

1838-003

SOUTHAMPTON COUNTY
CHANCERY PAPERS

WESTBROOK'S ADM'R. VS. GOODWYN'S ADMR + al
Foster's admr vs Blunt's extor + al

12/1838

other SURNAMES: Gurley
Goodwyn,

Foster's ams

Blunt's exor } Lespy Record

For Col Parker

1838 Apr. Superseded as ordered

" Dec. Dismissed

Forster adm^{rs} 340

Blount adm^{rs} 3 Rice

May 1855 by granted

Jan'y 1851 Cont. ord.
Thus unless this Sur is revised
by the next Cont the same
will stand as is -

Feb'y 1851 Revised by comm^{rs} on
the name of Dr. Hallen ad. ~~Dr. Hallen~~

To the worshipful Court of Southampton in Chancery sitting -
Humbly complaining sheweth unto your worships your orator
Nathaniel Foster admr of Thomas Nutbrook decd. That a certain
William P. Nutbrook late of this County departed this life sometime
within 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 the administration having
refused to undertake the management thereof. That the
said Thomas Nutbrook your orator's intestate executed his
last will to the said Robert Goodwyn with a certain
Jesse Brown his security for the payment of the joint
sums of Eighty dollars ^{or 84 cents} payable on or before the 11th of Decr
1805 for articles as your orator believes purchased at the
sale of the estate of the said Wm P Nutbrook decd. That
the said Wm P Nutbrook died possessed of a considerable
personal estate and at the time of his death was but
little involved in debt. That the said Thomas Nutbrook
was one of the distributees of the said Wm P Nutbrook
That after the death of the said Nutbrook your orator qualified
as the admr of said Thomas he having died intestate. That
the said Robert Goodwyn Sheriff to whom the said estate
was committed departed this life intestate and a certain
Samuel Blunt qualified as admr 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 settlement of said Goodwyn's transactions
upon the estate of the said Wm P Nutbrook, believing
that a considerable sum of money was due to the
as much at least as ^{will amount} to the sum in the Fleming bond
Nutbrook estate, that he has never been able to effect
a settlement and hath ordered a suit for the purpose
of attaining that debt. Notwithstanding the
premises the said Samuel Blunt as the admr

of said Robert Goodwyn. hath instituted a suit upon
the ~~Bill~~ ^{Bill} before mentioned for the benefit of a
certain George Gurley. hath received a judgment
against your orator, and hath sent 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 ~~for~~ ^{for} will shulldiffund all which
is contrary to justice and equity. In tender consid-
eration whereof and in as much as your orator is
without remedy saved in a Court of equity where
matters of this kind are properly and alone cognizable
he prays that the said Samuel Blount and
said Robert Goodwyn and the said Geo Gurley
may be made defendants unto him and be compelled
upon their corporate oaths, full true and perfect
answer to make to all and singular the allegations
herein contained fully and unequivocally - and
he further prays that all further proceedings upon
the forthcoming ^{bond} ~~of~~ ^{as} mentioned may be enjoined
by your worship until the matter and things
herein stated can be fully heard and determined
in equity. That the said Samuel Blount 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 William
P Westbrook and finally that your worship
would grant any other or further relief in the
premises which may be consistent with justice

Sworn to in open court

To Richard Baker Esq. Judge of the Circuit Court of
of law and chancery for Southampton County.
The petition of Drury Mallett and or of Talke
Tolke who was an or of Thomas M. Brooks and
respectfully sheweth that at ^{a Circuit Court of law} ~~County~~ ^{and chancery} held for
the County of Southampton held on the first of
Nov. 1837, a suit was then depending in the
nature of a Supersedeas between some petitioners
and some respondents. Blunt errors of some Blunt
and others, in which the said Court
then and there ordered that the ~~same~~ ^{same} order
of the County Court formerly made in the said
case be reversed and annulled, and
that the respondents out of the estate of their
testator and intestate in their hands to be
administered pay to the p^{et}r his costs by him
incurred in the prosecution of his said
suit, and that the case be sent back to
the County Court with directions to redo
-but it, and send it to the rule for further
proceedings. - That in the County Ct of
Southampton thereafter, an order was made
that the said case be redocketed sent
to the rule of the said County Court for
further proceedings; and that afterwards
to wit, at a Court held for said County
the 19 March 1838, while the said case
was still at rule, the said County Court
made the following order to wit: "The
p^{et}r having failed to file this amended bill
at rule, the case came on to be heard
on the paper formerly made, whereupon, on
motion of the de^fs. ^{on a copy of the record} ~~the~~ ^{the} case
was dismissed with costs, for this, other
reasons, now petitioned pray, that a
writ of Supersedeas may be awarded
him to correct the errors aforesaid

I Wm. B. Parker, attorney practicing in
the Circuit Superior Court of Law &
Chy. for the County of De Kalb, and
humbly of opinion, that sufficient
matter of error appears in the fore-
going record to authorize the same
to be reversed. —

Wm. B. Parker

Wentworth County to visit.

This day George Smiley personally appeared before me Thomas Peltow a Justice of the Peace for the aforesaid County & made oath that the allegations in the within libel are true so far as he knows or believes — Given under my hand this 1st day of May 1869 —

Wm. Peltow J. P.

Attest for County

John W. Smith

George E. Smiley

To the Worshipful County Court of Southampton, in
Chancery sitting —

The separate answer of George Searley to a bill
of injunction exhibited in Chancery in Southampton County
Court by Nathaniel Foster admr. of Thomas Westbrook dec.
against Samuel Blunt admr. of Robert Soderberg dec. & himself.

This defendant saving & reserving to himself all
every benefit of exception to any error in the Complainants
bill contained or to so much as he is advised it is material
to answer, saith — That he knows nothing of the allegations
as set forth in the Complainants bill, of the manner in which
the bond was executed or the debt contracted he can only
state, that the note or bond aforesaid was given over to
him by Leper Brown for a valuable consideration.

This defendant having answered, Prays your Worship to deprecate
the injunction as aforesaid & give him the benefit of his Inquest
do. Denying all fraud, combination &c. Prays hence to be
dismissed with his costs &c. &c. is in duty well ever
Pray &c.

The answer of Saml. Blunt to a bill of complaint exhibited to this Court, by Nathl. Foster as admr. of Thos Westbrooks decd against this Respondent as admr. of Robt Goodwyn decd and George Hurley.

This Respondent for answer to the said Bill, answering say, that it is true that he obtained letters of admr. on the said Goodwyns Estate, and acted in that character, that it is true that the said Goodwyn as sheriff of this County, had the estate of Mr. P. 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 Compts bill, was given by Thomas Westbrooks for purchase at the sale of the said Mr. P. 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 honorable Court, your Respondent saw & rendered his letters of administration on the said Goodwyns estate, and this Court proceeded to grant letters of administration &c. to one is a certain Benjamin Cobb, to whom as well the papers & effects remaining in your Respondents hands, connected with the said Goodwyns as the said Westbrooks estate were surrendered - and who is the proper person, your Respondent is advised to call upon for a settlement - indeed he is informed, that the heirs of this very Thomas Westbrooks have instituted a suit in the Wm. Burg Chy. Court, in the name of the admr. de bonis non of Mr. P. Westbrooks decd. for the purpose of having a settlement of the said Goodwyns estate on the said Mr. Cobb, and to

recover any tollance which may be due thereon -
and having answered, he prays to be heard dismissed
denying all fraud, combination &c

Sam^d Blunt
[Signature]

Southampton County to wit.

This day Sam^d Blunt made
oath before me to the foregoing quorra - Given
under my hand at the County afores^d. this 17th
day of ~~July~~ 1875 -

James B. Blunt J.P.

340

Blunt adm^d. &c

at &
adm^d.

For the adm^d. &c

Tiled 18th July 1875

June 1876. Order for deposition &c

June 1877. Order for Deposition &c

35. In re: Injunct: dissolved &c

1837. Nov. - Diverge of Sir. Sup. Ct.
received. & because not checked &
sent to the Rules

1838. Mar. Injunct: Dissolved &c

Fortland ~~and~~ ^{the} Cont. ord.
Blunt ad ~~the~~

To Felty. Ct. 1821

Copied to
A. C. M. M. M. M. M.
of Geo. W. M. M. M.

Southampton County January Court 1821

Nathaniel Foster administrator of Thomas Westraak and
against

Samuel Blunt agent of Robert Gooswyn and and

George Furlay

Defendant

Upon an
Injunction

on the motion of the defendant Furlay by his Counsel Memorandum B
Broomey. It is decreed and ordered that unless this cause be removed on or
before the first day of the 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

Teste: A. Middleton D.C.

Waller ad: }
no } CO
Blunt ad: }

Southampton June County Court 1827

Drewy Waller admth of Nathl. Foster ac^{ts} who
was admth of Thomas Westrook ac^{ts} --- Plt
against

Samuel Blunt admth of Robert Goodwyn ac^{ts}
and George Smiley --- Dfts

Upon an
Injunction

On the motion of the defendants it is decreed and ordered
that the Injunction annuls the plaintiffs Stand resolves as an
act of this day unless the said Plaintiff shall by proper
process make the present representatives of Robert Goodwyn
the representative of Mr. P. Westrooks estate parties to this bill
on or before Saturday court next and it is ordered that a copy
of this order be served on the Plaintiff Waller admth of
Foster —

Attest Teste Rochele C.
H

Fosters adm

" } Copy Deened.

Blunts Exor: H.

Southampton Circuit Superior Court Law & Chancery November 1st 1837

Drewry Waller administrator of Nathaniel Foster dec.^d
who was administrator of Thomas Westbrook dec.^d
against

Plff

Upon a writ of
Superedeas to an
order of the County
Court of Southampton
made on the 16th

Samuel Blunt Executor of Samuel Blunt dec.^d John M Gurley
administrators of George Gurley dec.^d and Benjamin Griffin
Sheriff and administrators of Robert Goodwyn dec.^d Dfs

day of June 1835 whereby an injunction awarded on the 15th day
of May 1815 enjoining all further proceedings upon a judgment
obtained in the said County Court by Samuel Blunt administrator
of Robert Goodwyn dec.^d for the benefit of George Gurley was
dissolved and the plaintiffs bill dismissed with costs.

This day came the parties, by their Counsel and for reasons appearing to
the Court, it is ordered that the order made in this cause on yesterday be set
aside, and thereupon the cause coming on again to be heard upon the
transcript of the record of the order aforesaid, was argued by Counsel.
On consideration whereof it seems to the Court here that the order of the
County Court aforesaid is erroneous - Therefore it is decreed and ordered
that the same be reversed and annulled, and that the defendants out of the estates
of their testator and intestates in their hands to be administered pay to the
plaintiff his costs by him expended in the prosecution of his writ aforesaid
here, and that the cause be sent back to the County Court with directions to
re-docket it, and send it to the Rules for further proceedings.

Atty Teste L R Edwards Clk

C

C.S.6

Fosters adm

as } Supr.

Blunts Exor &c

In October Term 1838

Parker

Executed

As. H. Wall Dr. &

As. D. Mapleton S. H.

The Commonwealth of Virginia: To the Sheriff of Southampton County.
We command you that from all further proceedings on a decree of the County
Court of Southampton, rendered on the 19th day of March 1838 in a
Suit depending therein between Drewry Waller admin^r of Nathaniel
Foster dec^d Plaintiff against Samuel Blunt Executor of Samuel Blunt
dec^d John M Gurley Exor^r of George Gurley and Benjamin Griffin Sheriff
and administrators of Robert Goodwyn dec^d Defendants whereby the cause
was dismissed with costs you altogether supersede, which decree before
the Judge of our Circuit Superior Court of Law & Chancery, for cause of
error in the same to be corrected, on the humble petition of the said Drewry
Waller administrator of Nathaniel Foster dec^d, we have cause to come. -
We also command you that, you give notice to the said Samuel Blunt
Executor of Samuel Blunt dec^d John M Gurley Executor of George
Gurley dec^d and Benjamin Griffin Sheriff & administrators of Robert Good-
wyn dec^d that they be before the Judge of our Circuit Superior Court of Law
& Chancery for the County aforesaid at the Court house on the first day of the next
Term, then and there to have a rehearing of the whole matter in the decree
aforesaid contained And have then there this Writ.

Witness Littleton R Edwards Clerk of our said Circuit Superior Court
of Law & Chancery at the Court house of said County the 10th day of April 1838
in the 62nd year of the Commonwealth.

L R Edwards Ck

Memorandum

William Westbrooke of this county ^{having died} his estate was committed to Robt. Gooding
then shff.
and at his sale one Thos. Westbrooke executed his note to sd Robt. Gooding
with Zepe Brown his security for \$80.84. That Thos. Westbrooke then
died, and Nathl Foster qualified as his Rep. the debt unpaid. Zepe Brown
the security took in the note and passed it to Geo. Guley, who instituted
suit upon it and recovered judgement, which judgement was affirmed
and afterwards dissolved upon the answers of the parties coming in
This case was then carried up to the S.C. by a Super Seedeas, the
order of the county court was set aside, and the case sent back
to the rules to be redocketed and proceeded in de novo. The
Court intimating an opinion that it would avail nothing
more to dismiss for want of amended Bill.

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 decd. who filed his bill in the following words, to wit,

"To the Honorable Court of Southampton in Chancery sitting. Humbly complaining sheweth unto your worships your orator Nathaniel Foster admr. of Thomas Westbrook decd. that a certain William P. Westbrook late of this 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, those entitled to the administration having refused to take the management thereof. That the said Thomas Westbrook, your orator's intestate, executed his bill penal to the said Robert Goodwyn with a certain Gose Brown, his security, for the payment of the just sum of eighty dollars & 81 cents, payable on or before the 11th of Decr. 1805, for articles, as your orator believes, purchased at the sale of the estate of the said Wm. P. Westbrook decd. That the said Wm. P. Westbrook decd. 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 said Wm. P. Westbrook. That after the death of Thomas Westbrook, your orator qualified as admr. of the said Thomas, he having died intestate. That the said Robert Goodwyn Sheriff, to whom the said estate was committed departed this life intestate and a certain Samuel Blunt qualified as admr. 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 settlement of said Goodwyn's transactions upon the estate of the said Wm. P. Westbrook, believing that a considerable sum of money was due to the said Thomas Westbrook's estate, as much at least as will amount to the sum in the F. leorning Bond—that he has never been able to effect a settlement and hath ordered a suit for the purpose of obtaining that object: Notwithstanding the premises the said Samuel Blunt as the admr. of said Robert Goodwyn, hath instituted a suit upon the bill penal before mentioned, for the benefit of a certain George Gurley, hath recovered a judgment 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 T. f. will shortly issue— all which is contrary to justice and 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 Saml. Blunt admr. of Robert Goodwyn and the said Geo. Gurley may be made defendants hereto and be compelled, upon their oaths or the full true 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 Worships 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 William P. Westbrook, 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.
Sown 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's decd for the benefit of George Gurley upon his entering into bond with security as the law directs.

Afterwards 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— This separate answer of George Gurley to a bill of injunction exhibited in Chancery in Southampton County Court by Nathaniel Foster admr. of Thomas Westbrook decd against Samuel Blunt admr. of Robert Goodwyn decd & himself— This Respondant, 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 advised it is material to answer: saith that he knows nothing of the manner in which the bond was executed or the debt contracted, he can only state that, that the note or bond aforesaid was paid over to him by Jesse Brown for a valuable consideration. This defendant having answered prays your worshipps to dissolve the Injunction as aforesaid & give him the benefit of his judgment &c— Denying all fraud, combination &c prays hence to be dismissed with his costs &c &c as in duty he will 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.

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 February 1821

The plaintiff being dead on the motion of Denny Waller his administrator and by consent of the defendants this suit is revived in the name of the said Denny Waller admr. as aforesaid.

Afterwards to wit: 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 admr. of Robert Goodwyn decd by his Counsel and filed his answer in these words, to wit:

"The answer of Samuel Blunt to a bill of complaint exhibited to this Court by Nathaniel Foster as admr. of Thos Westbrook decd against This Respondant as admr. of Robert Goodwyn decd & George Gurley— This Respondant for answer to the said bill

answering, says that it is true that he obtained letters of administration on the said Goodwyn's estate, and acted in that character, that it is true that he the said Goodwyn as Sheriff of this County had the estate of Wm P. Westbrook 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 such has been instituted, judgments rendered &c as stated in the Complainant's bill was given by Thomas Westbrook for purchases at the sales of the said Wm P. and that the said Thomas was entitled to a legacy under his will. But your Respondant states to the Court that by an order of this worshipful Court your Respondant 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 and effects remaining in your Respondant's hands, connected with the sd. Goodwyn as the sd. Westbrook's estate were surrendered and who is the proper person, your Respondant is advised to call upon for a settlement— indeed he is informed that the heirs of this very Thomas Westbrook have instituted a suit in the Wm.burg Chy. Court, with others in the name of the administrator de bonis non of Wm P. Westbrook decd. for the purpose of having a settlement of the said Goodwyn's acct on the said Wm's Estate and to recover any balance which may be due thereon: and having answered he prays to be hence dismissed: denying all fraud combination &c

Sam Blunt

Southampton County to wit

This day Saml 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. Henis J.P."

To which answer the plaintiff replied generally. And thereupon General Commissions were awarded the parties to examine and take the Depositions of their Witnesses, giving each other reasonable notice of the time and places 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 the motion of the defendant, it is decreed and ordered that the Injo. awarded the plaintiff stand dissolved as an act of this day unless the said Jeff shall by proper process make the representative of Robert Goodwyn & the representative of Wm P. Westbrook's estate parties to his bill on or before August Court next & it is ordered that a copy of this order be served on the Pex. Waller admr. 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 representative of Robert Goodwyn & the representative of William P. Westbrook's

estates, parties to this bill, on or before July, next month and it is ordered that a copy of this order be served on the plaintiff Waller administrator 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 15th day of May, 1835 be dissolved, that the Bill of the plaintiff be dismissed and that the plaintiff pay to the defendants their cost and their defence in this behalf expended.

Afterwards, to wit: At a Court held for the County aforesaid the 20th day of November 1837. — A Copy of the Judgment of the Circuit Superior Court of Law and Chancery for this County, in this cause, was this day produced to the Court, which is as follows:—

Southampton Circuit Superior Court Law & Chancery, November 1st 1837.

Dorsey Waller administrator of Nathaniel Foster decd.

who was administrator of Thomas Westbrook decd. Plff.

against

Samuel Blunt, Executor of Samuel Blunt decd John M.

Gurley administrator of George Gurley, decd and Benjamin

Briggs Sheriff & administrator of Robert Goodwyn decd. Defendants.

Upon a Writ of Supersedeas to an order of the County Court of Southampton made on the 16th day of June 1835 whereby an injunction awarded on the 15th day of May 1835 was dissolved and all further proceedings upon a Judgment obtained in the said County Court by Samuel Blunt, administrator of Robert Goodwyn decd. for the benefit of George Gurley was dissolved & the plaintiffs bill dismissed with costs.

This day came the parties, by their Counsel, and for reasons appearing to the Court it is ordered that the order made in this cause on yesterday be set aside and thereupon this cause coming on again to be heard upon the transcript of the record of the order aforesaid, was argued by Counsel. On consideration whereof it seems to the Court here that the order of the County Court aforesaid is erroneous: Therefore it is decreed and ordered that the same be reversed and annulled and that the defendants out of the estates of their testator and intestates, in their hands to be administered pay to the plaintiff his costs by him expended in the prosecution of his Writ aforesaid here — and that the cause be sent back to the County Court with directions to re-docket it, and send it to the Rules for further proceedings. And in pursuance whereof it is decreed and ordered that the cause be re-docketed and sent to the Rules for further proceedings.

And afterwards; to wit: At a Court held for the County aforesaid the 19th day of March 1838.

The plaintiffs having failed to file their ^{amended} Bill at Rules, the cause came on to be heard, ^{on the} papers formerly read, whereupon on motion of the defendants Counsel the cause was dismissed with costs.

Copy Record

Teste S. R. Edwards Clk

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 Worshipful Court of Southampton in Chancery sitting. Humbly complaining sheweth unto your worships your Orator Nathaniel Foster adm^r of Thomas Westbrook dec^d. That a certain William P Westbrook late of this 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 the administration having refused to take the management thereof That the said Thomas Westbrook your Orators intestate executed his last will to the said Robert Goodwyn with a certain Jesse Browne his security for the payment of the just sum of Eighty dollars & 84 Cents payable on or before the 11th of Dec^r 1805. for articles as your Orator believes purchased at the sale of the estate of the said W^m P Westbrook dec^d. That the said W^m P Westbrook died 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 said W^m P Westbrook. That after the death of Thomas 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 and 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 settlement of said Goodwyn's transactions upon the estate of the said W^m P Westbrook believing that a considerable sum of money was due to Th^{os} Westbrook's estate as much at least as will amount to the sum in the F^{or} Coming Bond that he has never been able to effect a settlement and hath ordered a suit for the purpose 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 passed before mentioned for the benefit of a certain George Gurley. hath recovered a judgment 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 ~~seifa~~ ^{seifa} will shortly issue all which is contrary to justice and 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 Geo Gurley may be made defendants hereto and be compelled upon their Corporal 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 foregoing bills aforesaid may be enjoined by your worshipps untill 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 William Westbrooke and finally that your worshipps 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 injoin 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. Afterward at Court held for the County aforesaid on the day of January 1824

On the motion of the Defendant Gurley who filed his answer in the following words. To the Worshipful County Court of Southampton. In Chancery setting.

The separate answer of George Gurley to a bill of Injunction exhibited in Chancery in Southampton County Court by Nathaniel Foster adm^r of Thomas Westbrooke dec^d against Samuel Blunt adm^r of Robert Goodwyn dec^d & himself.

This defendant saving and reserving to himself all and every benefit of exception to any errors in the Complainant's bill contained or to be made as he is advised it is material to answer; says That he knows nothing of the manner in which the bond was executed or the debt contracted he can only state that the note or bond aforesaid was paid over to him by Jeph Brown for a valuable consideration. This defendant having answered prays your worshipps to dissolve the injunction as aforesaid & give him the benefit of his judgment &c. Denying all fraud combination &c prays him to be dismissed with his costs &c &c as in duty will ever pray

Southampton County to wit.

This day George Gurley personally appeared before me Thomas Pritton 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 and seal this 17th day of May 1819

Thos Pritton Seal

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 ordered and Orders that the Sheriff give due notice of this motion to the parties -

Afterwards at a Court held for the County aforesaid the 29th day of Feb^y 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 Waller adm^r as aforesaid

Afterwards to wit: 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^r of Robert Goodwyn dec^d by his Counsel and filed his answer in those words to wit: The answer of Sam^l Blunt to a bill of Complaint exhibited to this Court by Nathaniel Foster as adm^r of Thos Westbrooke dec^d against this Respondent as adm^r of Rob^t Goodwyn dec^d & George Gurley

This Respondent for answer to the said bill answers saying that it is true that he obtained letters of administration on the said Goodwyn's estate and acted in that character; that it is true that he the said Goodwyn as Sheriff of the County has the estate of Wm 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 recovered &c as stated in the Complainant's bill was given by Thomas Westbrooke for purchases at the sale of the said Wm Westbrooke 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 de bonis non to a certain Benjamin Cobb to whom as well the papers and effects remaining in your Respondent's hands, connected with the said Goodwyn as the said Westbrooke's estate were surrendered - and who is the proper person your Respondent is advised to call upon for a settlement - and he is informed that the heirs of the very Thomas Westbrooke have instituted a suit in the Wm Burg Chy Court with others in the name of the adm^r de bonis non of Wm Westbrooke dec^d 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 hence dismissed denying all fraud combination &c.

Sam Blunt.

Southampton County to wit.

This day Sam 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. Kinis J.P.

To which answer the plaintiff replied generally. and thereupon General Commissions were awarded the parties to examine and take the depositions of their witnesses, giving each other reasonable notice of the time and place of examining 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 Court. At Court held for the County aforesaid the 21st day of June in the year 1826. On the motion of the Defendant it is ordered and ordered that the Plaintiff pay the costs and appear as an act of this day unless the said Plaintiff by proper power make the present representatives of Rob^t Goodwyn adm^r & the representatives of Wm Westbrooke est. parties to his bill on or before August Court next &c it is ordered that a

Copy of this Order be served on the Plaintiff Waller adm^r of Foster:

Afterwards to wit: At a Court held for the County aforesaid the day of June 18th 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 Brown & the representatives of Wm^m Westbrooks 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 Waller adm^r of Foster.

Afterwards to wit: at a Court held for the County aforesaid the 16th day of June 1833.

On motion and 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 defendants their costs about their defence in this behalf expended.

1837 Novr - Revested &c (Copy Judge of Supr. Ct)

1838. Mar. Inj. dissolved &c

Insurrection Bonds

Know all men by these presents, that we Nathaniel Foster and
Henry Applewhite are held and firmly bound unto Sam^l Blunt adm^r
Robert Goodwyn — in the sum of two hundred and twenty ^{dollars}, to which pay-
ment well and truly to be made unto the said Samuel Blunt adm^r as
aforesaid his heirs, executors, administrators and assigns we bind ourselves, our
heirs, executors, administrators and assigns jointly and severally firmly by these presents,
sealed with our seals and dated this 30th day of May one thousand eight hundred
and fifteen,

The condition of the above obligation, is such, that where-
as the above bound Nath^l Foster hath obtained ~~from the~~ ~~chancery~~ ~~court~~
~~an injunction to stay all further proceedings on a judgement~~
obtained against him as adm^r Thomas Westbrooke sec^d by said
Sam^l Blunt adm^r as aforesaid for the benefit of George
Gurley — until the further order of the said ~~chancery~~ ~~court~~
now if the said Nathaniel Foster shall well and truly pay and satis-
fy the said judgement, and all such damages and costs as shall be awarded against
the said Nathaniel Foster — ~~by the chancery~~
~~court~~, in case the injunction aforesaid shall be dissolved, then the above obliga-
tion to be void else to remain in full force and virtue.

Sealed and delivered
in the presence of
H. Rochelle

J. Foster
Harry Applewhite ^{seal}

Southampton County to wit,

The within named
this day personally appeared before me a justice of the peace
for the county aforesaid and made oath that his personal estate after the pay-
ment of all his just debts is worth

Given under my hand this day of one thousand eight
hundred and