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NO. I.

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CARTER PAPERS.

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I give unto my son John all my furniture in the New house and half of the rest of the Furniture in my kitchen & other houses about my mansion Dwelling, the other half of my Furniture I do give unto my sons Robert & Charles to be valued by four of the most substantial of my neighbours, and my son John to pay for them to my said sons Robert & Charles according to the valuation, unless it be the desire of my sons Robert & Charles to have them in kind.

My will is that my plate both old and new be equally divided between my three elder sons John, Robert & Charles, my books to be divided into four parts, my son John to have two parts of them, my sons Robert & Charles to have the other two parts, my pictures each child to have his own picture, my son to have my first picture and his mother's, also my gold watch and diamond ring, my son Robert have my other picture & his mother's picture, & one-half of my other rings & watch, my son Charles to have the other half, my sons Robert & Charles to have each of them a gold watch sent for at the charge of my estate to cost £30 each, all my goods that are coming in for my familys to be disposed of among the Family for their supply as they were intended, all my new goods, tools, nails, utensils &

## HISTORICAL NOTES AND QUERIES.

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### AN ANCESTOR OF ASHBY.

(Contributed by Mr. Howard R. Bayne.)

Lieutenant Ashby was the brother of Captain John Ashby, of the Third Virginia Regiment, Continental Establishment. Captain John Ashby was the grandfather of General Turner Ashby, C. S. A., and was my great grandfather. He commanded a company under General Lewis in the battle of Point Pleasant on the Ohio in 1774. Subsequently he marched to Williamsburg against Lord Dunmore as captain of a company of Culpeper Minute Men, and was at the battle of Great Bridge, near Norfolk. At the crisis in the battle of Harlem Heights, Captain John Ashby commanded one of the three Virginia Regiments under Major Leitch, specially ordered by Washington to save the day. The Third Virginia Regiment appears to have been one upon which Washington was wont to rely in every crisis, when the regiment was at hand.

### THE COMMISSION.

*United States of America, Board of War  
and Ordinance, MDCCLXXVIII.*

To Benjamin Ashby, Gentleman, Greeting—We, Reposing especial trust and confidence in your Patriotism, Valour, Conduct and Fidelity, Do by these presents constitute and appoint you, to be an Ensign in the seventh Virginia Regiment in the Army of the United States, to take rank as a Second Lieutenant from the first day of June, A. D. 1777; You are therefore carefully and diligently to discharge the duty of an Ensign, by doing and performing all manner of things thereunto belonging. And we do Strictly charge and require all Officers and Soldiers, under your command, to be obedient to your orders, as Ensign. And you are to observe and follow such orders and directions, from time to time, as you shall receive from this, or a future Congress of the United States, or Committee of Congress for that purpose appointed, a Committee of the States, or Commander in chief for the time being of the Army of the United States, or any other your Superior Officer, according to the rules and discipline of War, in pursuance of the trust reposed in you. This Commission to continue in force until revoked by this, or a future Congress, the Committee of Congress beforementioned, or a Committee of the States.

Witness His Excellency John Jay Esqr., President of the Congress of

the United States of America, at Philadelphia the 20th day of March, 1779, and in the third year of our Independence.

JOHN JAY.

Entered in the War Office and examined by the Board.

Attest:

P. SCULLY.

*Secretary of the Board of War.*

OATH OF ALLEGIANCE.

I, Benjamin Ashby, Second Lieutenant, do acknowledge the United States of America to be Free, Independent and Sovereign States, and declare that the people thereof owe no allegiance or obedience to George the Third, King of Great Britain; and I renounce, refuse and abjure any allegiance or obedience to him; and I do swear that I will, to the utmost of my power, support, maintain and defend the said United States, against the said King George the Third, his heirs and successors, and his or their abettors, assistants and adherents, and will serve the said United States in the office of ——— [Blank in original] which I now hold, with fidelity, according to the best of my skill and understanding.

BENJN. ASHBY.

Sworn to before me at Radnor this 10th June, 1778.

T. KNOX.

CHANCELLOR WYTHE'S OPINION RESPECTING RELIGION,  
DELIVERED BY HIMSELF.

(From Massie Papers, Va. Hist. Soc. MSS. Collection.)

Why Sir, as to religion, I have ever considered it as Our best and greatest Friend, those glorious views which it gives of our relation to God, and of our destination to Heaven, on the easy terms of a good life, unquestionably furnish the best of all motives to virtue; the strongest dissuasives from vice; and the richest cordial under trouble, thus far I suppose We are all agreed; but not perhaps, so entirely in another opinion which is, that in the sight of God, moral character is the main point. This opinion very clearly taught by reason, is as fully \* \* by \* \* which every \* \* That the Tree will be valued only for its good fruit; and, that in the last day, according to Our works of love or of hatred, of mercy, or of cruelty, We shall sing with angels, or weep with devils: in short, the Christian religion (the sweetest and sublimest in the World), labours throughout to infix in Our hearts this great truth, that God is love—and that in exact proportion as we grow in love, We grow in his likeness, and consequently shall partake of his friendship

and felicity forever, while others therefore have been beating their heads, or embittering their hearts with disputes about forms of baptism and modes of faith, it has always, thank God, struck me as my great duty, constantly to think of this—God is love; and he that walketh in love, walketh in God and God in Him.

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DOCKING ENTAIL.

In October, 1765, the General Assembly passed an act docking the entail of certain lands belonging to Rice Jones, wherein it was related that Rice Jones the elder, was seized of a valuable tract of land in South Farnham parish, Essex, and of 800 acres in Middlesex, and by his will, dated November 23, 1676, gave his land in Essex, called Nincock Point, to his son John Jones, and the land in Middlesex to his son Rice Jones; and on the death of the said John Jones, without issue, the said Rice Jones entered into possession of both tracts and died seized, leaving issue: John Jones, his eldest son, who also died seized thereof, leaving three sons Rice, John and William, and said Rice and John are since dead without issue, and said William is also dead, leaving Rice Jones his eldest son, the present possessor. The entail on the Middlesex lands is docked.

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PUNISHMENT FOR ABUSE.

Virginia: In Accomack County Court, Aug. 18th, 1663.

Forasmuch as it appeareth to ye Court that Mary White hath much Scandallized & abused (her Aunt) Goody Hait as appears by sufficient evidence, It is therefore ordered that as a just reward for her offence, she be committed into ye Sheriff's custody untill she ask her Aunt forgiveness for her s'd offence three tymes, once in open Court and once at either Church in this County on ye next succeeding Sabath daies in ye face of ye congregation, and pay Court charges.

A Copy, Test:

ROBT. H. OLDHAM, Dy.,

1897, October 4th.

for W. Oldham, Jr., C. A. C.