

1814-093

SOUTHAMPTON COUNTY  
CHANCERY PAPERS

WOOD

VS. SCOTT

5/18/14

other surnames: Westbrooke,  
Westbrook, Jones, Kitchen,  
Douglas, Atherton

Wood  
Scott & Bill

Byrne

papers in box

To the worshipful <sup>by your order</sup> ~~the~~ <sup>your</sup> court in chancery sitting  
humbly <sup>by your order</sup> ~~the~~ <sup>your</sup> executed his ~~deed~~ bond  
to a certain ~~deed~~ <sup>deed</sup> with a certain theophilus  
Scott his security therein. and being anxious to recover  
to said Scott an amount from its payment and with  
a view that said debt should be speedily paid  
did at the instance request ~~with~~ <sup>with</sup> ~~him~~ <sup>him</sup>  
of said Scott transfer to him a bond executed by  
Chas. Jones for the sum of \$42.10.3. and also a  
Judgment against ~~in~~ Chas. Kitchen for \$7. as will  
more fully appear by the incorporated receipt - which debt  
~~was~~ <sup>was</sup> received by P. def. for the purpose of discharging the  
bond as aforesaid & then paying the residue to  
your court; all which P. def. promises speedily to  
effect - And altho your order is informal and believes  
that said Scott has already rec'd the full amt.  
of the larger debt - yet fraudulently inducing  
towards J. Crater he suffered a suit on said bond  
for the benefit of a certain James ~~James~~ <sup>James</sup>  
proprietor to a ~~deed~~ <sup>deed</sup> ~~which~~ <sup>which</sup> ~~was~~ <sup>was</sup> ~~awarded~~ <sup>awarded</sup> and he compell'd to satisfy the same  
as will more fully appear reference being had  
to the records of this court. - In tender consideration therefore  
do the court that said Scott may fully on his Corporal  
Oath answer the premises, and particularly <sup>say</sup> ~~say~~ what  
attempts he has made to recover said debt ~~with~~ <sup>with</sup> ~~his~~ <sup>his</sup> ~~own~~ <sup>own</sup>  
has been rec'd. & when - and your court being reminded  
of Co. Law, prays your worship to decree being the full  
amt. of said debts with int. & from their dates -  
or so much thereof as may be deemed equitable and just  
and make what other decree may comport with conscience &  
the nature of his case. - also grant the Court's writs of further  
Law.

Hines B

Scott  
advs  
Wood  
J. J. J. J. J.

Wood  
or  
Scott } Rice L

Bill Vanover  
filed Bond  
reponfiled to  
set for hearing

May 18/4 to be revised in  
the name of Mary Scott  
Ch.  
Reorg.

The answer of Theophilus Scott to the bill of Complaint  
exhibited against himself in the County of  
Court of Southampton <sup>by J. G. Wood</sup> This defendant  
saying and reserving to himself all and  
every benefit of exception to the many  
errors, imperfections and untruths in  
the plaintiffs said bill of Complaint  
contained  
for answer thereto or so much as he  
is advised is necessary to make answer  
unto answering. That that he became  
Security to the Compt for the payment  
of money due on a rent  
of two or three years for the amount  
of which he does not now exactly  
remember but supposes it to be  
nearly the amount of the bond executed  
by Nathaniel Jones mentioned in the  
plaintiffs bill which bond the ptffs  
transferred and assigned over to ~~you~~  
this defendant provided he would  
pay the amount of the rent and this  
deft states that he did pay the rent  
and by every principle <sup>of Justice</sup> thought and still  
thinks himself entitled to the amount

of the land which he acknowledges he  
has received - As to the judgment spoken  
of in the Compt's bill in favor of wood  
against Kitchens this defendant denies  
that <sup>it</sup> ever was transferred to him and  
states that it now lies in the Court Clerk's  
Office unsatisfied as far as he knows  
and perfectly under the control of  
the Complainant - This defendant  
denying all fraud combination &c  
prays to be hence dismissed with his  
costs in this behalf most unreason-  
ably expensed &c  
Respectfully  
August 19th 1883.

This day Theophilus Little  
made oath before me that the facts stated  
in this answer  
are for as they depend upon his own knowledge  
are true, and so far as they depend upon  
the knowledge of others he believes them  
to be true.

Cam Bowers

Soell Wood

M } Dence  
Scott } Miss

To Aug 1805

August 12<sup>th</sup> 1805  
Executed

Handley Dr  
for  
Robt. Goodwyn

3  
In June Court 1805

Joel Wood Compl  
vs  
Theophilus Scott Defe } In Chancery

Ordered that unless the defendant  
file his answer on or before Aug Court next  
that the ~~Comptrol~~ bill will be taken for  
Confessed and a decree entered Aug to the prayer  
thereof

Sam Keble

Order to Take the  
Disposition of J.W.W.

So  
Sampton County Set

The Commonwealth of Virginia & Sam. Hunt  
and others Examiners — Gentlemen justices of the  
peace for the county of Sampton and State of Virginia  
greeting. Know ye that we trusting to your good and  
circumspection in diligently examining Thomas  
Westbrooke and William P. Westbrooke witnesses  
as well on behalf of Theophilus Settle ~~plaintiff~~  
as on behalf of John Wood and we give to you  
power to call and cause to come before you the  
Witnesses aforesaid whom and where you shall  
appoint and diligently examine them on the Holy  
Evangelists of Almighty God and their examination  
so taken that you distinctly certify us thereof — under  
your hands enclosed with this writte Witness  
Samuel Kells clerk of our said Court at the Court  
the 26<sup>th</sup> day of June 1864 and in the 38<sup>th</sup> year  
of the Commonwealth —

Sam. Kells

Wood } Spain  
      <sup>vs</sup> } Chancery  
Scott }

To Sept<sup>r</sup> 1803

1803 September 3<sup>d</sup> P. O. Received

J. Washington Esq

for  
J. B. B. B. B. B.

The commonwealth of virginia to the Shiff  
of Southampton county greeting you are  
hereby commanded to summon Theophilus  
Scott to appear before the justices of our said  
county court of S<sup>t</sup>ampton at the court  
house on the third monday in September  
next to answer ~~some~~ a bill in  
chancery exhibited against him by  
Jed Wood and this he shall in nowise  
omit under the penalty of \$100 and  
have then there this writ returnd of  
Sam<sup>l</sup> Hills clerk of our said court at  
the Ct<sup>h</sup>ouse the 18<sup>th</sup> day of Aug<sup>r</sup> 1803  
and in the 28<sup>th</sup> year of the commonwealth

Sam<sup>l</sup> Hills  
Clerk

Wood }  
Mr } Camp.  
Scott }

Stafford County Va.

The Commissioners of Virginia to Robert  
Mabry and Byrd Lundy Gentlemen Justices  
of the peace for the county of Stafford. Know ye  
that we trusting to you and providing an opportunity  
in diligently examining John Wood Sarah Wood  
and Nancy Wood witnesses as well on behalf  
of Joel Wood as on behalf of Theophilus Scott  
and we do give to you power 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 examinations  
so taken shall you diligently and openly  
Certify us thereof under your hands and  
seals returning to us also this writ inclosed  
Witness Sam. Wells clerk of our said Court  
at the Courthouse the 5<sup>th</sup> day of March 1804  
and in the 28<sup>th</sup> year of the Commonwealth

Sam. Wells

Sampton county Jct

This day James Hewson appeared before me and made  
oath that on the 6<sup>th</sup> day of March 1804 he did  
deliver to Theophilus Scott

a true copy of the within notice given under my hand this  
17<sup>th</sup> day of March 1804

Robt. Mabry

Hampton County  
W<sup>m</sup> Theophilus Scott

Sir

Take notice that on Saturday the 17<sup>th</sup> of this  
present month between the hours of 10 o'clock A M  
and 2 o'clock P M of that day at the house of Robert  
Magee in the County <sup>of</sup> ~~of~~ <sup>Ston</sup> ~~of~~ I shall proceed to take the  
depositions of John Wood Sarah Wood & Mary Wood to be  
read as evidence in a suit in Chancery depending in  
the County Court of Sampson between myself Com<sup>pt</sup> &  
and Yourself Defendant

Joel Wood

March 6. 1804

1864 August 11.<sup>th</sup>

John Scott made oath that the within  
is a true copy of the notice left at the house of Joel  
Wood on the 28<sup>th</sup> July last

Saml. Blunt JP

M<sup>r</sup> Joel Wood take notice that I shall on Saturday the 10<sup>th</sup>  
day of August <sup>1814</sup> at the House of Thos. Wylbrooke in Southampton &c  
proceed to take the depositions ~~from~~ <sup>of</sup> Thos. Wylbrooke & Others  
between the hours of 10 & 12 o'clock of the same day to be read  
in Evidence in a suit depending & undetermined in the County Court  
of Southampton in which yourself is Plaintiff & myself is Defendant  
at which time and place you may attend if you please

Y<sup>rs</sup> &c  
Thos. Wylbrooke Scott

To the Clerk of Louthampton

Wm M Scott  
Deposition

*[Faint, mostly illegible handwritten text, possibly bleed-through from the reverse side of the page.]*

Southampton, &c.

By Virtue of a Commission, Given

by Samuel Kello, Clerk of Southampton to Robert  
Mabry and Roger Lundy directed, to take the Depo-  
-sition of John Wood, Sarah Wood and Nancy Wood,  
in a Suit in Chancery depending in the County Court  
of Southampton, between Joel Wood and Theophilus  
Scott. Sarah Wood being duly sworn on the holy  
Evangelist of Almighty God deposeth and sayeth  
that she was present and saw Joel Wood deliver  
unto Theophilus Scott, a Bond due from Nathaniel  
Jones to the said Joel Wood, on these Conditions  
That the said Scott was to collect the said Bond  
from Jones by Suit or other ways, and pay himself  
what the said Joel Wood was owing Scott, and  
that then the said Scott was to return the balance  
or over plus of said Bond to Wood, and further saith she  
not. —

Sworn to at Southampton, 17th Nov. 1788.

Nancy Wood, being first sworn on the holy  
Evangelist of Almighty God deposeth and sayeth  
that she was present, and saw Joel Wood deliver  
or give up unto Theophilus Scott a Bond due from  
Nathaniel Jones to Joel Wood, the amount of  
which, deponent saith, she believed was for  
Forty or Forty two Pounds ten shillings, which  
Scott was to collect by Suit or otherwise, and

pay himself what the said Wood was owing  
him, and after paying himself out of said Bond  
was to return the balance thereof to the said  
Wood, without any charge or expence for his  
said said said said, and further saith  
not.

John Wood being duly sworn on the Holy  
Evangelist of Almighty God, deposed and  
saith that he was present with Joel Wood  
and Theophilus Scott, when Joel Wood gave  
unto Theophilus Scott a Bond due from  
said said said said to the said Wood the amount  
of which Bond the said said said said was for  
Forty or forty two pounds ten shillings, on the  
following condition, that the said Scott was to  
bring out on the said Bond, and collect the  
Money and pay himself what the said Wood  
was owing him the said Scott, and that then  
the said Scott was to return unto Wood the  
balance of the Money, without any charge  
of said said said said, and further saith not  
doth, saith not, and saith not.

Southampton etc.

We the Subscribers do hereby Certify  
that the foregoing deposition was taken before us  
at the house of Robert Magee's, this 17<sup>th</sup> day of  
March 1806 —

Robt Mabry  
B Tunday

10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31.

To

The Clerk of Southampton

The deposition of Thomas Westbrook in a suit where-  
in Joel Wood is plaintiff & Theophilus Scott is depen-  
-dant, now depending & undetermined in the County  
Court of Southampton; The said Thomas Westbrook  
being first sworn on the Holy Evangelist of Al-  
-mighty God, deposed & saith, that in the fall  
of the year 3 or 4 years ago, he was present at  
Joel Wood's House, as an evidence in behalf of  
William P. Westbrook, to see him satisfied for  
the rent of the Land whereon Joel Wood then  
lived; after this business of rent was settled, he  
heard Theophilus Scott say to Joel Wood, that  
he was sufferer as Security to him for 2 years  
rent of Persons's plantation; & he further observed  
to Wood that he ought to make him some  
satisfaction for what he had suffered by being  
his Security; The Deponent then asked Wood  
if he had no paper that would answer to pay  
& satisfy Theophilus Scott; Wood said he had a  
bond of 41. 42. or 43 pounds, which Bond Joel  
Wood said he could give up to Theophilus Scott  
as satisfaction for the money, which Scott  
had paid for him; upon the offer of the Bond to  
Scott, he refused to take it as payment; but by  
the persuasion of him the said deponent, Scott  
agreed to take the Bond above mentioned, & did  
take it, and paid his receipt in full, on the  
reception of the Bond, to Wood, for the money

Worsh,

which he had paid as security as aforesaid  
for the said Wood; and this deponent further  
saith, that he did not hear or understand  
that any part of the Bond paid to Joseph  
- his Scott by said Wood was to be refun-  
- ed, but considered it as satisfaction only  
for what Scott had paid as his security.

In Conformity to the Commission to us directed in  
the Subscribers have examined Thomas Westbrooke  
the Depoent above named and do certify ~~that~~  
the above to be his Deposition given under  
our hands this Eleventh day of August the  
thousand eight hundred and four

Samuel Hunt J.P.

Edw. Edmunds J.P.

Cannoniff 10

Alack to me

Admiral

Debt

Let on 12

Hand 10. 20

3 Cattle 10

Debt of  
To Mr. B.

Feb. 27<sup>th</sup>. Received of Mr. Isaac Wood a bond of Nat: Jones for  
Forty two pounds ten shillings. There hence also a copy  
of a Judgment Isaac Wood vs. Nat: Kitchen for seven  
pounds —————

Shepherd, Secy.

Per  
Wm: P. Walbrooke.

Thomas Westbrooke —

42 - 10 - 3  
7  
49 - 10 - 3

Sheldon (for Douglas)

21 } Copy  
Loce } H. C. G. M. T.  
J. C. Wood in  
J. Scott Subh.  
Adm. Chy  
J. H. C. G. M. T.  
sep

By  
J. C. G. M. T. by off the  
Execution within a  
did you pay any part  
thereof - has he paid  
any part of the debt  
given - do

Betsy Arthuron for herself W<sup>m</sup> James Douglas

<sup>vs</sup>  
Joel Wood and Theophilus Scott } Debt

Judgment and execution for £32<sup>00</sup> 0 to be dirk<sup>d</sup>  
by pay of eight pounds and interest at 5 p. C from the  
25 December 1795 till p<sup>d</sup> also eight pounds with like  
Int from 25 of December 1795 till paid and Costs which  
are 8 dollars & 49 Cents But from this judg<sup>t</sup> is to be  
deducted Seventeen dollars & 50 Cents and 5 p. C from  
the 1<sup>st</sup> January 1797 till settled and 6 dollars and 54<sup>cts</sup>  
the Costs of an injunction -

Sam Kello &

~~Sam Kello~~ July Court 1802

Betsy Arthuron for herself W<sup>m</sup> James Douglas

<sup>ag<sup>t</sup></sup>  
Theophilus Scott & B<sup>d</sup> Crocker } Motion on a F. C.

Notice proved and judgment for Nineteen pounds  
ten shillings and one penny and interest at 5 p. C  
from the 5 day March 1802 till paid also 5 dollars & 54  
Cents

Sam Kello &