

*Stanford Univ. lib.  
by Mr. J. I. Long*

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.

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VOLUME VII.

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RICHMOND:  
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1888.

## EWELL 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 track 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. claimed by your Orators. All which foregoing facts are fully proved by  
 Mar. 10th 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 pur-  
 pose, 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 remedyless by the strict  
 rules of common law, and are only releiveable 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 re-  
 spectively 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 per-  
 formed as early as possible, after the suspension of business, which un-  
 avoidably took place upon the breaking out of the small-pox, was  
 removed.

I have the honor to be, &c.