1822-011 SOUTHAMPTON COUNTY CHANCERY PAPERS WESTBROOK'S ADMR VS. BITTLE
12/1822

other SURNames: Hines

Hines Shff Ladue
Mattock
M 3 3 Bill
Bills

July 20th 1821 filed

Oct. Inter 1821 decree nisi
to Nov. " as pro confesso

Dec. Inter 1821 decree nisi
to Feby: 22 -

To the worshipful Court of Southampton in Chancery sitting

Humbly complaining sheweth unto your worships your orator Hedge Haines Sheriff of Southampton into whose hands the unadministered estate of William P. Nettrook did lately come committed for administration That a certain Benjamin Bittle in the lifetime of the said William P Nettrook being indebted to him in the sum of One hundred and forty nine pounds, on the twenty second day of January 1803 executed and delivered to the said William P. Nettrook his deed of Indenture conveying to the said Nettrook a tract of land lying in the County of Southampton aforesaid, being the land which the said Benjamin purchased of a certain Joshua Clarke containing one hundred and five acres to secure the payment of the said sum of money with the accruing interest thereon. As which more fully appears by the said last mentioned deed of Indenture which is prayed to be taken as a part of this bill. Your orator avers that the said Benjamin did not pay the said sum of money to the said William P. Nettrook in his lifetime or any part thereof, neither hath he paid the same to any person since the death of the said William P. Nettrook, but that the whole amount with accruing interest thereon still remains due and unpaid. In tender consideration whereof and as your orator is remediless in the premises except in a Court of Equity where matters of fact are properly cognizable he prays that the aforesaid Benjamin Bittle may be made a defendant hereto and be compelled to answer all and singular the allegations herein set forth fully and answerably And your orator further prays that it may be decreed by this Court that unless the said Benjamin Bittle pay the said

deem of money with the accruing interest thereon
by such time as this Court may direct, that the
aforesaid tract of land be sold and the debt
aforesaid be paid out of the proceeds of the sale
your Orator prays that your worships would
make any other or further order or decree in
the premises which may be conformable with
principles of Justice and equity and as in duty
bound he will ever pray &c

George Hicks

Hines Shff. & Comm. of the Estate of W. P. Westbrook

vs } Decree
Bittle } nisi

To Nov. Court 1821

The within named Burgl Bittle is not an inhabitant of this County

A. McCallum Coroner

At Rules holden in the Clerks office of the Chancery County Court of Southampton on the first Monday in Oct. being the first day of the said Month in the year 1821

George Hines Sheriff of Southampton County in the chose hands the Case of William P. Westbrook Adm. hath been Committed Complt against

Benjamin Brute ---------- Defendant

In Chy

The Complainant in this Case, have been filed his bill more than three months and the defendant failing to file his answer thereto Therefore on the motion of the Complainant by his Counsel. It is decreed and ordered that unless the said defendant shall appear and file his answer on or before November Court next, that the said Complainants bill will be taken for confessed and the matter thereof decreed as to him accordingly

Test James Rochelle CC

Kings Supp.
& Committee,
vs
Brute

Decree

Dec.r 16.th 1812 rep.d
ret.d & ord.d to be rec.d
by Consent

Southampton County March Court 1802

George Hines Sheriff of Southampton into whose hands the unadministered estate of William P. Westbrook decd hath been Committed for administration ..... Complainant

against

Benjamin Bittle ..... Defendant

} In Chancery

This Cause this day Came on again to be heard on the bill of the Complainant exhebits and arguments of Counsel And it appearing to the Satisfaction of the Court that the order of publication heretofore made in this Cause against the absent defendant Benjamin Bittle hath been published as the law directs It is by the Court adjudged, ordered and decreed that the Plaintiff recover of the defendant the Sum of one hundred and forty Six pounds with legal interest thereon from the 22nd day of January 1803 till paid and the Costs of this Suit and it further decreed and ordered that the said Benjamin Bittle pay to the Plaintiff the said Sum of one hundred and forty Six pounds with legal interest thereon from the 22nd of January 1803 till paid and the Costs of this Suit on or before the 20th of September next and in Case the said defdt Should fail to pay the same on or before the said 20th of September next, then and in that Case it is moreover decreed and ordered that the tract of land Conveyed by the deed filed in this Cause by the defdt Benjamin Bittle to William P. Westbrook in his life time Containing one hundred and five acres be Sold for Cash after giving Twenty days public notice of the time and place of Sale, and the proceeds of the sale be applyed to the discharge of the aforesaid Sum of one hundred and forty Six pounds and interest thereon as aforesaid, and the Surplus if any be paid to the said Benjn Bittle, and it is moreover decreed that William Jenkins Nathan Jones, Thomas Fitzhugh and Edwin Pettway or

three of them, do carry the foregoing decree into effect and make a Conveyance to the purchaser of the land -

Teste A. M Coleton Dc

We the undersigned commissioners in obedience to the above order, have exposed to public Sale the land as above directed; whereupon Thomas Ridley became the purchaser, for which he gave two hundred and fifteen dollars and twenty five cents.

December 14th 1822.—

William Jackson

Wm. Fitzhugh

E. Peay

Hines Shff
vs
Bittle
Spa in
Chy.

To August county court
1820.

Came to hand 24th Sept.
1820 —
Executed the 8th Septr 1820
A. McCollum Coroner

The Commonwealth of Virginia,

TO THE ~~SHERIFF~~ coroner OF Southampton COUNTY—GREETING:

You are hereby commanded to summon Benjamin Bittle

to appear before the Justices of our County Court of Southampton, at the Courthouse, on the third monday in October next, to ~~testify and the truth to speak, on behalf of~~ answer a bill in chancery exhibited against him by ~~in a certain matter of controversy in our said court depending and undetermined, between~~ George Hines Sheriff of Southampton county into whose hand the estate of Wm P. Westbrook dec'd hath been committed ~~plaintiff, and~~

~~defendant~~; and this he shall in no wise omit, under the penalty of £100 And have then there this writ. Witness JAMES ROCHELLE, Clerk of our said county Court, at his Office, the 1st day of Sept. 1820; in the 45 year of the Commonwealth.

J. Rochelle C.

* and it is moreover ordered that the said
Pltff
Deft by a Rule to pay to the ~~Deft~~ the said
sum of £146 with interest thereon from the
22 Jany 1803 the said & the costs of this
suit - ~~or to shew cause to the contrary~~ 20th Sept next
and in case the said Deft should
~~fail~~ to pay the same or shew
the said 20th of Sept. next.

It appearing to the satisfaction of the Court that the order of publication heretofore made in this cause has been against the absent defts Benjamin Butts hath been published in the Law agents, It is by the Court adjudged and ordered and decreed that the plaintiff deft pltff recover of the defts the sum of £146 with Lawful interest thereon from the 22d day of January 1803 till paid & the Costs of this suit, and it is moreover decreed and ordered that the tract of land conveyed by the deed filed in this Cause by the defts Benja Butts to Wm P Bentzoon in his petition containing one hundred and five acres be sold for Cash after giving twenty days public notice of the time and place of sales, and the proceeds of the sales be applied to the discharge of the aforesaid sum of £146 and interest thereon as aforesaid, and the surplus if any be paid to the said Benja Butts. And it is moreover ordered that Wm Jenkins, Nathan Jones Thomas Fitzhugh and Edwin Pettway or any three of them do carry the foregoing decree into effect and make a conveyance to the purchaser of the land

A Copy of
a Publication
Contained
in
B. N. S.

Town of Petersburg to wit:

This day personally appeared before me, an Alderman of said town, Fr. G. Young, editor of the Intelligencer Newspaper, who made oath that the annexed order of Southampton County Court hath been regularly inserted in said paper for two months successively. Given under my hand, this 1st day of March 1822.

John Hunter Mayor

Virginia:

At Rules holden in the Clerk's Office in the County of Southampton on the first Monday in December 1821.

George Harris, sheriff of Southampton county, into whose hands the Estate of William P. Westbrook, dec. hath been committed, Complainant,

Against,

Benjamin Bittle Defendant,

In Chancery.

THE Complainant in this case, having filed his bill more than three months, and the defendant failing to file his answer thereto—Therefore, on the motion of the Complainant by Counsel, It is decreed and ordered that unless the said defendant shall appear and file his answer on or before the third Monday in February next, the said bill will be taken for confessed, and the matter thereof decreed against him accordingly.

A Copy—Teste,

A. MIDDLETON, D. C.

December 14. 2m*

Bittle
to
Westbrook
Deed

Copy

This Indenture made the twenty second day of January one thousand eight hundred and three. Between Benjamin Bittle of the County of Southampton and state of Virginia of the one part and William P. Westbrook of the same County and state of the other part. Witnesseth that the said Benjamin Bittle for and in Consideration of the sum of one hundred and forty six pounds current money of Virginia to me in hand paid the receipt whereof I do hereby acknowledge the said Benjamin Bittle 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 Southampton and State of Virginia. It being the whole of the land & tenement the said Benjamin Bittle bought of Joshua Bland containing one hundred and five acres be the same more or less. Together with all reversions remainders rent profits and emoluments of the said land & premises and every part or parcel thereof. and the right title interest claim & demand what-soever of the aforesaid Benjamin Bittle of in & to the said land and premises and every part & parcel thereof. To have and to hold the said land & premises with the appurtenances unto the said William P. Westbrook his heirs and assigns forever. and the said Benjamin Bittle for himself and heirs do warrant the said land & premises and every part or parcel against all & every other person or persons whatever 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 Bittle and William P. Westbrook that if the said Benjamin Bittle shall well and truly pay or cause to be paid without fraud & delay unto the said William P. Westbrook the just and full Sum of one hundred and forty six pounds with lawfull interest from the date hereof on or before the twenty fifth day of December next ensuing the date hereof 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 & authority to sell the above bargained premises after advertising three two

days and pay himself the above Sum of one hundred and fifty pounds with lawfull interest from the date hereof with all cost that may arise in the business and I the said Benj.a Bittle do for myself & 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 & year above written

Signed Seald & delivered in
presence of us
Ambrose Andrews
James Mager
Sally Andrews

Benj.a Bittle Seal

At a court held for the County of Southampton the 19th day of July 1803 This Indenture was proved by the oaths of Ambrose Andrews and James Mager two of the witnesses thereto and ordered to be recorded

Test

Sam.l Ricks C.C.

A Copy test

Rubin Nicholson D.C.