1769-001 SOUTHAMPTON COUNTY CHANCERY PAPERS

WESTBROOKE dy+c vs. WESTBROOKE's EXECUTORS, 6/1769

other surnames: Vaughan, Smith, Broom, Cloyd, Newsum, Fairfax, Claud, Westbrook, Person, Foster, Ramsey, Ramsay

Geo. Brooks

Popin

Wm Brooks

Feb 6th

Wm Brooks

Feby 6th

June

about

January 29

To the Worshipfull his Majesty's Justices of the
Peace for the County of Essex sitting in Chancery

Humbly complaining sheweth unto your
Worships your Orator Moses Westbrooke an Infant
under the Age of twenty one Years by Christopher Foster
his Guardian & next Friend That your Orator's Father
John Westbrooke dec'd did by his last Will & Testament
in Writing bearing Date the 7th Day of April 1761
give your Orator the Sum of ten pounds Current Money
and of this said Will appointed his Wife Honour Westbrooke
& one James Ramsey Esqr who proved the same in
this Worshipfull Court according to Law Whereby they
became & are liable to pay your Orator the said
Legacy & the Interest due thereon Your Orator saith
That he hath by his said Guardian applied in a friendly
Manner to the said Honour Westbrooke & Jas. Ramsey
for the Payment of his said Legacy & they being
Not they would have complied with such his
just & reasonable Request as in Justice & Equity
they ought But now so it is That the said
Honour Westbrooke & James Ramsey altogether
refuse to pay your Orator his said Legacy the
said Honour pretending she is not obliged to do so
tho your Orator is of Age & the said James Ramsey

Westbrooke
vs
Westbrooke &
Ramsey
Bill
Exhibited Sept. 63

pretends that his he is Ever with the said Honour she
Lay the Estate in her Hands & cant pay your Orators
Legacy without her Consent All which being contrary
to Equity & Justice Tending to the Ruin & Impoverishment
of your Orator unless relieved by this Court Intender
Consideration whereof & for that your Orator is
remediless at Law Only relievable here Tothe End
therefore that the said Defts may on their respective
corporal Oaths full true & perfect Answer make to all
& singular the Allegations of this Bill as fully &
Particularly as if herein repeated & interrogated
& more especially that they & each of them may
discover Whether the said John Westbrooke did or
did not make such Will as is herein before set forth
Whether they did or not prove the same & have an
Inventory & Appraisment thereof & what did the same
amount to? Was not the same more than sufficient to
pay Debts & Legacies? And that they may be
decreed to pay your Orators Legacy of £10. &
Interest thereon to be computed from twelve months
from the Death of the Testator And your Orator
further or otherwise relieved in the Premises
according to Equity & Conscience And that your
Worships will grant your Orator his Majestys

Writ or Writs of Subpoena &c

Miles Cary Compt.

Filed Aug. 1795

Westbrooke
Ans.
Westbrooke

The Answer of Honour Westbrooke and James Ramsey defts
to the bill of complaint of Moses Westbrooke by Christopher
Foster his guardian complainant

These defendants saving to themselves all advantages
of exception to the manifold uncertainties and untruths
in the said complainants said bill contained for
answer unto or to so much thereof as these defendts
are advised is material for them to make answer
unto they answer and say That true it is that
the said John Westbrooke did so die and make such
will as in the bill is set forth that such legacy
is devised by the said will to the plaintiff but these
defendants are advised that they are not obliged to
pay the said legacy untill the complainant arrives
at the age of twenty one the maintenance and
education of the said plaintiff being by the last will
of the said testator committed to these defendants
These defendants also say that the complainant since
he was taken away by the said Christopher Foster
who by the court (on false representations by the
said Christopher) was appointed his guardian went
away with great reluctance and as these defendants
are informed has hired himself for his subsistence his
guardian not finding him a sufficient one

without

NOT DECLASSIFIED 1/15/92

without that, that they

Southton Jr.

Honour Westbrooke
James Ramsey

Sworn to before me this
9th day of August 1764

J Gray

Westbrooke

Wsbrooke

Re 2d: Wsbrooke

Sept 1763

Ans bill

Mar

Aug 64

Ans Rec

Jan 64

rejoinder

March 64

Cont

July 1765

cont

Aug 65

cont

Sept cont

Aug 1766

Cont for Depos

Sept

George the Third by the Grace of god of Great Britain &c
To the Sheriff of Southampton we comand you that you
summon Honour Westbrooke and James Ransey exor &c of
John Westbrooke Decd
to appear before our Justices of ours
county Court in Chancery at the Courthouse of the said
County on the second Thursday in September next to
answer a bill in Chancery exhibited agst them by Moses
Westbrooke by Christopher Foster his Guardian and next
friend
And this they shall in no wise omit under the penalty
of £100 each of them witness Wm Wilkins Clk the eighteenth
day of August in the third year of our reign.

Wilkins

Westbrooke
v
Westbrooke
&
Coxe & Wynne

Oct 1766
Cont for Copy
Dec cont
Jany 1767
cont
Mar cont
April
Oct Butler
May cont
Jun cont

George the Third by the grace of god of Great Britain
France and Ireland King defender of the faith &c. To the
Sheriff of Southampton County greeting We command you
that you attach Anne Westbrooke & James Ramsey
cous: & of John Westbrooke dec'd so that you have their
bodies before our justices of our said county court in
chancery at the court house of our said county on the second
Thursday in June next to answer us as well of a certain
contempt by the said Anne & James to our said writ
in said as of a concerning those things which to them
then & there shall be objected and further to do & receive
what our said court shall consider in that part
consider. And have there this writ Witness Richard
Hello. Clerk of our said court at the court house the 11.
day of May 1764. in the fourth year of our reign

Hello C.C.

For not answering the bill of Complaint
of Thos. Westbrooke by Christopher Ufferd
his guardian.

Westbrooke
ads
Westbrooke

Agreement

George the third by the grace of god of Great Britain France &
Ireland King defender of the faith &c. To

greet know ye that we trusting to
your fidility and provident circumspection industriously examining
whatsoever Witnesses as well on behalf of Honour Westbrook
and James Ramsay exors &c. of John Westbrook decd late &
Mercy Westbrook by Christopher Foster his guardian & next
friend &c. command you or any two or more of you that at
such certain days and places as you shall appoint you
assemble yourselves and the witnesses aforesaid before you
or any two or more of you you call and cause to come and
diligently examine on the holy evangelist of Almighty God
and their examination into the court of our county of
Southampton without delay you shall send and certifie
inclosed returning to us this writ witness R Hello clerk of
our said court at the courthouse the eleventh day of January
in the fifth year of our reign

R Hello

Westbrooke

~~Westbrookesby~~

June 68

cont

George the third by the grace of God o
France and Ireland King defender of the fa
Ridley, Henry Taylor & James Jones
ye that we trusting to your fidility & provid
in diligently examining whatsoever witne
of Moses Westbrook by Christopher Foster
next friend & Honour Westbrook and Jam
of John Westbrook dec'd &c we command yo
of you that at such
appoint, you assemble yourselves and
before you or any two or more of you. you c
come and diligently examine on the
Almighty God and their examination into
county of Southampton without delay you
certifie inclosed returning to our
Clerk of our said court at the court house
of January in the fifth year of our reign

The Deposition of Norman Westbrooke of full age being also
sworn in the same Suits Saith That he applied to John
Westbrooke deed to buy a Filly of him but he refused he had given
her to his Son William if he could buy her of him he might
Not he accordingly bought the said Filly of the said William
Westbrooke for thirty five Shillings which Money his Father
and this Depot. his Son wanted to buy a Gun with of Wm.
Westbrooke And this Depot. understood the Gun was bought
of the said Wm. Westbrooke for 30/ or 35/ But at the Outcry
the said Gun was sold but Christ. Foster as this Deponent
hath heard agreeing to indemnify the Estate for the said Gun
if it was disliked Whereupon the Person who bought it
returned it to the said Foster for the use of the Child
The said Foster having then agreed to prove the Property in
the Boy or buy for it himself.

10. July 1765 Sworn before

Bayley. Norman his Westbrooke
Henry Taylor Mark
James Jones

The Deposition of Wm. Vaughan of full age being also sworn
in the same Suit deposeth & saith That he hath been
several Times & hath seen the Children of Jn. Westbrooke
deed at the said Foster's House and they were well used &
appeared to be clothed & fed in a decent manner & the
same as the said Foster's own Children That this Depot.
saw the Children about the Time they left the Dep. House
which was about Xmas & they were then very bare of
Cloths — But not more so than in their Father's Life time
at that Season of the Year

his
William Vaughan
Mark

That there were two Outcrys of the greatest part of
the Testators personal Estate only this Depot the
Fall after he died

10 July 1765 Sworn before

Bayley.
Henry Taylor
James Jones

The Depostion of Isham Smith aged twenty Years & upwards being also sworn in the same Suit — Saith That he hath been often at the House of Jn.o Westbrooke dec.d & seen his Children before his Death & since while with his Widow Honor one of the Defts. & they were as base & ill to her in his Life Time as ever with the Defts. Honor

10th July 1765 Sworn to before

Ridley.
Henry Taylor
James Jones

his
Isham ∨ Smith
Mark

The Depostion of William Brown of full Age being also sworn in the same Suit — Saith That the greatest Part if not all John Westbrookes personal Estate was sold by his Exor the Fall after he died —

10th July 1765 Sworn to before

Ridley.
Henry Taylor
James Jones

his
William + Brown
Mark

The Deposition of Ambros Smith being of full Age & also sworn in the same suit deposeth & saith that the same year John Westbrook died Honour the Widow of the sd Westbrook employed this Deponent to assist her in tending the Crops which was then in great danger of being lost that there was a Crop of Corn & Tobo & Wheat made that Year tho how much this Deponent knows not This Deponent further saith that he has been often at the House of the sd Honour & that he never knew her misuse any of the sd Westbrooks Children at any time whatsoever —

10th July 1765 Sworn to before

Ambros Smith

Ridley.
Henry Taylor
James Jones

Southampton County, to wit,

The Depostion of Joshua Lloyd of full Age being first sworn on the Holy Evangelists of Almighty God in a Suit in Chancery in the County Court aforesaid between Moses Westbrooke by Christ.r Foster his Guardian & Honour Westbrooke & Jn.o Ramsey Exor & of Jn.o Westbrooke dec.d — Also in another Suit in Chancery depending in the same Court between Jn.o Westbrooke, Moses Westbrooke, Jn.o Westbrooke & Elias Westbrooke by Newitt Foster their Guardian & Wm. Westbrooke by the said Newitt his Guardian Pl.ts and the same Defts. —

This Deponent saith That being at the House of Christopher Foster while the Compl.ts lived with him as their Guardian (the said Christ.r not being at Home) he observed Jn.o Wm. & Elias Westbrookes & their Cloths decent & clean — That the eldest of them went & drew some Ale for the Defts. to drink some, That he not seeing either the said Foster or his Wife & the young Men make so free as they did with it observed to them that they lived very well on it & they answered they never lived with so much Satisfaction before That this Dept. knows there was a Crop of Wheat & also some Tobo & Brandy made on the Plantation the Year Jn.o Westbrooke died but whether appraised as it grew or not he cannot say but to what Value appraised Nat there was about £200 to £300 This Dept. knows not. in a Barn he appraised it & Joshua Clay & valued as they told this Dept.

The Depostion of Jacob Newsum of full age being also sworn in the same Suits deposeth & saith — That he saw the Compl.ts soon after they came to the said Christ.r Foster's & hearing before of their Cloathing observed them & they were ragged & meanly dressed This Dept. being a near Neighbour to the said Foster hath often seen them since & their Cloathing was decent & clean & Elias one of them was put to School by the said Christ.r about two Year & an half

his
Jacob + Newsum
Mark

The Depostion of Wm Stroke aged eighteen Years or upwards being
also sworn in the first mentioned Deposition Saith That he was at
the House of the deceedent the day the Estate was appraised and
knows that a grindstone, an old Hoe, 1. Steer, and Pair of Sheep Steers
not appraised while this Depst. stayed — That the Steer was
killed the Day before the appraisemt. and the whole were of the
Value of one pound nineteen Shillings & four Pence as this
Depst. then & now thinks — That there was Wheat Corn Tob.o Cyder
Brandy made on this Plantation the Year the said deceed.t died
and appraised as it grew — But what Quantity of each this
Depst. does not know. — That he was not persuaded to leave his
mother in Law but he that is better for him to go from work
learn a Trade than stay & work for her in the Manner he did —

John Stroke

The three before mentiond Depositions were taken in presence
of both Parties at the House of James Ridley Minister
June 17th

before

J. Ridley.

Henry Taylor

filed April 1767

The Deposition of Ann Fairfax of full Age being also
sworn in the same Suit Deposeth & saith that She
lived at the house of John Westbrook at the time of
this deed that there was only Part of the s.d deed
Corn planted at the time he died on any Tob.o
but that Honour the Widow of the s.d John did after
wards (with the assistance of this Dep.t & others) plant
the remainder of the Corn & a Crop of Tob.o of which
now made a Quantity but how much this Dep.t
cant Tell, This Deponant further saith that
the s.d Honour was age to the s.d Westbrook Childr.n
was (in her opinion) better than in the life time
of the s.d John Westbrook and further saith not

her
Ann Y Fairfax
Marke

10th July 1765 Sworn before

J. Tidley.
Henry Taylor
James Jones

Westbrooke

~ Westbrooke

Depos.

Filed – 11 Dec 1766.

The Deposition of John Person being first Sworn on the holy Evange-
-lists of Almighty God. Deposeth and Saith that on the Twentieth
day of February in the year of our Lord one Thousand seven hundred
and Sixty one this Deponent borrowed of John Westbrook the sum
of Forty Pounds Eleven Shillings and Six Pence Current of Virginia
and gave him his note for the same, and that on the Twenty Eighth
Day of December in the year of our Lord one Thousand Seven hundred
and Sixty two this Deponent Settled with James Ramsey one of the
Executors of the said John Westbrooks last will & Testament and
Accounted with him for the Principal Sum Borrowed and
Three Pounds Sixteen Shillings and three Pence Interest thereon
for that time - and further this Deponent saith not -

John Person

Dec.

Nov. 14 1766

Sworn before us in Court

D Kello

Copy sent sent of
John McBrooks
Esq

Dr

The estate of John Westbrooke Decd in account with James Barnsley & Thomas Westbrooke admrs thereof Cr

To paid James Underwood as p[r] his account	£	1.	18.	—	By amount of the appraisment of the personal estate	£	139. 7. 3
To p[d] Peter Way jun[r] account			8.	½	By Cash rec[d] of John Dortch		3. 18. 4
To p[d] John Tootes p[r] suit			2.	6	By do of John Mundall		15 — —
To p[d] Thomas Westbrooke p[r] account			4.	7¾	By do of Jn[o] Person		40 ——
To p[d] Thenby Garris p[r] account			12.	—	By do of Jn[o] Sharpe		1. — —
To p[d] John Day p[r] suit			7.	6	By do of Francis Jenkins		3. 11. 3 —
To p[d] Thomas Day by suit			3.	10 —	By do of Will Bowers		6. 3 —
To p[d] John Dortch per account			13.	8	By do of Thomas Day		6 — —
To p[d] M[r] Secretary Nelson 32 ℔ tob[o] 2[d]			5.	4 —	By do of Joshua Davis		2. 8 —
To Clk Southampton 232. tb[o]. 2[d]		1.	18.	8 —	By do of Watson Gray		3. — —
To do at the suit of Day 32 ℔ tob[o]			5.	4 —	By do of John Cathorpe		4 — —
To the sheriff of Southampton per suit		1.	2.	2 —	By do of Joshua Garris		2. 6
To do do per suit 1202 ℔ tob[o] 2[d]		1	—	— —	By do of Ben[n] Garris		6. 3
To do do		2.	7.	4 —	By do of Tho[s] Westbrooke		15 —
To p[d] Benjamin Westbrooke as p[r] suit		65.	19.	7 —	By do of John Blunt		2. 6 —
To p[d] Dempsey Westbrookes guardian for his part of Jesse Westbrookes estate		22.	19.	7	By one p[r] of shoes		5 — —
To p[d] Joseph Scott per suit		1.	13.	1 —	By 1½ bush[s] wheat		4. 6
To p[d] the sheriff of Southampton per suit		4.	6.	8 —		£	205 ,, 14. 10
To clothing children			8.	11¼			
To p[d] the clerk Hampton for copy apprs		—	4.	—			
To commissions on the above		5.	17.	7¼			
	£	123.	19.	11 —			

In Obedience to an order of the court of Southampton county bearing date the 9th day of December 1763. we the subscribers have audited stated and settled an account of the estate of John Westbrooke Decd as above stated

Will Person
David Edmunds
Joshua Claud

123. 19. 11	205. 14. 10	
106. 6. 2	39 ,, 18 ,, 7	
£17 ,, 13. 9	245 13 . 5	
	139. 7. 3	
	106 6. 2	

At a Court held for the county of Southampton the 12 day of July 1764 This account of the administration of the estate of John Westbrooke Decd was reported by the persons appointed to settle the same & ordered to be recorded

Copy B Wells D C

B Wells D C

205: 14. 10	
123. 19. 11	
81: 14: 11	
20: 2	
123	

Westbrook
vs
Westbrook } Chan.

Report

Dr. The Estate of John Westbrook dec'd with Honour Westbrook & James Ramsey Exors Cr.

17 Mar. 1769	To Ball. pr. Contra	£50. 8. 2,	17 Mar. 1769	By 3781 lb. Tob. sold Joseph Scott as appears p. his Disposition	£33. 1. 6.
				By Cash Rec'd of John Person as appears p. his Deposition	4. 17. 9
				By John Westbrook as appears p. his Deposition	1. 19. 4
				By Int. on £39. 18. 7. from 9th Dec. 1763 to this Date	10. 9. 7
					£50. 8. 2

132. 3. 1.
22. 0. 6.

132. 3. 1
10
122. 3. 1.
20. 7. 2.

In Obedience to an order of the Worshipfull Court of Southampton County bearing Date the 9th Feb.y 1769 We the Subscribers have examined Stated and Settled a further Acct. of the Estate ~~of the Estate~~ of John Westbrook dec'd and find the ball. as above Certified under our hands this 17th Mar. 1769—

P. Ridley.
Ja. Jones
Lyon Blunt