1824-002 SOUTHAMPTON COUNTY CHANCERY PAPERS COOPER VS. BLUNT'S ADMINISTRATOR 3/1824

Jesse Cooper

v

Benja. Blunt

and Henry Blunt

Bill in Chancery

July 5th 1817 Bill filed

Aug. 19th 1823 ord. for
dec. Copys.

March 16th 1824 dec. rec'd and
ord. as pr. decree filed

$11,46 costs
Jesse Pruce

Ch. 4:86
Sk 60
6:00
Jus & Fee $11:46

Cooper vs. Blunt & omor. Blunt

This cause came on this day to be heard upon the bill and answer and argument of Counsel: on consideration whereof the Court doth order, adjudge and decree that the Defendant Blunt render before a Commissioner of this Court an account of his transactions as Admor with the will annexed of Henry Blunt dec'd, and make report with such matter thought pertinent by himself or required by the Parties &c.

To the worshipful Court of Southampton County sitting in Chancery humbly complaining sheweth unto your Worships your Orator Jesse Cooper son of Susanna Cooper —

That Henry Blunt departed this life in the year 1813 leaving a large Estate in the said County of Southampton consisting of Lands Slaves and other personal Estate having first made and published his last will and testament in writing, which it is prayed may be taken and considered as a part of this Bill. In which said last will and testament of the said Henry Blunt he the said Henry did bequeath to your complainant the sum of ninety pounds of good and lawful money of Virginia as will be seen by reference to the said will in which there is the following clause —

"I give to Jesse Cooper son of Susanna "Cooper ninety pounds current money "of Virginia". — That your complain =ant is the person designated in the said will as the son of Susanna Cooper. That Benjamin Blunt who was by the said Henry appointed "whole and sole Executor" to the said

Will, did refuse to qualify thereto as Executor and did under and by the authority of the County court of Southampton take upon himself the administration with the will annexed, on the said Estate of the said Henry Blunt Dec.d —

And now so it is, may it please the Court, that the said Administrator with the Will annexed has always and still doth most unjustly with hold from your complainant the said Legacy of £90.0.0 so bequeathed to him, by the said Henry Blunt Dec.d and still refuses to execute the 2.d Will of his testator, so far as your compl.t is concerned therein. —

That the said Henry Blunt who is now dec.d was a wealthy man, and owed very little money at his death; and devised and bequeath to the s.d Benj.a Blunt, a very considerable Estate, over and above what was necessary to pay Debts and legacies directed to be paid by the said Will. — And with confidence your orator states that there doth not exist and just or reasonable grounds for withholding from them the said Legacy so justly due to him

Or tender consideration whereof, and in as much as your complt is remediless in a Court of Law, he prays that this Court where such matters are properly cognizable will entertain this case. — To the end therefore he prays that the said Benjamin Blunt admr with the Will annexed of the s.d Henry Blunt, may be made Deft. to this Bill of complaint and may be compelled to answer the the allegations therein contained on oath, fully truly and uncerainely. And say if they the said allegations are not substantially true. That the Court will decree that the 2.d Benj.a Blunt admr as aforesaid, pay unto your complt. who is now of the age of twenty one years and upwards the said sum of £90.0.0 and Interest thereon from the time of the Death of the said Henry Blunt to the time of payment of the same. — That the Court will grant such other and further relief as may be consistent with Justice and equity. and as in Duty bound &c.

Tot for Complt.

Blunt
ad
Cooper N.Y.

Ans.

August 16th. 1819—

To the worshipfull Court of Southampton in Chancery
sitting — The Answer of Benjamin Blunt adm-
with the will annexed of Henry Blunt dec to the
bill of Complaint exhibited against him by Jesse
Cooper —— This respondent now and at
all times saving and reserving to himself all
and every benefit of exception to all errors
imperfections, mistatements and false allegations
in the Complainants bill contained, for
answer thereto or to so much thereof as he is
advised is material and necessary for him to
answer, answering saith — That Henry Blunt
did leave a last will and testament wherein
he bequeathed ninety pounds to the Complainant
and left your respondent his executor — That
this respondent refused to qualify as executor
and took out letters of administration with
the will annexed — As to the allegation that
Henry Blunt owed very little money at the time
of his death, that fact can better appear
from the vouchers of this repondent, if indeed
it be true. This respondent having taken
an oath first to pay the debts and then the
legacies, feels it to be a duty incumbent

upon him to comply literally therewith. If after the payments of the debts there should be enough (which this respondent is not disposed to doubt) to satisfy the legacies, he certainly can have no legal objection to paying off the complainants demand. He will however observe, that if an application had been made to him in a proper and amicable manner by the complainant or any other person legally authorized, he should have felt a disposition to have afforded all the information and given all the satisfaction he could without exposing the complainant as well as himself to the expense, trouble and vexation of a suit. This respondent having answered prays to be hence dismissed with his costs in this behalf most unjustly sustained &c.

Southampton County to wit.

This day Benjamin Blunt personally appeared before me a justice of the peace for the said County and made oath to the truth of the foregoing answer. Given under my hand this 12th day of August 1819.

Wm. P. Thomas J.P.

Rough Draw.

Jesse Cooper

vs.

Benjamin Blunt admr. &c. of Henry Blunt dec'd. - For none appearing to
the court the interlocutory decree heretofore entered in this cause is set aside and
the cause again came ~~this cause came~~ on this day to be heard by
upon the bill and answer & exhibit filed and was argued by
counsel, on consideration whereof the court doth order
adjudge & decree that the plaintiff recover of the defendant,
the sum of ninety pounds virginia currency with interest thereon
from the 18th day of October 1814 till paid, to be levied of the goods
and chattels of the defendant, together with his costs about his
suit in this behalf expended. & the plff &c.

Cooper
vs
Blunt &c. &c.

Decree
Nisi

To July Court 1819

Executed Nathaniel Newson Sheriff of Richmond & Clements Sheriff

Southampton May Courts 1819

Jesse Cooper Son of Susanna Cooper Plt.
vs.
In Chancery.
Benjamin Blunt administrator with the
will annexed of Henry Blunt dec'd ——— Defts.

The Plaintiffs bill having been filed three months, and the defendant having failed to file his answer thereto, on the motion of the Plaintiff by his attorney, It is decreed and ordered that unless the said defendant appear here on or before the third Monday in July and file his answer thereto that the said bill will be taken for Confessed, and a decree entered according to the prayer thereof.

Teste. A. Middleton D.C.

Cooper

Deere

a Copy

Blumbadt

Southampton County March Court 1824

Jesse Cooper Son of Susanna Cooper . . . . Plt.
agt
Benjamin Blunt admr. with the will annexed
of Henry Blunt deceased . . . . . Deft.

In Eq.

For reasons appearing to the Court the interlocutory decree heretofore entered into in this Cause is set aside, and the Cause again came on this day to be heard upon the bill and answer and exhibits filed and was argued by Counsel, on Consideration whereof the defendant admitting assets sufficient to pay the said Plaintiffs demand, the Court doth order adjudge and decree, that the Plaintiff recover of the defendant the Sum of Ninety pounds Virginia Currency, with interest thereon from the 18th day of October 1814 till paid to be levied of the goods and chattels of the defendant together with his Costs about his suit in this behalf expended

Teste A. Middleton D.C.

Cooper
vs
Blunt adm.

Spa in
Chancery

To September Court 1817.

Executed
Jo.s Clanton Shff.
by Hy. Briggs D.Shff.

The Commonwealth of Virginia To the Sheriff of Southampton county Greeting you are hereby commanded to Summon Benjamin Blunt admnistrator with the will annexed of Henry Blunt dec.d to appear before the Justices of our county court of Southampton at the courthouse on the third monday in September next to answer a bill in chancery exhibited against him by Jesse Cooper Son of Susanna Cooper 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 of Southampton at this office the 1st. day of July 1819 and 44th. Year of the Commonwealth

J. Rochelle C.

Henry Blunts

Will

a Copy

18th Oct. 1811

At a Court held for the County of Southampton the 18th day of October 1813

This will was presented in Court by Benjamin Blunt the executor therein named proved by the oaths of Ephraim Gee, Edmund Turner Jr. and Jarrell Turner three of the witnesses thereto and ordered to be recorded, and on the motion of the said Benja Blunt who made oath according to law, ~~Executor~~ The executor therein named refused to qualify as such ~~for a term with the will annexed of the B Court dec'd~~ it is granted him ~~for obtaining a probate thereof in due form~~ the executor giving no security to be taken he ~~giving~~ bond, whereupon he ~~f~~

Test Samuel Kello DC

a Copy

Middleton DC

I Henry Blunt of Southampton County, do make and ordain this to be my last will and Testament, in manner and form following that is to Say, First I desire that my just debts and funeral expences Should be paid Secondly I Give to my nephew Henry Day, three hundred pounds to School and educate him, and the money to be paid for his tuition at the discretion of my executors hereafter named, untill the whole Sum is exhausted, and no interest Shall accrue thereon, but if he Should die before he arrives to the age of twenty one years, if there Should be any balance of the above mention Sum, in the hands of my executors it Shall remain in my estate. Thirdly I Give to Dolly Singleton White Forty Pounds Current money of Virginia — Fourthly I Give to Pepe Cooper Son of Susanna Cooper Ninety pounds Current money of Virginia. Fifthly I give to my nephew Benjamin Edwards Blunt, the first Choice of my Horses, and the first choice of my negro boys that dose not exceed fifteen years of age, and the said Benjamin Shall make his own choice, to him and his heirs forever — Sixthly I Give to Henry Ridley Blunt Son of Anne Delony, the Sum of five Shillings Current money of Virginia — Seventhly I Give to Joel Gizzard, Son of Phoeba Gizzard the Sum of five Shillings, Current money of Virginia — Eighthly I Give to my brother Benjamin Blunt all my lands and Plantations, lying and being in the County of Southampton and all my negroes of every discription not heretofore disposed of together with all the rest and residue of my whole estate not before given away to him and his heirs forever. It is my will and desire that my three negro women, namely, Pink, Peg and Aggy Should never be put under an overseer, but to be well treated as long as they live, and if either of them Should be disabled through age or infirmity I request that they may be taken Care of and well Supported out of my estate — Lastly I do Constitute and appoint my beloved brother Benjamin Blunt my whole and Sole executor of this my last will and Testament, And I also direct that my executor Shall not be Compelled to give Comon Security for the Settlement of my estate, and that my estate Shall not be appraised In Witness Whereof I have hereunto Set my hand and affixed my Seal this tenth day of April One Thousand eight hundred and eight —

Henry Blunt (Seal)

Signed, Sealed, Published and declared
to be the last will and Testament of
the Testator In Presence of
Ephraim Gee, Edmund Turner Jr, Cordall Francis
Darnell Turner