

1814-080

SOUTHAMPTON COUNTY
CHANCERY PAPERS

WESTBROOKE'S ADMINISTRATOR VS. BITTLE

9/18/14

Other SURNAMES: Capel,
Westbrooke, Capell, Drew,
Standley

To the worshipping Court of Southampton County in Chancery
sitting - Humbly complaining sheweth unto your worships
your orator Robert Goodwynome Esq. Sheriff of Southampton County
to whom administration on the estate of William Persons Westbrooke
decd of the said County was committed in due and solemn
form of Law, that for the 22.nd day of January 1803, a
certain Benjamin Pittle of the said County of Southampton,
whom your orator prays to be made defendant to this bill,
by his certain deed of Indenture, of which an authenticated
copy is hereto annexed, and made a part of this bill,
for and in consideration of the sum of one hundred and forty five
pounds, Bargained, Sold, aliened, and have come, to the said
William Person Westbrooke, a certain tract of land, situate in
the County of Southampton aforesaid, being the land and ten-
ement ~~on~~ which the said Pittle ~~owned~~ purchased of a
certain Joshua Clark, ~~and~~ and containing one hundred
and fifteen acres, to have and to hold the said land to the
said Westbrooke, his heirs and assigns for ever - Upon
this express stipulation nevertheless - that if the said Pittle
should well and truly pay to the said ~~Westbrooke~~ Westbrooke the
above mentioned sum of ~~forty five~~ one hundred and forty
five pounds, on or before the 25.th day of December next
ensuing the execution of the said Indenture, the conveyance
should be void and of no effect - Otherwise it was solemnly
agreed and covenanted ~~by~~ by the said Pittle ~~that~~
that the said Westbrooke should have full power & authority,
on giving ten days previous public notice, to dispose
of the said land at public auction and pay himself the

debt of \$146 ^{intent and} aforesaid, with the costs attending the sale - returning
to the said Bittle any surplus which might remain - Here
your orator has come to represent to your worship, that
before any measure was taken in this affair to were a
Judgment. The said Westbrook departed this life intestate - so
that the right to receive and demand the said debt is vested in
your orator, as administrator of the said decedent. In tender
consideration of all which circumstances and relief being only
to be had in a Court of Chancery, where matters of trust are only
known - your orator prays that the said Bittle may be
compelled on his corporal oath to be by him taken on the
holy evangelist of Almighty God, to answer the allegation of
this bill fully and unceasingly - and thereupon may it
please the Court to direct a sale of the above mentioned
land to satisfy the debt aforesaid - and to ~~make~~ grant any
other relief which may be applicable - Your orator will
then ever &c

Given under my hand &c

John Westbrook
Administrator
of the said
Bittle

Goodwyn ^{Nov 133}
M } papers
Butler

1814 May see for to review
in name of J Darden Shiff and
admiror

Butler
adg. L. Sturges
Goodwyn Sheriff &c

The answer of Benjamin Ruttle to the bill of complaint
exhibiting against him in the worshipful court of Southampton
county by Robert Goodwyn late Sheriff of Southampton county
administrator of the estate of William Parsons Westbrooke dec'd.

This respondent moving and recurring to himself
all manner of benefit of exception, to the errors and imperfections
the said bill contained for answer thereto or to so much thereof as he
advised it is material for him to make answer unto, he answers
saith, that he readily admits that he died on the day and year
mentioned in the complainant's bill execute the said ^{Statute} Trust then
mentioned, but not for the consideration therein ~~mentioned~~.

This respondent begs leave here to state the consideration or con-
sideration with him to execute the said Decree of Trust and to place
that transaction in its true point of view; Some short time pre-
vious to the 22 of January 1803, your respondent applied to
said William P Westbrooke to become his security in two bonds
which this respondent was about to execute to a certain Ed-
ward of Sussex county for the purchase of four negroes,
which the said William P Westbrooke appeared as a co-
did join this respondent as his security in the said two bonds.
That when this respondent was about to go to South Carolina
to make sale of the said negroes, the said William P Westbrooke
wished as your respondent giving him some ample security
to save himself and indemnify him ~~the~~ the said W. P. Westbrooke
against any loss or damage which he might sustain in
consequence of his securityship aforesaid, your respondent
states that one of the bonds was aforesaid executed by him
and the said W. P. Westbrooke, was for fifty pounds and the
other fifty pounds, your respondent was required of being
thus executed and execute the said aforesaid for the
aforesaid, your respondent states, that he himself and
one of the said W. P. Westbrooke, paid off discharged and
took up one of the bonds to wit the bond for fifty pounds
as will appear from the bond itself hereunto annexed and
prayer to be taken or part of this answer, your respondent
acknowledges that the other bond was paid off by the said

Mem. P. Westbrook, your respondent states that after the
transaction aforesaid the said W P Westbrook and this respondent in
partnership purchased many negroes on speculation, that this
respondent carried the said negroes to South Carolina to be sold on
joint account. that they were ^{for} equal sharers in the profits
and losses arising from the aforesaid speculation, that the usual
the said speculation was that the said W P Westbrook became the
debtor of this respondent in the sum of £271. 3. 0 which after
allowing the highest discounts, to wit the amount of the £80 bond
he leaves a considerable balance in favour of this respondent
which will appear from sundry exhibits hereto annexed and
may be taken as part of this answer, Thus then the court
discover that instead of being the debtor of this respondent
actually and in fact the creditor of Westbrook's estate, and
it would be unjust and inequitable to decree a sale of that
land which was intended by the parties only as a security against
loss and damnification, facts which do not exist, This respondent
therefore prays that instead of the decree asked for by the complain-
ant, your excellency will decree and order the complainant and the
estate of the said Westbrook to execute to this respondent a release for the
said Land and thereby quiet him in the possession thereof, and
either as the complainant has come into this court asking equity, that
he may be compelled to do equity, by paying to this respondent
a balance which is due him from the decedent's estate
there be a suppression of assets. This defendant denying all fraud
in the transaction he prays to be hence dismissed with his costs, here
unnecessarily sustained &c.
Southampton Ct.

King's. Before this day made oath that the allegations
of the foregoing answer are true - before me a magistrate
of said county - Given under my hand this 20th day
March 1806 -
George Guiley JP

Goodwynne late Secy

admt. of Westbrook.

2. { Bill

Bottle }

Bill and answer

files leave to amend

bill &

amend bill answer

files & Reps Reps

I don't Comm

to the worshipful Court of Southampton County in Chancery
sitting - Humbly complaining sheweth unto your worship your
orator Robert Goodwynne the Sheriff of Southampton County to whose
administration on the estate of William P. Westbrook dec^d was
committed by this worshipful Court according to the act of General
Assembly in such case made and provided, the following
matter supplemental and amendatory to the bill ~~which~~
before exhibited by ~~him~~ against Benjamin Bittle, whom
~~he~~ ~~has~~ ~~may~~ may be made dependant hereon - Your
orator states that on the 24 day of May 1803, a certain
Benjamin Drew, son to William P. Westbrook the following
represents to wit: a woman by the name of Lenta and
her child - a small girl by the name of Lenda and a
boy by the name of Esmerual for ~~and~~
of the sum of six hundred seventy dollars - and secured
the title to the same by a certain writing ^{N^o 4} signed with the
name of the said Drew and witnessed by Benjamin Bittle
the dependant - which said writing is hereto annexed and
inclosed to be ~~taken as~~ ^{N^o 1} a part of this bill - In the spirit
of candor your orator will admit that all the money

above mentioned was not paid down in actual cash -
but he believes that the entire balance (the sum of one
hundred and three dollars and one third of a dollar) was
paid at the next Court then held succeeding the execution of
the said writing, as well appears by a cancelled obligation
(if so it may be called) witnessed by the said Pittle and also
inserted to be made a part of this bill. ^{N^o 2} Your orator further
represents by your worship, that ~~after~~ after the execution
of the said writing to the said Westbrook, conveying to him
the title to the above mentioned negroes, the defendant ~~the~~
Benjamin Pittle, received them of the said Westbrook, & sold
for him, and thereupon executed to the said Westbrook his
receipt ~~for the same~~, bearing date the 30th of May 1803,
mentioning that he had received of William P. Westbrook, four
negroes (to wit) Lancel & Child Nanny, Lander and Edmanuel,
which Negroes the said Pittle promised to dispose of for the
best price that could be obtained and agreed to return the
amount of sale to the said Westbrook - which fully appears
by the said receipt ~~being~~ annexed and proposed to be con-
sidered a part of this bill. ^{N^o 3} Have your orator

been sworn to state, that on the 30th day of May 1803, a bond, ^{N^o 4}
hereto annexed and proposed to be taken as part of this bill, was executed
to a certain Isaac Anderson, by Benjamin Pittle and William
P. Westbrook, for the sum of forty pounds - which bond, your
orator presumes, ~~has~~ ^{was} denied by Westbrook, as it was
found among his papers after his death - and which ~~has~~
he supposes to have been executed for the purchase money of a
young girl named Pat - and for evidence thereof upon the Court
the general amount of the sale of ~~the~~ the negroes before mentioned,
truly copied from an account of the same presented to your
orator by the said Pittle and also proposed to be taken as part
of this bill - And now your orator will shew to your
worship, that he finds on the books of his intestate an open
account against the said Pittle, amounting to the ~~sum~~ sum of
nineteen pounds, seven shillings, (entitled, he admits, to ^{two} credit, not
~~being~~ correctly ascertained, but which the Court will judge of) for
no part of which account there is annexed and proposed to be
considered a part of this bill. ^{N^o 5} The said Pittle has
given credit in his answer to the original bill in this case,
at the said account containing ~~leaving~~ ^{made this} of money - at one

time the loan of six pounds - at another time the loan of seven
pounds, ten shillings - and at another time an advancement
of three pounds, actually established by a receipt written by
the said Bittles and ~~the~~ like were prayed to be taken as part

N^o 6 of this bill, - in tender consideration ~~whereof~~ your orator
thinks that the Court will grant the decree prayed for
in the former bill and also a decree for the balance due
to his ~~intestate~~ ^{the execution of the Indenture made a part of the same} for transactions subsequent ~~to the death of the said~~

to the end thereof that complete Justice may be done, May
it please the Court to compel the said Bittles to answer all
things in the allegation herein contained, fully and unreservedly
particularly - Whether the ~~same~~ fair and bona fide sale
of all the negroes herein mentioned (~~the~~ Pett excepted) was not
made by Benjamin Davis & William P. Westbrook and
whether he did not witness the instrument conveying the
title to them? Whether he did not witness the obligation of
honour executed by Westbrook to Davis, for the payment of
~~one~~ hundred and three dollars and one third of a dollar
at the Southampton Court next ~~and~~ succeeding its
execution? Whether he did not give his receipt

to ~~Mr~~ William P. Westbrook, for all the negroes before
mentioned (Pett excepted) promising to sell them for the best
price that could be obtained and to account with Westbrook
for the amount of sales? Whether the said negroes with Pett
included did not sell for the sum of two hundred and
fifty five pounds - and whether he accounted for
any part thereof with his employer - Westbrook? Whether
~~the items of the said account~~
~~did not~~ ^{William P. Westbrook did}
not pay off the bond executed by them to Andrews for the sum
of fifty pounds - and whether the items of the said
account were answered as set out? May it please
the Court grant general ~~relief~~ and your
order vice ever praying ~~yes~~

G. B. M. Cople

The supplemental answer of Benjamin Pettie to the supplemental Bill exhibited against him by Robert Godwin late sheriff of Southampton county to whom administration on the estate of William P Westbrooke dec^d was committed by the worshipful court of Southamp^{ton}

This respondent saving and reserving to him self all manner of benefit of exception to the errors and uncertainties of the said bill, for answer thereto or to so much thereof as he is advised it is material for him to make answer unto, he answering saith, That he fully and unanimously denies any knowledge of the bill of sale or exhibit marked N^o 1. and pretended to have been witnessed by him on the contrary a receipt and bill of sale executed by Benj^l Drew and attested by the complainant's intestate ~~which~~ marked A. which is here to annexed and prayed to be taken as part of this answer, completely shews that the transfer of the said negroes was made by Drew to this respondent and not to the said Westbrooke, he positively denies ever having witnessed any such paper, he admits that the obligation or promise from Westbrooke to Drew for the payment of one hundred and three dollars and are third of a dollar was witnessed by him, but declares that for all monies paid and advanced by Westbrooke for the negroes Lantier & to the said Drew, the said Westbrooke received ample compensation in his life time, as will appear from his receipt marked B. here to annexed and prayed to be taken as part of this answer, he also admits that he gave his receipt for the said negroes Lantier & promising to file and account unto the said Westbrooke, for an explanation of which he refers to the original answer in this cause and the exhibit marked B. This respondent admits that the bond executed by himself and Westbrooke to Andros was as he supposes taken in by the said Westbrooke, he most positively denies that the open account or any part thereof is correct, except the loan of 12^l and three pence, all the other items being improperly charged ~~on~~ ^{to} him, This respondent again shews that Westbrooke and himself were to be equal

Secorn to in open court.

Sam Kella

better { chosen
 and {
 goodman ~~is~~

Robt George late
Sheriff of Sampson
in Spas
Petite & Chancery

Executed 1st March
1806 -

Robt Mabry Shiff

The Commonwealth of Virginia to the Sheriff of S.ampton
County greeting, you are hereby Comanded to ~~to~~ summon
Benjamin Biddle if he be found in your bailiwick
to appear before the justices of our County Court of
S.ampton at the Court House on the third Monday
in March next to answer a bill in chancery
exhibited against by Robt. Goode, late Sheriff
of S.ampton County, to whom the ~~estate~~ administra-
tion of the estate of William S. Westbrooke was
Committed by the County Court of S.ampton, and
this he shall in no wise omit under the penalty
of £100. and have then shere this writ
Witness I am Well at S. said Court at
the Ct House the 19th of February 1806
and in the 36th year of the Commonwealth

Sam. Wells

1807 June 12

I hereby certify that the within is a true
copy of the Notice delivered to Robert Goodenough

John Capell

Seen to be true this 12th June 1807

Saml B. Hunt J.P.

Thos. Ridley J.P.

© Mr. Robert Goodwyn late sheriff to whom the
estate of Mr. J. Westbrooke with ^{the} will annexed was commit-
ted please to take notice that I shall on Friday the
12th of this present month June proceed to take the
deposition of Kirby Bittle John Capell & others at the
house of Mrs. Martha Capell in the county of Southampton
between the hours of 9 o'clock A.M. and 4 o'clock P.M. of
that day to be read as evidence in a suit in chancery
now depending in the County court of Southampton where
-in I am defendant and yourself complainant when
and where you may attend if you think proper

June 12th 1807

Benjamin Bittle

James M. Smith

Bottle
or } bottle
Goodwyn and Weithorne

11

Soampton county Jct

The commonwealth of Virginia to ~~the~~
Samuel Rhine Thomas Bailey Gentlemen greeting
Know ye that we trusting to your provident circumspection
in diligently examining Kialy Bittle John Capell

witnesses as well on behalf of Benjamin Bittle deft
as on behalf of Robert Goodwins Shff as adm^r with
the will annexed of Wm P. Westbrook decd Compt^r
And we do give power to you to call and cause to come
before you the witnesses afores^d when & where you shall
appoint and diligently examine them on the holy
Evangelist of Almighty God and their examination so
taken that you certify us thereof under your hand and
into our Court of Our said county you send enclosed without
delay as also this writ Witness Sam Kello clerk of our said
Court at the Ctthouse of said County the 9th day of June
1807 and 31st year of the Commonwealth

Sam Kello
11

Butte }
• ad } Comm

Westbrookes ad

Nanny Buttes clifons
Filed Nov. 19. 1810

Southampton County Set

The Commonwealth of Virginia to
Justices of the peace for the County aforesaid, Greeting, Know
ye that we trusting fidelity and provident circumspection in diligently
examining Kirby Bittle and Elizabeth Bittle witnesses as well on
behalf of Benjamin Bittle as on behalf of Robert Gooding to
whom the estate of William B. Northrooke was committed
and we do command you to call and cause to come before you the
witnesses aforesaid when and where you shall appoint and diligently
examine them on the Holy Evangelists of Almighty God, and their
examination so taken that you send to us without delay, returning
to us also this writ inclosed, Witness Samuell Kells clerk
of our said Court at the Court house the 16th day of July 1807
and in the 32nd year of the Commonwealth

Sam. Kells & Co
8

Laden App adm
Wenthoote

n 3 Spa of
Butte 3 River

To September 1814

Bedford

The common callth of Virginia to Benjamin Riddle greeting for certain
causes moved before our Justices of our county court of Southampton and
chawecny to you we command and firmly injoin, that all matters and
excuses whatsoever set aside, in your proper person you be before our
Justices of our said county court on the third Monday in
September next to shew good and sufficient cause if any you have why
a certain bill in chancery and the proceedings thereupon had against
you in our said court hitherto brought by Robert Goodwyn late
Siff of this county to whose hands the estate of William P. Wenthooke
hath been hitherto committed shall not be revived in the name of
Jacob Leaden Siff into whose hands the said estate hath been lately committed
and further to do and receive what our said court shall in that part
consider and this you shall not omit under the penalty of £100
and have then thus this writ witness Sam Kello clerk of our said
court at his office the 28 May 1814 of 38th year of the commonwealth

Sam Kello

Goodwyn Lee Sheriff
49
Bottle } depositions

To the Clerk of

D. Ampton court.

In obedience to a Commission from the court
of N. Ampton to us directed, we have taken the
deposition of Benj. Drew, who being sworn, & a
certificate being produced that legal notice was
given, he the said Benj. Drew answered &
swore as follows

1st Question by the Complainant - Did you exe-
cute & sign the Bill of Sale or Rec^d. to William
P. Westbrook, dated May 24th - 1803 for the sum
of Six hundred & seventy dollars as the purchase
money for Lanta & her child - a small girl
Candis - & a Boy by name Manuel?

Ans^r. I did -

2nd Question Did you execute the said Rec^d or Rec^d
in presence of Benj. Bittle?

Ans^r. I believe I did -

Question by Benj. Bittle the Defendant, Did you not
consider William P. Westbrook & myself (from our
conversation with you) to be partners equally con-
-curred in the purchase of the said four negroes?

Ans^r. I did

Question by Benj. Bittle - Have you any recollection
of having given another Bill of Sale for the said four
negroes, dated on the said day, to Benj. Bittle with
William P. Westbrook ~~as~~ as witness, it being done
as an accommodation to the parties -

Ans^r. To the best of my knowledge I did -

B. Drew

Shelb County Smithfield 18th April 1809

we do hereby certify that the foregoing Deposition was taken before us in Conformity to Notice & the annexed Commission to us directed & sworn to before us by Benjamin Brew - Given under our hands &c.

Edw Price

J B Southall

For amptm County Sch

The Commonwealth of Virginia to Tho: Pince
& James Blountall Gentlemen justices of
the peace. Greeting. Know ye that we trusting to your fidelity
and prudent Circumspection in diligently examining
Benjamin Drew. a

Witness as we on behalf of Nath: Goodrich Clerk of the Court
the virtue of Missin B. Wittericks with the wife said was committed
as on behalf of Benjamin Bittle.

and we do command you to call and cause to come
before you the witnesses aforesaid when and where you
shall approve and diligently examine them on the holy
Evangelist of Almighty God, and their examination
so taken that you send to us without delay returning
to us also this word ~~Witness~~ Witness Sam Kello
clerk of our said Court at the Chancery the 31st of
March 1804 & in the 31st year of the Common

Mr. Benjamin Bittle,

Sir,

Take notice that I shall on Saturday the
18th of this present Month (April) proceed to take

Sam Kello

the estate of William P. Northbrook which the will annexed was committed
as on behalf of Benjamin Bittle.

and we do command you to call and cause to come
before you the witnesses aforesaid when and where you
shall appoint and diligently examine them on the holy
Evangelist of Almighty God, and their examination
so taken that you send to us without delay returning
to us also this word ~~testified~~ Witness Sam Kells
clerk of our said Court at the Ct. House the 31st of
March 1807 & in the 31st year of the Commonwealth

Sam Kells

Mr. Benjamin Bittle,

Sir,

Take notice that I shall on Saturday the
18th of this present month (April) proceed to take
the deposition of Benjamin Drew at his store house
in the town of Smithfield, between the hours of 9 o'clock
A.M. and 4 o'clock P.M. of that day to be
read as evidence in a suit in chancery now
depending in the County Court of Hampton wherein
I am Comptrolor and yourself defendant,
when and where you may attend if you think
proper.

April 8th 1807

Wm. H. Hoxsey late Sheriff
to whom the estate of Wm. P.
Northbrook with the will
annexed was committed

William Woodard, this day personally appeared before
me Sam^l Gilbert one of the Justices of the
peace for the said County of Southampton & made oath
that he did on Thursday the ninth day of the present
month (April) deliver to Benjamin Pettit a notice
of which the within is a true copy. Given under my
hand this 10th day of April 1867. Sam^l Gilbert.

To

The Clerk of Southampton

Wm. W. W. W.

In obedience to a commission from the Court
of Southampton to us directed, we have taken
the deposition of Thomas Standley, who being
sworn, and a certificate being produced, that
legal notice was given, he the said Thomas
Standley deposes and saith - that sometime
after the estate of William Westbrook fell
into the hands of Jesse Browne D^r of Col^r
Robert Goodwyn Esq^r, he the said Browne
requested this deponent who then lived with
said Browne to call on Benjamin Bittle
respecting a mortgage which is now in contro-
= versy between said Browne as curator of the
estate of said Westbrook, and Benjamin Bittle
which this deponent accordingly did, and when
he named it to the said Bittle he appeared
to be distressed and alarmed and observed that he
was in hopes that Mr. Browne would not push
him till he could make it convenient to pay
the debt, if he did it would ruin him, or
some words to that purport, and further
this deponent saith not

~~Accepted by the Judge~~
Southampton Jc^s

Thomas Standley

The above deposition signed and sworn to before us
According to law - Given under our hand the 22^d May 1850.
Benjamin Bittle Jc^s
Geo. Gundry

Brown Curator
vs.
Butler } done?

The Commonwealth of Virginia, To the Very & Blunt & Sen-
t & Geo Gierley Gentlemen Justices of the peace
for the County of Southampton greeting: Know ye that
we trusting to your fidelity and provident circumspection
in diligently examining Thomas Stander a material -
witness on behalf of Jephre Browne Curator of
Wm P. Westbrook deceased Plaintiff against Benjamin
Butler defendant - and we do command you that
you call and cause to come before you at some
convenient place and at such time as you shall
appoint the witness aforesaid, and examine him
on the holy Evangelists of Almighty god, (and his
examination so taken into our Court of the County
aforesaid you shall send herewith inclosed -
under your hands and seals - sending also this
writ - Witness Saml Kello clerk of our said
Court at his office the 16th day of January 1810
in the 34th year of the Commonwealth

Saml Kello

Notice to
Bey. Bittle

Personally appeared before me, William
Woodard & made oath that he did deliver
to Benjamin Pitts a true copy of the within
Notice, on the 10th day of this instant. Given under
my hand this 21st day of May 1810

Henry Blount

The affidavit of Eliza with Battle taken by consent of parties as evidence
in a suit in chancery between Westbrooke adm^r of Bay & Battle in
Chancery Court - This 19th day of Feb: 1810

The deponent being first & duly sworn depone
and saith that at the time Bay & Battle the depl^r her brother
was gone to Georgia, she heard William Westbrooke say that if the
said Bay & Battle never returned to this state, he the said William
Westbrooke had money enough in his hands belonging to the said
Bay & Battle to satisfy him his proportion of the negroes carried out
by Bay & Battle; which proportion was one half, which money was to
be returned to the said Bay & Battle if ever he returned to Virginia
she also recollects to have heard him say that he was to pay one half
of all expenses and accident ~~and further this deponent & saith~~

Not

Question by defendant. did you not go with me to Wm^d
Westbrooke & hear him demand a settlement of him
answer I did & he Westbrooke refused ^{as said} that another time would
do as well - and further this deponent saith not
sworn to before us
Henry Blount
Wm^d Blount

Eliza Battle
mark

Deposition of John Capel in a suit in chancery wherein
Robert Goodwyn is complainant and Benjamin Bittle
defendant, taken at the house of Martha Capel
12 June 1857: the said John Capel being first sworn on
the holy Evangelists of Almighty God Depoeth and sayeth
Question 1. by Benjamin Bittle

Did not you hear William P. Wetheroke say that
he was halves with me in all the negroes carried out
the last Trip?

Answer by John Capel; I do, after Benjamin Bittle
had started with the negroes.

2. Do you know whether I carried out a negro girl by
the name of ~~the~~ Amy, the property of William
P. Wetheroke to sell for him on commission in a trip
that I made before that above mentioned?

Answer I do know it.

3. Do you know whether William P. Wetheroke promised
to pay the expense of negro Amy to South Carolina?

Answer. I know that he did promise it. John Capel

1857 June 12 This is to certify that ~~the~~ above is the deposition
of John Capel taken according to notice

Samuel B. B. B. B.
The Deputy of Seal

Bitte
to
Westbrook
Copy 70 Cents

This Indenture made the 27th day of January 1803
Between Benjamin Pottle of the County of Sumpter State
of Virginia of the one part and William Persons Westbrook
of the same County State of the other parts, Witnesseth
that the said Benj^r Pottle for and in consideration of
the sum of \$146. current money of Virginia to me
in hand paid the receipt whereof I do hereby acknowledge
the said Benjamin Pottle have granted bargained sold
aliened & confirmed & do by these presents grant bargain
sell & confirm unto the said William P. Westbrook
his heirs and assigns forever a certain tract or parcel of
land lying and being in the County of Sumpter State
of Virginia It being the whole of the land & premises
the said Benj^r bought of Joshua Glau containing
one hundred & five acres be the same more or less
together with all reversions, remainders, rents, profits &
incumbrances of the said land & premises & every part or
parcel thereof and the right, Title, interest claim and
demand whatsoever of the aforesaid Benj^r Pottle of
and in and to the said land and premises and every part
or parcel thereof To have and to hold the said —
land —

lands and premises with the appurtenances unto the said William
P. Westbrook his heirs and assigns forever and the s^d Ben^y
Pitt for himself and heirs do warrant the said lands & premises
and every part or parcel against all & every other persons or
persons whatsoever to the said William P. Westbrook his heirs
and assigns forever shall and will defend by these presents.

But notwithstanding it is further agreed between
the said parties, Benjamin Pitt and William P. Westbrook
that if the said Benjamin Pitt shall will and truly pay or
cause to be paid without fraud & delay unto the s^d William
P. Westbrook the just and full sum of One hundred and
forty six pounds with lawful interest from the date of
herof, on or before the 25th day of December next ensuing
the date herof then and in case the above Indenture
is to be void or otherwise it is further agreed that the
said William P. Westbrook shall have full power
and authority to sell the above bargained premises after
advertising them ten days and pay himself the above
sum of One hundred forty six pounds with lawful
interest from the date herof with all costs that may
arise in the business and the s^d Benjamin Pitt

do for myself and heirs confirm the above Indenture
in manner above named the said William P. Westbrook
paying me the Overplus of sales if any. In Witness
whereof I have hereunto set my hand & Seal the
day and Year above Written —

Signed Sealed, and
delivered in presence of

Ambrose Andrews

James Magee

Sally Andrews

Ben^y Pitt

At a Court held for the County of St. John
the 10th day of July 1863. This Indenture was
proved by the oaths of Ambrose Andrews and
James Magee two of the Notropes thereof and
ordered to be recorded —

A true Copy
teste

Sam^l Miller

1804 April Recd of the within bond
80 1/2 dollars -

Jeth Mason -

Apr 16 recd of Deb. Lewis \$30. 11. 6
it being the amt of his bond

1804 Nov 8

Recd the within bal.

in full of William P. Westbrooke
it being \$27. 11. 3.

John

Sam Bhuat
J

Jeth Mason -

80 1/2

103

103 Dec 10

William P. Westbrooke

Know all Men by these presents that we Benja. Bittle
& William P. Westbrook are held & firmly bound unto Seth
Mason in the just sum of one hundred & ~~forty~~ ^{eighty} pounds
Virginia currency to ~~which~~ ^{which} payment we bind ourselves & our
~~joint & several heirs Exors &c~~
~~ourselves~~ with our hands & seals this 22nd day of January
1808.

The condition of the above obligation is such that if
the above bound Benjamin Bittle & William P. Westbrook
shall pay unto Seth Mason the sum of Eighty Pounds —
like money as aforesaid on or before the 25th day of
Decr next then the above obligation to be void or else to re-
main in full force & virtue.

Test.
Ambrose Andrews
James May Jr

Benj^d Bittle Seal
Will. P. Westbrook Seal

Paper from
N^o 1. to N^o 6
referred to in
the Supplement-
ary Bill

Goodwin Stiff
or

Brittle

Benj Butler

223 May 24

Dear Mr. William P. Whitcomb

The sum of ten thousand dollars is
to be paid for the following papers -
one hundred of some date the other
some are dated 1840 by name
of the right to title to all the
property the 10 papers of the papers
to be paid to the sum of \$10,000

Very
Respectfully
from
Wm. P. Whitcomb
to
W. P. Whitcomb
Wm. P. Whitcomb

W. P. Whitcomb

W. P. Whitcomb

W. P. Whitcomb
W. P. Whitcomb

803 May 24th

Recd of Mr. William P. Westbrook
the sum of six hundred & seventy dollars in
full payment for the following negroes -
viz - A woman by name Santa & her child,
a small girl bandis, & a boy by name
Manuel, the right & title to all &
singular the sd negroes I do by these presents
warrant & defend unto him the sd
William P. Westbrook his heirs &
assigns for ever. - Given under
my hand the day & date above specified.

Witness -

Benj. Little

P. Drew

N^o 2
Westbrook

to { Note.

Drew

Dr

1803 May 24th

I hereby pass my word & honor
with Benjamin Brew to pay him one hundred
& three dollars & one third of a dollar or
or before Southampton court next. Given
under my hand - the day & date above specified

Witness -

Benj. Bittles

Bⁿ Little
for Dⁿ Negro
Negroes

N^o 3

30.th May 1803. Received of William P. Westbrooke
four Negroes (to wit) Lanta & Child Manning, Candis &
Mannuel which said Negroes I promise to carry to
North Carolina & sell for the best price that there
can be obtained & the amount I do hereby agree
to return the same to Wm. P. Westbrooke my ^{or} Bittles.

Test
Andrew C. Anderson

N^o 4
Bille } Bond
Westbrook }
to
Andrew.

Andrew Westbrook

Received of
Bille Westbrook

the sum of

Three

Shillings

We Benjamin Bittle & William P. Westbrooke of Southampton
County State of Virginia do promise to pay or cause to be
paid unto Isaac Andrews the first of said sum of Forty pounds
current money of Virginia on or before the first day of July
next. In Testimony whereof we have hereunto set our hands
Seals this 30th May 1800 Three

Benjⁿ Bittle (seal)

Will^m P. Westbrooke (seal)

Isaac Andrews
Benjamin Turner

^{Nº 5}
Benja Bittle
a/c

Benjamin Bittle To William P Westbrooke

Dr

1798

May	"	To 1 Calf Skin	"	2	0
1799	"	To 1 Ladle lent you	1	10	"
Feb'y	"	To Cash lent you per order	"	12	"
1800	"	To making 2 pair white peoples Shoes @ 3/4	"	6	"
Dec.	"	To ditto 2 pair Negroes Shoes @ 1/6	"	3	"
	"	To ditto 1 pair Tickdowers @ 1/3	"	1	3
1803	"	To Cash lent first trip	6	"	"
June	1	To Cash for Second trip	7	10	"
1804		To cash to pay for Brandy	3	0	0
June		To 1/2 Bushel pear @ 4/6	"	2	3
			19	17	0

\$

1803

Ditto Ditto
By Plank & Studs for Smoak house
110 feet 8 inches w.

June

19

By 9 Shoats @ 7/6

No 6

June 18th 1803 Received of William P Westbrooke
Ten Dollars ————— Benj^d Bittle

ack. Palar of
four negroes
+ Patt

The Account of Sale for the five Negroes
Sold by me for self & William P Westbrooke Dec^d
To wit one Negro woman by the name of
Lanta & Child - - - - - £90.0.0
To 1 Small boy by name of } 70.0.0
Amanuel - - - - - }
To 1 Small girl by name of Candis 45 0.0
To 1 Small child by name of Pat. 40.0.0
£245.0.0

William P Westbrook Dec?
1813 To Benja Bittle Dr

To 10 Large Shotes @ 18/ £9.0.0

To 300 Feet of timber 1.7.0

To Carrying one Negro Girl

To South Carolina for him } 20.0.0

To 1 hat & blanket for the said } 1.0.0
girl - - - - - }

To Cash put in with him to by

Fore Negroes of Benja Drews £116.0.0

To his half of a Negro girl
bought of Isaac Andrews } £20.0.0
which we gave our notes for

To half of the expence for myself
and horse & said Negroes } £30.0.0

To my trouble for carrying half
of the said negroes to South } £45.0.0
Carolina - - - - - }

To half of 4 pair of Shoes & 4 hats
bought for them } £1.4.0

To half of expence going with him
to Benja Drews to by the said negroes } £12.0.0

To Braking my Chare & Loosing
Horse in carrying those said negroes } £25.0.0
to South Carolina which he

agreed to pay half of all accounts

To Cas I let him have when I
returned home - - - - - } £12.0.0
~~£12.0.0~~

£281.3.0