

1804-031

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BLYTHE et al vs. BLYTHE

8/1804

Other surnames: Turner, Beal,
Bligh, Beale, Williams,
Brantley, Denson, Joyner,
Douglas, ^{and} Drow

Blythe et al.

vs.

Bill-

Blythe-

Blythe

vs

Blythe

Bill

(Aug 1804) Ride to Ansted

To the worshipful Court of Southampton County shire
in Chancery - humbly complaining that your worships
your orator Alexander Blythe and your Trices Elvysie
Turner, widow and relict of Jacob Turner, Patsey Beal
widow and relict of Ephraim Beal, Tabitha Blythe and
Potsey Blythe - that some time in the year of our Lord one thousand
seven hundred and ninety one, their father John Blythe
departed this life intestate leaving a tract of land in
the County of Southampton and a considerable personal
estate - that many months previous to his death he was
so deranged in his faculties as to be incapable of
transacting with any sort of discretion the most ordinary
concerns of life and remained in that unhappy situation
until he died - that their brother John Blythe since
whom your orator and oratrices pray may be made
defendant next, having - under the
of filial affection, which should have protected him
closely to a father who was uniformly affectionate and
taking advantage of his insanity ~~and~~ provided
on the said John Blythe for to execute to him a deed
conveying the fee simple in the said land and also became
supposed of the personal estate of the said intestate
a very small part thereof which was scattered among
your complainants under the colour of a distribution
which has been effected in a manner totally mysterious
and unknown - your orator and oratrices beg leave to state
that at the time of the death of the said John Blythe
yet the said John Blythe was indebted to him in

the sum of two ^{in which there is small credit} pounds or thereabouts, which together
with his name and love and affection, was the consideration
for the sale of a small parcel of land to the said John
Olythe Junr. They represent to your worship that this bond
was placed into the hands of an attorney for collection, who,
after the death of John Olythe Junr. abandoned the
prosecution of a suit and delivered up to the obligor
John Olythe Junr. on his promising to accept
for it - which your complainants ~~ever~~ he has never
yet done - Your complainants further respectfully
represent that the said John Olythe Junr. proposed to
them that if they would join in a bond to save him
himself in the full possession of the ^{the} mentioned tract
of land, ^{he} would release all his right to every part of
the personal estate and pay the ^{costs} and that he would enter into a bond obliging himself
hereto - ~~to the satisfaction~~ your complainants, it is true,
assented - they have executed the bond which was required
of them - but the defendant has never performed his part
of the agreement - he positively refusing to do any
thing towards the settlement of the estate - all
which is contrary to equity - in tender consideration
whereof and because your orator and oratrices are
remediless but thro' the interposition of a court of Chancery,
they pray that the said said John Olythe Junr. may

on his personal oath, be compelled, fully, true and un-
biased answers, to make, to all and singular the fore-
going allegations, as thoroughly and particularly as the
case is interrogated concerning each - They pray your
worship to grant such other and general relief as
may be applicable to the premises - and as in duty
bound your orator and oratrices will &c

John ~~Junr~~ Olythe

Bligh O. }
" } answer
Bligh. }

Letter to by John Bligh's letter me.

Samuel Roberts
Aug. 18. 1835

The answer of John Bligh jr. to the bill of complaint exhibited against him in the court of Southampton by Alexander Bligh, Chipmunk Turner, Palsey Beale, Salitha Bligh & Betsey Bligh.

This Respondent saving to himself all right of excepting to the various errors contained in the said bill, for answer thereto says, that it is true that John Bligh his father did execute to him a deed for the tract of land alluded to in the said bill sometime before his death. But he denies that he used any unfair practices in order to obtain the said deed and he denies that his said father was insane or incapable of transacting his own business at the time of its execution. On the contrary he believes, that his father at the time of executing the said deed was in his perfect senses. He denies that he ever obtained any part of the personal estate except a small gun which he had got as a gift from his father long before his death - and he adds that the complainants themselves took all the ^{personal} estate, the gun excepted. It is true that his father sold him another small piece of land for £20 for the payment of which ~~he~~ he gave the bond mentioned in the bill. He admits that the bond was put in the hands of an attorney (who was Berg: Drew Esq.) who gave up the bond to yr. Respondent by virtue of an order from his father - which order was given in consequence of - payment in cash, pork, ^{a horse} corn, and brandy made to his said father. These different payments amounted to about £12. or £15. He also says that he paid some debts of his father to Jordan Denson & others as will more fully appear by reference to an ^{account} ~~receipt~~ hereto annexed as a part of this answer. all of which amount to the sum of £ ^{which} ~~and~~ with the payments to his father personally exceed the amount of the bond. He also says that he has paid every debt which his father owed as far as they have come to his knowledge. He denies that he has ever refused to comply with any of his agreements as stated in the bill, but on the contrary has always been willing to comply ~~therein~~ with all his contracts as far as he is able. He lastly prays to be hence ~~discharged~~ ^{relieved} in his behalf expended.

Asymet. Spec
AM MB
Polyth. } Chy
70 Sept 1803

1803 August 30th Tuesday

Washington D^c
for
Mr. Moore
J. Moore

The commonwealth of Massachusetts to the Sheriff of Hampshire
county greeting, you are hereby commanded to summon
John Blythe to appear before the justices of our said
county court at the courthouse on the third Man-
day in September next to answer a bill in chancery
exhibited against him by Leicetico Turner for-
merly Blythe Martha's Bead formerly Blythe
Tabitha Blythe Eliz^a and Alexander Blythe and
this he shall in nowise avoid under the penalty of \$100
and have therefor this writ with us Sam^l H. Clerk
of our said court at the courthouse the 18th day of
August 1803 and in the 28th year of the said 1st

Sam^l H. Clerk

Mr. Jm. Plythe

(conductor. p. 10)

Take notice that I have procured
to take the deposition of Jordan Benson Abialon
Joyner Joskeg Brindley I Denmy Douglass
on Monday the 18 day of ~~June~~ ^{the present month} between
the hours of 9 o'clock in the forenoon and 4 o'clock
in the afternoon of that day at William Harts-
tarns in Jerusalem in the County aforesaid
to be read as evidence in a suit in Chancery
depending in the County Court of Hampshire
wherein you were ppy and yourself def.

J. C. P. Dext

J. C. Plythe

June 2nd 1804

Blythe mps
vs. S. Depos. &
Blythe Clou. & Notice

Sh^o Writ to Writ

The Commonwealth of Virginia to Charles
Bozzy & John Lee - Gentlemen

Justices of the peace for the county of Hampton and
State of Virginia, greeting to know ye that we writing
to your provided circumspection in diligently ex-
amining Asaalam Joiner Jordan Denton & John
Brantley and Dempsey Douglas witnesses as well
on behalf of Edward Blythe plaintiff and
John Blythe deft and we give to you power
to call and cause to come before you the witnesses
aforesaid whom and where you shall appoint and
diligently examine them on the holy Evangelists of
Almighty God and their examination so taken
that you distinctly certify us thereof under your
hands enclosed with this writ Witness Sam. Killo
clerk of aforesaid Court at the Court House the 2^d
day of June 1864 and in the 28th year of the
Commonwealth.

Sam. Killo J.C.

Commence

Virginia Southampton (to wit)

The Commonwealth of Virginia
John Lee and Jacob Darden

Gentlemen justices of the peace for the County of
Stafford and State of aforesaid greeting

Know ye that we trusting to your provident Circumspes-
sion in diligently examining Justice Brantley

Witness as witness on behalf
of Alexander Blythe — Plaintiff and on behalf
John Blythe — Defendant and we

do give to you power to call and come to come before
you the witnesses aforesaid whom and where you shall
appoint and Diligently examine them on the holy
Evangelist of Almighty god ^{their} and examination so taken
that you distinctly Certify in theroff: and in your hands
enclosed with this writ = Witness Saml Wells Clerk
of our said at the Court house the 19th day of
June — 1804 and in the 28th year of the
Commonwealth —

Saml Wells C

This day Benjamin Webster came before me &
made oath that he did on the 20th day of
June last deliver to John Plymley a letter of
which the within is a true copy

Jacob Darden

Mr John Blythe

Take notice that on Monday the
second day of July next at the Dwelling
House of John Lee Esquire between the
hours of 10 O'clock a.m and 4 p.m of the
same day I have proceed to take the depo-
sition of Joshua Brantly to be read as
evidence in a suit now depending in the
County Court of Southampton as well in
behalf of Alexander Blythe, as John Blythe
in which myself is ~~part~~ pty and yourself deft

Alexander Blythe

from. Jas. Blythe
son.

Mr. F. Hill

Mr. Mr. Sir

I Have been Inform'd that my Brother
John Blyth has had a Tit Service, on him -
Concerning What I was speaking to you last
Court I am not able to be at Court to day nor shant
Next but Certain but I shall try to be there
November Court which was the day you told me
To be there Please Sir do my business as well as
you can for I have understood that he ~~feels~~ that he
Is that he will spend Every farthing that he is
Worth before he will be out done by me I Expect
He will tell you a great many fine Tales but you
Need not believe one word that he says for he is a
Liar and from his Conduct to me a Tefble

For he took Possession of my fathers house in his
Life time and gave up Every thing that my father
Had to the following Persons Alexander Blyth
my brother Ephraim Beal and Jacob Turner who
married my sisters they sold his Estate and
divided among them selves and gave my Brother
John a Bond for no Intuption and sent for me and
my sister Elizabeth to a sign it which I refused
So to do the answer that I gave them was to let my
fathers things alone in his own house and let him
live upon what he had and after his death was to me

Enough for a division he also when my father was out
of his fences got him to Capt Lewis Joiner and got
a deed for his land and so that he gave it to him but
Capt Joiner said that my Brother was to give him twenty
five Pound for the same he also went to Mr Jordan
Denson.

Just before and ordered Mr Denson to let my father
have nothing out of the flour for he was Told of since
this may be Proved by Jordan Denson he also was
Owing my father in Debt for another Tract of land that
He bought of him to the amount of twelve or thirteen
Pound which I believe Mr Denson knows that to be
so whether it can be Proved by him or not if you
^{want} Witnesses before I receive Summons of Jordan
Denson and Abrahm Joiner

and as I and my sister Elizabeth has never had any
Part I think it nothing but Treason that we should
Have Part as well as the Test I would thank you to
Speak to Mr Denson your self about it
I am Sir yours with respect

August the 13th 1799

Sabatha Blyth

18th June 1804

agreeable to a Commission issued from the Court of Southampton
bearing date 2^d June 1804
We Charles Briggs & John Lee both Justices of the Peace for
said County, proceeded to take the depositions of the following
Witnesses to wit, Jordan Benson, Abner Joyner, & Benson Bangles
1st Jordan Benson deposeseth & saith, to the best of his knowledge &
recollection, that being called on to ascertain the Balance due on a bond
given by Jun^r to John Bly Jun^r to which this Deponent was security
which this Deponent did, and found a considerable ^{balance} due to the said John
Bly the Elder, but is not certain to the sum due near the time
the settlement took place, but believes it was in the fore part
of the year seventeen hundred and ninety, & perhaps the balance
then due was between twelve & thirteen pounds at that time, soon
after that it was rumored that the elder John Bly was deranged in
his understanding, & had ^{ordered} the said bond ^{push in} & this Deponent
wishing to have the bond discharged, being surety to the ~~same~~ made some
inquiry respecting it, & was lately informed by John Bly the Defendant
that his father ^{hearing the situation that he was in}
had believed the same to John Bly Jun^r on his promise that he
would have it justly settled or some words to that effect,
this Deponent saith further that some time in the year
seventeen hundred & ninety he thinks about the month of June
he was requested by John Bly the younger not to sell any
article to his father John Bly the Elder, giving for a reason
that he was in ^{such} a deranged state that he was not capable of
transacting his own business or knowing what he needed,
& this Deponent not only conceived the same him self but it
appeared to be the general opinion of the Neighbourhood as far
far as he conversed, & this Deponent further saith, that the said
John Bly Jun^r paid him four pound & seven pence farthing, the balance
of the said John Bly the Elder's debt to Jordan & Joseph Benson
including the sum of one pound ten & four pence farthing
~~amount~~ of Sundries believed to said John Bly Jun^r said to
be for his father use whose account this was paid with this Deponent
knows not, as he had reason to believe that John Bly the Elder
had money ^{sufficient} to pay all his debts

J. Benson

2 This deponent Absalom Joiner deposes & saith that ^{he} fully believes that John Bly Sen^r, previous to his conveying his land to his son John Bly was so deranged that he was incapable of transacting his business & remained in that deranged state until he died. The deponent further saith that John Bly the Elder, gave a bill of sale to his son Alexander Bly for a parcel of cattle, but the said Alexander Bly finding his father to be in such a deranged state that he gave up the ~~bill of sale~~ of cattle, & further saith that the ~~Heirs~~ Ephraim Beal, & Jacob Turner who intermarried with John Bly Sen^r's daughters & Alexander Bly son of John Bly the Elder, each agreed to enter into bonds ~~to~~ with John Bly Jun^r upon the conditions that is ~~that~~ to say if he the said John Bly would give up all the personal estate of John Bly Sen^r, that they the said Ephraim Beal, Jacob Turner & Alexander Bly would give him up the said land, & the parties gave him the said ^{an indemnifying bond never to claim any part of sd land} ~~an indemnifying bond never to claim any part of sd land~~ ^{but that the sd John Bly the said never comply on his part by giving} ~~sd bond to the said parties~~ ^{as above} ~~sd bond to the said parties~~.

Demsey Douglas the deponent deposes & saith that John Bly Jun^r said that his father's attorney hearing of the deranged state that John Bly the Elder was in that ~~the~~ gave up the afore said bond to him the said John Bly Jun^r upon conditions he would have it first by settled or words to the same purpose; the deponent observed to the said John Bly Jun^r that he must produce the bond & after some reflection the said John Bly said that he did not know whether he ^{got} the bond or not. ^{Daughter} ~~Daughter~~ but previous to that Jordan Benson told him the said John Bly he thought John Jenkins brought down the bond, but he the said John Bly said he brought it down himself.

Subscribed &c. 18th June 1894
We Charles Briggs & John Lee both Justices of the Peace for the County of Essex do certify that we have this day agreeably to a commission to us directed from the County Court of S. County bearing date 2^d day of June 1894 & pursuant to a notice given to John Bly the said the foregoing depositions according to Law both parties being present the same being taken in the Chancery cause Bly the Plaintiff against Bly the Defendant in said Court.

Blethde
vs { Com. notice
Bay The { J. J. J. J. J.

The Bank of John County Court

Southampton County &c

The deposition of Joshua Brambley
(of Lawfull age) taken this 2. day of July 1854
at the dwelling House of John Lee; between the
Hours of 10. & 4 O'Clock on the same day, before
us John Lee and Jacob Darden, under a
commission which issued from the Clerk of
the County Court of Southampton aforesaid &
to us directed for that purpose -

the said Joshua Brambley being first
duly sworn on the Holy Evangelist of almighty
God. deposes and saith: That for several years
of the latter part of the life of John Plythe
senr. he, this deponent, was a good deal in his
company and frequently in his employ, that for
some time previous to the death of s^r. Plythe he
was deem'd by his neighbours generally & by this
deponent in particular to be too much deranged
in his mind to be capable of transacting his
own business; that before this derangement took
place he frequently heard the said s^r. Plythe
speaking of his property say that his son John
Plythe j^r had already had from him more than
he desired and that he never intended he
should have any more of his Estate;
that some little time after the old Gentlemans
derangement, he this deponent, understood by
report, that John Plythe the Younger had
obtained from his father by means unknown

to this deponent, a Deed for the Land on which he the Elder Blythe then lived; that he (this deponent) having heard the old gentleman's resolution above stated, mentioned to him the circumstance of his having given the s^d Land to his son John, that on its being mentioned the old gentleman, denied positively that he had given such a deed or that he intended ever to give him the Land; and that frequently on its being mentioned to the old gentleman he would appear to be irritated and distressed under the Idea. And that he this deponent does not believe that the said John Blythe s^d was for some time before the report of the above mentioned deed transpired; in his right mind or that he was so from the time of his first derangement until he died. And this deponent further states that some about Eight months before the s^d Blythe died, the said John Blythe his son had him put into a Cart and carried from his own house to the House of his Daughter, & that the s^d John, did so, & that he could not keep him any longer & that he must go and live with his other Children; this the deponent supposes was done under colour of the aforesaid Conveyance some little time before this deponent further states, that after the death of the old gentleman a dispute took place amongst the Children about the property &

and that the said John Blythe proposed to his Brothers and sisters that, if they would all join in a Bond to him to Indemnify him in the possession of the above mentioned Land, that he the said John would ^{pay the debts of the Estate & would} give up and relinquish all claim to the personal Estate and give them a Bond to indemnify them ⁱⁿ the possession of that. - some little time after this, he this deponent asked the s^d John Blythe whether they had settled, and that he replied no. and said that he had gotten a Bond from the others agreeable to bargain but that he never intended to give them his, nor did he intend to give up any more of the personal Estate. - And further this deponent saith not.

The above deposition was taken and signed the day & year above written before us --

Joshua ^{his} ~~Brantly~~ mark

Jacob Dallen
John Lee

Blythe
vs } Exhibits
Blythe }

This Indenture made this ^{Eighteenth} day of ^{December} 1700 between John Blythe of the County of Southampton and parish of Wottonway of the one part and John Blythe Jun^r of the County and parish aforesaid of the other part. Witnesseth that the said John Blythe Jun^r for and in consideration of the full and just sum of Twenty pounds current money of Virginia to him in Hand paid by the said John Blythe Jun^r the receipt whereof the said John Blythe doth hereby Acknowledge: and himself therewith fully and Intirely Satisfied Contented and paid: he the said John Blythe (the elder) hath granted bargained and sold alien released, setover delivered, and confirmed and doth by these presents grant bargain and to his heirs and assigns forever, all that plantation Messuage tract or parcel of Land whereon the said John Blythe now lives situate lying and being in the County of Southampton and parish of Wottonway aforesaid Containing by Estimation one Hundred Acres of Land, be the same more or less it being the same plantation and Lands which the said John Blythe bought or purchased of Nathan Counsel as will appear on Record in the County Court of Southampton, and bounded by the ancient noted and reputed bounds thereof: and the reversion and reversions remainder and remainders, rents, Issues, and services of the said premises and every part thereof and also all the estate Right Title Interest Claim and demand, whatsoever of him the said John Blythe (the Elder) of in and to the same premises and every part thereof To have and to hold all and singular the premises unto the said John Blythe (the younger) and to his heirs and assigns forever to the

only proper use and behoof of him the said John Blythe (the younger) his heirs and assigns forever, and the said John Blythe (the Elder) for himself his heirs the said bargained Lands and premises and every part thereof, against himself his Heirs, and against all and every other person or persons. Whatsoever claiming or demanding the same or any part thereof: shall and will Warrant and for ever defend unto the said John Blythe (the younger) his heirs and assigns In Witness whereof the said John Blythe (the Elder) hath hereunto set his hand and affixed his seal the day and date first above written

Signed sealed and delivered
in the presence of —

his
Arthur W. Rogers
Clerk.

his
William Ingram
Clerk

Sever's Jupyter

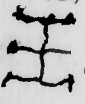
John ^{his} Blythe ^{seal}
Mark

Blythe
in
Blythe

Received November 10th 1790 of John Blythe (the younger) Twenty pounds current
money of Virginia being the consideration within mentioned.

Witness

Lewis Joyner.

John ^{his}  Blythe
Marsh

London Danson - absolute
Joiner. Joshua Brantley
Witness for Chpts.

^{for P^rson}
£¹⁰
12 due to my fathers estate 9 head of cattle 4 head
of sheep some bee hives House and Furniture we give
him a Bond of £50 upon conditions that he would
give ~~him a Bond~~ give his Bond to us and give up
the personal estate -

Matthew Williams

1888

To John Bligh jun

To Cash p^d you on ac^t of my late father L^o 111 7/6

Ephraim Beale

1788

To John Bligh jun D^r

To this Sum paid you for a judgment ob^l
By you against my late father — } L 3.8.6

I may certify that I have rec^d from John Bligh
the sum of four Pounds Tenetee Shillings for the
sum that was due to me by his late father John
Bligh Senr...

David Turner

Sept. 20. 1783

Know all men by these presents that I John
Blythe of the County of Southampton doe promise
to pay or Cause to be paid unto Jesse Brame of the said
County the Just and full sum of Sixty Dollars
Courant money of Virginia on or before the twenty
fifth day of December Next I bind my self my heirs
Executors administrators and assigns in the payment
of one hundred & twenty ^{dollars} of like money where as
I doe hereunto set my hand and fix my seal
this seventeenth of february in the year of our

Lord 1800

Test

John Blythe

Thos. Williams

18-0-0

9-57½

8-144½

a pair of 800 Pieces of John A. Lytle the sum of
 We re having in part five shillings & 7/12 in part of
 of the with Band
 McFay
 Absalom Goyner

October 7th 1800. I assign the Within Contents
 to Lion Moon
 Jest
 Jesse Brany

Tho^s Johnson

1800 Nov. 13th Sir, please to pay the
 within Contents to Mr. Daniel Simmons
 Jest
 Willis Boord
 Lion Moon

0...0...81 1/2 hours of
 to Brany & Boord
 1800

Ino Blaythie

In June 1791. John Bligh (dec'd). Owed us four pounds & One
Penny. for which his Son John Bligh gave his Note which
Note has been paid off and is herein.

Novemb. 1803,


for
John Bligh

Rhythmic
to
Rhythmic } sound

Know all men by these presents that we Jacob Turner,
Ephraim Beal, Tabitha Blythe, Elizabeth Blythe & Alexander
Blythe of Southampton County Virginia, am held and firm-
ly bound unto John Blythe Junr. of the same County & State
in the sum of Five hundred Pounds good and Lawful
Money of Virginia, to be paid unto the said John Blythe
Junr. his certain Attorney, his Heirs, Executors, Adm^{rs}
Assigns; for the true payment whereof we bind ourselves
our Heirs, Executors, and Administrators firmly by these
presents, sealed with our seals and dated this
day of one Thousand seven Hundred and Ninety
one.

The Condition of the above Obligation is such that if
the above bound Jacob Turner, Ephraim Beal, Tabitha
Blythe, Elizabeth Blythe, & Alexander Blythe our Heirs
Executors or Administrators, do discharge and acquit the
said John Blythe Junr. his Heirs Executors Adm^{rs} or Af-
signs of all the remainder of the Estate of John Blythe
Senr. both Real and Personal, and we the said Jacob Tur-
ner, Ephraim Beal, Tabitha Blythe, Elizabeth Blythe & Alexan-
der Blythe are contented and satisfied; then this Obligation
to be void or else to remain in full force and Virtue.

Signed, Sealed, and delivered
in the presence of

Malcom Joyner

Ridley Drake

Winchin Joyner

Jacob ^{his} Turner seal
Ephraim ^{his} Beal seal
Alexander ^{his} Blythe seal
mark seal
seal