1769-006 Chancery Papers: Westbrooke val, by v c vs Westbrooke's extors 2/1769

Southampton County

other surnames: Foster, Ramsey, Westbrook, Scot, Scott

Holbrooke Esq
vs
Holbrooke
Oath 1767
Not published yet for hearing
Oct
cont
Mar 68
cont
June
cont
Sett cont
Feby 69
Short hearing
17.17.6.
Joseph Da
Dism

Westbrooke
agst
Westbrooke's
£500 —

Slon
Bill in
Chan.
2 Ch. Cases

Ds. Sept. 63.

Filed 8 Sept 1763

Sept. 64.
Con.
Oct. 1766
Cont. for depos
Dec. cont.
Jan 1767
cont.
Mar cont

by this Court And your Orator decreed a Maintenance
yearly from the said Defts since they have lived with
their Guardians or have their Shares of the said Testrs
Estate paid them to live on And further decreed in
the Premises as the Nature & Circumstances of their
Case shall & may require May it please the
Court to Grant the

Writ of Subpœna

Wilks Cary & Compl.

To the Worshipful his Majesty's Justices of the Peace for the County of Southampton sitting in Chancery

Humbly complaining shew unto your Worships your Orators John Westbrooke, Moses Westbrooke, James Westbrooke, & Elias Westbrooke by Christopher Foster their Guardian & next friend and William Westbrooke by Gerrit Foster his Guardian & next friend That one John Westbrooke your Orators Father being possessed of & considerable real & personal consisting in Lands Slaves & personal Chattels by his last Will & Testament in Writing bearing Date the 13th Augt 1761. and thereby after devising his Land & several Slaves & some other Legacies he left all the Remainder of his Estate after his just Debts & the several before given Legacies paid to be appraised & to remain in his Exors Hands to bring up his Children 'till they should attain to the Age of ~~twenty one Years & as they should attain to that Age~~ that his Exors should pay them off respectively in an equal proportion according to the Value of the Appraisement reserving to his Wife one equal child's part out of the same And of the said Will appointed his Wife Honour Lord James Ramsay Esqr who proved the same according to Law

and took on them the Exo thereof & thereupon an Inventory & Appraisement but not of the whole Estate as your Orators have been well informed & hope to prove to this Court That the said John Westbrooke dying some time in the Month of [illegible] his Crop then growing was upon his Estate But the Exors appraising the Estate on the 8th Sept. following as it then stood before it was finished to 19 £. whereas your Orators have been informed when it was finished it was worth a much larger Sum that they then allowed for the Corn & Tob. but not for the Brandy Oyster Wheat & other things then on the Plantation the considerable Amount of which being 50 Gallons of Brandy a Steer & all the Wheat never appraised or accounted for besides a large Quantity of Oysters & other things secreted or imbezzled — Your Orators shew That the said Honour took upon him the Office of maintaining them nor ever returned any Acct. of the said Estate But is likely to destroy the Credit of the said Estate & that is now left by her bad Management & Waste Cause of Life That they having no Support or Maintenance from the Estate of their Father's Estate are obliged to get Guardians to take care of them & must be bound out as not having sufficient Estate to support & educate them As they were given to expect some Maintenance under the Will

They shew That they have by their respective Guardians applied to the said Exors requesting them to allow them a Maintenance or deliver up & pay them their Parts of the Residue of their Father's Estate or a Settlement thereof the same having been over 5 yrs a much larger Sum than appraised to & to give an Account of the Estate of the Testr at the time their Testr died But never came to their Hands or other of them & give an account of the Articles & Inventories & Appraisements particularly But now so it is Not they altogether but pretend to said Honour That she is liable only to the Appraisement & nothing that is not mentioned therein can be distrained for & That she will not maintain your Orators but pay them off their respective Parts at the Appraisemt. Then they severally & respectively come & the said James Ramsey pretends That tho he knows no Estate your Orators have & says he can do nothing but at the said Honour's request All which being contrary to Justice & manifestly meaning the Ruin of your Orators unless relieved by this Court In tender Consideration whereof & for that your Orators are remedyless at Law & only relievable here To the End

therefore That the said Defts Honour Jarvis may on their respective corporal Oaths full true & perfect Answrs make to all & singular the Allegations of this Bill as fully & particularly as if herein repeated & interrogated and more especially That they may discover whether the said John Westbrooke dead did not make such Will & thereby make such Devises as is herein before set forth? Did they prove the same Will & return an Inventory & Appraisement of the said Estate? Was all the Estate that they or either of them know of or suspect Herein? Was the Cask appraised in part or was the whole & every part thereof appraised? What Cyder Brandy Wheat & Beef was that you made Use of on the Plantation of Lynhorn? What was the Amount of the Appraisemt? What the Amount of the Accts Current if any returned? Was the Estate or any part and for Debt? What Maintenance did your Cator ever get from them And that they may be obliged to discover the particulars of the Crop & whatever else is not mentioned in the Appraisement — as the Brandy Cyder Wheat Beef & other things And that the said Defts may make a Settlement of the said Estate according to such things before persons to be appointed

Westbrooks opn
ads
Westbrooks
} Answ.

The Answer of Honor Westbrooke and James Ramsey defendants to the Bill of complaint of John Westbrooke Moses Westbrooke and Elias Westbrooke by Christopher Shew guardian and Wm Westbrooke by Nevill Sanders his guardian complainants

These defendants now and at all times hereafter saving and reserving to themselves all advantages of exception to the manifold uncertainties and untruths in the said complainants said bill of complaint contained for answer unto or to so much thereof as these defendants are advised is material for them to make answer unto they answer and say That true it is that the said John Westbrooke in the bill named did so die make such will wherein is such devise and appoint such as in the said bill is alledged That these defendants did prove the said will and returned an inventory of all the said deced estate except such as was necessary for the present subsistence of the children & family of the said deced That the said John Westbrooke died about the last of April or the first of may at which time there was no tobacco planted and very little corn That the defendant Honor with whom the plaintiffs lived clothed and maintained them in the same manner as in their fathers lifetime These defendants further say that they did not look upon themselves to be under any obligation of having the crop appraised made

the year the said Jobra died as it was not standing at the time of his death but to prevent disputes and murmurings they judged it to be appraised as in the bill mentioned That what crop was made that year the defendant Honor hired a person to assist her in the making it and work'd hard her self otherwise it must in a great measure have been lost Then defts further say that the suggestion in the bill of Then defts wasting or imbezelling the estate is utterly false they having taken the necessary care in keeping it together Then defts say that since the plaintiffs left her they have been informed that their guardians have abused them in such a manner that they have run away and are now wandering up and down the country seeking a livelihood nor are these defts conscious to themselves but what they have executed their trust reposed in them by the will of the testator and done their duty by the children left to their care without that, that &c

Southton Jd.
Sworn to before me this 9th day of August 1764
J Godby

J Honour Westbrooke
James Ramsey

Wm Brooke

~

Wm Brooke

Copy Left [illegible]

Co & Wm Dr

Sept Ord

Time to Co: [illegible]

Jany 64.

Cont

March

Attd Jurat of

Cont May.

Aug

Ans fit & Com

Jany 65

Sept Com

Mar

Cont

July 1765

Aug cont

Sept cont

Aug 1766

Cont for Depos

Sept and

Dec

Ch Lieb Com

May cont

June cont

George the Third by the grace of god of great Britain &c
To the Sheriff of Southampton County greeting we command
you that you summon Honour Westbrooke and James
Ramsey Exrs of John Westbrooke decd to appear before
our Justices of our said County court in Chancery at the
court house of the said County on the second Thursday
in September next to answer a bill in Chancery exhibited
agst them by John Westbrooke Moses Westbrooke James
Westbrooke and Elias Westbrooke by Chrisr. Foster their
Guardian and next friend and Willm Westbrooke by
Nevril Foster his guardian &c And that they shall in
no wise omit under the penalty of £100 each of them
Witness &c the eighteenth day of August in the
33rd year of our reign

Westbrookes
~
Westbrookes

Old Rules

George the third by the grace of God of great Britain France & Ireland king defender of the faith &c to James Ridley Henry Taylor James Jones ux —— ux —— gent knowye that we trusting to your fidelity & prupident circumspection in diligently examining whatsoever witnesses as well on behalf of John Westbrook Moses Westbrook James Westbrook & Elias Westbrook by Christopher Foster their guardian & next friend & William Westbrook by Nevil Taylor his guardian & next friend Plt as Honour Westbrook & James Ramsey exrs &c of John Westbrook dcd Command you or any two or more of you you call & cause to come & diligently examine on the holy evangelists of Almighty God & their examination into the court of our County of Southampton without delay you shall send & certifie inclosed returning to us these writ witness Richard Wells clerk of our said court at the Courthouse the eleventh day of January in the first year of our Reign

R. Wells D.C.

Westbrooke
Deal
v
Westbrooke
Exrs
Exrs Petition Dd

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 Honor Westbrooke and James Ramsey
late of Sr. John Westbrooke dec'd so that you have their
bodies before our justices of our said county court in
chancery at the courthouse on the second thursday
in July next to answer us as well of a certain contempt
by the said Honor & James to us offered as it is said
as of & concerning those things which to them then
& there shall be objected & further to do & receive what
our said court shall of them in this behalf consider
and have then there this writ Witness Richard
Hollo Clerk of our said court at the courthouse the 21st day
of May 1764 in the fourth year of our reign

P Hollo

for not answering the bill of compl[t]
of John Westbrooke Roger Westbrooke
James Westbrooke & Chas Westbrooke
by Christopher Fisher their next friend

Westbrookshire

alias

Westbrookshead

Name

George the third by the grace of God of Great Britain France & Ireland King defender of the faith &c

To [illegible]

trusting to your fidelity & provident circumspection in diligently examining whatsoever witnesses as well on behalf of Honour Westbrook & James Ramsey exrs &c of John Westbrook decd late as John Westbrook, Moses Westbrook James Westbrook & Elias Westbrook by Christopher Foster their Guardian & next friend & William Westbrook by Nevil Foster his Guardian & next friend. Command you or any two or more of you you call & cause to come & diligently examine on the holy evangelist of almighty God & their examination into the court of our county of Southampton without delay you shall veu and certifie indorsed returning to us this writ witness W Wells clerk of our said court at the Courthouse the twenty sixth day April January in the fifth year of our Reign

W Wells C

In Obedience to this Dedimus Potestatem to us directed
we have Examined and taken the Depos[n]s of the Witnesses
Named Groves Sharp and Honour Wm Brooks
which we send and Certifie under our Seals Annexed
hereto

Pat Dudley. [Seal]

James Jones

South Hampton ss.

Court 1767.

Nicholas Lewis Pl
Nicholas Thomas Deft

filed July Ct.

West Brooks Orphans & West Brooks Exr. in Cur.

Joseph Scot of Lawfull age on his solemn Affirmation
Declares that in September 1761 he Purchased from
James Ramsay three hhds of Tobacco. the Notes for
which were payable to John West Brook Viz.t

W. Bay. 15 Decr. 83 – 1130 = 125 = 1305
3 June 388. 1312 = 120 = 1191
Wilmon 27 Feb 165 – 1417. 132 = 1285
3781 Nett Tobo. for Which he
Said Scot. paid s.d Ramsey thirty three Pounds
one shilling & Six pence Currant money.
& further this Affirmant Knoweth not

Affirmed before me.

Jos. Scot

H Edmunds
D.
Baledley.

Deputation of Coll. Jos. Morris James, & Elias
Westbrooke v. Jos. Ramsey. & Hannah Ramsey

	Clk.	Sl.	Mch.	Westbrooks
1763.	45.	30.	45.	30
1764.	130.	30	130.	30
1765.	60.	60	60.	
1766.	75		75	
1767	290		278	
1768.	45.		45.	
1769.	139.		633	
	784.		60	
	60		693	
	844			
	168			
	676.	0 £1. 10		