

LINVILLE

The scope of this Linville research is limited beginning with a deed of gift dated 11 Jun 1819 in which one Robert Linville of Stokes County, North Carolina, was agreeing to permanently assume from his father Richard Linville Sr. the care of his lunatic brother, Richard Jr., in return for two negro slaves (See transcript below). Should Richard Jr. regain his sanity the two slaves were to belong to him.

The saga that evolved as a result of this contract would be hard to duplicate. As revealed in the Equity Court case of 18 April 1821 Robert Linville was answering the charge of Thomas Campbell, guardian of both his father Richard Linville Sr. and of his idiot brother Richard Linville Jr. Richard Jr. had died less then two years after coming to live with Robert and Thomas Campbell was attempting to reclaim the two slaves as part of the estate of Richard Linville Sr. Campbell's contention was that the elder Linville was not mentally competent to execute the original deed of gift and had done so under duress.

More than sixty people were deposed to give evidence in the case. Much of the testimony revolved around the veracity of one William Studdard who had offered some of the most damning evidence against Robert Linville. Studdard was a close neighbor of Robert Linville and there was animosity between them. Agnes Studdard, William's wife, also gave a deposition while receiving coaching from her husband. The Studdards were accusing Robert Linville of mistreating his father who had also been living with him and of not taking proper care of the idiot brother. The deponents called by Thomas Campbell were attesting to the fact that Richard Linville Sr. had been too senile to execute the deed of gift. Campbell also contended that Robert Linville had exerted undue pressure on his father. The thing that carried the day for Robert Linville who prevailed in the suit, was that when he asked each deponent, including those called by Campbell, if he would have been willing to take in his idiot brother for the payment of the two slaves, to a man they said they would not. One said, "not for four slaves."

There were several forces at work behind the suit. Additionally several deponents testified that the Studdards, especially Agnes, were jealous because Robert Linville's wife had a slave to rock her baby's cradle. Apparently the Studdards did not have such a slave and they deemed Mrs. Linville "proud." Also if the slaves reverted to the estate of Richard Linville Sr., the money from the sale of the slaves would become part of his estate. As a result Thomas Campbell and his wife Charity, daughter of the elder Richard Linville, would stand to benefit when her father died.

Following are transcriptions of some Stokes County documents involving the equity case. They can be found at the North Carolina State Archives in Raleigh, NC, in the Estate File of Richard Linville. Most documents are of too poor quality to reproduce here.

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**DEED OF GIFT, 11 June 1819**

State of N Carolina  
Stokes County

Where Richard Linville Senr, of the County of Stokes and the state aforesaid hath the day of the date hereof made a deed of gift or bill of sale unto his son Robert Linville of the same place of two negro slaves viz. Amy about 24 years of age & Henry about 7 years old And whereas he the said Robert Linville has for sometime past maintained taken care of and supported a certain Richard Linville

Junr, son of the above named Richard Linville Senr, said Richard Linville, Junr, having been for a number of years and still continuing to be entirely destitute of understanding and consequently incapable of taking care of himself – Now let it be remembered that he the said Robert Linville doth in consideration of the gift made him by his father Richard Linville Senr, of the said Amy and Henry, slaves as aforesaid doth agree to maintain take care of and support him the said Richard Linville Junr, as long and during the time that he the said Richard Linville Junr shall remain and continue in a state of insanity and destitute of understanding and he the said Robert Linville doth further agree that if he the said Robert [this should read *Richard*] Linville Junr, should at any time hereafter recover his right mind & obtain his understanding, that he the said Robert Linville will deliver and give up unto him the said Richard Linville, Junr the above named slaves (should the[y] be living) as his right and property but should there be any increase during the term they shall be in said Robert Linvilles possession said Robert Linville shall still retain to his own use and benefit such increase. -

In witness whereof he the said Robert Linville hath hereunto set his hand and seal this eleventh day of June 1819

Signed Robert Linville

Witnesses present

C Waggoman

Mathias Masten

Joseph McPherson

John McPherson

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### **ROBERT LINVILLE'S ANSWER TO THOMAS CAMPBELL'S BILL OF COMPLAINT**

North Carolina  
Stokes County In Equity

The answer of Robert Linville to the Bill of Complaint of Thomas Campbell the guardian of Richard Linville now at all all [sic] times hereafter saving and reserving to himself all and all manner of benefit of exception to the many inaccuracies and untruths in said bill contained for answer thereto or so much thereof as it is material for him to answer to and answering saith. That it may be true that Thomas Campbell has been appointed the guardian of Richard Linville by virtue of an inquest held by the Sheriff finding said Richard a lunatic but of this defendant has no certain knowledge only from report and prays that Complainant may be put to the proof thereof – If such inquest has been held and the jury have found the facts as set forth in the bill of which defendant be ignorant the said inquest and finding was wholly an ex parte proceeding that took place long after the trade between Richard Linville and defendant of whos said proceeding he had no notice and had not an opportunity to be heard – He submits therefore whether that proceeding forms any sort of proof in the present suit. Defendant admits that on or about the 11<sup>th</sup> day of June 1819 – the said Richard Linville executed by him two bills of sale for the negro woman Amy and her child Henry age about seven years and about 11<sup>th</sup> Jany 1820 for the negro boy Abram. He denies that the only consideration was that of natural love and affection and the consideration of one dollar. The facts attending that transaction and the consideration was as follows; Richard Linville Senr was the father of an unfortunate son by the name of Richard who was a lunatic – he had attained the age and possessed the strength of

manhood without a single ray of understand[ing] This misfortune befell him when he was about the age of twenty years and had continued upon him for about eighteen years – the distinguishing character of his madness was that he was prone to maliciousness and mischief. It was dangerous to suffer him to go at large without being closely watched – and very troublesome to keep his clothes upon him and keep out of the most disgusting filth It was to make provision for this unfortunate brother of the defendant that the negro woman and child was conveyed as by deference to the covenant which defendant entered into at that time will more fully appear a copy of which is answered and made part of the answer By this instrument of writing it will be seen that said negroes were to become the property of said Richard if he were ever to regain his understanding, and if he did not recover in that case they were to become the property of defendant; that they were nothing more than a just compensation for the trouble and expense of keep of said Richard, he verily believes all would admit that are in any manner acquainted with the said Richard – It would be too offensive to delicacy to describe in this answer his extreme filthiness and some idea may be formed of his mischievous temper from the facts that he attempted and was near killing defendants wife when he was from home with an ax.

When Richard Linville Senr entered into their contract he was in his perfect senses, was fully informed of the nature of the transaction and done it of his own free will and disposition as deponent verily believes – apering [sic] as a [ ? ] to all of the witnesses that he wished his unfortunate son to live with some of his children, that none of the rest would take him for five hundred dollars a year, and that he did not wish to see him upon the county. It is true that the old man was living at defendants house at the time but that he was a lunatic or incapable of managing his affairs or that defendant made use of any artifice or deception defendant utterly denies & that the complainant knew that the old man had then the sound and rational use of his understanding at the time referred to, this defendant is convinced from the fact that said complainant came to defendants house while the old man lived there and wished to prevail on him to execute to him complainant a bill of sale for the negro slave Jude that complainants wife had possession of and that had been willed to her during her life and after to Richard Studdart by a will made sometime before ["Will" is a misnomer; this was also a "deed of gift." E. M.] – This happened in the year 1819 after the bill of sale to defendant – The said Richard Senr refused to comply with the request of said Campbell and assigned the reason for it, "that Mr Campbell had brought nothing with him into the family, it was not probable that his wife would have children and he should take nothing from it, that he wished the negro for the use of his wife for life and after her death to go to his grandson, Richard Studdart, that he was willing to give a deed of that description but no otherwise." As to the Negro boy Abram defendant shows that said Richard gave him to defendant in the year 1814 and that defendant had retained him in possession ever since. He was then considered as an advancement in life to defendant. That he had given other negroes to his children about that same time – That said Richard intended a negro slave named Pillis [sic] for his daughter Jean and Jean with his approbation and consent sold said Phillis in the year 1819 for \$650 and said Richard executed a bill of sale to the purchaser of said negro – Jean received the six hundred dollars of the price which is the same sum that is mentioned on the bill. It is true that Richard Linville made to his children the advancements as he could share the property suitable for them in life – But he did not give to defendant as much as he had given to some of his other children. Defendant remained with his father untill he was in his twenty-eighth year and received nothing except a filly about eighteen month old, and then worth three hundred dollars besides Abram. He shews [sic] that it was for twenty years his intention of his father so to dispose of his property as it has been [ ? ] by the bills of sale, and ~~after the contract with defendant for [ ? ] care of son~~

~~Richard defendant offered the negroes to his brother Moses Linville to take said lunatic and keep him upon the same terms that defendant had undertaken to do, which said Moses refused to do.~~

The defendant denies that said Richard Linville Senr is as much as one hundred years of age on the contrary he believes that at the time [scratched out] upward of eighty years old, and verily believes that enjoyed the sound use of his understanding before and long after the contract made with him as before it was set forth. True it is that about the year 1816 he became very deaf, so much so that it was with great difficulty he could hear anything, and while his wife lived she by knowing him could cause him to hear more readily than any person else and commonly acted as an interpreter, communicating between him and others – But that she ever managed his business for him is denied, on the contrary, the fact is that he transacted all the business he had to do – He hired out his negros, bought things that he needed and made all his trades untill long after he came to defendants to live – It is true said Richard was afflicted with a swelling in his leg and thigh which confined mostly to the house but had no visible affect upon his understanding – This defendant verily believes that if the lunatic Richard had lived untill this time, no complaint whatsoever would have been made at the agreement for keeping him. It was the will of providence however to take him hence about fifteen months after said lunatic came to live there – In that event the woman and child was to be defendants, but when the contract was made he had every prospect of continuing life – As to the property of Richard Linville Senr defendant shows that he offered and is still willing to take said Richard and use him as a father if they will suffer him to come to him and will return the property that he has and defendant will enter into an obligation faithfully to discharge that duty – defendant is ignorant of the amount of his property and prays that complainant may be put to the proof of it. Defendant further knows that David Linville deceased has another child by the name of Dorothy and he believes that Moses Linville a son of said Richard the elder is still living.

Defendant denies all fraud and combinations ~~and~~ without [ ? ] not answered unto, confessed or avoided sufficient to charge him He therefore preys to be dismissed with her reasonable costs and charges.

[?] Martin [?]

The 18 April 1821 Came before me John C Blum CME Robert Linville and made oath that the matter of facts in above [answer?] of his own knowledge are true and those not of his own knowledge he believes to be true.

Rob Linvill

Sworn to be subscriber

Before me the of April 1821

John C Blum CME

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Following is a copy of a document from the Estate File in which Robert Linville is requiring Thomas Campbell to produce the deed of gift or bill of sale in which his wife Charity Campbell received two slaves from her father Richard Linville, Sr. The point being to show that Richard Linville made gifts of slaves to other of his children. Charity Campbell formerly Charity (Linville) Studdard was the mother of Richard Studdard to whom the slaves were entailed at her death.

*Mr. Thomas Campbell*

*Produce on the trial between us in the Court of Equity the deed of gift or bill of sale made by Richard Linville decd to your wife Charity Campbell for life and afterwards to Richard Studdart, conveying as aforesaid a Negro girl by the name of Jude and her child by the name of Starling, which instrument of writing bears date in the month of March 1820*

*Richard Linville*  
by att

Mr. Thomas Campbell

Produce on the trial between us in the Court of Equity the deed of gift or bill of sale made by Richard Linville decd to your wife Charity Campbell for life and afterwards to Richard Studdart, conveying as aforesaid a Negro girl by the name of Jude and her child by the name of Starling, which instrument of writing bears date in the month of March 1820.

Richard Linville  
by att

**DECISION RENDERED IN THE CASE IN EQUITY OF CAMPBELL VS LINVILLE**

Thomas Campbell Adm  
vs  
Robert Linville

This cause coming now to be heard upon the bill and answer exhibits directed orders & evidence – It is declared by the court that at the time the deeds of gift mentioned in complainants bill were made and executed by Richard Linville decd by the Deft Robert Linville for the negros Amy and her male child Harry and for the negro Abraham the said Richard was not a lunatic but of sound disposing mind & memory sufficient to enable him to dispose of his property by deed or otherwise – that the said conveyances were not obtained by fraud or the use of any undue influence or means but were fairly honestly obtained for a valuable consideration by the decd Richard Linville. It is therefore ordered adjudged & directed that the said Robert Linville be granted now his (print missing) conveyed to him by his said father Richard Linville decd and that the bill be dismissed - It is further ordered [copy scratched through and illegible] Court & that each party pays his own costs. [filed copy undated]

The last document found related to this equity case was the filing on 4 June 1831 by Thomas Campbell, Administrator, of what is presumed to have been the final accounting of the assets of Richard Linville Sr's estate.

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The exact date of Richard Linville Sr's death is not known. A Guardian's Report filed in the Stokes County, North Carolina, Court of Pleas and Quarter Sessions at the March 1822 Term by Richard Linville's guardian, Thomas Campbell, noted a charge for "boarding the ward" from 23 March 1821 until March 1822.

The Guardian's report for March 1823 indicates Richard was deceased. It contained a charge for eight and one half months boarding. This would place Richard's death in the fall of 1822. A reference in Robert Linville's answer to the Bill of Complaint proves his mother was deceased sometime previous April 1821. A deposition taken on 27 July 1822 from James Halbrook, Sr., in relation to the equity case describes the night of Robert's mother's death, but without noting the date.

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Richard Linville, Sr., left no will and the name of his wife is not known. His children were David and Richard, Jr., who predeceased him, Moses, Jean/Jane, Charity and Robert.<sup>1</sup>

Charity Linville married John Studdard 30 August 1797 in Stokes County, North Carolina.<sup>2</sup> They are known to have had one child, Richard L.[inville?] Studdard.<sup>3</sup> John Studdard was deceased by November, 1799, and on 23 April 1812 Charity married Thomas Campbell.<sup>4</sup> Charity was probably born in the late 1770's and was deceased by August, 1845 at which time Thomas Campbell married Emily Fulp.<sup>5</sup>

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<sup>1</sup>Stokes County, NC, Estate File of Richard Linville. North Carolina State Archives, Raleigh, NC. "Robert Linville's answer to Thomas Campbell's Bill of Complaint."

<sup>2</sup>Frances T. Ingmire, *Stokes County, North Carolina, Marriage Records, 1783-1868*, 2 vols. (Athens, GA: Iberian Publishing Co., 1993), vol. 2: *Females*, p. 63.

<sup>3</sup>Stokes County, NC, Estate File of Richard Linville.

<sup>4</sup>Stokes County, NC, Court of Pleas and Quarter Sessions, Tuesday, 12 November 1799, Letters of Administration on the estate of John Stuthard. North Carolina State Archives, Raleigh, NC. Also *Stokes County, North Carolina, Marriage Records, 1783-1868*, 2:101.

<sup>5</sup>*Stokes County, North Carolina, Marriage Records, 1783-1868*, 2:37. Thomas Campbell married Emily Fulp 8 August 1845.

Note: One source [largely undocumented] for background on the Linvilles is Thomas Merriam Linville's *Descendants of Dwight Solomon Priest of Massachusetts and John Henry Linville of North Carolina*.

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 March, 2014

# FAMILY GROUP

Chart No. LINVILLE-1

<b>HUSBAND: LINVILLE, Richard</b>							Occupation:
Event	Day	Month	Year	Town(ship)	County	State	Misc. Information
Born:			about 1740			Virginia	Deceased by 18 Apr 1821. <sup>1</sup>
Mar:							
Died:		Fall	1822 <sup>1</sup>		Stokes	North Carolina	
Buried:							Religion:
Father:	<b>Thomas LINVILLE<sup>4**</sup></b>			m.	abt 1728	Mother: <b>Hannah<sup>4**</sup></b>	
	b.	about 1706	d.			b.	d.

<b>WIFE</b>							Occupation:
Event	Day	Month	Year	Town(ship)	County	State	Misc. Information
Born:							
Died:			1816-1819		Stokes	North Carolina	
Buried:							Religion:
Father:				m.		Mother:	
	b.		d.			b.	d.

The order of children may not be correct, and list may not be complete.

CHILDREN & spouses	Event	Day	Mo	Year	Town(ship)	County	State	Misc. Information
1. <b>David LINVILLE<sup>1</sup></b> Dorothy <sup>3</sup> FAIR/FARE <sup>4</sup> b. about 1768 d. alive 1807 <sup>3</sup>	Born:			about 1767		Rowan?	NC	
	Mar:							
	W.p.:			Sep 1811 <sup>3</sup>		Stokes	NC	
2. <b>Moses LINVILLE<sup>1</sup></b> Elilizabeth** b. d.	Born:			1765-1770 <sup>10</sup>		Rowan/Surry	NC	
	Mar:							
	Died:			1843 <sup>10</sup>		White	TN	Bur: Howell Family Cem., Sparta. <sup>10</sup>
3. <b>Jean/Jane LINVILLE<sup>1</sup></b> b. d.	Born:					Rowan/Surry	NC	
	Mar:							
	Died:			alive 1821 <sup>1</sup>				
4. <b>Robert LINVILLE<sup>1</sup></b> Alice FAIR/FARE <sup>7</sup> b. 29 May 1785 <sup>11</sup> d. 23 Jun 1873 <sup>11</sup>	Born:	16	Jan	1776 <sup>11</sup>		Surry	NC	
	Mar:	19	Mar	1805 <sup>7</sup>		Stokes	NC	
	W.p.:			Oct 1860 <sup>8</sup>		Forsyth	NC	
*5. <b>Charity LINVILLE<sup>1</sup></b> (1) John STUDDARD <sup>2</sup> b. L a. Nov 1799 <sup>9</sup>	Born:			about 1778		Surry	NC	
	Mar:	30	Aug	1797 <sup>2</sup>		Stokes	NC	
(2) Thomas CAMPBELL <sup>5</sup> b. about 1789 <sup>12</sup> d. alive 1860 <sup>12</sup>	Mar:	23	Apr	1812 <sup>5</sup>		Stokes	NC	
	Died:			1840-1845 <sup>6</sup>		Stokes	NC?	
6. <b>Richard LINVILLE<sup>1</sup></b> Unmarried	Born:			about 1782		Surry	NC	Not of sound mind.
	Mar:			-----	-----	-----	--	
	Died:			by Apr 1821 <sup>1</sup>		Stokes	NC	
7.	Born:							
	Mar:							
	Died:							
b. d.								
8.	Born:							
	Mar:							
	Died:							
b. d.								
9.	Born:							
	Mar:							
	Died:							
b. d.								
10.	Born:							
	Mar:							
	Died:							
b. d.								

References are found on the following page.

\*\*Not Proven

REFERENCES - Chart No. LINVILLE-1

1. Stokes County, NC, Equity Court Records, Deposition of Robert Linville, 18 Apr 1821; and Guardian and Estate File of Richard Linville, died about 1821. Stokes County Courthouse, Danbury, NC. All Stokes County civil records cited herein are at this location.
2. Frances T. Ingmire, *Stokes County, North Carolina, Marriage Records, 1783-1868*, 2 vols. (Athens, GA: Iberian Publishing Co., 1993), vol. 2: *Females*, p. 63.
3. Stokes County, NC, Will Book 2:123, David Linville, 17 Jun 1807/Sep Term 1811.
4. Lucille Kaufmann Novak, *The John and Milby Hester Family* (Nashua, NH: Author, 1977), p. 307.\*
5. *Stokes County, North Carolina, Marriage Records, 1783-1868*, 2:101.
6. U.S. Census, 1840, Stokes County, NC, p. 205, Thomas Campbell, Series M704, Roll 372. National Archives and Records Administration, Washington, D.C [hereafter NARA]; and *Stokes County, North Carolina, Marriage Records, 1783-1868*, 2:37. Thomas Campbell married Emily Fulp 8 August 1845.
7. North Carolina Statewide Marriage Index on Microfiche., Record No. 90 02 185, Bond No. 140021. North Carolina State Archives, Raleigh, NC.
8. Forsyth County, NC, Will Book 1:166, Robert Linville, 1848/Oct Term 1860. Forsyth County Courthouse, Winston-Salem, NC.
9. Surry County, NC, Court of Pleas and Quarter Sessions, Letters of Administration on the Estate of John Studdard, 12 Nov 1799. Surry County Courthouse, Dobson, NC.
10. RootsWeb.com WorldConnect. Database: karagosian. Contact: Barbara Karagosian. Barbara@mkpe.com.\*
11. RootsWeb.com WorldConnect. Database: 1897652. Contact: Lisa Webster. tmp@direcway.com.\*
12. U.S. Census, 1860, Forsyth County, NC, p. 417, Thomas Campbell, Series M653, Roll 8987. NARA.

## NOTES

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## \*Disclaimer:

Due to time and accessibility constraints, it has not been possible to attempt to document all the data from other researchers cited here. Conversely, it seemed unfair to withhold this information as most is probably correct and ultimately may be verifiable.