

1837-022

SOUTHAMPTON COUNTY
CHANCERY PAPERS

FOSTER'S ADM'R. VS. BLUNT'S EX'R. et al.

11/1837

other surnames: Westbrook,
Goodwin, Gurley, Goodwyn

I, Wm C Parker, an attorney practicing
in the circuit superior court of law and
Chancery for the County of Southampton,
certify that I have examined the
record in this case, & am of opinion
that there are errors sufficient to
warrant the reversal of the
verdict.

W C Parker

Appeal Dismissed awarded
on the usual terms.

Rich. H. Baker

Nov. 3. 1835.

To the Clerk of the circuit
sup. court of Law & Chy.
for Southampton County

Tricks
as
Baker & Co

the petition of Henry Waller and more of Na-
thaniel Dexter who was auditor of the same,
Westbrook respectfully represents -

That on the 15th of May 1815 his interdict obtained
an injunction from the County Court of Suffolk
for, to a judgment of the said Court at common
law, obtained against him as the executor
of the said Nathaniel Westbrook by some
Blunt auditor &c of Robert Goodwin
for the benefit of George Gentry that
after various proceedings, at June
term of the Court of Chancery, sitting in
the year 1833, the injunction
was dissolved and the bill of the plaintiff
dismissed with costs. Your petitioner
is advised, that the said proceedings were
erroneous, in this that the proper parties
were not before the Court, nor proper
steps taken to bring them before the Court,
& that the bill ought not to have been
dismissed, at the same time when the
injunction was dissolved even if it
had been proper in other respects to
dissolve the same, & also that there
are many other errors in the said proceed-
ings - For which reasons your
petitioner prays, that a rehearing
& appeal from the said decree &c
Henry Waller

Waller adm & P

n { Supersedeas

Blunt ad

1836 April Term

Parker

Executed by ~~subscribing~~
a true copy. December
30/1835- to Sam^r Blunt & of
say^r Blunt and - - -
say^r Durang and of - - -
Benj^r Durang 54/ff

The Commonwealth of Virginia. To the Sheriff of Southampton County
Greeting. We command you that from all further proceedings on a decree of the
Court of Southampton County, obtained on the 16th day of June 1835, by Samuel
Blunt ~~Executor~~ of Robert Gordon vs. against Drury Waller admor
of Nathaniel Foster dec^d who was admor of Thomas Whitbrook dec^d, whereby an
Injunction awarded the said Nathaniel Foster as admor of Thomas Whitbrook dec^d
to injoin all proceedings on a judgment at Law rendered in the said County Court
in favour of Samuel Blunt admor of Robert Gordon dec^d for the benefit of
George Gurley, was dissolved and the bill of the plaintiff dismissed with costs, you
altogether supersede, which decree before the Judge our Hon^{ble} Superior Court of
Law and Chancery for Southampton County, for cause of error in the same to be
corrected, on the humble petitions of the said Drury Waller admor of Nathaniel
Foster dec^d who was admor of Thomas Whitbrook dec^d we have cause to come.
We also command you that you give notice to the said Samuel Blunt ~~Executor~~
~~as before~~ that he be before the Judge of our said Hon^{ble} Superior Court of Law
and Chancery at the Courthouse on the first day of the next Term, then and there
to have a rehearing of the whole matter in the decree aforesaid continued.
And have then there the writ. Witness I R. Edwards Clerk of our said
Court at the Courthouse the 10th day of November 1835 in the 60th year of the Com-
monwealth.

I R. Edwards

Foster

„ Zertiorari.

Blunt

The Commonwealth of Virginia: to the Clerk of the Court of Southampton County, Greeting:
Whereas Drury Waller administrator of Nathaniel Foster deceased who was administrator
of Thomas Wallbrook deceased sued out of the Circuit Superior Court of Law and Chancery for our
said County, a writ of Superseas to a ~~plea~~ of the said County Court, obtained against him
by Samuel Blunt administrator of Robert Gordon dec^d the 16th day of June 1835 in a suit
in Chancery instituted in the said County Court, in order to have a rehearing of the whole mat-
ter in the decree aforesaid contained. Therefore, we command you, that the Record and pro-
ceedings in the said suit, with all things touching the same, as fully and wholly as they now
exist among the records of your Office, to the Judge of our said Circuit Superior Court of
Law and Chancery at the Court house on the first day of the next Term, under your hand
and Seal, you do certify and safely send enclosed to the Clerk of the said Circuit Superior
Court of Law and Chancery together with this writ. Witness my Lethen R Edwards
Clerk of our said Circuit Superior Court of Law & Chancery at the Court house of said County
this 16th day of November 1835 in the 60th year of the Commonwealth

L. R. Edwards Ck

43. It is remembered that at a Court held for the County of Southampton on the
15th day of May in the year 1815. On the motion of Nathaniel Foster admin-
-istrator of Thomas Westbrooks deceased who filed his bill in the following words
to wit: "To the worshipful Court of Southampton in Chancery sitting: Humbly
Complaining sheweth unto your worships your Orator a Nathaniel Foster adminis-
-trator of Thomas Westbrooks dec^d. that a certain William P Westbrooks late of the
County departed this life sometime in the year intestate and his estate by an
Order of Southampton Court was committed to a certain Robert Goodwyn then
Sheriff of said County then entitled to administration having refused to undertake
the management thereof: That the said Thomas Westbrooks your Orator's intestate
executed his bill p^{inae} to the said Robert Goodwyn with a certain J^{es} Brown
his security for the payment of the just sum of Eighty dollars & 4 Cents pay-
able on or before the 11th of Decr 1805. for articles as your Orator believes purchased
at the sale of the estate of the said W^m P Westbrooks dec^d. That the said
W^m P Westbrooks and predece^d of a considerable personal estate and at the time
of his death was but little involved in debt: That the said Thomas Westbrooks
was one of the distributees of the said W^m P Westbrooks That after the death of
Thos Westbrooks your Orator qualified as adm^r. of said Thomas having and
intestate. That the said Robert Goodwyn Sheriff to whom the said estate was
committed departed this life intestate & a certain Samuel Blunt qualified as
adm^r. of the said Goodwyn That since the death of the said Robert Goodwyn
your Orator hath frequently called on the said Samuel Blunt for a settle-
ment of said Goodwyn's transactions upon the estate of the said W^m P West-
brooks believing that a considerable sum of money was due to Thos Westbrooks
estate as much at least as will amount to the sum in the Pending bond. That
he has never been able to effect a settlement and hath ordered a suit for the pur-
pose of attaining that object. Notwithstanding the promises the said
Samuel Blunt as the adm^r. of said Robert Goodwyn hath instituted a suit
upon the bill p^{inae} before mentioned for the benefit of a certain George Burby
hath recovered a judgment against your Orator and hath sent out an execution
against your Orator and your Orator hath been compelled to execute his forth-
coming bond which is at this time forfeited and without the aid of this Court
a second fee for will shortly issue all which is contrary to justice & equity:
In Tender Consideration whereof and in as much as your Orator is without remedy
save in a Court of equity where matters of this kind are properly and alone
cognizable he prays that the said Samuel Blunt adm^r. of said Robert
Goodwyn and the said George Burby may be made defendants hereto and
be compelled upon their Corporate Oaths full true and perfect answer to make to
all and singular the allegations herein contained fully and unreservedly - and
he further prays that all further proceedings upon the forthcoming bond afore-
mentioned may be enjoined by your worships until the matters and things
herein stated can be fully made and determined in equity: That the said
Samuel Blunt be compelled to render to this Court a just and true account
of the transactions of the said Robert Goodwyn upon the estate of the
said W^m P Westbrooks and finally that your worships would grant any

other or further relief in the premises which may be consistent with justice and equity and he will ever pray &c.

Suon. to in open Court
R.R.

An injunction is awarded him to injure all further proceedings on a judgment obtained against him by Samuel Blunt administrator of Robert Goodwyn deceased for the benefit of George Gurley upon his entering into bond with surety as the Law directs.

Afterwards to wit: At a Court held for the County aforesaid on the day of January 1821 On the motion of the Defendant Gurley who filed his answer in the following words to wit: "To the worshipful County Court of Southampton in Chancery sitting."

The separate answer of George Gurley to a bill of injunction exhibited in Chancery in Southampton County Court by Nathaniel Foster adm. of Thomas Westbrooks dec. against Samuel Blunt adm. of Robert Goodwyn dec. inel. himself:

This Defendant saving and reserving to himself all and every benefit of exception to any errors in the Complainant's bill contained or so much as he is aware it is material to answer such: That he knows nothing of the allegations as set forth in the Complainant's bill the manner in which the bond was executed or the debt contracted; he can only say that the note or bond aforesaid was paid over to him by Jesse Brown for a valuable consideration: The defendant having answered through your worship to dissolve the Injunction as aforesaid & give him the benefit of his Judgment & denying all fraud combination &c. prays him to be dismissed with his costs &c. &c. as in duty will ever pray &c.

Southampton County to wit:

This day George Gurley personally appears before me Thomas Trotter a Justice of the Peace for the aforesaid County & makes oath that the allegations in the within answer are true so far as he knows or believes. Given under my hand this 17th day of May 1819.

Thos Trotter *Just*

To which answer the Plaintiff replied generally: It is Ordered that unless this Cause be revived on or before the first day of next Court the same will stand dismissed and it is further decreed and Ordered that the Sheriff give due notice of this motion to the parties.

Afterwards: At a Court held for the County aforesaid the 19th day of July 1821

The plaintiff being dead: On the motion of Drury Waller his administrator and by consent of the defendants this suit is revived in the name of the said Drury adm. as aforesaid:

Afterwards: At Rules held in the Clerk's Office of the County Court aforesaid on the first Monday in August 1825. Came the Defendant Samuel Blunt adm. of Robert Goodwyn dec. by his Counsel and filed his answer in these words to wit: "The answer of Samuel Blunt to a bill of Complaint exhibited in this Court by Nathaniel Foster as adm. of Thos Westbrooks dec. against this Respondent as adm. of Robert Goodwyn dec. & George Gurley."

This Respondent for answer to the said bill answering says that it is true that he obtained letters of adm. on the said Goodwyn's estate

and acted in that Character: That it is true that the said Goodwyn as Sheriff of this County has the estate of Wm J. Westbrooks committed to his hands for administration; and that he does not deny because he is not sufficiently informed to do so, that the bond on which suit has been instituted Judgment recovered &c. as stated in the Compl't bill was given by Thomas Westbrooks for purchase at the sale of the said Wm J. and that the said Thomas was entitled to a legacy under this will: But your respondent states to the Court that by an Order of this worshipful Court your respondent surrendered his letters of administration on the said Goodwyn's estate and this Court proceeded to grant letters of administration de bonis non to a certain Benjamin Cobb to whom as well the papers & effects remaining in your respondent's hands connected with the said Goodwyn as the said Westbrooks estate were surrendered - and who is the proper person your respondent is advised to call upon for a settlement, in due he is informed that the heirs of the very Thomas Westbrooks have instituted a suit in the Wm Burg Chancery Court with others in the name of the adm. de bonis non of Wm J. Westbrooks dec. for the purpose of having a settlement of the said Goodwyn's acts on the said Wm's estate and to recover any balance which may be due thereon - And having answered he prays to be times dispensed denying all fraud combination &c.

Saml Blunt

Southampton County to wit:

This day Samuel Blunt made oath before me to the foregoing answer. Given under my hand at the County aforesaid this 17th day of July 1825.

Saml B. Niles J. P.

To which answer the plaintiff replied generally and thereupon General Committment was awarded the parties to examine and take the depositions of their Witnesses giving each other reasonable notice of the Time and place of executing the same.

Afterwards to wit: At Rules held in the Clerk's Office aforesaid on the first Monday in November in the year 1825 aforesaid. On the motion of the Plaintiff by his Counsel this Cause is set down for argument:

Afterwards to wit: At a Court held for the County aforesaid the 21st day of June in the year 1826 On motion of the Defendant it is decreed and Ordered that the Injunction awarded the plaintiff stand dissolved as an act of this day unless the said plaintiff shall by proper process make the present representatives of Robert Goodwyn and the representatives of Wm J. Westbrooks est. parties to his bill on or before August Court next & it is ordered that a Copy of this Order be served on the plaintiff Waller adm. of Foster.

Afterwards to wit: At a Court held for the County aforesaid the day of June in the year 1827 On the motion of the Defendant it is Ordered that the injunction awarded the plaintiff stand dissolved as an act of this day unless the said plaintiff by proper process make the present representatives of Robert Goodwyn and the representatives of Wm J. Westbrooks estate parties to his bill on or before July Court next, and it is ordered that a copy of this Order be served on the plaintiff Waller adm. of Foster.

Afterwards to wit: At a Court held for the County aforesaid the 16th day of June 1835. On motion made for reasons appearing to the Court it is Ordered

that the Injunction awarded the plaintiff in this cause on the 15th day of May 1815 be dissolved that the Bill of the plaintiff be dismissed and that the Plaintiff pay to the defendant their costs about this defence in this behalf expended.

Attest Justo L.R. Edwards Ck

#45 11

of order

as { Copy Record?

Admitted 22

1835 Jan. Sup. 4 of 10
1836 Apr. Bookings & cases

Oct. Bond 2

1837 Apr. Bond of Plaintiff & Plaintiff

Aug. 22 1837

July 11 1837

Oct. 11. Or. of Bond for recovery of stock

July 21st On of Plaintiff & Plaintiff

Aug. 22 1837

5 Aug. — 3 24.

Bill Book

1837 1838

1837 1838

1837 1838

1837 1838

Be it remembered that at a Court held for the County of Southampton on the 15th day of May in the year 1815 On the motion of Nathaniel Foster administrator of Thomas Westbrook deceased, who filed his bill in the following words to wit "To the worships Court of Southampton in Chancery sitting: Humbly complaining sheweth unto your worships your orator Nathaniel Foster administrator of Thomas Westbrook decd., that a certain William P. Westbrook late of this County departed some time in the year intestate and his estate by an Order of Southampton Court was committed to a certain Robert Goodwin then Sheriff of said County then entitled to administration having refused to undertake the Management thereof: That the said Thomas Westbrook your orator intestate executed his bill penal to the said Robert Goodwin with a certain Jesse Browne his security for the payment of the just sum of Eighty dollars & 24 cents payable on or before the 11th of Decr. 1815 for articles as your Orator believes purchased at the sale of the Estate of the said Mrs. Westbrook decd. That the said Wm. P. Westbrook was possessed of a considerable personal estate and at the time of his death was but little involved in debt: That the said Thomas Westbrook was one of the distributees of the Wm. P. Westbrook, that after the death of Thos. Westbrook your orator qualified as adm^r of said Thomas he having died intestate. That the said Robert Goodwyn Sheriff to whom the said estate was committed departed this life intestate & a certain Samuel Blunt qualified as adm^r of the said Goodwyn, that since the death of the said Robert Goodwin your Orator hath frequently called on the said Samuel Blunt for a settlement of said Goodwyn's transaction upon the estate of the said Wm. P. Westbrook believing that a considerable sum of money was due to the Westbrook's estate as much at least as will amount to the sum in the f. coming bond. That he has never been able to effect a settlement and hath craved a suit for the purpose of attaining that object. Notwithstanding the premises the said Samuel Blunt as the adm^r of said Robert Goodwyn hath instituted a suit upon the bill penal before mentioned for the benefit of a certain George Garley hath recovered a judgement against your Orator and hath sued out an Execution against your orator, and your Orator hath been compelled to execute his forthcoming bond which is at this time forfeited and without the aid of this Court a second fine will shortly issue, all which is contrary to Justice & equity: In tender consideration whereof and in as much as your orator is without remedy save in a Court of equity where matters of this kind are properly and alone cognizable he prays that the said Samuel Blunt adm^r of said Robert Goodwyn and the said George Garley may be made respondents hereto

and be compelled upon their corporal oaths, full and perfect answers to make to all and singular the allegations herein contained fully and unreservedly. And he further prays that all further proceedings upon the forthcoming bond aforesaid may be enjoined by your worship's until the matters and things herein stated can be fully heard and determined in equity: That the said Samuel Blunt be compelled to render to this Court a just and true account of the transactions of the said Robert Goodwyn upon the estate of the said Mrs Westbrooke, and finally that your worship's would grant any other or further relief in the premises which may be consistent with justice and equity, and he will ever pray &c."

Sworn to in open Court. J.R."

An Injunction is awarded him to enjoin all further proceedings on a judgment obtained against him by Samuel Blunt administrator of Robert Goodwyn deceased for the benefit of George Gurley upon his entering into bond with security as the Law directs.

Afterwards to wit: At a Court held for the County aforesaid on the day of January 1821. On the motion of the defendant Gurley who filed his answer in the following words to wit: "To the Worshipful County Court of Southampton in Chancery. The separate answer of George Gurley to a bill of injunction exhibited in Chancery in Southampton County Court by Nathaniel Foster administrator of Thomas Westbrooke deceased against Samuel Blunt administrator of Robert Goodwyn deceased and himself.

This defendant saving and reserving to himself all and every benefit of exception to any errors in the Complainant's bill contained or so much as much as he is advised it is material to answer saith: That he knows nothing of all the allegations as set forth in the Complainant's bill the manner in which the bond was executed or the debt contracted he can only say that the note or bond aforesaid was paid over to him by Jesse Browne for a valuable consideration: The defendant having answered prays your worship's to dissolve the Injunction as aforesaid & give him the benefit of his Judgment &c Denying all fraud combination &c. pray hence to be dismissed with his cost &c &c as in duty well ever pray &c."

Southampton County to wit: This day George Gurley personally appeared before me Thomas Pottow a Justice of the Peace for the aforesaid County & made oath that the allegations in the within answer are true so far as he knows or believes. Given under my hand this 17th day of May 1819.

The Pottow Seal

To which the Plaintiff replied generally: It is ordered that unless the cause be revived on or before the first day of next Court the same will stand dismissed, and it is further decreed and ordered that the Sheriff give due notice of this motion to the parties.

Afterwards: At a Court held for the County aforesaid the 19th day of Feb. 1821 The Plaintiff being dead: On the motion of Drury Waller his administrator, and by consent of the defendants this suit is revived in the name of the said Drury administrator as aforesaid.

Afterwards: At Rules held in the Clerk's Office of the County Court aforesaid on the first Monday in August 1825, came the Defendant Samuel Blunt administrator of Robert Goodwyn deceased by his counsel and filed his answer in these words to wit: "The answer of Samuel Blunt to a bill of Complaint exhibited in this Court by Nathaniel Foster as administrator of Thomas Westbrooke deceased against this Respondent as administrator of Robert Goodwyn deceased by George Gurley.

This Respondent for answer to the said bill answering says that it is true that he obtained letters of administration of the said Goodwyn's estate and acted in that character: That it is true that the said Goodwyn as Sheriff of this County had the estate of Mrs Westbrooke committed to his hands for administration: and that he does not deny because he is not sufficiently informed to do so that the bond on which suit has been instituted, Judgment reversed &c as stated in the Complainant's bill has been given by Thomas Westbrooke for purchases at the sale of the said Mrs. and that the said Thomas was entitled to a legacy under his Will. But your respondent states to the Court that by an order of this worshipful Court your respondent surrendered his letters of administration on the said Goodwyn's estate and this Court proceeded to grant letters of administration as bonds now to a certain Benjamin Cobb to which as well the papers & effect remaining in your respondent's hands connected with the said Goodwyn's as the said Westbrooke's estate were surrendered and who is the proper person, your Orator is advised to call upon for a settlement, indeed he is informed that the heirs of the very Thomas Westbrooke have instituted a suit in the High Court of Chancery with others in the name of the administrator as bonds now of Mrs. Westbrooke deceased for the purpose of having a settlement of the said Goodwyn's assets on the said Mrs's Estate and to recover any balance which may be due thereon. And having answered he pray to be hence dismissed, denying all fraud combination &c. Sam. Blunt"

Southampton County to wit:

This day Samuel Blunt made before me to the foregoing answer. Given under my hand at the County aforesaid this 17th day of July 1825
Saml. Robbins J.P.

So which answer the plaintiff replied generally and thereupon General commissions were awarded the parties to examine and take depositions of their witnesses giving each other reasonable notice of the time and place of executing the same.

Afterwards to wit. At Rules held in the Clerk's Office aforesaid on the first Monday in November, in the year 1825 aforesaid. On the motion of the plaintiff by his Counsel this cause is set down for argument:

Afterwards to wit. at a Court held for the County aforesaid the 21st day of June in the year 1826. On motion of the defendant it is decreed and ordered that the injunction awarded the plaintiff stand dissolved as an act of this day unless the said plaintiff by proper process make the present representative of Robert Goodwyn and the representatives of W^m Westbrooke's Estate, parties to this bill on or before July court next, and it is ordered that a copy of this order be served on the plaintiff Walter adm^r. of Foster.

Afterwards to wit. At a Court held for the County aforesaid the 16th day of June 1835. On motion and for reasons appearing to the Court it is ordered that the Injunction awarded the plaintiff in this cause on the 15 day of May 1815 be dissolved that the bill of the Plaintiff be dismissed and that the plaintiff pay to the defendants their cost about their defence in this behalf expended.

Attest. Teste. L. R. Edwards Clk

I Littleton R Edwards Clerk of the County Court of Southampton County do hereby certify that the foregoing is a true transcript of the Record and proceedings in a certain Suit lately depending in the said County Court between Drewry Waller administrator of Nathaniel Foster deceased who was administrator of Thomas Westbrooke dec^d plaintiff and Samuel Blunt administrator of Robert Goodwyn deceased, with all things touching the same as fully and wholly as they now exist among the Records of my Office - Given under my hand and Seal at my Office the 31st day of March 1836.

L. R. Edwards Seal

Clery
Blunt & Co
copy of Record

to 5.6

Forster's account

in 3 parts

Wilmot's Error &c

1837 October 1st

Executed

John Brown and
Benjamin Griffin Esq.

The Commonwealth of Virginia: To the Sheriff of Southampton County, Greeting-
Whereas, lately in our Court of said County, Court on the 16th day of June 1835 in a
certain injunction therein depending between DREWY Waller administrator of Nathaniel
Foster deceased who was administrator of Thomas Westbrook deceased plaintiff against
Samuel Blunt administrator of Robert Gordwyn dec^d and George Gurley defendants-
It was ordered that the injunction awarded the plaintiff on the 15th day of May 1815
be dissolved, that the bill of the plaintiff be dismissed and that the plaintiff pay to the
defendants their costs about their defence in that behalf expended, as by the record and
process thereupon which by reason of a writ of Superseas, before the Judge of our
Circuit Superior Court of Law and Chancery for our said County for cause of error
in the same to be corrected, on the humble petition of the said DREWY Waller
administrator of Nathaniel Foster dec^d who was administrator of Thomas Westbrook
dec^d we have caused to come, appears. And whereas before a rehearing of the
whole matter in the decree aforesaid contained could be had, the said Samuel
Blunt and George Gurley both departed this life. the said Samuel Blunt
having first made and published his last Will and Testament in writing and
thereof appointed Samuel Blunt Executor who hath proved the same and taken
upon himself the burden of the execution thereof - the said George Gurley having
dec^d intestate administration of all and singular his goods and chattels rights
and credits ~~of the said George Gurley~~ hath been in due form committed to John M
Gurley, and the undistributed estate of the said Robert Gordwyn hath been in
due form committed to Benjamin Griffin Sheriff of the County of Southampton
for administration according to law. And the said DREWY Waller administrator of
Nathaniel Foster dec^d who was administrator of Thomas Westbrook dec^d hath suppli-
cated us for a proper remedy in this behalf, and we being willing that the error in
the said decree if any, should be corrected, and speedy justice done to the parties,
Command you that you make known to the said Samuel Blunt executor of Sam^l
Blunt dec^d, John M Gurley adm^r of George Gurley dec^d and Benjamin Griffin
Sheriff and administrator de bonis non as aforesaid of Robert Gordwyn dec^d that
they be before the Judge of our Circuit Superior Court of Law and Chancery for
the County aforesaid on the first day of the next Term to shew cause if any they
can why the said Dec^y should not be reversed against them, The decree aforesaid
examined and the error, if any, corrected, and further to do and receive what our said
Court shall in that part consider. And have them shew this Writ -
Witness Lillieton R Edwards Clerk of our said Court at the Courthouse the 16th day
of July 1837 in the 6th year of the Commonwealth -

L R Edwards Clk

In the year — William P. Westbrooke died intestate ~~and~~
and his estate was committed to Robt Goodwin
then Shff for Administration. It is charged that Thomas
Westbrooke a distributee of William P. Westbrooke execu-
ted his bond with one Peper Browne security to Robt.
Goodwin Shff. and adm^r. as aforesaid for articles
purchased at the sale of said Wm P. Westbrooke amount-
ing to ~~\$52.44~~ cents payable in 1805. This bond was
at a subsequent time transferred by Peper Brown the
security to George Gurley for a valuable consideration
and suit instituted on it by Saml. Blunt adm^r of
Robt Goodwin for the benefit of George Gurley. Judg-
ment was obtained on this execution ~~and~~ a F.C. bond
^{was} taken and forfeited. Prior to this time Thomas Westbrooke
died, and Nathl Foster qualified on his estate, and
having given a F.C. Bond for the debt aforesaid he
then obtained an injunction in the year 1815 — which
was dissolved & in 1835 — ~~to this a supersedeas was awarded~~
~~by certiorari~~ on the ground that the proper parties
were not before the court.

It seems to me that neither Wm P. Westbrooke's estate nor his
representative is at all interested in this matter.
For the bond was given to the Representative of Wm P.
Westbrooke and paid by the security — the estate therefore
of Wm P. Westbrooke has once received it — and the security
~~has~~ has his action against the Principal Thos. Westbrooke

Thos. Westbrooke dying, Nathl Foster qualified on his
estate — who also having died, Henry Waller
qualified as ~~his~~ adm^r.

True.