

*Stanford Univ. Lib
by Mr. J. S. Gray*

CALENDAR

OF

VIRGINIA STATE PAPERS

AND

OTHER MANUSCRIPTS,

FROM

JANUARY 1, 1794, TO MAY 16, 1795,

PRESERVED IN THE CAPITOL AT RICHMOND.

ARRANGED AND EDITED

BY

SHERWIN McRAE AND RALEIGH COLSTON,

UNDER THE AUTHORITY AND DIRECTION

OF

Hon. H. W. FLOURNOY,

SECRETARY OF THE COMMONWEALTH OF VIRGINIA,

AND

STATE LIBRARIAN.

VOLUME VII.

RICHMOND:

J. H. O'BANNON, SUPERINTENDENT PUBLIC PRINTING.

1888.

E WELL VS. THE COMMONWEALTH—A BILL.

1794.

To the Honorable George Wythe, Judge of the High Court of Chancery: Mar. 10th

Humbly complaining your Orator, Charles Ewell, Alexander Compton, John Jackson, David Renoe, William Flagus, Bondveale Brown, Jeremiah Ballenger, Alexander Ross, William Milstead, Dudley Ballenger, Dudley Petty, Ezekiah Dunnington, Joseph Ballenger, Gustavus Scott, John Peyton Horton, Wm. Clinkscales, Margaret Foster, Catherine Davis, & Benjamin Posey, Tenants on the Bristow's tract of land in Prince William County, Sheweth unto your Honor, that Robert Bristow, late of Great Britain, in or about the year 1745, being possessed of a tract of unleased land in the county of Prince William containing about seven thousand acres, was desirous to settle tenants on said tract, and accordingly his Agent, Cole Henry Willis, caused advertisements to be distributed and set up in different parts of the county inviting people to settle on said land which had been previously laid off into lots containing from One hundred to one hundred & fifty acres each according to the quality of the land, and promising all those who should settle on his lands Leases for three lives or ninety-nine years for the lots they should respectfully settle on, at the rent of Five hundred and thirty pounds of transfer Tobacco, a lot, which advertisement were continued to be distributed and set up by Colo. Richard Blackburn, who succeeded the aforesaid Colo. Henry Willis as Agent for the said Robert Bristow, and was never contradicted or countermanded by any of the subsequent Agents of the said Bristow, but was on the contrary acknowledged by them to be valid and binding on said Bristow, and continued to encourage tenants to settle on said land on the terms mentioned in said advertisements untill all the lots were settled and Improved. That your orators have separately purchased from the first settlers on said lots or those claiming under them for valuable considerations, the lots on said tract of which they are now respectively possessed, and were induced and encouraged to make such purchases from the repeated declarations and assurances of the Agents of Bristow before the said land was confiscated, and of the Commissioners of the Commonwealth since the confiscation, that the rights of those from whom they purchased were good. That the said tract of land was confiscated in the year 1779 but has remained unsold, and your orators have continued to hold and possess their respective lots, paying to the Commonwealth the rent of Five hundred and thirty pounds of transfer Tobacco, and always expected peaceably and quietly to hold and enjoy their respective lots according to the terms set forth in the before mentioned advertisements undisturbed by the Commonwealth, more especially as the right of some of the tenants who put in their claims to the General Court on the return of the inquisition against the said Robert Bristow to said Court were confirmed by said Court which rights were in all respects similar to the rights

1794. Mar. 10th claimed by your Orators. All which foregoing facts are fully proved by the affidavits hereto annexed. But now, so it is, may it please your honor, that by an act passed at the last session of the Assembly, the Governor and Council were directed to appoint a Commissioner to make sale of the said tract of land, and they have accordingly appointed Thomas Lee of Prince William County a Commissioner for that purpose, who has advertised a sale of said lands to be made on the first Monday in May next, and unless the just and equitable claims of your orators to leases for their respective lots on the terms & for the time Specified in the aforesaid advertisements are established previous to the sale, they will necessarily be exposed to tedious and expensive law suits with the purchasers of said lands. In tender consideration whereof, and for as much as your Orators are remediless by the strict rules of common law, and are only releivable in the Honorable Court which has power to hear and determine the equitable claims of citizens to confiscated property, May it please your honor to grant an injunction to be directed to the attorney for the Commonwealth & the aforesaid Thomas Lee to stay the sale of the lots of which your Orators are respectively possessed untill their claims can be heard and determined, and finally to make such decree or order therein as to your Orator shall seem Just, &c.

(Marshall for the Compts.)

Let injunctions issue to stay the sale, the plaintiffs giving security in the penalty of twenty pounds. Commissions are awarded to take the examinations of witnesses 8th of Feb'y, 1794.

Signed,

G. WYTHE.

A Copy—Teste:

PETER TINSLEY, C. H. C. C.

Mar. 14th

J. BROWN TO THE GOVERNOR.

Richmond Herewith you will receive the list of Inquisitions of escheat required of me by the order made in Council on the 17th January last, and my acc't against the Commonwealth for the service, w'ch has been performed as early as possible, after the suspension of business, which unavoidably took place upon the breaking out of the small-pox, was removed.

I have the honor to be, &c.