1779-002 SOUTHAMPTON COUNTY CHANCERY PAPERS RICKS vs. BLOW, 4/1779

other SURNAMES; Best, Jarrell

Richs
vs
Blow } Bill

40 Eliz. Roe

Bill
filed Dec 1773 & time
Nov. Com. Dec
Dec. 1773 time
to Ans.
April 1774
Ans filed & time
Apl 1779
Dismiss plt's bill

To the worshipfull court of Southampton sitting in chancery

Humbly complaining Sheweth unto your worships your orator Richard Ricks of this county That some time about the year of our Lod one thousand seven hundred and forty two — a certain Richard Blow late of this county died entend for a tract of Land in the province of North Carolina on Hawhunt a River lying in the county of Dobbs — containing two hundred acres who in consequence thereof came to the following agreement with a certain Henry Best that is to say That the said Henry Best should take a certain ~~quan~~ number of Stock and settle upon the said land and continue thereon for the space of seven years during which term the said Best was to take proper care of the said Stock and increase the same one half ~~of~~ whereof was to be the property of the said Richard Blow the other half to be the property of the said Henry Best and moreover at the expiration of the said term as a further consideration for the said Best's trouble and care during the said term of seven years so as aforesaid employed the said Richard Blow was to give the fee simple estate of the said land to the said Henry Best Your orator further sheweth ~~that~~ The said Henry Best complied with his agreement so as aforesaid made in consequence whereof the said Richard Blow suffered him to remain in possession of the said two hundred acres of land. but the said Henry Best not knowing or being privy to any provincial deed or grant of the said land being made to the said Richard Blow did some time after the ~~expiration of~~ the seven years aforesaid survey the said land and obtained a patent in his the said Henry name which is here to annexed and by your orator offered as part of this his bill of complaint Your ~~orator~~ further sheweth That the said Henry Best being indebted to one Thomas Jarrell in the sum of fifty pounds or upwards by his indenture of mortgage made to the said

Jarrett dated the day of 1749 ~~and which is herewith produced~~ ~~and referred to by the answer~~ conveyed the said two hundred acres of land as formerly for the said Debt soon after which the said Thomas Jarrett departed this life leaving your orator his executor neither did the said Henry Best discharge his debt to the said Thomas Jarrett in his lifetime Your orator further sheweth that having duly qualified himself as executor of the said Thomas Jarrett he made application to the said Best for a discharge of the aforesaid debt due by the mortgage which the said Best being or pretending to be unable to do proposed to your orator to purchase the said two hundred acres of Land which your orator did agree to and accordingly by Indenture bearing date the twenty seventh day of September in the year of our Lord one thousand seven hundred and fifty three ~~—~~ did for the consideration of ~~—~~ being the aforesaid debt and interest convey to your orator the fee simple estate of and in the said two hundred acres of land to which deed your orator also refers and prays may be taken as part of this his bill ~~and which the said Richard Blow acknowledged~~ Your orator further sheweth that soon afterwards the said Richard Blow departed this life leaving his son John Thomas Blow his heir at law who having discovered that his dece[a]sed Father Richard Blow had obtained a ~~grant~~ prior to the grant obtained by said Henry Best grant for the said two hundred acres of land under pretence of his ignorance of the aforesaid agreement of his father with the said Henry set up a title thereto and hath accordingly made sale thereof notwithstanding ~~your~~ orator did make the said John Thomas Blow acquainted with the several circumstances above alledged Your orator further sheweth that he hath made frequent applications to the said John Thomas Blow requesting him to pay your orator the ~~aforesaid~~ consideration money which he gave to the said Henry Best and the interest thereon from the date of the premises so as aforesaid made or that he would in some other manner do your orator ample justice in the premises But now so it is may it please your worships that the said John Thomas Blow refuseth to comply with this reasonable request of your orator pretending he is ignorant of the agreement made by the said Henry Best and the said Richard Blow and moreover that as the title to him he conceives he had a good right to dispose of the same All which acting and doing of the said Defendant are contrary to equity and good conscience and tend to the impoverishment of your orator In tender consideration whereof and for that your orator is remediless in the premises by the strict rules of the common law and only relievable in this worshipful court where matters of this nature are properly cognizable To the end therefore that the said John Thomas Blow may upon his corporal oath full true and perfect answer make to all and singular the allegations of this bill as fully and particularly as if the same were herein again repeated and interrogated and more especially that he may set forth and discover Whether he was not privy to or ever heard his father Richard Blow say any thing relative to the agreement made by him with Henry Best as aforesaid and what ? did he ever hear his said father set up any title to the said land ? Hath he not reason to believe that the said Richard Blow thought the title of the said land was vested in the said Henry Best ? when did he first the grant of the said land and how did he understand the same was obtained in his fathers name Did not your orator make known his claim immediately on the discovery of the prior grant to the said Richard Blow ? What was the defendants answer Hath he not disposed of the said land and for how much ? and that

your worships with decree and order that the said John Thomas Blow do pay to your orator the sum mentiond in the deed from the said Henry Best to him which was transfer paid into the estate of the said Thomas Jones by your orator together with the interest thereon from the date of the said deed until the same shall be paid or that your worships with make such further decree in the premises as shall be agreeable to equity & good conscience

May it please your worships the premises considered to grant to your orator his majestys most gracious writ or writs of Subpena directed to the said John Thomas Blow &c

Rickets
vs
Blow } Bill

40 Eliz 206

Bill
filed Aug 1773 & time
Nov. Com. Aug
Decr 1773 time
to Ans.
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Blow
ads
Ricks
Ans
35 Ac Tow

The Answer of John Thomas Blow eldest Son and Heir at Law of Richard Blow dcd: to the Bill of Complaint of Richard Picks Complainant

This Defendant Saving and Reserving to himself all manner of Benefit & Advantage of Exception to the many Untruths Uncertainties & Imperfections in the Complainants said Bill of Complaint contained, for Answer thereto or to so much thereof as this Defendant is advised materially concerns him. Answereth and saith. That he being an Infant of about one or two Years old when his Father Richard Blow patented the two Hunared Acres of Land on Nahunta River, Dobbs County North Carolina mentioned in the Bill cannot be supposed to know any thing that happened between him and the said Henry Best However from Information which he has Reason to believe is true, he Entered Surveyed and Patented the said Land in the Month of In the Year of our Lord one Thousand seven Hunared and Forty three as by the said Patent now in your Orators possession; & to which he begs Leave to Refer may appear; and did agree with the said Henry Best to go out to live on the said Land, upon the following Terms. The said Richard Blow was to put one Negro and so much Stock, the said Henry Best was to raise and take Care of Stock and if he killed sold destroyed or lost any by Neglect he was to make one half of the Loss good to the said Richard Blow when they came to Divide & likewise to make his old Stock good, & if the said Henry Best complyed with the said Agreement at the End of ten or twelve Years the said two Hunared Acres of Land was to belong to him, but he had not lived on the said Land above two or three Years before the said Richard Blow got in a declining State of Health and unable to look after his Business, but Recovering a little he went to Carolina & when he returned, he said that Henry Best took so little Care of his Stock & neglected his Business so much that if he lived to see the next Winter he would go out and turn him away, but his Death which happened in the Summer in the Year of our Lord One Thousand seven Hunared and Forty five prevented his going out. After the Death of the said Richard Blow the said Best came in to the Widow of the said Richard Blow & to John Thomas this Respondents Guardian, for Leave to continue on the Plantation making heavy Complaints of the Hardship it would be to turn him off just as he had made a Plantation: they pitying him permitted him to continue. Some Years after Word was sent in from Carolina to John Thomas and Henry Vaughn who Married the Widow of Richard Blow that Best was Willing and desiring away the Stock, &

unless they would come out Best would make away with it all
Upon this Henry Vaughn went out to divide, and Henry Best confessd
to him that he had drove Thirty Head of Cattle away further out, but
that if he would let him have his part of the Remainder he
would Return half of them if ever got, & if he would not divide on those
Terms he would not get upon one or Divid any other Way. A Division
then was made accordeing to his Proposal, but he never Returned
any of those he drove away. After this Respondent came to the
Years of Understanding he was informed by some of his Rela-
tions, since dead that the said Best had sold a Piece of Land on
Nahunta that belonged to him, his Guardian also furnished
him with the Patent taken out in his Fathers Name. Some
short Time after this Respondent came of Age, one John
Jordan who lived in the Neighbourhood of the said Land, who
informed him that the Plaintiff laid Claim to the said two Hundred
Acres of Land which he understood was this Respondents
and proposed Buying it, being convinced that this Respondents
Right was good he made Sale of it to him for Twenty five Pounds
Virginia Money part of which he paid down and gave his
Note for the Balance & gave him a Deed: That the said Jordan
sold it to one Thomas Groce who built and lived on the same.
The Plaintiff understanding that this Respondent had sold the
Land informed him that he had bought it and paid a good Deal
of Money for it, upon this the Said Plaintiff went to the Said
Thomas Groce as the Said Groce informed him and warned him
of the Land for that it belonged to him, Groce informed him that
he had bought the Land and had a Right made to it, & that he
must if it was his recover it by Law, upon this a Suit was com-
menced in the Superior Court of Hallifax by the Plaintiff
against the said Groce in which the Plaintiff was cast, as
by the Judgment of the said Court in this Respondents
Possession properly Authenticated & to which he Refers will
appear which he pleads as a Bar against the Plaintiffs Claim
if any he has. This Respondent further Answereth and saith
that as the said Best never complyed with his Agreement the
absolute Title never was vested in him & therefore he could not
dispose of it, hoping that this Worshipful Court will not decree
him to pay any thing on Account of the Deception of the said
Best or the Neglect of the Plaintiff or his Testator
Prays to be hence dismissed with his reasonable Costs

Wm Hay. J.P. Lic.

Southampton Co.ty ss. The above Answer was
this day sworn to by Jno. Blow this
11th Apr. 1774 Henry Taylor

Oct 1773

Bill filed Virms

George the third by the grace of God of Great Britain
France and Ireland king defender of the faith &c To the sheriff
of Southampton County greeting We command you that
you summon John Thomas Blow to appear before our
justices of our Co. county court at the courthouse of
the said County on the second thursday in October
next to Answer a Bill in chancery exhibited against
him by Rich.d Ricks and have then there this writ
Witness Rich.d Kello clerk of our said Court at
the Courthouse afor.d the eleventh day September
in the thirteenth Year of our reign

Sam.l Kello.d C

Brevador
Ricks

Southampton ss.

George the third by the grace of God of Great Britain France and Ireland king defender of the faith &c To Jas Ridley Esqr and Tho Blunt.

Gent. greeting know ye that we trusting to your fidelity and provident circumspection in diligently examining whatsoever witnesses as well on behalf of John Thomas Blow Plt as on behalf of Richard Ricks Plaintiff Command you or any two or more of you that at such certain days and places as you shall appoint you assemble yourselves and the witnesses aforesaid before you or any two or more of you you call and cause to come & diligently examine on the holy evangelists of Almighty God & their examinations into our County Court of Southampton without delay you shall send and certify inclosed returning also to us this Writ Witness Samuel Kello clerk of our said Court at the Courthouse aforesaid this tenth day of August in the fourteenth Year of our reign

Sam Kello Cl

(N)

The execution of this Commission appears by the depositions of John Blow herein annexed.

Ja Ridley.

Tho. Blunt

Fuchs
vs
Blow
} Deposition

filed April 1776

The deposition of John Blow of full age being first sworn taken by Virtue of a Dedimus issuing from the County Court of Southampton in Chancery in a Suit there depending between John Thomas Blow Plt. & Richard Buck Jr. Plt. & John Thomas Blow defts. on behalf of the defend. Saith that he heard Richd. Blow died & Henry Best say that Best was to live upon a certain tract of Land lying in N. Carolina on Nawhunty Swamp ten years that Blow was to put a negro man Jack with him & some Stock that at the expiration of the said term Best was to return the Original Stock, & one half of the increase & then Best was to have the land as his own, that when five years was elapsed of the said term he heard R. Blow say that as the negro Jack was dead he would turn Best off the land as he had not complied with his agreement but that the said Blow died in August next following the said declaration — that Best after the death of Blow drove some Stock away to a place called Buffaloe that the negro Jack left the said Best & ran away alledging he was not treated well, that Best drove some Cattle to Johnson Courthouse & sold them & several others at different times — that he believes at the time of the death of Blow there might be near or about 100 head of Cattle on the Plantation that Best remained upon the plantation the whole term — that at the end of the term the said Thomas on behalf of the defts. wanted to have the Stock which Best refused — That one Henry Vaughan afterwards went out to divide but Best refused & then Sir Michael Blow went & the Stock was then divided — only such as were then on the plantation but no account was given or division made & the Hoggs. And further the saith not

John. J Blow
his mark

Sworn to before us
this 11 day of April 1776.

Jno. Hartley.

Thos. Blunt