

1816-008

SOUTHAMPTON COUNTY
CHANCERY PAPERS

KELLO and Wife et al VS. BLUNT

7/1816

See also: Kello et al v. Johnston et al, 1816-19

PLAT

other surnames: Ridley, Wilkinson, Ridly

1816-008

SOUTHAMPTON COUNTY
CHANCERY PAPERS

KELLO and Wife et al VS. BLUNT

7/1816

1
Hello wife et al

~~Dear~~

Hello Mr. W.

vs } Bill and
Hunt } Answer

Oct. 16 - 1875 deane Ford.

But

To the worshipful Court of Southampton in Chancery sitting - his wife
Dumbly complaining shew unto your worship James Kells and Mary M^r, late
Mary M^r Blunt, Francis Ridley and his wife Louisa R^e late Louisa R^e
Blunt Ann G^r Williams widow and eldest of Nathaniel Williams
and late Ann G^r Blunt, and Elyas M^r Blunt and Martha P
Blunt infants by their next friends the said James Kells appointed
by the Court to prosecute for them in this behalfs. That Williams
Blunt the father of your petitioners late of this County, by his last
will and testament (a copy of which is here annexed and made
betaken as a part of this bill of Complaint) lead to his wife during
her natural life the upper parts of the lands whereon he resided
at the time of making his said last will and testament, to be
divided by a line beginning at Powels branch opposite the
Sandy Bottom, and running through the same by a straight line
to the Swamp near the Old Peach Orchard, thence down the
meanders of the said swamp until it gets to the end of
the Great Fishing hole, from thence about midway between
the Cornfield and the Old Flat neck field, thence in the
same course so as to run a little above the Hickory Hedge
thence in the same course so as to run a little above the Ridley
Hog pen, and from thence until it strikes the Gut which runs
into the River. That he also bequeathed to his said wife one
third part of a certain quiet messuage lying in this County during her
natural life or widowhood and after the termination of her right
therein he devised the same to his son William subject to the
same limitations under which he had before devised the above
described land to his said son William. That he devised the
before described tract or parcels of land to his said William at
the death of his said wife, and to his heirs, but should he die
without lawfully issue he devised the aforesaid land and premises
to his son John Asa Blunt and his heirs. That the widow
of the said Williams Blunt did renounce all benefit which
she might be entitled to under the said last will and testament of
her deceased husband the said William Blunt. That some
short time after the death of the said William Blunt the said

his son the said William Blunt departed this life an infant under the age of twenty one years unmarried and without issue That Commissioners were appointed by this Court to inquire to the effect that the said William Blunt the elder her dowry in widow of the said William Blunt the elder her dowry in the land of herself he said seized, that the said widow was put into possession of all that tract of his land so as aforesaid devised to his said son William as and for him dowry, and that she held possession of the same until the time of her death and the end of the year in which she died which was in the date of 1813 That at that time John Norfleet Blunt by virtue of the foregoing clauses in his father's will statement ^{into} and took possession of the same by his guardian and still holds the same alleging that he is entitled to the same upon the said last will and testament of his deceased father William Blunt the Elder. notwithstanding your complainants have repeatedly demanded it stating that the devise even to John Norfleet Blunt was too remote to take effect it being after an indefinite failure of issue on the part of the said William Blunt the younger, and that accordingly the said William Blunt the younger had an absolute fee simple estate in the same, and that at his death your natives together with the said John Norfleet Blunt were entitled as coparceners to the said land and premises They further state that the said John Norfleet Blunt in the same manner holds ~~the same~~ still holds possession of the same before mentioned water grist mill. They further state the water grist mill is not worth one hundred a share and that therefore to effect a division a sale must be made by virtue of an act of the General Assembly in such cases made and provided. In tender consideration of the premises

and in as much as your complainants are without remedy save in a Court of Chancery where matters of this kind are properly cognizable they pray that the aforesaid John Norfleet Blunt who is alive and an infant may be made defendant hereto by his guardian or next friends appointed to defend him in this behalf and be compelled to answer all and singular the allegations herein contained fully and unequivocally, and they further pray that this Court would decree that the aforesaid tract of land of which William Blunt the younger died seized ~~between~~ be divided between the complainants and the defendant equally and that the water grist mill aforesaid should be sold on twelve months credit and the proceeds of the sale divided between the complainants and the defendant in the same manner, and finally that the defendant be compelled to account before Commissioners appointed by this Court for the rents and profits of the said land and water grist mill since the said husband in his possession which your complainants state to be the 1st Jan'y 1814 and as in duty bound your complainants will ever pray &c

James Keller for himself & for
his next friend to C. B. Blunt &
Elizabetta P. Blunt ^{Wife}
Francis Ridgely for himself and

Butler W. H.

15

Phelps

Decreasing

Pharmacy

To the worshipful Court of Louthampton in Chancery sitting.

~~Alfred J. Phillips~~

The answer of John Russell Blunt by his guardian
William Phillips to the bill of Complainant exhibited against
him by James Kells and Mary M. his wife late Mary M. Blunt
Francis Ridley and Louisa R. his wife late Louisa R. Blunt
Ann G. Wilkinson widow and relict of Nathaniel Wilkinson
decd late Ann G. Blunt and Eliza A. Blunt, and Martha P.
Blunt infants by their next friend the James Kells appointed
by the Court to prosecute further in this behalf.

This Respondent now and at all times
saving and reserving to himself all and every benefit of
exemption to all errors imperfections uncertainties and mistakes
in the complainant's bill contained for answer thereto
or to do as much thereof as he is advised is material and
necessary for him to make answer unto answering saith. That he
believes all the facts stated in the complainant's bill are true, but
having doubts as to the construction which the complainant
has placed upon that clause of his father's will which
lastly refers to by them he prays the opinion of the Court
thereon as this Court may in their wisdom deem proper, and he
prays that same be dismissed &c.

W. Phillips
as next friend to J. R. Blunt

Kells wife et al

In Chancery

Blunt

This cause being docketed by court of parties and agent of the Court
came on this day to be heard with the usual manner of calling and
arguments of counsel of whom and whom due consideration
thereof had ^{the Court} one of opinion that the land mentioned in the
complaints ~~was~~ that William Blunt the younger altho
he died without lawful issue had at the time of his death
an absolute fee simple estate in the land and water front
mill devised to him in his father's William Blunt the Elder's
last will and testament, and that the devise over to
John Nuflet Blunt in case William should die without
issue was too remote to take effect it being after an
indefinite period of issue. They therefore advised that
Allen Jones, Benjamin ^{Mr. Harrison}, James Gee, ^{James G. Camp}
and Edmund Rice were just - ^{or any two of them with}

The County Surveyor do divide the tract of land of which William
Blunt the younger died seized into six equal parts having regard
as well to quality as quantity by proper men and counsel and that
they assign ^{and allot} one sixth part to James Kello and Mary ^{his wife} ^{the wife of}
his said wife Mary. One sixth part to Francis Ridley and Louisa
the wife of his said wife Louisa R. One sixth part to
Ann G. Wilkinson, one sixth part Eliza K. Blunt, one sixth part
to Martha P. Blunt, and the remaining sixth part to the wife
John Nuflet Blunt. They further decree that the water
right mill mentioned in the complaints till and devised in
the will of Nuflet Blunt the Elder to the said Nuflet ^{the wife of} be sold
on a credit of 12 months by the aforesaid commissioners or any
two of them and that they take six bonds of equal amount

from the purchase or purchases with observed secrecy and
apprise the same to the complainants and the Defendant and
make a deed of conveyance in fee simple to the same to the
purchase or purchases thereof: and it is further decreed
and ordered that that the said defendant John must
spend no amount with the aforesaid commission
for the rents and profits of the aforesaid tract of land
and Mill from the ~~1st~~ day of July 1844 and that they
make a report to this Court of their doings and doing
herein in order to a final decree -

Southampton September Count 18

Kello & }
is } Ant. J. Deane
Blunt }

Sale of mill in the parish of 1813

Southampton October Court 1815

James Kello and Mary W. his wife late
Mary W. Blunt, Francis Piskley and Louisa
P. his wife late Louisa P. Blunt, Ann
L. Wilkinson widows and relict of Nathaniel
Wilkinson, dec. late Ann L. Blunt, and
Elijah S. Blunt and Martha P. Blunt
Infants by their next friends the said James
Kello appointed by the court to prosecute
for them in this behalf - Complainants
against

In Chancery
P

John Norfleet Blunt by his guardians
& next friend William Phillips Defendants

This cause was this day docketed by consent of parties
and agent of the court, heard on the bills answer exhibits and
arguments of counsel whereupon and upon due consideration
thereof had the court are of opinion that William Blunt
the younger altho he died without lawful issue had at the
time of his death an absolute fee simple estate in the land
and water grist mill devised to him in his father's William
Blunt the elder last will and testament, and that the devise
over to John Norfleet Blunt in case William should die
without issue was too remote to take effect it being after
an indefinite failure of issue: They therefore order a jury
and decree that Allen Jones, Benjamin W. Johnston,
James Lee, James W. Camp and Edmund Turner jr or any
two of them with the county Surveyor do divide the tract
of land of which William Blunt the younger died seized
into six equal parts having regard as well to quality as
quantity by proper meters and bounds and that they

assign and allot one Sixth part to James Kello and Mary
W. his wife in right of her wife Mary one Sixth part, to Grace
Pudley and Louisa R. his wife in right of her wife Louisa
R. one Sixth part, to Ann G. Wilkimmer, one Sixth part,
to Eliza A. Blunt one Sixth part, to Martha P. Blunt,
~~and~~ the remaining Sixth part to the defendant John
Norfleet Blunt. They further decree that the water grist
mill mentioned in the complainants bill and devised in
the will of William Blunt the elder to the said William
Blunt the younger, be sold on a credit of twelve months
by the aforesaid commissioners or any two of them, and
that they take up bonds of equal amount from the
purchaser or purchasers with approved security and assign
the same to the complainants and the defendants and
make a deed of conveyance in fee simple to the same, to
the purchaser or purchasers thereof. And it is further decreed
(and ordered that the said defendant John Norfleet Blunt
do account with the aforesaid commissioners for the rents and
profits of the aforesaid tract of land and mill from the
first day of January 1844 and that they make a report to
this court of their doings and doings herein in order to
a final decree

Teste
James Rochester
J

Southampton County To wit,

We, the undersigned Commissioners, appointed by the County Court of Southampton, under a decree made at October Court 1815: Have proceeded to Divide the Lands therein mentioned: and have completed the same agreeably to the annexed Plot, and Survey: which is herewith annexed: and requested to be taken as a part of this our report: and have sold and Conveyed unto Francis Ridley, the Water Grist Mill in the said Decree mentioned: for the sum of Eighteen Hundred, and fifteen Dollars, and have apportioned and paid over to each Legatee, his or her respective share of the same.

Given under our hands and seals.
this 10th day of July 1816.

Wm. Minton *Secy*
Allen Long *Secy*

mentions of the land of William Blunt dec.
which was Surveyed and divided between the different
legates; taken in separate boundaries, agreeable to
the different lots. (Lot No 1) Bounded as
follows Beginning at a small maple a corner of
John Smith. running thence N. 80° E. 60 poles to a
red oak a corner of Old Iron Works, thence N. 27° E
20 poles Variation on the line, thence N. 45° E. 56 poles
to a Pine an Elbow Tree in Iron Works fw. line
thence N. 4° E. 176 poles to a Penimmon Tree a corner
in Nathan Furness line formerly Benj. Hammers line
thence S. 74° W. 40 pole Variation on the line —
thence S. 55° W. 32 poles 32 poles to a small Post
Oak a ^{6th} of ~~4th~~ ^{11th} Parsons' land; thence S. 20°
W. 80 poles Variation on the line thence S. 45° W. 32 poles
variation on the line near the edge of an old field, thence
S. 50° W. 120 poles just across Powell's branch, thence S. 45° W.
90 pole to a hickory in Henry Parsons line thence S
31° W. 32 pole to a red oak in ^{11th} Parsons's line, thence S
20 W. 78 pole to a sweet gum a corner of H. Parsons
on the side of the ^{round a boat} ~~Brush neck~~ swamp, thence S. 40°
E. 160 pole along the middle of the swamp being the
dividing line between lot No 182 to a cypress in the
middle of the ~~Brush neck~~ swamp, thence N. 70° E. ~~None~~
thence ^{thirty four} poles to a cotton tree a new corner in
Powell's branch, between Bro. A. Blunt & Lot No 1 — thence
the various courses of Powell's branch to a small drain
which makes to the beginning. thence N. 60° E 22 pole, thence
N. 47° E 20 pole to the beginning —

Lot No 2. Beginning at a sweet gum in Henry Parsons
line a corner of Lot No 1 & Lot No 2 standing on the side of the Round
about swamp thence down the said swamp the various

Courses thereof to a new corner made between lot no 2 & 4
no 4 thence along the dividing line of lot no 2 & 4 S 34° E 85 pole
to a new corner made in lots no 2, 3, 4 & 4
thence along the lines of lots no 2, 3 & 4 S 54° E 180 pole
to a new corner made in the out boundary of lot no 2
& no 3. thence N 35° E thirty four pole to a paper
gum a new corner made in the Bush neck swamp, thence
up the S. swamp the various courses thereof to a
paper in lots no 1 & 2. thence along the dividing
line of lots no 1 & 2 to the first station.

Lot No 3. Beginning at a pine a new corner made in
lots no 2 & 3 running thence S 40° W 214 to an elm tree
between the flat neck leave fields, thence S 50° W 20 pole
to a new corner made in lots no 3 & 5, thence along the
dividing line of lots no 3 & 5 N 88° W 177 pole to a new
corner made in lots no 3, 4 & 5, thence N 37° E 201 poles
to a new corner made in lots no 2, 3 & 4. thence along the
dividing line of lots no 2, 3 & 4 S 54° E 180 to the first
station.

Lot No 4 Beginning at a new corner made in lot no 2 & 4
standing in the middle of the round about Swamp, thence
along the said swamp the various courses thereof to a small
gum standing near the road leading to Hailys bridge in
Fr. Kidley line lately B W Johnstons, thence S 41° E 236
pole to a new corner made in lots no 3 & 4 & 5. thence
along the dividing line of lots no 3 & 4, N 37° E 28 poles
to a new corner made in lots no 2, 3 & 4 to the first station.

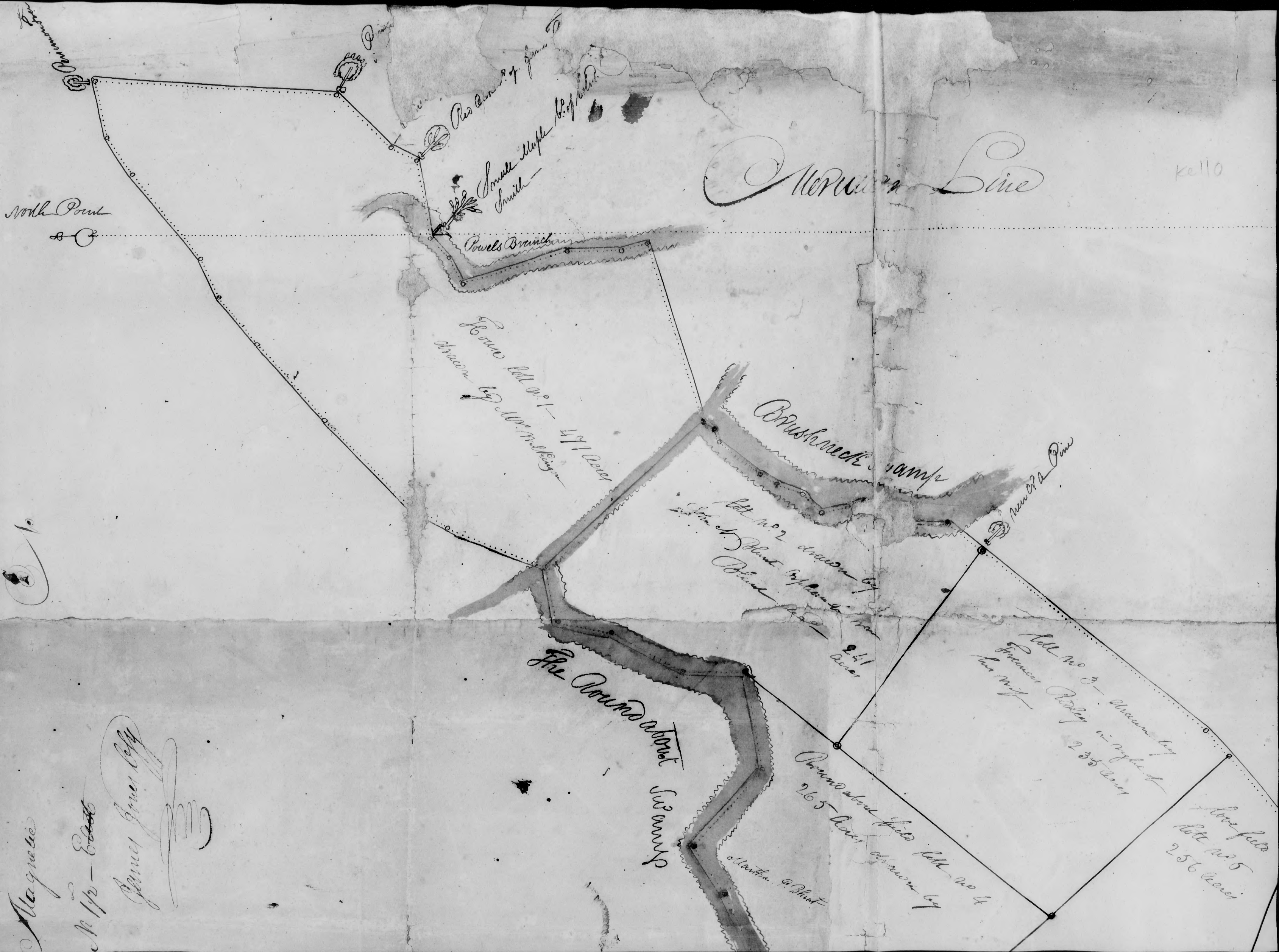
Lot No 5 Beginning at a small gum near the road leading
to Hailys bridge a corner of Fr. Kidley formerly B W Johnstons
running thence due S 288 pole to a new corner made in lots no
3 & 5. thence S 63° E 202 pole to a small sweet gum opposite
the Hickory neck hog pen a new corner of lot no 5 & 6.
thence

North fifty degrees E 78 pole to a new corner made in
lots no 3 & 5. thence along the dividing ^{line} of lots no 3 & 4 & 5
pacing the dividing line of lots no 3 & 4, four hundred fletcher
pole, to the first station.

Lot No 6. Beginning at a ^{small} sweet gum opposite the
hickory neck hog pen running thence S 24° W 174 pole
to a white oak opposite the Reddy hog pen, thence
S 25° W 58 pole to where the yellow gut turns to the
river thence S 81° W 60 pole to a brick standing on
the side of Meherrin river, thence the various courses
of the S. river to a hickory standing on the side of
the river in Francis Kidley line, thence N 72° E 70
pole to a post oak a corner of Francis Kidley thence
due N 78 ^{poles} to a new corner made in lots no 5 & 6 — thence
S 66° E 200 pole to the first station.

James Jones Offy

Which I pronounce to be correct
J. P. Jones



Magnate
N 1/2 - East
James Jones left

North Line

Kello

The Round about
Swamp

Round about field
265 Acres
Lot no. 4

Lot no. 3 - Swamp
Frances Ridley in right
235 Acres

Love field
Lot no. 5
256 Acres



North Line

Kello

South point

Lot no. 1 - 49 Acres
drawn by John A. Blunt

Brushneck Camp

North Line

Lot no. 2 - 24.1 Acres
drawn by John A. Blunt

The Roundabout Swamp

Lot no. 3 - 23.5 Acres
drawn by Francis Ridley

Lot no. 4 - 26.5 Acres
drawn by John A. Blunt

Lot no. 5 - 25.6 Acres
low fields

Lot no. 6
drawn by Doer

Yellow Seal

This acre by the Magnesian
 Meridian Vanaloo N 1/2 - East

James Jones Esq


James Jones Esq
 1000 Vanaloo N 1/2 - East
 1/1



lot no. 1 - 471 acres
drawn by Mr. McKing

Brushneck Camp

Pin

lot no. 2 drawn by
John A. Hunt
241 acres

lot no. 3 - drawn by
Francis Bailey in right of
his wife
235 acres

The Round about
Sound

Round about field lot no. 4
265 acres drawn by
Martha A. Hunt

live fields
lot no. 5
256 acres

lot no. 6 drawn by
Dad Wells - 249 acres

Eliza V. Hunt

Small Gun 10 in. 100 yds. distance

Uchekin River

yellow gum

Jas. Clayton & Co

vs
Wm. Washington.

Answer &

M.C. Repert.

ret. Nov 1812

The above bal. due to the two Estates of Edwin & Jo. Washington brought down 896:12:3 $\frac{3}{4}$
 Edwin Washingtons Negroes valued at 320£ due to the distributers 320:0:0-
 Ditto Land \$2623.83. due to the distributers - 787:3:0-
 Land sold to Wm Evans which did belong to Joseph Washington 530£ -
 1/6 of which fell to these distributers (Edwin having had 4/5 of his part) 458:16:8
 £ 2462:2:4 $\frac{3}{4}$

James Claytons 1/5 part of the two Estates (personal) 179:6:6 $\frac{1}{2}$
 1/5 of E Washingtons Slaves 64:0:0-
 1/5 of Ditto Land 157:8:7-
 1/5 part of Jo. Washingtons Land sold Wm Evans 91:13:4-
 To sundries & Act. in payment made him 178:14:4 492:8:5 $\frac{1}{2}$
 121 Acres of Land @ 24/- - 145:4:0
 Balance due to James Clayton - 168:10:1 $\frac{1}{2}$ 492:8:5 $\frac{1}{2}$ 492:8:5 $\frac{1}{2}$

Andrew Washingtons 1/5 of the two Estates (personal) 179:6:6 $\frac{1}{2}$
 Ditto 1/5 of E Washingtons Slaves 64:0:0-
 Ditto 1/5 of Ditto Land 157:8:7-
 Ditto part of Jo. Washingtons Land sold W.E. 91:13:4 492:8:5 $\frac{1}{2}$
 Bal due to Wm Washington admr 77:5:3 $\frac{1}{2}$
 To sundries & Act. in payment to him 349:3:9 569:13:9
 73 $\frac{1}{2}$ Acres of Land @ 60/- 220:10:0 569:13:9

Elbert C. Williams 1/5 part of the two Estates (personal) . . . 179:6:6 $\frac{1}{2}$
 Ditto 1/5 of E. Washingtons Slaves 64:0:0-
 Ditto 1/5 of Ditto Land 157:8:7-
 Ditto part of Jo. Washingtons Land sold Wm Evans 91:13:4 492:8:5 $\frac{1}{2}$
 Balance due to Wm Washington admr. . . . 109:8:9 $\frac{1}{2}$
 To sundries & Act. in payment to him 360:13:11 601:17:3
 149 $\frac{1}{2}$ Acres Land @ 20/- 149:10:0
 Cash p. you by E. Washington your part 91:13:4 601:17:3
 of Land sold Wm Evans 601:17:3

Joseph Washingtons 1/5 part of the two Estates (personal) 179:6:6 $\frac{1}{2}$
 Ditto 1/5 of E Washingtons Slaves 64:0:0-
 Ditto 1/5 of Ditto Land 157:8:7-

Joseph Washington 1/5 part of the two Estates (personal)	179:6:6 1/2
Ditto 1/5 of E. Washington Slaves	64:0:0
Ditto 1/5 of Ditto Land	157:8:7 1/2
Ditto part of Jo. Washington Land sold W. Evans	91:13:4 1/2 492:8:5 1/2
Balance due W. Washington admr	101:8:10 1/2
	593:17:4
To sundries p. due in payment to him	432:12:4
143 Acres Land @ 15/-	107:5:0
Cash p. you by E. Washington in part	54:0:0
for Land sold W. Evans	593:17:4

Wm. Washington 1/5 part of the two Estates (personal)	179:6:6 1/2
Ditto 1/5 of E. Washington Slaves	64:0:0
Ditto 1/5 of Ditto Land	157:8:7 1/2
Ditto part of Jo. Washington Land sold W. Evans	91:13:4 1/2 492:8:5 1/2
Commissions due to W. Washington on the two Estates	639:15:6 1/2 2462:2:4 1/2
Sundries due by Wm. Washington see Acc ^t	401:0:10
118 Acres Land @ 28/-	165:4:0
Cash p. him by E. Washington in part	54:0:0
for Land sold to Wm. Evans	54:0:0
Bal due to W. Washington to close his acc ^t	19:10:8 1/2 639:15:6 1/2

The Master, Commissioner of Southampton, to whom was referred this case for investigation, agreeable to the prayer of the Complainants Bill, after the most unparalleled labor and difficulty from the confused situation of the papers relating to the business, at length is enabled to make his Report which from the immediate connection of the two Estates is obliged to embrace in the same statement all the transactions of Wm. Washington as admr. of Edwin Washington dec^d and Joseph Washington dec^d the two Estates having been appraised, sold, and administered together, by the same admr. — and the same persons entitled to Distribution in equal proportions in each of the Estates.

The M. Commissioner has made a general adjustment of both Estates which appears above founded on the accounts of Sales, account Currents of each Estate the documents and vouchers exhibited in the cause, with other information connected with the matter. It is believed that notwithstanding the most unexampled difficulty has attended a development of this case, and that altho' several unsuccessful attempts had been made to effect a settlement of these Estates before it came into the hands of the M.C. each of which attempt shed darkness rather than light on the subject; he has nevertheless presented it now in such form that complete justice may be done to the parties concerned. It is therefore respectfully submitted to the Court.

The complainants in this case to J. Fort D^r
for 22 hours employment @ 3/9 & above \$13:75.

J. Fort D^r