

3. HISTORY OF BLOOMSBURY

Slick land deals, poor drainage, and long-term interpersonal relationships shaped the families that inhabited, improved, and cultivated a poor tract.

The subject property is part of the 300-acre Bloomsbury tract, surveyed in 1683 for William Williams (Figure 12, page 39). The beginning point of the survey was described as a large sweet gum at the head of Hirons' Branch, which later became a point of bitter contention.

William's son, Thomas, had moved away by the time his father died in 1735. He appointed James Morris as his attorney to sell the farm.*

The buyer was Samuel Exell (or Axell), stepson of a Smyrna tavernkeeper. Exell owned some land that his mother had left him, but he sold it when he bought the farm. He obtained a new warrant and had it resurveyed and repatented, gaining a fresh title to Bloomsbury thereby.

According to local gossip repeated in a 1785 deposition of John Drayton, surveyor George Stevenson told him that Axell had ordered the surveyor to interpret the property description to include better ground farther down the branch, which actually was part of Hillyard's Adventure. This move caused a gap of "unclaimed" land between the adjacent Bloomsbury and Barren Hope tracts. The surveyor laid claim to the vacancy and obtained a proprietary warrant, which he sold to William Sappington on an unknown date (Kent County Chancery R#3).

A few years later, in 1746, Exell sold the northern hundred acres to Edward Joy. At that time, Timothy Eads had a house near the southwest corner of the Bloomsbury tract, but the deed is silent upon which prop-

erty it occupied. The starting point near the Eads house is the corner of Route 6 and the property's west line.

Exell died without a will in 1753, owning little more than the surviving part of Bloomsbury, most of which remained forested (Figure 13, page 40). His widow, two sons, and two daughters lived at the east side of the property, next to a large and valuable farm called Hillyard's Adventure. The estate also owned a marsh at the mouth of Hirons Branch surveyed in 1745 for Exell. The heirs sold it for £10 to Dr. Charles Ridgely, owner of Hillyard's Adventure, in 1771, after the children reached their majority.

The eldest son died unmarried, without issue, before achieving his majority, which meant that the three surviving children shared in the estate, with a lifetime dower of a third set aside for the widow.

Around 1770, the Pearsons were Sarah Exell's tenants on Bloomsbury. According to the 1795 testimony of James Pearson, his father's house stood about twenty-five yards eastward from a marked oak along the western property line (Kent County Chancery R#3).

LAND GRAB SPAWNS DISPUTE

Immediately to the west was the Barren Hope tract owned by the Allee family. When Axell "relocated" his tract's boundaries downstream, the survey created a bogus vacancy between Bloomsbury and Barren Hope. In June 1746, the surveyor, George Stevenson, laid claim to the 105 acres "between" the adjacent Barren Hope and Bloomsbury tracts (Kent County Warrant book, p. 195; Kent County Surveys S5#2). He obtained a warrant, which he sold to William Sappington.

* A complete summary of the title descent, with citations to documentation, is found at the back of this report. All citations to real estate documents are to be found in the appendix.

The Sappington Estate

An inventory of the goods and chattels of William Sapenton dec'd.

Taken and appraised by us the subscribers this 22 day of September 1767.

| | | | |
|--|-----|----|---|
| To 1 old bed and furniture 60/ Do. 1 old bed 30 to 1 old walnut table 7/6..... | 4 | 17 | 6 |
| To 5# sear thread 10/ to old pewter 7/6 to earthen wair 1/ to 4 lbs wool 5/0..... | 1 | 3 | 6 |
| To 2 old chists 15/ a iron chane 5/ to 4 iron pots 25/ 2 old pails a half booshel..... | 2/2 | 7 | 0 |
| To 1 old warming pan 7/6 a gunn 15/ 1 old box 1/ to a old bag 2/..... | 1 | 5 | 6 |
| To 3 old chairs 4/ to 1 flat iron 2/ to a pasel of porke 60/ a candlestick 3/..... | 3 | 9 | 0 |
| To a cross cut saw 15/0 3 old axes 9/0 a hansaw 1/0 a drawing nife 1/6..... | 1 | 6 | 6 |
| To a frow and 2 iron weges 4/6 to 2 iron rings 3/0 3 old hows 2/..... | 0 | 9 | 6 |
| To a grinstone 2/ to a plow shear and collar and other tacklin 30/..... | 1 | 12 | 0 |
| To 1 old bed 10/ a old chum 1/ a old saw 5/ to a dunge fork 2/..... | 0 | 18 | 0 |
| To 3 old wheels 1/6 to 4 small hogs 35/ a small pasele of flax on brok 5/..... | 2 | 4 | 0 |
| To 4 small stacks of corne foder 30/ to brown hors 90/..... | 6 | 0 | 0 |
| To 1 brown mair 100/ to 1 cow and calfe 60/ to 1 gote 20/..... | 9 | 0 | 0 |

Jacob Stout
James Starling

£ 34 / 12 / 6

Source: Kent County inventories, Delaware Archives

Later that year, there was a hearing on the property to determine the boundaries. An estimated thirty people were gathered together, and Mrs. Axell was described as being in “violent passion” over the line (Kent County Chancery R#3).

Abraham Allee, who then owned the Hillyard’s Adventure property, knew that the widow Axell was in fact living on his land, and would not raise the issue while his elderly kinswoman lived there. (Kent County Chancery R#3).

Many years later, Daniel Morris stated that the Sappington family house was within a hundred yards of the corner gum at the head of Hirons Branch. He recalled an old dwelling house on the Bloomsbury tract near its western corner, roughly the location of the spot we now know as the Hurd site.

Sappington cut timber off the property, and the widow Axell complained loudly. His estate inventory reflects heavy involvement in timbering, with such items as chains, saws, and axes in multiples beyond what a farmer would need. Until his death in 1767, he was able to enforce his less than perfect claim without adjudication.

In 1784, when a later owner of Hillyard’s Adventure tried to unravel the dispute over the lines, James Morris gave testimony that the actual line between Bloomsbury and Hillyard’s Adventure ran through Mrs. Axell’s barn and that her house actually stood on Hillyard’s Adventure (Kent County Chancery R#3).

The widow Axell’s son-in-law, John MacFarland, took the roof off Sappington’s house after his death, in an attempt to evict Agness. The widow tried to stay in the roofless house for a few days. When it became obvious that Mrs. Sappington would not

BLOOMSBURY OWNERSHIP AND TENANCY, 1770 -1812

| | | 1770-1780 | 1780-1790 | 1790-1800 | 1800-1810 |
|---------------------|---------------------|-----------------------------------|----------------|---------------------|-------------------------|
| <i>West</i> | owner: Axell Estate | Mary | James McMullen | Martha McMullen | Francis Denney Allee |
| Project area | tenant: Pearson | | | Thomas Cutler | John Sisco T. Consealor |
| <i>Center</i> | owner: Axell Estate | Prudence Macey and then her heirs | | | Francis Denney Allee |
| | tenant: Pearson | | | Patrick Conner | John Sisco T. Consealor |
| <i>East</i> | owner: Axell Estate | Samuel Axell II | J. Allee | Heirs of John Allee | [Abraham Allee] |
| | tenant: Pearson | | | Patrick Conner | |

|-----First well ?

|-----Second well-----|

leave, Mary (Polly) Axell MacFarland paid a settlement to get her off the property. Mrs. Sappington then moved across the creek and lived in Thompson's loft.

According to a petition Agness filed with the Orphans Court, the payment was compensation for her rightful title to the Sappington tract, to provide the funds she needed for the support of her first husband Jeremiah Loatman's daughters.

Sappington had a basis for his claim in the form of a warrant, but no patent appears in the records, and there is no record that his disputed title was ever adjudicated during his life. While a warrant and a survey had been issued, it appears Sappington never actually took the definitive step of having the property patented in his name by the Proprietors in Philadelphia.

Near the property was a little bridge over Hirons Branch. Eight-year-old Evan Denney was helping his father and two uncles drive cattle across the branch, about 1765.

He recalled in a 1795 deposition that his father boxed his ears when he misbehaved during that cattle drive, and his uncle Christopher laughed and said "give him a whipping so he will remember Axell's corner." Sure enough, Evan Denney still remembered the corner thirty years later when he gave testimony (Kent County Chancery R#3).

DIVIDING BLOOMSBURY

Both Exell daughters had been married and widowed before their father's land could be divided.

Prudence Macey (or Massey), daughter of Samuel Exell, petitioned the court for allocation of her third in November 1770. She and her second husband pointed out that all three surviving children had attained legal age. When the division was completed May 7, 1771, Prudence received the middle third.

In order to allocate the farm, a survey was prepared by Mark McCall and submitted to Orphans Court (Figure 13, page 40). The outline of cleared land is well defined on the map, but no house is indicated. While making the survey, McCall found that the corner gum tree at the head of Hirons Branch had rotted away. So he marked a young white oak nearby with twelve notches to re-mark the corner. This seemingly innocent act would be the cause for a Chancery case twenty-five years later, when a later owner tried to establish her lines on the location of the gum stump.

Since the smallest acreage went to son Samuel, it is likely that the family home at that time was on the eastern third, outside the current DelDOT property boundaries. As eldest surviving son, Samuel the younger would have been entitled to a double share, which means that his small acreage contained some element of greater value, in addition to the fact that it contained most of the cleared land.

According to the 1795 deposition of James Morris, the Axell residence was near the Hillyard's Adventure line, the east boundary of the tract (Kent County Chancery R#3).

MARY'S THIRD OF BLOOMSBURY

The widowed owner of western third of Bloomsbury, Mary (Polly) Griffin, soon remarried Patrick (Paddy) Conner, who was heir to a farm north of the project area, on the south bank of Duck Creek. Mary's third, containing 74 acres 136 perches, was the largest of the three, which is commonly interpreted to mean that it was the least desirable. In fact it contains two undrained swamps today. It was her only dowry, since her first husband's tiny estate had been administered by one of his creditors to satisfy his debts.

The Connors and widow Exel conveyed their interests in 1772 to James McMullen, a Smyrna merchant. He died in 1784, leaving his third of Bloomsbury to his minor daughter Martha.

At the February court term in 1795, Martha's guardian, Eleazer McComb, asked the Chancellor to send commissioners to take depositions on the boundaries of Bloomsbury, and particularly the western third. In the petition, it was alleged that the boundaries had "decayed." The commissioners, Joseph Nock, Alan McLane, and George Cummins, were sworn in September 16.

Patrick Conner, who apparently was still managing parts of the property, served legal papers on the neighbors. He was disputing the boundary with Edward Joy, the neighbor who owned the inland end of Bloomsbury (Figure 14, page 41). Commissioners gathered the neighbors to discuss the boundaries. Many stories were told, some under oath. The resulting depositions have survived to shed some light on the local scene at the time.

According to testimony, a house was built for McMullen's tenant, Thomas Cutler, around 1775. Joseph Thompson, whose family owned land across the branch, deposed in 1795 that John VanGaskin the younger showed him a corner tree of Bloomsbury while the Cutler house was being built. This was the same oak at the present southwest corner of the project property that McCall had marked to replace the old gum stump corner tree a few years earlier. Curiously enough, Thomas Cutler did not give testimony, even though he was the one person most likely to have practical knowledge of the property's actual boundaries. Nor did McCall testify.

Cutler is listed in the 1782 state census and assessment with two adults and a total of four people in his household below the age of 18. His assessment was in the lowest category (Nelson, Nelson, Doherty, Richards and Richards 1994).

In 1801 Martha McMullen sold the western third to Francis Denney. Thomas Cutler still was the sitting tenant, even though he was not reported as living in the neck on the 1800 United States census (pages 66-67).

THE MIDDLE THIRD

John Macey died in 1796, and Prudence apparently soon after. Prudence left three heirs: Mary Hart (daughter of her earlier marriage to John MacFarland), John, and Jonathan. At some point, Mary sold her prospective interest to her uncle Patrick Conner, who asked Orphans Court to send commissioners to make a division of the Macey third. The division never took place. John and Jonathan may have been Macey's sons by an earlier marriage. There must have been substance to the claim, for the administrator of John Macey's estate paid rent to Conner.

After the litigation ended, the Macey tract was sold by the sheriff in 1799 to satisfy creditors of John and Jonathan Macey. The purchaser was Francis Denney.

John Sisco was listed in the 1803-1804 reassessment as Denney's tenant on a plantation of 134.5 acres, which is almost exactly two-thirds of the 202 acres measured in the 1771 Axel survey of the Bloomsbury remnant. The two western thirds, as listed in the earlier survey, totaled 139 acres 136 perches. No improvements of any value were listed on the property assessment.

Francis Denney died in 1812, and ordered his estate to be divided among his three sons and two daughters, one of whom was Susannah Allee, wife of Abraham. Sarah Denney in November 1812 renounced her right to a dower interest in her children's farms (Kent County Deed Book O-2:21), which allowed them to take full possession during her lifetime.

When the Denney estate was divided, surveyor Archibald McCall found that it contained 140 acres, 19 perches, "whereon Thomas Conseilor now lives." Unfortunately, the draft survey (Figure 15, page 42), now in the possession of George H. Jones, esq., does not show a house on the property, even though it clearly states that Conseilor was living there, not merely a tenant in possession who lived elsewhere, as Patrick Conner had been.

Five acres, the northwest tip of the western third, was allocated to Francis Denney Jr., and continues today to be cited as a separate tract in the deeds to the property (Figures 15 and 16, pages 42-43).

SAMUEL'S THIRD

Samuel Exell, the younger, died in 1783, leaving an estate valued at only £14 / 2 / 9. His will, proved August 20, 1783, left his movable estate and his money to his niece Mary Hart, daughter of Prudence. His real estate was left to his "cousin and only friend John Allee," who was actually the husband of his cousin's wife's sister, Rachel Moore, daughter of John and Henrietta Moore. This is within the traditional range of Kent County cousinship

Axell's former property was then tilled by his brother-in-law Patrick Conner, who cultivated only 35 acres. The Allee estate valuation of 1791 described the house as "a logged dwelling house about eighteen feet square," into which the Orphans Court commissioners ordered a brick chimney to be built. There was also a roofless uncompleted log kitchen.

Conner laid claim to a 200-acre tract he called "Canton," that he alleged was vacant land between Bloomsbury and Hillyard's Adventure to the east (Figure 14). A warrant was issued by Recorder Simon Wilmer Wilson in December 1794, and Edward Joy filed a caveat against it. Conner's claim of the vacancy would start a legal battle with the wealthy Joy family. The next year Chancery commissioners came to the site to settle the boundary of Bloomsbury.

In the 1803-1804 reassessment book, Patrick Conner, Sr., was listed as owning a small plantation containing sixty-two acres valued at \$10 per acre, with three head of horses. He was still listed as tenanting the Axell third of the land in the 1803-1804 assessment.

Abraham Allee married Susannah Denney on February 19, 1805. They had six children, of whom three survived infancy.

All the goods and chattels

An inventory of all the goods and chattels of Samuel Axell Dec^d of Duck Creek Hundred in the County of Kent in the Delaware State as appraised by us the subscribers the 5th of December 1783 –

| | |
|---|---------|
| To his wearing apparel | £1/5/0 |
| To 1 Bed bedstead and furniture | 4/0/0 |
| To 1 Chest and some old stuff therein 7/6 | 7/6 |
| To 1 small box 3/9 pewter 16/ | 19/9 |
| To some old ware with meal sifter 3/6 | 3/6 |
| To 1 small table 6 2 iron pots 22/6 | 1/3/0 |
| To 1 small pewter basin 2/ some old things 2/ | 4/0 |
| To 1 bay mare £6 | 6/0/0 |
| | ----- |
| | £14/2/9 |

Source: Kent County Inventories, Delaware Archives

Abraham Allee inherited the western two-thirds of Bloomsbury in right of his wife when his father-in-law died in 1812. Bloomsbury was not exactly a profit center. Fortunately for the young couple, their combined inheritances included more profitable properties. Francis Denney owned nine plantations in Kent and New Castle counties to be divided among his five children, with each son to receive a share worth £100 more than each daughter's share. Thomas Con-sealor would not remain long as Allee's tenant.

Storekeeper Benjamin Coombe went to the Justice of the Peace in February 1814 to collect Con-sealor's bill. This was only the beginning of the year's troubles.

Abraham Allee tried to evict Con-sealor on April 16, when he entered the "close" [fenced field] and took hold of Con-sealor's plow horses and ordered him off the farm. Jacob and Moses Thompson then entered the close and plowed the field for themselves. Con-sealor went to Justice of the Peace James Schee in Dover on April 18 and filed suit against all three. They posted bond on April 20, and the case was referred to Common Pleas. On September 1, Moses Thompson entered the close and threw down ten panels of fences before he plowed the ground. Con-sealor sued again. After repeated continuances, the case disappeared, unresolved, from the Common Pleas docket after the December term 1817.



Figure 11

Aerial view of the Allee Bloomsbury farmstead from the south, as it appears today without most of its buildings.

In the 1815 assessment, John Allee's heirs [actually Abraham] were credited with eighty-three acres, all cleared, called the Axle land. This is twenty-one acres more than the 1771 division map described for the east third, but acreage estimates tended to be fluid. By now, Abraham and his bride were in actual possession of the whole Bloomsbury estate and Thomas Consealor apparently had moved to New Jersey.

A survey of Barren Hope dated 1821 describes the property as "An ancient tract of land called Bloomsbury formerly of Samuel Exels heirs, now belongs to Abraham Allee in right of his wife Susannah, one of the daughters of Francis Denney, deceased, allotted and assigned under and by virtue of Orphans Court." The court record is absent, even though there are several references to it, and a draft survey exists.

The 1852-1853 reassessment shows Abraham Allee owning a tract of 170 acres, 145 improved, with a log house, and another tract of 120 acres, 90 improved, with a log house. A house was on the Bloomsbury property in 1859, roughly where the present dwelling stands (Figure 18, page 46).

When he died in 1858, he left the tract to his daughter Sallie (Sarah, wife of William Savin) and his sons James and Jonathan. The property was identified in the

will as "60 acres" on Pumpkin Neck adjoining Alexander Peterson, Daniel Cummins, John M. Voshell, and others. These people were adjoiners of the whole tract, whose properties would not have adjoined any one of the third parts. Therefore, Abraham must have been referring to the entire Bloomsbury tract, of which he owned one third in his own right and two thirds by right of his wife. As his deceased wife's heirs, the children may have been considered owners of the western and center thirds of Bloomsbury. The Byles map, drawn at about the time of

Abraham's death (Figure 18) shows a house on the property in the location of the present Carrow residence northeast of the project area. This house was until recently the farmhouse for the tract (Figure 6, page 13).

The daughter and sons had Bloomsbury resurveyed, and found that it contained 220 acres, 18 more than the 1771 survey had called for, but short 5 acres on the north that had slipped away through allocation to their uncle Francis Denney the younger. This triangular parcel at the north end of the western third of Bloomsbury belonged to the heirs of John B. Savin, Sarah's father-in-law.

Sarah Savin (1807-1873), James D. Allee (1812-1881), and Jonathan Allee conveyed the 202 acres to Presley Ford in 1861. He apparently occupied the now-extant house; in his 1869 will, Ford referred to the Allee Farm "where I now reside," which he left to his sons Presley and William.

From this evidence, it appears that the present house was built late in the Allee tenure, possibly as late as 1858. The house is oriented toward the road, laid out in 1824 (Scharf 1888:1096). Earlier houses on the property would have been oriented toward Dutch Neck Road, with access to the road by the small Hirons Branch bridge and then by a road through Thompson's farm on the Westmoreland tract to the south.

William and Presley Ford divided the farm in 1892, creating the division line that is now the eastern boundary of the DelDOT property (Figure 16, page 43). William took the west part, with the farmhouse. He already owned the five-acre [Francis Denney II] triangle in the northwest corner, purchased from James Hoffecker in 1877. To this day, the deed describes the property in terms of the 1877 Hoffecker deed and the 1892 division.

The Fords stayed on the farm until 1934, when the sheriff sold it. After several transfers, a five-acre lot containing the house was divided from the farm in 1963.

Any archæological survey of the present DelDOT property will be historically incomplete because half the Axell property lies to the east, on private land. The eighteen-foot log house of Samuel Axell the

younger stood on that property. Much of the cleared ground belonging to the Macey third also lies to the east, although some Macey ground is in the present tract.

The project area contains the entire western third of the Axell survey, briefly owned by the Conners. Some of the middle third also is on the property, but no other house sites were identified within the study area. Sappington's house stood on the state-owned property, but the Axell family home was elsewhere.

Among the documented occupants of the western third were the Sappingtons and the Cutlers, while the western two thirds were occupied by Sisco, Consealor, and their families. Given the small number of suitable house sites, evidence suggests that house sites can be expected to have been re-used.

*See Figure 19,
page 47, for a chart
of title descent*

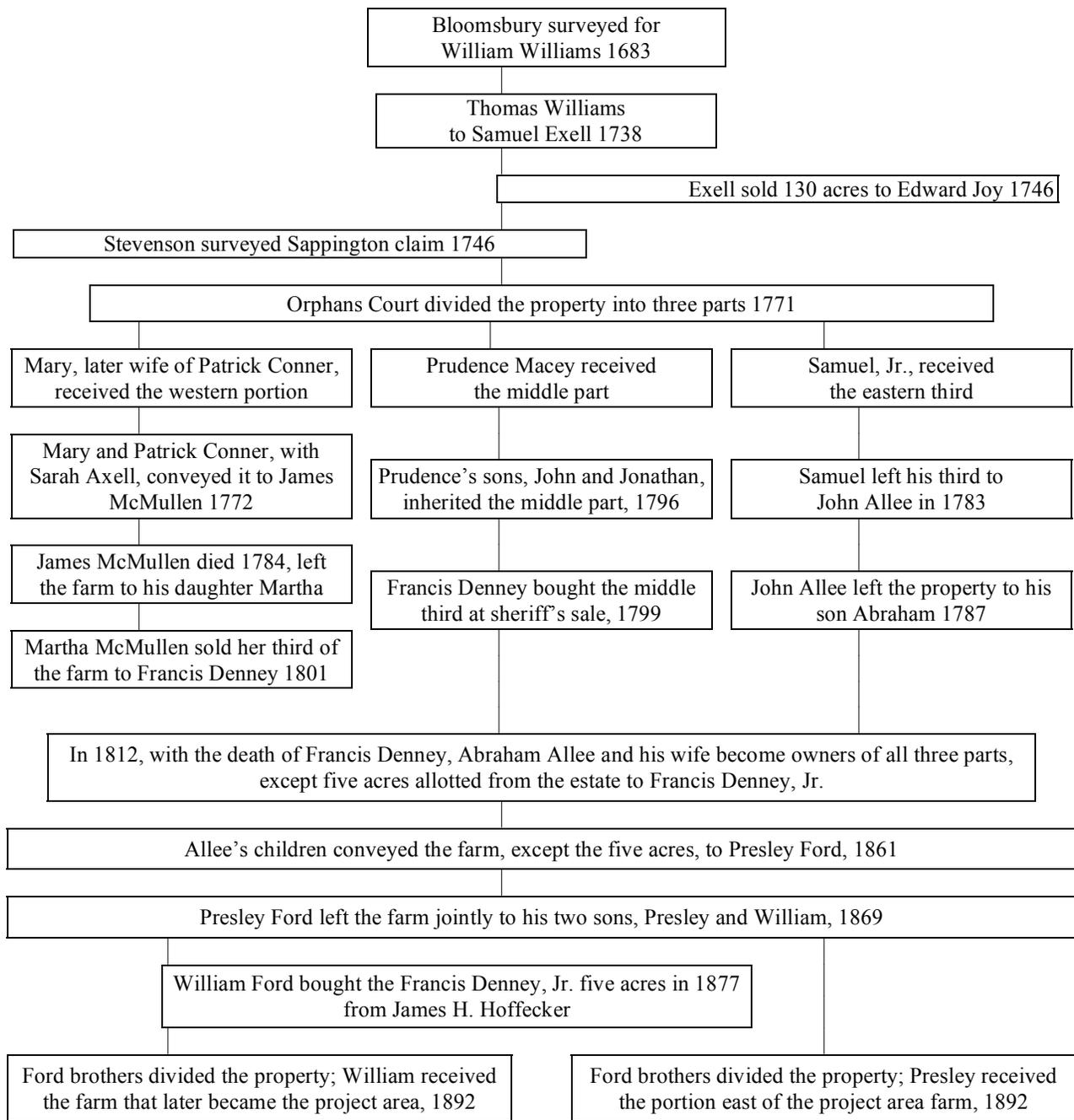


Figure 19
Descent of Title to Bloomsbury.

Figure 20
 Genealogical chart of Bloomsbury owners, 1733-1858.
 (Simplified to reflect only persons directly associated with the property)

Names of project site owners are boldface.

