

Thomas Vaden Surviving partner of Hobson Vaden D. George & William Boyd heirs at Law of John Boyd decd and Joseph Policy, Benjamin, Elizabeth, Rachel, Abraham, Reuben and John Policy children thirs at Law of Jacob Policy decd and Catherine the widow of said Jacob.

Virginia, Circuit Court. At a Superior Court of Chancery holden at Wythe Court House for the District of Wythe on Tuesday being the 22<sup>d</sup> 1821

Before the Honorable John Brown Judge. So it remembred that hereofore writ on the 11<sup>th</sup> day of November 1819. came Thomas Vaden Surviving partner of Hobson and Vaden and Abraham Steffy leg for an writ of Habeas Corpus. And their attorney filed out of the Clerks Office of the Superior Court of Chancery of said a writ of Subpoena against of George and William Boyd and others which with the Marshal return thereon is as follows

Of The Commonwealt of Virginia, To the Marshal of the Wythe Chancery District Court greeting. You are hereby comman ded to summon George & William Boyd heirs at Law of John Boyd decd and Joseph Policy, Benjamin, Elizabeth, Rachel, Abraham, Reuben and John Policy children thirs at Law of Jacob Policy decd and Catherine Policy the widow of said Jacob to appear at the Clerks Office of Our Superior Court of Chancery holden at Wythe Court House, on the first Mon day in January next to answer a bill in Chancery exhibited against them leg Thomas Vaden Surviving partner of Hobson and Vaden and Abraham Steffy. And thro they shall in no wise come under the penalty of \$100. And have ther thro this writ. Letrop, James Esell Brown, Clerk of Our said Court, at Wythe Court House, the 11<sup>th</sup> day of November 1819 and on the 14<sup>th</sup> year of the Commonwealt.

J. H. Brown

"Marshal's Return"

Not executed for want of opportunity.

W. H. Hutchins. Secy for Honable Judge J. M. C. D. S.

And at another day court. At Rules held in the Clerks Office of the Superior Court of Chancery of said in the month of January 1820. this cause was continued for return of the Subpoena.

And at another day court. At Rules held in the Clerks Office of the Superior Court of Chancery of said on the 29<sup>th</sup> of February 1820. A new Subpoena was awarded the Plaintiff which with the Marshals return thereon is as follows viz. The Commonwealt of Virginia, To the Marshal of the Wythe

Chancery District Court greeting. You are hereby comman ded to summon George & William Boyd heirs at Law of John Boyd decd and Joseph Policy, Benjamin, Elizabeth, Rachel, Abraham, Reuben and John Policy children and Jacob to appear before the Judge of Our Superior Court of Chancery on the first day of the next term to answer a bill in Chancery exhibited against them leg Thomas Vaden, Surviving partner of Hobson and Vaden and Abraham Steffy. And thro they shall in no wise come

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under the penalty of £100. And have then there this writ return'd, James Good  
Brown, Clerk of our said Court, at length Court House, the 29<sup>th</sup> day of  
February 1820 and in the 45<sup>th</sup> year of the Commonwealth.

J. G. Brown

"Marshals Return"

Executed on the heirs of Jacob Hailey and Catherine his wife.  
George and William Boyd heirs at Law of John Boyd and no Inhabitants.

With Mitchell, Com. for Harold Length, m. 20 & 6

And at Rules held in the Clerks Office of the Superior Court of Chancery aforesaid  
in the month of March and April 1820. This cause was continued.

And at another day Court. At a Superior Court of Chancery aforesaid held  
on Monday, May the 20<sup>th</sup> 1820

On a motion this day made by the plaintiffs by their  
attorney to appoint a Guardian ad litem to Elizabeth, Rachel, Abraham, Reuben  
and John Hailey who are infant Defendants in these causes. The Court with  
order that Jacob Hailey be appointed their Guardian ad litem. And by the  
consent of the parties by their Counsel, it is further ordered, That Leonard Straw for  
John Stanger, and James Davis (Mayor) or any two of them do lay proper  
measures before a jury to lay off, to Catherine Hailey widow of Jacob Hailey and  
her executors and assigns in two tracts of land lying in the County of Length the whole  
of Jacob Hailey and seized; and that they make report of their proceedings  
to this Court at the next Term.

And at Rules held in the Clerks Office of the Superior Court of Chancery aforesaid  
in the month of May, June, and July 1820. This cause was continued for Bill.

And at another day Court. At Rules held in the Clerks Office of the Superior  
Court of Chancery aforesaid on the 30<sup>th</sup> of August 1820. came the plain-  
tiffs by their attorney and filed their Bill, as also the Defendants (except  
George & Wm Boyd who are not Inhabitants) by their attorney and filed their  
Answer.

The plaintiffs Bill with the exhibits referred to therein and the  
Answer of the Defendants are as follows to wit.

"Bill" To the Honorable John Brown Judge of the Superior Court of  
Chancery, holder at length Court House. The Bill of Complaint of Thomas  
Vander surviving partner of the late firm of Hobson and Vander in  
the Town of Manchester, and Abraham Poffey of Wythe County,  
humbly presents.

That a certain Jacob Hailey with Joseph Poffey as his security, on the  
first day of November 1814, and out'd a note under their seals, to Peter Etter  
for \$200. payable 12 months after the date thereof. The said Hailey & Poffey  
having failed to pay the amount of the said note, except \$36 being 39 cents interest  
paid by the said Hailey, the said Peter Etter on the 15<sup>th</sup> day of October  
1816, instituted a suit thereon in the Superior Court of Law for Length County,  
and your Orator Abraham Poffey became their appearance and said  
Etter having departed this life, and the suit revived in the name of John Stanger  
and John Etter his Executors, an Official Judgment was obtained and confirmed  
against the said Defendants under your Orator Abraham as their appearance  
and. About the first day of December 1819 the said Jacob Hailey left his

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family in Weythe County and went out of this Commonwealth, and never returned. On the 13<sup>th</sup> day of June 1813, your Orator Abraham paid \$100 on account of said judgment, and on the 6<sup>th</sup> day of August 1813 paid \$81 more, and on the 14<sup>th</sup> day of October 1814, your Orator Abraham, paid the sum of \$86 in full of said judgment, and thereupon took a receipt for \$270 the whole amount paid, all which will more fully appear by the record of said suit, a copy whereof is herewith exhibited and prayed to be taken as part of this bill. Your Orator would further shew, that the said Jacob Haley on the 14<sup>th</sup> day of November 1812, was justly indebted to Joseph Hobbs and Thomas Aden in the sum of \$966.50 and did on that day execute two bonds to them, for \$473.25 each, and both payable on the 15<sup>th</sup> day of February 1813; a certain Zachariah Brooks of the Town of Charleston, executed one of the Bonds as security for said Haley; both of the said Bonds was given for the sum of \$966.50; ipsonaly conditioned for the payment of the said sum of \$473.25 each; and in both of the said Bonds the said Haley bound himself, his heirs as will more fully appear by one of the said Bonds, herewith exhibited and prayed to be taken as part of this bill. The other Bond was paid, and taken up by the said Brooks as security for the said Haley. The said Joseph Hobbs afterwards departed this life; leaving your Orator Thomas Aden, the surviving partner of said firm. Your Orator would further shew that on the 13<sup>th</sup> day of March 1792 a patent issued to John Boyd for 350 acres of Land lying in Weythe County; which patent is herewith exhibited and prayed to be taken as part of this Bill. Previous to which a contract had been made by said John Boyd for the sale of said tract of Land, lying in Weythe County; which Patent is herewith exhibited and prayed to be taken as part of this Bill. Previous to which a contract had been made by said John Boyd for the sale of said tract of Land to and with his son George Boyd but they disagreeing the said George instituted a suit in the County Court of Weythe, in Chancery for a title thereto; and the said suit being referred to certain persons they made their award, which was returned to the said Court and confirmed by the Court, as will fully appear by the record of said suit, a copy whereof is herewith exhibited. By that award, upon George Boyd, doing certain things therein mentioned the said John Boyd, was to convey the tract of land aforesaid in fee simple to the said George, except ten acres thereof; and your Orator expressly charges that the said George did immediately thereupon perform and do every thing that was incumbent upon him do by the said award, and sold the said land except ten acres aforesaid to the said Jacob Haley and made him a deed therefor, a copy whereof is herewith exhibited, and prayed to be taken as part of this bill. The said John Boyd, did not perform of the land aforesaid, to his son George but never made him a deed therefor, supposing probably that the award aforesaid conferred upo the said George the Legal title. In the year 1814 or 1815 the said John Boyd departed this life intestate, leaving only the said George Boyd and William Boyd, another son, his children and heirs at Law. They reside in the State of Tennessee, and have never conveyed their title as heirs of said John to said Haley. The said Jacob Haley and his wife and children have had peaceable possession of said land ever since the sale to him, by the said George

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Boyd. The said Jacob Steffy also obtained a Grant for 1000 acres of Land, herewith exhibited and prayed to be taken as part of this Bill. And thus seized & possessed of the said two tracts of Land, the said Jacob Steffy in the year 1814 departed this life, intestate, in the African Station, as your Orators have been informed, he left Catherine his widow, and eight children his heirs at Law, to wit Joseph, Coley, Benjamin, Elizabeth, Rachel, Abraham, Reuben and John Steffy the five last of whom are infants under the age of twenty one years. The said Steffy left no personal estate, that your Orators can find or hear of; and no person has committed upon his said estate. Now it is may it please your Honour, that neither the said Steffy in his lifetime or his representatives since his death have paid the said sum, or secured the same your Orators, or any part thereof and your Orators must lose their debts unless the Honourable Court will give them relief for the lands aforesaid, will yield but a small yearly profit, but will more than will pay the interest upon said debts after deducting the widows third part therefrom. The prayer of your Orators, therefore is that the said George & William Boyd heirs at Law of John Boyd dec'd. Catherine Steffy the widow, and Joseph, Coley, Benjamin, Elizabeth, Rachel, Abraham, Reuben & John Steffy children & heirs at Law of Jacob Steffy dec'd. may be made defendants to this Bill, and answer the same upon their corporal Oath. That the one third of said land may be allotted to the said Catherine the widow, for her dower therein, and that the remainder of said Land with the reversion of the said third, may be subjected to the payment of your Orators claim and for that purpose sold and that the said Boyd may convey all their interest in one of the said tracts of Land to whomsoever it shall be sold, and that out of the monies arising from the sale thereof your Orators debts may be paid with interest and that your Honour may grant such other & further relief in the premises as their cases require and to justice appertains. May it please your Honour to grant the Orators writ of Habeas Corpus.

Henderson for Pet

Exhibits referred to

Virginia writ

THOMAS H. HORNEY, CLERK  
 COURT OF WYTHE COUNTY, VA  
 Ashley King  
 DEP. CLERK

Pleas held before the Honourable Peter Johnston Judge of the Superior Court of Law holden for the County of Wythe at the Court House.

Be it remembered that on the 15<sup>th</sup> of March 1811 came Peter Otterley Attorney at Law Esq. his attorney and laid out of the Clerk's Office of the Superior Court of Law a writ of Habeas Corpus ad Restrauendum against Jacob Steffy and Joseph Steffy which writ with the emanation thereon is as follows

By the Commission of the Virginia, to the Sheriff of Wythe County, Greeting: We command you to take Jacob Steffy and Joseph Steffy if they be found within your Bailiwick, and them safely keep, so that you have their bodies before the Judge of our Superior Court of Law, at the next Court to be holden at Wythe Court House to answer Peter Otter of a Plea of Debt for Two hundred Dollars & Damages Two hundred Dollars - And have them there this writ. Witness Robert Crockett, Clerk of our said Court, the 15<sup>th</sup> day of March 1811. and in the 35<sup>th</sup> year of the Commonwealth.

Enclosed this is an action of Debt on a note in writing for money, said in required.  
 S. M. Otterley