

1791-001

Southampton County

Chancery Papers : Westbrooke & al vs Westbrooke's exor

8/1791

other surnames: Westbroke,
Westbrook

Westbrook }
is } blg
Westbrook }

Aug: 1791

report returned &

decreased accordingly

94

45

40

25

20

25

25

75

all 349 & 30

all 30

379 & 30

(all)

Westbrookes } Bill
" } in
Westbrookes. 2^d } Chang

To the worshipful justices of Southampton Court sitting
in Chancery

Humbly complaining shew unto your worships your Oratryes
Ann & Rebecca Westbrooke that their father William Westbrooke
sometime in the year 1767 departed this life having just made his
last will & testaments in writing bearing date the 17 day of April
1767 & then appointed Samuel Westbrooke his exor who proved
the same took upon himself the execution thereof. ~~That~~ that
amongst other things is the following Clause or devise
"The remainder of my estate of all kinds whatever my devise is
" Shall be sold at public Vendue for money for twelve months
" Credit giving bond & security for the ~~each~~ payment of the same
" to my executors & after my just debts & funeral Charges are paid
" defrayed my devise is that the money thereon arising should
" be equally divided amongst my four daughters Widdie
" & perfecta Ann & Rebecca." that the said Widdie & perfecta have
departed this life whereby your oratryes are now become intestate
as well to their separate proportions of the aforesaid residue as
also to that of the two deceased Sisters Widdie & perfecta They
further shew that by an Inventory & appraisement of their
fathers estate returned by the said Samuel the executor the
amount of the personal estate appeared to be exclusive of
slaves £227. 15. 1¹/₂ returned by him in June 1767. that
the said estate continued in the possession of the said Samuel
many years that he departed this life leaving a will & of his
will appointed one Benwell Westbrooke his executor who hath
proved the same that the said Benwell since the death of
the said Samuel the executor ~~has~~ ¹⁷⁸⁵ ~~has~~ ^{will} in December hath
made up & returned An Account of the Administration of the
said testator William Westbrookes estate whereby it appears
that only the sum of £65. 2. 11¹/₂ is the balance in his hands
which Account your oratryes Charges is erroneous. That your
Oratryes have made many friendly applications to the said
Benwell Westbrooke as executor of the said Samuel who was

the executor of the said William your Brother's father into whose
hands the aforesaid estate came in the year 1767. & requested
him fairly & justly to settle & ascertain the true balance of the
said estate. & pay & satisfy your Brothers their respective
proportions of such balance with interest from the time
the same became due. But now so it is that it please your
worships that the said Bunnell Westbrook executor of the
said Samuel hitherto hath under a variety of frivolous
excuses refused & delayed to pay & satisfy your Brother
their just claim as aforesaid. To the end therefore that the
said Bunnell Westbrook executor of the said Samuel who
was the executor of the said William your Brother's father
may upon his Corporal oath full & true & perfect answer made
to all & singular the Allegations of this bill as fully & particularly
as if the same again interrogated & sworn to. And that this
Court with Decree & Order that he pay unto your Brothers
respectively their separate parts & proportions of the true
balance of the residue of the said testator William Westbrook's
estate with interest thereon from the year 1767 he paid &
left. Or that this Court will make such further or other
Decree as may appear just & equitable for the relief
of your Brothers. May it please the

Benjamin Drew
For the plaintiff
I (H) do

Westbrook
ad
Westbrook Jans.
Aug 1740

The answer of Burwell Westbrooke executor
of Samuel Westbroke dec'd to the Decree
of Complaint exhibited against him
by Ann & Rebecca Westbroke Compts

This dft avers &c to himself all
exception &c to the 1st Decree for answer
thereunto saith — That the said William
did make his Will as in the Decree
stated & that this dft Testator was
active in and about the adminis-
tration of his estate — That the amt^{ts}
of the appraisement was as stated
in the Decree — But that the
estate of the said William has
been Legally & honestly applied
in the manner stated in
this dft Account Current in-
cluding the administration of
his Testator ~~in the manner~~
hereto annexed as part of this
ans^r & by which it appears
that there is only a balance of
65 £ 2/ 11^d 1/2 due the estate

and as yet unadministered
that this dft is ready to
account when & where
& before whom this Worship
ful Court shall appoint
& pray to be hence dismissed
with Costs &c.

The above was attested August
Court - John Whithead

~~This case~~

This decree being of consequence Col.^o Simmons is desired to send it by some safe hand to the plaintiffs or their agent to inform them they are to give notice of its contents to the defendant before witnesses that he may have no pretence of avoiding a settlement of their claim in August —

Westbrook

m. } Deane

~~Westbrook~~

Oct 1790

Wm. G.

Stafford County

August Term 1790—

Ann and Rebecca Westbrooke ~~Compl.~~

~~vs.~~

Burwell Westbrooke exor Saml
Westbrooke who was exor William
Westbrooke Decas's ————— Defend't

In Chancery

Answer filed by leave of the Court

The Defendant returned his accounts, Dues
and Orators that Benjamin Blunt, Thomas
Risley & James Lundy or any two of them examine
State and settle the said accounts and make their
report to the next Court in order to a final
decree ————— J. A. Copy Tiste J. A.

In obedience to an order of the Hon^{ble} Court of
Southampton hereunto annexed we the Subscribers
have proceeded to examine such Papers & Testimony
as was produced by the Parties & find the
balance as appears by a Copy of an Account ^{given}
of the Estate of W^m Westbrook dec^d Audited by
Thomas Edmunds J^r & Edmund & Arthur Tashen
to amount to Fifty five Pounds 2/11¹/₂ and are
of opinion that the said sum have Interest
from the first day of Jan^y 1769 out of which
sum it appears that J^r Westbrook dec^d did
pay as Guardian to W^m Westbrook's orphans &
several small sums which ought to be credited
but as the Sums are different we cannot place
the Credits ~~to the~~ to the General Account but en-
-clude it but for the Court to give Judgment
for the afore said debt & Interest with all due
Credits to be allowed on settlement with the
several legacies given under our hand this 22^d
day of August 1774

Ben^t B^runt
Tho^s Ridley
James Lundy

Westbrooke }
" } Decree
Westbrooke, &c }
Missi }

May 1790

Southampton May Court 1790.

Ann and Rebecca Westbrooke. p^lts.

vs.
Burwell Westbrooke ex^r Samuel Westbrooke
decd who was ex^r of Wm Westbrooke decd def^t.

In Chancery

The defendant having stood out all proce^ss of
contempt and failing to answer the complainants bill ~~the court~~ ^{case} of the said
bill is taken for confess'd and on hearing the same it is decreed and
ordered that the said defendant pay unto the complainants Ann and
Rebecca the sum of Two hundred and twenty seven Pounds fifteen
shillings and one penny half pence with interest thereon from June 1767
unless the said defendant do appear here at the next Court to be held
for this County in August and shew the true bad^e on the hands of his testator
who was ex^r of Wm Westbrooke from whom the plain^tiffs claim the And on
the mean time it is ordered that Benj^t Blunt Thomas Ridley & Jas^s Lundy
or any two of them examine and state the defendants accounts Joine time between
this and August Court to make up^t thereof in order to a final decree

Am Kello &
C^t

Westbrook

no.

Westbrook's

Rev. &c.

John R.
in
Chambers

May 1787.

Received of John Adams of the

The Common Wealth of Virginia to the Sheriff of
Southampton County Greeting You are hereby
~~Commaned~~ ~~to~~ ~~show~~ ~~cause~~ ~~why~~ ~~he~~ ~~should~~ ~~not~~ ~~be~~ ~~compelled~~
son: of Samuel Westbrook decd: who was son
of William Westbrook decd: to appear before
our Justice of our court of our said County at the
Court house on the second Thursday in
August next: to answer a bill in Chancery
exhibited against him by Ann and Rebecca
Westbrook — & this he shall in no wise omit
under the penalty of £100. — I have then there
this Writ: Witness Sam Kello clerk of our S^t. Court
at the Court house aforesaid the 15th. Day of
May 1789. & in the 11th. year of the
Commonwealth

Sam Kello, Clk.

Westbrooke's

v.s.

attach

for

Westbrooke's

Do # 27
Exor.

insever

March 1790

Executed by J. Simmons
J. Th.

The Commonwealth of Virginia To the Sheriff of ^{Southampton} County
Greeting we Command you that you attach
Pearcell Westbrook Executor of Samuel Westbrook ^{deceased}
who was Executor of William Westbrook Deceased so that you
have his body before our Justices of our Court of our said
County at the Court House on the second Thursday in
March Next to Answer us as well of a Certain
Contempt by him to us offered as it is said as upon those
things which to him shⁿ and there shall be objected.
If further to do and Receive what our said Court shall
in this part Consider, And this you shall in no
wise omit. And have then there this Writ Witness
Samuel Kello Clerk of our said Court at the Court
House the 15th Day of February 1790 And in
the 14th Year of the Commonwealth

Sam. Kello. Cl.
[Signature]

Westbrooke

vs

Westbrookes Ex & Sum.

Order
to
Commis^{rs}

Nov 1790

Executed

John Simmons Secy

Southampton November Session 1790

Ann & Rebecca Westbrook de p^{tes} } In Chancery
Barrett Westbrook of Sam. & A. de ft.

Benj^d Blunt Tho^s Ridley & James Lundy (or any two of them) having
been appointed commissioners in this suit to examine the accounts of
the defendant & failing to make any report thereon it is ordered
that the Sheriff summon them to appear on the 2^d Thursday in
March next ^{before this Court at 4 o'clock} to shew cause why they have not made up & returned
their report

Thellus
11

Wm Westbrooks
Inventory Septe

a Copy for Wm
Westbrooks - End

In Obedience to an Order of this Court dated
June the 11th day 1767. We the Subscribers Have

Appraised in Current Money the Estate of William
Westbrook Decd.

Negro boy £50. — Negro Robert 35. — Negro George £25. — £110. 0. 0.

Negro Ladah £25. — Bed & Furniture £41. 10. 0. — 29. 10. 0.

Bed & Furniture. — — — — — 3. 0. 0.

Six Chairs 12th. Box for 4th Quarters of — — — — — 0. 18. 0.

3 Dishes & 6 Plates. — — — — — 0. 12. 0.

One Saddle & ~~One~~ ^{Two} ~~Pair~~ ^{Pair} of Saddles — — — — — 1. 15. 0.

Two, one & Piggins of Spinning wheels of — — — — — 1. 12. 0.

Copper Kettle. — — — — — 4. 0. 0.

Crucible Can 36. Iron Pot 4. — — — — — 4. 6. 0.

Two Sheep. — — — — — 1. 4. 0.

1 Horse £10. 0. 0. 6 Head Cattle 4. — — — — — 14. 0. 0.

10 Head Hogs. — — — — — 2. 5. 0.

Spinning Wheel. — — — — — 1. 5. 0.

Seven — — — — — 1. 18. 0.

Four & narrow. Does. — — — — — 4. 0. 0.

Seven Does. — — — — — 1. 2. 0.

Crop cut Saw. — — — — — 1. 15. 0.

Three Grubben Hoes and ^{Two} ~~One~~ Hand Saws — — — — — 1. 0. 0.

Pair Hockyards and five Drawing knives — — — — — 9. 3. 0.

Parcel Carpenters tools. — — — — — 1. 1. 0.

Pair Wedges & Parcel old Iron — — — — — 1. 2. 0.

Pair Tongues skimmer, flesh forks and Two hooks. — — — — — 8. 0. 0.

2. Cart wheel Boxes Parcel Joiners tools. — — — — — 9. 6. 0.

Parcel Shoemakers lasts. — — — — — 2. 4. 0.

Spice Mortar and Pestle. — — — — — 10. 0. 0.

2. Razors, Hone & Rule. — — — — — 5. 6. 0.

Pistols holsters sword Cartouch Box & Bayonett. — — — — — 1. 10. 0.

Shoemakers tools. — — — — — 7. 0. 0.

Parcel of Cotton Cards. — — — — — 11. 0. 0.

Three Stone Mugs & one Cup	Lo 3 ⁰⁰
2 pair scales and waiter spoon mauls 2 dozen of plate buttons	1 ⁰⁰
8 Bottles and two Vials	3 ⁶⁰
two Candles One Bell and Dial	6 ⁰⁰
Three Luns	3 ¹⁵
One Trunk	5 ⁰⁰
Powderhorns Powder and Shot bag	6 ⁰⁰
Tiddle parcel old books	1 ⁰⁰
Parcel old Pewter	10 ⁰⁰
Two stone Jugs & Butter ~~Butter~~ Potts	8 ⁰⁰
Parcel old Iron w th Scissors and Knife	2 ⁰⁰
Saddle Housing	10 ⁰⁰
Two Grindstones	2 ⁰⁰
Three Potts w th pair Hooks Ciggin Waskett	5 ⁰⁰
Five trays 3 Piggins two Tubs barrel of salt pail Waskett	15 ⁰⁰
Two flower Bells	12 ⁰⁰
Horse harness & Lumber	3 ⁰⁰
Spinning wheel & 2 Spindles	6 ⁰⁰
Two Tables & Peck measure	6 ⁰⁰
Spectacles and Primer	1 ³⁰
Folding Table and six Chairs	10 ⁰⁰
Gunslacking tools	2 ⁰⁰
Parcel wearing cloths	2 ¹⁰
2 pair Compases & 2 Limblats	1 ⁰⁰
3 Rasps 1 Dozen & half files	5 ⁰⁰
Looking Glass pocket Book Plain Iron & Gauge	4 ⁰⁰
Parcel of Cyder Casks	17 ⁰⁰
Still and Tub	15 ⁰⁰
Parcel of Cyder Casks	12 ⁰⁰
Some indigo & Trumpery some old Iron	8 ⁰⁰
Bed and furniture	2 ⁵⁰
* Bed & furniture and trunk	1 ¹⁵
Bed & Bedstead	1 ¹⁰
39 ¹ / ₂ yards Cloth	3 ¹⁹
1 Sett Smiths tools	18 ⁰⁰

Handmill and Larr barrell	£ 18 ⁰⁰
Whip saw	10 ⁰⁰
Eleven sheep & Bell	2 ⁵⁰
One Mare	3 ⁰⁰
One Ditto and Bell	4 ¹⁰
Seven Head of cattle	5 ⁰⁰
Six Head Hogs	1 ⁰⁰
One young Mare	2 ¹⁰
Cart and wheels	10 ⁰⁰
Loam two flays and Harrows & Triples	1 ⁵⁰
Boo Iron Disk and Plate	6 ⁰⁰
1/2 Mool	3 ⁰⁰
Pair Stockings	1 ³⁰
18 ¹ / ₂ feathers	4 ⁰⁰
Parcel Turkeys	4 ⁰⁰
Two flays two Lums and Baskets	7 ⁰⁰
1/2 Parcel leather	8 ⁰⁰
One old meal bag & Parcel uncut leather	4 ³⁰
One Old Kettle	3 ¹⁰
88 Gallons Brandy	5 ⁰⁰
1 Barrell Shot mauls & punch	27 ⁰⁰
Ninety Barrels Corn	0 ⁸⁰
Parcel of Cotton	0 ¹⁰
Parcel of Finner Whacks	0 ³⁰
1 Cask	0 ⁰⁷
1 Pocket Book and half Pitt	2 ⁰⁰
13 ¹ / ₂ Bushells wheat	3 ⁰⁰
500 ⁰⁰ Tobacco	312 ¹⁵

Accepted for Joshua Caud
 Thomas Day
 John Wimpdall

At a Court held for the County
 of Southampton the 10th Day of March 1755

This Inventory and appraisment of the Est of William Westbrook
 was returned and Ordered to be Recorded

A Copy Sheweth
 M^o 1755

Westbrooke

vs.

Acc

Westbrooke's



Dr The Estate of William Westbrooke Dec? In acc^t Curr^t

with Samuel Westbrooke his administrator Cpy

To Paid the Sheriff for taxes &c	£ 3. 3. 1
To paid D ^r for taxes &c	2. 2. 5
To Cash paid James Dunlop Bond and Int ^r	1. 3. 2
To Paid Henry Taylor Sheriff	3. 3. 0
To my account	23. 10. 11
To Paid Thomas Day Jun ^r his acct ^y	1. 1. 1
To Paid William Broom his account	3. 5. 5
To paid John Morgan his acct ^y	11. 0. 0
To paid Jacob Turner his acct ^y	11. 1. 1
To paid Benjamin Clements his account	11. 1. 1
To paid Honour Westbrooke her account	8. 6. 6
To paid Joseph Scott his account	3. 11. 6
To Paid Richard Baker his account	1. 10. 0
To paid Thomas Day Senior his account	1. 5. 6
To paid John Gray his account	2. 10. 5
To paid William Plant his account	1. 15. 10
To paid Amos Garvis his acct ^y	13. 6. 6
To paid Joshua Claud his account	5. 0. 0
To paid Joshua Claud his account	8. 8. 2 ¹ / ₂
To paid Grove Sharpe his account	3. 11. 3
To paid John Turner balance of his Note	3. 11. 3
To paid William Harrison his acct ^y	1. 1. 7
To paid Lem ^d Riddick Judgment against Rep ^r	12. 2. 6
To paid Persons & Norfleet their acct ^y	2. 10. 10 ¹ / ₂
To paid Corral & Norfleet his acct ^y	23. 6. 5
To paid Henry Monger bad. his acct ^y	4. 8. 8
To Paid Thomas Day Jun ^r his acct ^y	12. 0. 0
To paid J ^r Mendum his acct ^y	1. 0. 0
To paid James Day Risby his acct ^y	2. 12. 6
To paid Rich ^d Clark att ^r his fee	2. 10. 0
To paid Pinckston D ^r	2. 10. 0
To paid Rich ^d Kelso for Cpy William Westbrooke's ^{poils of}	1. 4. 8
To paid Secretary Nelson 68 th Feb ^r at 2 ^d	11. 4. 4

(Carried over)

To Paid William Hines Sheriff his acc^t £ 2ⁿ 10ⁿ 7ⁿ

To Paid the Com^r for settling the Est^t £ 9ⁿ 13ⁿ 0ⁿ
127ⁿ 16ⁿ 7ⁿ

To p^d Clk. Court for Recor^d acc^t Cont^t 7ⁿ
128ⁿ 3ⁿ 4ⁿ

Bad. due the Est^t 65ⁿ 2ⁿ 11ⁿ 2ⁿ
£ 193ⁿ 6ⁿ 0ⁿ

By Cash rec^d of William Persons 3ⁿ 11ⁿ 4ⁿ

By Judgment against Tho^s Hestorache 2ⁿ 2ⁿ 2ⁿ

By Cash rec^d of James Mycke 6ⁿ 7ⁿ

By the Amount of Sales 18ⁿ 7ⁿ
193ⁿ 5ⁿ 0ⁿ

Bad. as per Contra Side 65ⁿ 2ⁿ 11ⁿ 2ⁿ

Of
Pursuant to an Order of November Court 1785
We the Subscribers have Audited the above
and find it justly Stated