the estate of \$631.83 we have allowed the exor. a commission of 7 1/2 % Cent which we think is justified by the following facts or circumstances (to wit) that the said Mills at the time of his death was the representative of eight estates all of which the said Smelly has been compelled to settle and adjust that the said Mills was ~~born~~ to three or more orphan children whose accounts in that respect the said Smelly has been obliged to close & adjust, that the said Smelly has been incumbered with more than ordinary trouble and expense in obtaining documents & other information for the purpose of settling & adjusting the said various matters and acct: Given under our hands this 5th day of October 1878

David Dick
 Barth: Lightfoot

An acct. current of the account
of H. H. Mills estate by Thos.
Smalley acct. ~

a copy

28

Report of the debts paid by Thomas Smully Adm^r of Henry W. Mills dec^d. out
of the estate of said Mills, which binds the heirs of said Mills - Thomas Smully
for \$12. due 31st December 1814

Thomas Smully for \$590. due 6th Jan^y 1817

Nathaniel Norfleets for \$450. due 20th Feb. 1817

Dixon Pinner's for \$100 due 20th Apr. 1817

Alexander Galis for \$200 due 28 Dec. 1816.

Jacob Woodward, for \$250. due 28th Apr. 1817.

Iethus Galis for \$147.79 due 9th Oct. 1818

John B. Eley's for \$135.83 due 21st June 1817

John C. Cahoon's for \$150. due 1st Jan^y 1818

John Darden's for \$100 due 1st Jan^y 1817.

The Estate of Henry W. Mills deceased

In an additional account with Thomas Smully, Administrator

67

1818				
Oct. 15	To paid John T. Wiley Appt. of Norfolk.	Judge	501. 38	
" 24	" paid Elias Pinner	"	110. 25	
Nov 12	" paid John Darden	"	118. 75	
" 13	" paid Alexander Gale Admor. of Betsy Gale	"	229 87	
Dec 31	" Balance due the Estate	Pro contra	513. 15	
			<u>\$1379 40</u>	

1819				
Jan 27	To paid Mills Pay	Judge	352 08	
Mar 2	" paid Jacob Woodward	"	285 00	
June 7	" paid Randolph Whitley	"	127 97	
" "	" paid Sethus Gale	"	103 02	
July 20	" paid John B. Ely	"	159 02	
Dec	" 5 Cent comm ^t on \$482.29 receipts this year		24 11	
" 31	" Balance due the estate	Pro contra	43 04	
			<u>\$1095 44</u>	

1821				
Dec. 23	To paid John C. Bahoon	Judge	184 25	
"	" paid Meckum Fearns	"	70 85	
"	" paid clerk of Sale of Night	tickets	44 42	
"	" paid clerk of Nansmonds	"	8 02	
"	" 5 Cent comm ^t on \$146. 08 receipts		7 33	
			<u>\$315 47</u>	

Bal. due the Admor. \$125. 75

1818				
Oct. 5	By this sum, balance due the estate of settlement this day made by Commissioners appointed by the Court.		831. 83	
	By this sum of Mary Jordan		55 59	
" 27	By this sum of W ^r . Hollerman on parish claim		40 21	
Nov 3	By this sum from the estate of Mills - Jff		750 90	
" 10	By this sum of Miles Hawks for a Leg sold him		85 00	
			<u>\$1579 40</u>	

1819				
Jan 1	By this sum balance due last year		513. 15	
Mar 2	By this sum of Thomas Marshall on acct		2 87	
"	By this sum from the estate of Mills - Jff		126 32	
" 8	By this sum of Robert Ballard on note		11. 00	
" 27	By this sum of Elijah Hampton		49 00	
Apr. 12	By this sum of Washington Smith		13 95	
May 3	By this sum of John G. Miles prin: Int. Vests		71 21	
July 20	By this sum of Sept. Roberts		104 20	
Aug 11	By this sum of Sethus Gale		6 90	
	By this sum of Sally Hutchins		2 44	
Sept.	By this sum of Patsy Jackson		7 00	
Oct. 4	By this sum of Wm Mahone of Ro. Brook		20 30	
Dec 1	By this sum of Winney Sanford		6 38	
			<u>\$1095 44</u>	

1821				
	By this sum balance due 31 st Dec. 1819		43 04	
Jan 1	By this sum of John B. Ely for Dolly Matthews		4 69	
Mar.	By this sum of Willis Gamble Jff		36 82	
Apr. 6	By this sum of Polly McCreathy note		19 21	
May	By this sum of Robert Deford Jff of Man ^e		53 90	
	By this sum of Frank Chapman of W. R. Woodley		12 00	
	By this sum of Josiah Ely		20 00	
Dec. 31	By this sum, Balance due the Administrator of debts		125. 75	
			<u>\$315 47</u>	

An account of Thomas
Smalley's Admin: on the estate
of Henry W. Mills decd.

B

William Sheltons
claim. —

Statement &c.

6

Andrews is Smelly.

~~7~~ ~~8~~ ~~9~~

~~10~~ ~~11~~ ~~12~~

Statement of the debt - which is for the benefit of William Shelton adm.
of his late wife Sarah ~~Norworthy~~ ^{Norworthy} widow and
relict, and also Residuary Legatee under the will of her first husband
Thomas Norworthy dec'd.

amts of the principal.	\$ 204.64.
To int. for 1. Octo 1816 to 7 th Nov. following) 1.6.	\$ 1.22
By credit entered on the Note for \$9.92. + for 21. shillings = \$13.42	\$ 205.86.
Int. to May the 3 rd 1817. 5.28.	13.42
	192.44.
By Credit entered on the Note for	5.71
	\$ 198.15.
To int. on \$98.15 from 3. May 1817 till paid.	100.00
	\$ 98.15.
Calc of sum \$ 7.61.	7.61.

administration with the will annexed of the said Thomas
Monworthy decd. in and form of said

Teste Nathl. Young Esq & M^c

atcopy Teste

Nathl. Young Esq & M^c

Atcopy of
Thomas Monworthy's
Will

I Thomas Norworthy of the county of Islesfawright and
state of Virginia being afflicted in body but of sound
mind & being disposed to settle my affairs do make the
following disposition of them in this my last will and
testament -

Item - My landed property all that I am at present seized
and possessed of. I lend to my dearly beloved wife during her
natural life and at her decease I give it to Enam & Britt
Item, the black children, to wit, Wiley Grace. Mills Rebecca
Rhoda I lend to my beloved wife until they arrive at
lawful age, and it is my desire that she (my wife) should
have the use and service of the offspring of the females until
they become of lawful age and it is my will that the a-
-bove mentioned black persons together with the offspring
of the females, should one and all be free as they arrive
at lawful age -

Item, I give Enam & Britt a gun of which I am at the
present possessed

Item - All the residue of my Estate of whatever kind & value
whether living or dead I give to my dear wife, which
after the payment of all my just debts is to be hers forever.

Item, It is my desire that my beloved wife should be
sole executrix of this my last will and testament -

Signed sealed and delivered

in presence of

M^r. Murdaugh

Edward Gay

Thomas Fanning -

Thomas Norworthy (Seal)

Islesfawright. 10th Mo^o 8th 1815 -

at a court held for Islesfawright county the 4th day of No-
-vember 1816. This will was presented in court. by
Norworthy the Ex^{or}: therein named who refused to take
upon herself the burden of the execution thereof and
the same being proved by the oath of Edward Gay, and affir-
-mation of Thomas Fanning two of the witnesses thereto, was orde-
-red to be recorded - And on the motion of John Clark who
made oath thereto according to Law and together with Henry
M. Mills and John Darden his decessors entered into and ack-
-nowledged their bonds in the penalty of \$5000:00 conditioned as the Law
directs - certificate is granted him for obtaining letters of

Clark's annot. 40
or 300. 40. 40.

Wills' annot.

Two p. 34.

not of Cyprian

" 36
30
18
84 ch.

Isle of Wight County Court

March Term 1819.
John Clark admor: re of Thomas Hornworthy decd, Plaintiff

vs. Def't L

Thomas Smalley admor: re of Henry H Mills decd. - Defendant

At a quarterly Court held for said county on the day of March 1819 came the parties aforesaid by their attorneys and thereupon came also a jury to wit, Mills Ely and eleven others, who being elected, true sworn, the truth to speak upon the issue joined, upon their oath do say that the defendant doth owe to the plaintiff the debt in the declaration mentioned, subject to the credits entered on the Specialty, and also his damages to one cent - And they do further say, that the defendant hath fully administered all the assets which have come to his hands to be administered and further that there are debts of Superior dignity to the plaintiff's demands, viz. judgments rendered against the said defendant, admor: as aforesaid at October Isle of Wight Superior Court 1818 - and a judgment in favor of Nathl Mills against the said deft. admor: as aforesaid at Decr. Isle of Wight County Court in the year one thousand eight hundred and eighteen - Wherefore it is considered by the Court that the plaintiff recover against the defendant the debt aforesaid together with his damage aforesaid in form aforesaid and his costs by him about his suit in this behalf expended to be paid of the goods and chattels of the defendant intestate when assets sufficient shall come to his hands to be administered - And the said debt in money &c. -

\$7.61 costs

A copy - Test Nathl Young Ch. J.M.C

The following is a copy of the bond upon which the foregoing judgment was rendered, viz. - "On or before the 1st day of October next I promise to pay unto Thomas Hornworthy the sum of two hundred and four dollars & sixty four cents for value received, as witnessed my hand & seal this 18th day of March 1816 -

Witness

Henry H Mills (Seal)

Jno: L. Benson.

Upon which bond are entered the following credits, viz. Rec^d of D. H. Mills nine dollars and 92 cents also twenty one shillings Nov. 7th 1816. - and on May 3rd 1817 Rec^d of the within note, one hundred dollars -

John Clark. -

A copy, Test Nathl Young Ch. -

At a Circuit Superior Court of Law and Chancery continued. Held for the County of Isle of Wight the 7th day of May 1833.

Albert G. Shivers and In: Shivers, the last an infant under the age of twenty one years, who sues by Albert G. Shivers his next friend Compts.

against

Charles Rountree executor of Jacob Waterfield, James Johnson Curator of the estate of Wm. Murphy - as also the estates of James Mitchell and Sam. Murphy, Defts. Miles Williams exor. of Nathl. Mills Vexor. of Miles W. Gray.

In Chancery

This cause (in which the bill of the Complainants is taken for confessed against the defendant James Johnson on whom the Subpoena in this cause seems to have been duly executed and the bill filed more than four months) came on to be heard on the bill, the answers of the defendants Rountree & Williams, replications thereto and the exhibits thereto, to wit papers endorsed by the Clerk and filed in the cause, and was argued by counsel; On consideration whereof the Court (not definitively deciding but reserving for future decision the question of Law as to the authority of Murphy as administrator ~~electus~~ non to receive the money in that capacity, doth adjudge order and decree that a Commissioner of this Court take the following accounts - first - An account of the estate of John Shivers as administered by Wm. Murphy - ~~as administered by James Johnson~~ Second - An account of the estate of Wm. Murphy as administered by James Johnson - Third - an account of the estate of James Mitchell administered by Wm. Murphy - fourth - An account of the estate of Miles W. Gray as administered by Nathaniel Mills. Fifth, an account of the estate of Miles W. Gray as administered by Miles Williams - Sixth - an account of the estate of Nathaniel Mills as administered by Miles Williams - in taking which accounts the Commissioner may take as *prima facie* correct, subject to be searched and falsified, the accounts heretofore audited and reported to the County Court of Isle of Wight by any of the aforesaid defendants, relative to their respective administrations; which said several ~~administrations~~ accounts the Commissioner is directed to examine, state and settle & to the Court report with any matter specially stated deemed pertinent by

himself or required by the parties to be so stated: And on the motion
of the defendant James Johnson Administrator of the estates of William
Murphy, James Mitchell, and Sam Murphy, and by consent of
the plaintiff, leave is given him to file his answer, with liberty not-
withstanding the foregoing decree to sustain the allegations thereof by
proof or otherwise as if the same had been filed heretofore &c

Attest J. H. H.

Notd. Young Ch. C. S. C. C.

Attest

J. H. H.

Notd. Lightfoot Comm.

Smithfield Commissioners Office June 1st 1833

The parties interested in the foregoing order, are hereby
notified that I have appointed Tuesday the second day of July next,
to commence the settlement of the accounts directed by the preceding
order of Court, on which day they are requested to attend at my Office
at 9 O'clock in the forenoon with such papers, accounts, & other evidence
as will enable me to execute the foregoing decree.

Notd. Lightfoot Comm.

Legal service acknowledged

(Signed)

Arch. Atkinson att.

In couplet.

Charles Rowntree
Willis Williams Esq. of
North Mills also Esq. of
Mills & Gray
James Johnson Esq. & Admin.
of Wm. Sam Murphy
& James Mitchell

^(D.)
Wm Shelton's
admon. on his
late wife Sarah's
est.

copy of

Fee - 18c

In Nansemond County Court 10th June 1833.

On the motion of Wm. Shelton letters of administration are granted him on the estate of Sarah his late wife who was the widow of Thomas Norisworthy deceased, he having made oath, and entered into bond, in the penalty of Four hundred dollars, with Henry Rawls his security, who justified, which said bond is conditioned as the law directs.

Nansemond Office
14th June 1833. 

Attest
Teste John T. Kilby Clk.

Dr: The Estate of Henry M. Mills decd. In account current with Thomas Smalley admr.		for	
		\$	¢
Sept. 1817	To this sum retained by me (admr.) in payment of two executions due from my intestate, - - -	407	52
"	" this sum retained by me (admr.) in payment of H. Writings. obligatory under seal due to me from my intestate. - - -	686	30
11	" paid Holt Wilson on account of duties & di- rect tax due to the United States, which my intestate collected as deputy for? Wilson	480	00
Dec: 10	" paid for coffin for decd. - - -	8	00
"	" paid George O. F. Andrews admr. to John H. Parker Cosphan of John Parker decd, for whom my intestate was former admr. - - -	1092	56 1/2
Jan: 5	" paid George Wilson admr. of Solomon Wilson decd. in full of a judgment obtained against my intestate in his life time - - -	715	75
Feb: 9	" paid Matthew Pounce for 3 days services crying up the estate at the sales - - -	8	00
"	" paid Es: Bradley admr. d. b. n. of Ann Dr- ver decd. the sum being the balance due upon a settlement of my intestate's admr. account of? ~~Es: Drivver's~~ Estate - - -	85	03
May 15	" paid Ensign Ely admr. d. b. n. of Jno: Chapman decd. it being the balance due upon the settlement of my intestate's admr. acct. of said Chapman's Est	327	14
"	" paid Willis Morriss admr. d. b. n. of Ro: Dar- shild decd. it being the bal: due upon a settle- mt. of my intestate's admr. of said Darshild's Est	203	69 1/2
Aug: 20	" paid Polly Gay admr. d. b. n. of Pepe Gay decd. in full of the bal: due upon a settlement of the admr. of S: Gay's Estate as admr. by my intestate. - - -	384	23
Sept: 9	" this sum paid Rachel Webb admr. d. b. n. of Saml: Webb decd. it being in full of the balance due upon a set- tlement of my intestate's administration of said Webb's Estate - - -	93	06 1/4

" 23rd To paid Amelia Gay. adm^r of Joshua Gay dec^d. in full of a judgment obtained vs. me upon a single bill under seal executed by my intestate in his life time. 13 88

" this sum retained to pay the adm^r d. b. n. of John Lawrence dec^d. it being a balance due upon a settlement of my intestate's administration of said Lawrence's estate. 484 30

" paid Ro: Hines attorney for Ro: Jordan a balance in full of a judgment vs my intestate in his life time. 141 70

" 29th paid Joseph Bruntis attorney at Law. for services rendered to me as the adm^r of Henry N. Mills dec^d. 31. 00

" paid Richard H. Baker Att^r at Law. for services rendered to me as the adm^r of Henry N. Mills dec^d. in defending suits vs me. 185. 00

" this sum to pay the Guardians to the orphan's of Mills. J. Mills dec^d. for whom my intestate was former guardian - 146. 57

" this sum retained to pay the clerk for the recording of the acct. current &c of seven Estates. to wit - Anna Drivers'. John Chapman's. Ro: Darkchild's. Lepe Gays. Saml. Webb's. John Lawrence's & Emanl. Mills - 55. 82 1/2

" commissions upon receipts @ 7% pr ct. - 501. 51

Balance due the Estate - (13. 83 1/2) 6686. 93 1/2

181st Contra

Sept 4th By cash received of Darden Davis for plank - 379. 00

6 " ditto. for ditto - 100. 00

20 " cash of James Guinner - 6 00

Nov 4th " cash of John Whitfield - 90. 81

18 " cash of Elijah Hamptons - 10. 81

26 " cash of Jacob Duck - 1. 50

Dec 10th " cash of Thomas Jordan &c - 1. 37 1/2

" amount of sundry bonds - 265. 55

818-
Jan 12 By cash of Robert Defords - 250. 00

Feb 3 4th " cash of David Roberts - 2 50

27 " amount of sales due 27th august next - 4264. 39 1/4

" cash of sundry persons due to my intestate as exors of Ann Driver dec^d. - 85. 03

Apr 25 " cash of Benja. Elcy - 5. 50

27 " cash of Ro: Gay - 16 92

June 1 " cash of Reaj: Bowell - 1 75

18 " cash of John Watkins - 6. 00

July 6 " cash of Saml. Jones - 4. 50

Aug 1 " cash of Mr: Gay. Sethos Gale & Willis Morris - 348. 79 1/2

Sept " cash rec^d of Mr: Webb - 92. 43 1/2

" " cash rec^d of And^r Woodley adm^r of Banister meadow - 22 17

" " cash of Willis Morris for plank - 15. 75

" " ditto of ditto for bond - 19 44 1/2

" " this sum received for plank - 524. 45

6686. 93 1/2

Pursuant to the annexed order of the honourable Court of the County of Wright County, Me. the undersigned. Commissioners have stated and settled the foregoing account of the administration of Thomas Emelly on the Estate of Henry N. Mills dec^d. We have seen and carefully examined the vouchers for the respective charges which we find correct, we have examined and compared the administration with the account of sales, which we find correct, the amount of which with other credits is \$6686. 93 1/2. and the debts against the estate of Emelly to \$6055. 10. leaving a balance due the Estate of \$631. 83. We have allowed the adm^r a commission of 7% percent which we think is justified by the following facts or circumstances, to wit, that the said Mills at the time of his death was the representative of eight Estates, all of which the said Emelly has been compelled to settle &

adjust, that the said Mills was Edm: to 3 or more
 orphan children whose accounts in that res-
 -pect, the said Smully has been obliged to clear
 and adjust, & that the said Smully has been
 incumbered with more than ordinary trou-
 -ble and expense in obtaining documents
 and other information for the purpose
 of settling and adjusting the said various
 matters and accts: Given in our
 hands this 5th. day of October. 1818.

David Dick

Barth: Lightfoot

at a court held for Salop Wight-county the fifth day of October 1818
 the foregoing acct. went: was returned into court. Examined & allowed
 by the court and together with the ~~and others~~ report thereon ~~was~~ ^{was} ~~ordered~~ ^{ordered} to be recorded. *Testo*

Nath: Young J. W. C.

Henry N. Mills
 acct. Current

Attest

Nath: Young J. W. C.

by
 Tho: Smully

A. Copy

Witness
 75
 Miles Bottom
 Attached copy of the Warrant:
 Acct. of Smully on the 11th inst.
 of H. N. Mills and 1st to W. Smully
 Court - Feb 26 1819 Nov. 1832
 by R. B. Barker Atty for Dept
 Smully

B.

Andrews

25.

Wells Vothers

Document B referred to
in Sully's Ans^r. filed the
26th Nov^r 1832 - by R. H. Baker
atco for Deft. Sully

With

D^r The Estate of Henry W. Wells dec^d. In additional acct current with Thomas Smelly adm^r. 6^m

1818			
Oct. 13	To paid John T. Kilby ap ^r : of Norfolk Judg ^r	501 38	
24	" paid Dixon Pinner Judgment	116 25	
Nov. 12	" paid John Darden ditto	118 75	
13	" paid Alexander Gale am ^r : of Betsey Gale dec ^d	229 87	
1819			
Jan. 23	To paid Mills Gley Judgment	352 08	
Mar 2	" paid Jacob Woodward Judgment	285 00	
June 7	" paid Randolph Whitley ditto	127 97	
	" paid Lethro Gale ditto	103 62	
July 20	" paid John B. Gley ditto	159 62	
1820			
Dec. 23	To paid John C. Cochran ditto	184 25	
	" paid Mitcham Lero ditto	70 58	
	" paid Clerk of Isle of Wight tickets	43 80	
	" paid Clerk of Nansemono ditto	8 62	

1818			
Oct. 3	By balance Facet returned	631 83	
	By Mary Jordan	65 59	
27	By William Holliman Parish order	40 02	
Nov. 3	By this sum from the estate of E. Will, & Shiff	756 96	
10	By a Cigg sold to Willis Rawls	85 00	
		28 7 1/2	
1819			
Mar 23	By Tho ^r Marshall Facet	126 32	
	By Anna's Will's estate & Shiff	11 00	
8	By Robert Ballard & note	49 66	
27	By Elijah Hampton	13 95	
April 12	By cash of Washington Smith	71 21	
May 3	By cash of John G. Will's Prin. Int & cost	164 20	
July 20	By Lese Roberts	6 96	
Aug. 11	By Lethro Gale	2 44	
	By Sally Hutchins	7 00	
Sept.	By Patty Jackson	20 38	
Oct. 4	By Wm Mahone & Robert Brock	6 37 1/2	
Dec. 1	By Winney Lankford	4 49 1/2	
	By John B. Gley for Dolly Watkins	56 82	
1821			
Mar -	By Willis Parnal & Shiff (subscribed to)	19 21	
April 6	By Polly Murphy & note	53 96	
May	By Rob. DeFord & Shiff nansemono		
	By Frank Chapman & W. H. Woodley		

Whereas I have recovered a judgment - in the
Superior Court of Law & for this county -
at last term, against the heirs of Henry W
Wills decd. for the sum of one hundred and sixty
three dollars: & whereas I am indebted to
Lawrence by bond duly signed & subscribed
myself, I do hereby assign & relinquish
my right & interest in the above judgment
to said Miles Lawrence - upon his crediting
my bond for this amount. - Witness my
hand & seal, in City of New York
this 3rd day of July 1834.

\$163-00

G. F. Andrews

Comd rrs
to & Payment
Hills & Lawrence

\$163.00

London 1834

At a Circuit Superior Court of Law and Chancery, held for the County of Isle of Wight on the 4th day of May, 1833,

George O F Andrews for himself and other creditors

Complts.

AGAINST

Thomas Smelly, Adm'r of Henry W. Wills, dec'd, Elizabeth Wills, Wm S Wills, Jas B Wills, Henry W Wills, and Davis Hall and Lucy his wife

Def's

IN CHANCERY.

Nathaniel Young having been appointed Guardian ad litem to the infant defendant Henry W. Wills, this cause (in which the bill of the complainant is taken for confessed as to the defendants Elizabeth Wills, Wm. S. Wills, James B. Wills, Davis Hall and Lucy his wife, on whom the Subpoena appears to be duly executed and the bill filed more than four months and who still fail to appear) came on to be heard on the bill, the answers of Thomas Smelly and the infant Henry W. Wills, the replication thereto, the deposition of Sampson White and the record alluded to in the bill, was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that a Commissioner of this Court take the following accounts:—first, an account of the actings and doings of the defendant Thomas Smelly on the Estate of Henry W. Wills, dec'd, in taking which the Commissioner may take as *prima facie* correct, subject to be surcharged and falsified,—an account audited in the County Court of Isle of Wight County, of said Smelly's Adm'r of Will's Estate; in taking which account the said commissioner will ascertain and report what debts paid by said Smelly, Administrator, &c. as aforesaid, bound the heirs of the said Henry W. Wills, and that the said Commissioner take an account of said Smelly's Administration on the Estate of Henry W. Wills, dec'd, which has taken place since the audit herein before referred to. 2d, An account of the Real Estate of which the said Henry W. Wills died seized and possessed, and which passed by descent or devise, and to whom, and an account of the fee simple and annual value of the said Real Estate: if any part of the same has been alien'd, where, by whom and the probable fee simple value thereof at the time of such alienation. 3d, An account and statement of the plaintiffs demand.—And liberty is given to all the other creditors of the said Henry W. Wills, who shall come in before the said Commissioner, and agree to contribute to the expenses of this suit, to shew and prove the claims to which they are respectively entitled, which said several accounts the Commissioner is directed to examine, state and settle, and to the Court report with any matter specially stated and deemed pertinent by himself, or which may be required by the parties to be so stated.

A Copy—Teste,

NATH'L YOUNG, Clk. C. S. C. L. C.

A Copy—Teste,

BARTH. LIGHTFOOT, Comm'r

Smithfield Commissioner's Office,

May 29th, 1833.

THE parties interested in the execution of the foregoing order, are hereby notified, that I have appointed Friday, the 5th day of July next, for their attendance before me, on the matters thereby referred, and for proceeding to perform the duties thereby required, at which time the said parties are required to attend at my office with their proofs and their accounts they are severally required under.

BARTH. LIGHTFOOT, Comm'r.

may 31

F4w

I CERTIFY that the annexed Notice, in the case of Andrews

vs Smelly, Wills & Others, has been inserted for four weeks—successively, in "THE AMERICAN BEACON,"

Newspaper, published in Norfolk, Va. commencing May 31st 1833.

Wm. Shields & Ashburn,

of Shields & Ashburn,

Publishers of the Beacon.

Sworn to before me, an Alderman of Norfolk Borough, by William

Shields, — this 11th day of July —

1833.

Wright Santhgate

A. Atkinson Esq.

To SHIELDS & ASHBURN,

Office of the American Beacon and Norfolk and Portsmouth Daily Advertiser,

} Dr.

1833.

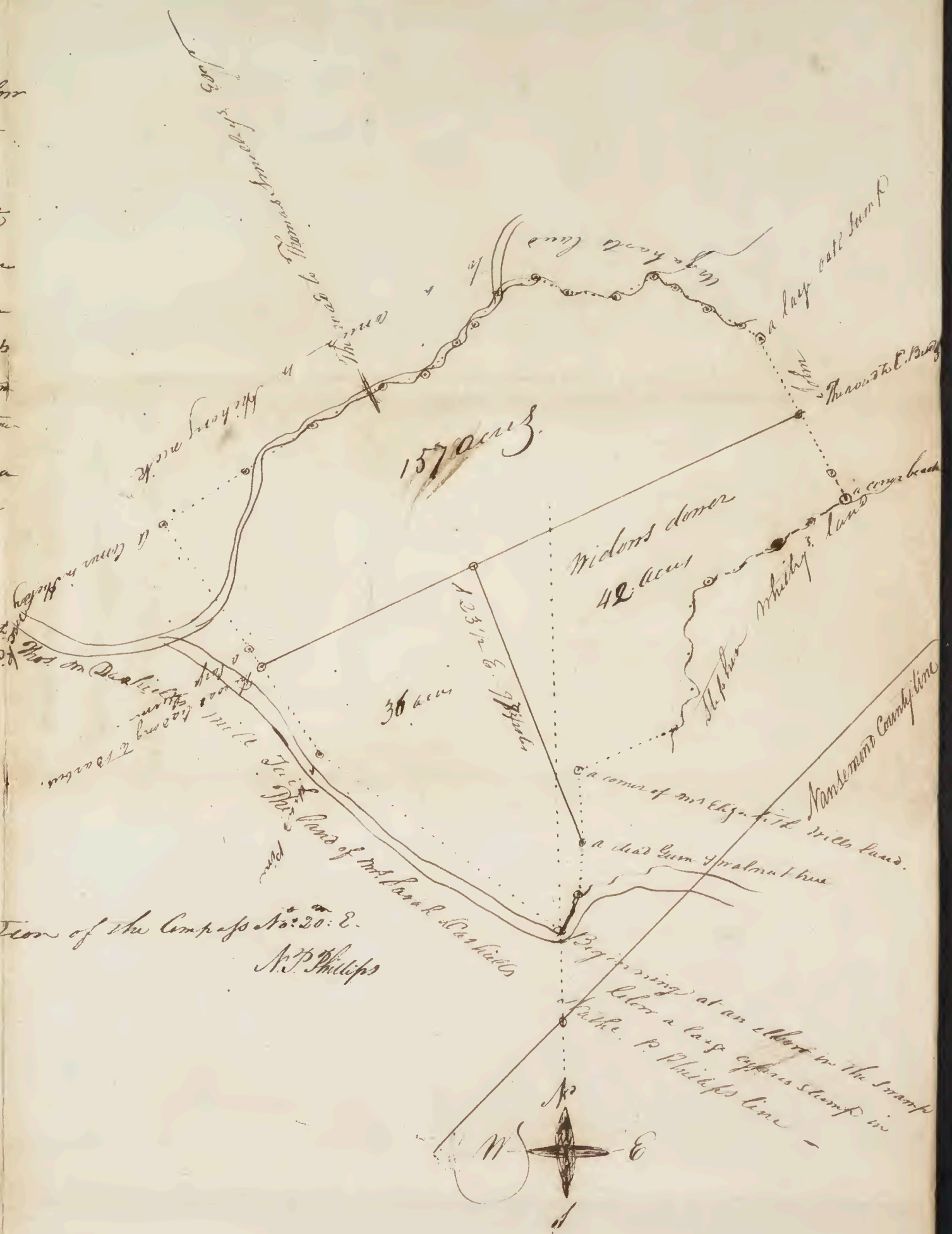
May 31 To publishing Notice in the Case of Andrews vs Smelly, Wills & Others, with Comm'r's Notice to take depositions. 49¢. 46 saw

} \$5.

This plat represents 157 acres of land lying in the County of
 Intestment near the line of Mansfield County beginning at an elbow
 in the Swamp in N. P. Phillips line and running N 13 E 14 p. then N 15 E 16 poles to
 a dead Gum & small walnut tree on Mr. Mills line N 17 W 24 poles to a Stob a
 corner of Mr. Miers N 67 p E 34 poles to a branch the dividing line with
 Stephen Whitley, thence up the different meanders of the said branch to a corner
 branch on the left hand of the Run of said branch N 31 W 9 1/4 poles to an oak then
 S 28 W 23 poles to the road leading from Barbours to E. Bridge thence N 23 W 22 p
 N 34 W 6 1/2 poles to an oak stump N 53 W 8 poles to a pine in the head of a bottom
 thence down the different meanders of S branch to the post leading to Ph. Smiley thence
 S 57 p W 81 poles to a corner on Hickory creek point thence S 33 E 50 poles to large
 black Gum near the front (or Dashiels mill run) thence S 33 E 41 poles to a
 dead pine thence S 52 E 98 poles to the elbow of said Swamp the beginning.
 The first dividing line runs as the road does from Barbours to Emmetts bridge
 The land on the South side, say 78 acres is allotted to Mary Mills as her Intestment
 measuring from the line where it meets the road next to Emmetts Bridge, up the S.
 side 119 poles to a Cedar Post thence S 23 p E 97 poles to a dead Gum &
 walnut tree, that to the E. is allotted to the widow as her dower.
 Surveyed the 16th of Decr 1833.

Nathl. P. Phillips

Platted to a scale of 20 poles to the half Inch, Variation of the Compass N 20 E.
 N. P. Phillips



The Platt of the land
where Mrs Elizabeth Mills
resides, relict of A. M. Mills
d.?

A Plot of the land belonging
to the estate of H. W. Miles in
lying near Garden & Whites
mill

