

1795-012

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BLYTTE vs. VS. BLYTTE

8/1795

See also 1795-13

the most humble Court of Southampton County
sitting in Chancery Humbly complaining sheweth
unto your Worships your Oatrix Catharine Blythe
that some time in the life of the Father of your
Oatrixes a certain John Blythe son of the said
deceased got possession of the whole Estate, ^{of the new seed} a part
whereof he ^{sole} appropriated to his own purposes
and your Oatrixes further sheweth that some time
in the life of the Father of your Oatrixes the said
Dependent John Blythe ~~by~~ obtained a deed for the
lands whereof the deceased in his life time was seized in
fee simple and your Oatrixes further sheweth that
the said deceased was non compos mentis at the time of
the execution of the deeds under which the said John the
Dependent holds, and your Oatrixes further sheweth that
as your Oatrixes from every circumstance is induced
to believe that the said John got possession of the
lands of which the deceased was possessed in fee by the
fraud and imposition and had the deceased at
the time of the delivery of the said deeds to the
said John been of sound mind & memory your
Oatrix is positive that the said John would not
have obtained the deed for the said tract of land
but as the parental eye is equally binding toward
the one child as to the other that the deceased
impelled by those sentiments of equal affection
for each child would have made an equal
distribution of his whole Estate amongst the rest of
his children who according to the dictates of
nature ought to have derived the same Quantum
of Proerty from the Author of their Existence

But now so it is that the Father of your Petitioner
being consigned to Rest the said John not regarding
the loud Instructions of Nature which so strictly
injoin Honesty, and even setting at defiance the
Principles of Law and Justice holds possession of
all and singular the property of which the
deceased in his life time was possessed both real
& personal & great part of which he has sold
and appropriated as aforesaid to his own
private purposes And your Petitioner further
shows that she has frequently applied herself
to the said John for her Distributable share
of her Fathers Estate but the said John has
always had a deaf ear to her repeated Intreaties
and has always refused & still doth refuse to
make a Division. In Under consideration ^{whereof}
~~the premises~~ & for as much as your Petitioner is
Remediless in the premises at common law
and recoverable only in this Court ~~to the End~~
therefore that Justice may be done and that
the said John may be compelled to come forward
and a full true & perfect answer make to all
and singular Allegations herein set forth as
well as if he ^{same} were again interrogated & repeated
and further make distribution of the Estate
of the deceased so that your Petitioner may
get possession of that part to which by Law she
is entitled your Worshipps will please to order &
decree the said John to make distribution and

your Worshipps will please make such for the
Order & decree as may seem good in the premises
and grant your Petitioner writs writs of Subpoena
directed to and your Petitioner shall ever
pray to

380

415

Chancery {
Dated 12th of
April 1791

Blythe * (488)

or

Spa. in big

Blythe
Hill

to August 1795

Executed

Woodard Ds
— @ —

THE Commonwealth of Virginia to the Sheriff of *Southampton*
County greeting: We command you to summon *John Blythe*

to appear before our Justices of our County Court of *Southampton*
at the courthouse, on the 2nd *Thursday in August* ^{next} to testify and the truth
to say in behalf of *answer a bill in chancery exhibited against*
him by Tabitha & Elizabeth Blythe
~~in a certain matter of controversy, in our said Court, before our said Justices,~~
~~depending, and undetermined between~~

And this *he* shall in no wise omit, under the penalty of 100l. — And have
then there this writ. Witness, *Samuel Nello* Clerk of our said
court, at the courthouse, the 13th day of *July* 1795¹
in the 20th year of the Commonwealth.

Jno. D. Hausmann, D.C.
Jno.

New saints & son

Tabitha ^{Edwards} Blythe ~~Wife~~ - dect in 1844 father's life time got possession
of } Chg - of his whole estate & sold a part of it & appra-
John Blythe }
of 4 others } Misapd it to his own use - he also obtained a
for the bulk of land whereof the deed was passed in 1844
deed from the deed by fraud & imposition - as the said
deed was not compos mentis

Jacob Turner mar. Christiana Blythe

Ephraim Beale and Nathaniel D^r Beale is bond

Alen^{or} Blythe - Personal estate was worth about 1000

Patsy Scarborough

Mrs Kirby } Case in Hand - Dam. 1000th Ls. couple money of 1000

Patsy Scarborough

} to Nov. Court '95

The same } Case in Hand - Do

Sum: Polly Stuart & Mary Stuart; Lydia
Stuart mother of P. M. & Molly Hines P.P.C.

Lion Hill. Benj. Hill, James Hill, Wm. Hill a minor, Susanna
Hill a minor, Marcell Hill d. & Elizabeth Hill d. - Child of Reuben
Hill who died intest. Property of 220th Ls. of land no. 1000
Bill was to have commissioners appointed to sell the land being as to ca
show less than 1000th Ls. to Nov. Ct. 4th P. by Lion Hill -
J. & Edwards Guardian pro hoc vice