

1869-15

Southampton County Chancery

Blunt, Walter F. vs Little-Thomas P. (et als)

recovery of funds

George W Reets -

others

↑ Riddick - Abram (admin)

Kilby, John R

Massenberg, E. W

Gurley, John W.

116

Blunt $\frac{2}{3}$ Bill
Little adme.

1868 Nov. ^{12th} Bill filed 9^o

1869 Jan. Dismissed

To the Hon^{ble} Richard H. Baker Judge of the Circuit
Court of South Carolina

Humbly Complaining sheweth
unto your Honor your complainant Walter J. Blunt
that on the day of December 18th George W. Peete
being indebted to your complainant in large sums
executed a deed of trust by which he conveyed all
his property real personal and mixed to E W
Masfambury in trust to secure your complainant
first and then for the benefit of all his other creditors
a copy of which is herewith filed marked (A) as a
part of this bill - Your Honor further charges that
the assets which have come to the hands of the E W
Masfambury will not be near sufficient to satisfy
your creditor's claims against the said Peete and
that his other creditors will receive no part thereof
that among the claims conveyed to the said Masfambury
trustee as aforesaid are two bonds one for \$524.16
dated May 24th 1847 and the other for \$1700 dated March 28
1847 herewith filed marked (B & C) both executed by
Thomas P. Little to the said George W. Peete and remain
unpaid - That the said Little died intestate at his
residence in North Carolina and Abraham Nisbick
qualified as his administrator both in that state
and in the state of Virginia so will appear from
a copy of the certificate of his qualification herewith
filed (D) and that the said administrator has ac-
crued and may accrue his transaction to any
Court in the state of Virginia - That the Abraham Nis-
bick resides in the state of North Carolina in which
the assets of an intestate are not distributed among
the creditors in the same manner as in Virginia
and that the estate of the said Little is notoriously
insolvent And your Honor further charges that

E. W. Massenburg John W. Surber & John Kelly
one or all of them have now in their hands and
under their control money or other property belonging
to the estate of the said Little and have each of them
paid money to the said Abram N. Dick as agent
of the said Little which was due from persons residing
in the State of Virginia in tender consideration
of all which and in as much as your Grace is without
remedy in the premises except in a court of Equity
to the end therefore that justice may be done they
prayer that Abram N. Dick, John N. Kelly, E. W.
Massenburg and John W. Surber may be made
defendants to this bill and answer the allegations
therein, that an order of publication may be made
against the absent defendant Abram N. Dick and that
he may be required to settle on account of his heretofore
actions as the administrator of the said Little and
that the said John N. Kelly, E. W. Massenburg and
John W. Surber state particularly what sums
of money they or each of them have paid to the
said administrator and what sums they have
now in hand due or to receive due him and that
they be restrained from making to the said administra-
tor any further sum until the future order of
the Court and as in duty bound he will ever
prayer

Massenburg for Plffs

Blamé & affidavit
Littles adms

1868 Nov: 11th

1868 Nov: 11th 11:45

1868 Nov: 11th

Blunt } answer
Little's answer

The answer of E W Massenburg to the bill of complaint
filed against him by Walter F Blunt

This Deft for answer to the said bill saying & avowing
& for answer thereto says that it is true he did not ac-
quire money due from the said Peck sufficient
to pay the amount due from the said Peck to
the Plaintiff and further answering he says that he
has paid for himself & John W Sunkel jointly to the said
administrators of Little \$580.95 on the 1st of January 1868 and
\$529.22 June 16th 1868 and that he & the said John W
Sunkel will jointly owe him on the 31st of Decr 1868
the sum of \$580.95 & having answered he prays
that he be dismissed &c

Massenburg per Deft

The answer of John W Sunkel to the bill of complaint
filed against him by Walter F Blunt

This Deft for answer to the said bill says that
he has read the answer of the Deft. Massenburg
and adopts it same as his own

Massenburg for Deft

Blunt

no

} Affidavit

Little com^{rs} 2c

State of Virginia

County of Loudoun

This day E W Massenburg appeared before me & R
Edwards Clerk of the Circuit Court for the County of
Loudoun in the Clerk's office of said Court and made
oath that Abram Nisbick adm^r of Thomas P Little is
a non resident of the State of Virginia & that he is sued
with a defendant residing ^{as, adm^r of said} there and that he believes
the said Abram Nisbick has debts due him in the
County of Loudoun and City of Petersburg & probably
in the County of Hanover in the hands of E W Massenburg
John W Senter and John R Kelly and that the claim
of the Plaintiff set forth in his bill is just & that
there is present cause of action therefor.

Given under my hand this 11th day November 1868

J R Edwards Clk

The Clerk is required to endorse on the stubs an order to the
officer to whom it is directed, to attach all debts due or to
become due the foreign debt from the home debt

Mad Sir

kind

Yours

B & C

Geo. W. Peete Esq.
Portsmouth N.H.

Memorandum

Attend to the Transfer of
Bishops to G. W. Peete Esq.

See Parker & Co —

The Murray Ex.

Ball: of ap I own Parker —

Handwritten signature or initials, possibly "J. P. Little".

J. P. Little
Note
\$200

Secy

With interest - from the date hereof
I promise to pay to Gull & Co. or order
the sum of Seventeen hundred dollars
for value received. in witness whereof
I have hereunto set my hand and
seal this 28th day of March eighteen
hundred and forty seven.

Wm. J. Little Seal

Blunt

to { Or. Pub

Rid dicks admin of

copy posted at front door of
Gt House Dec. 1868.

At Rules held in the Clerks Office of the Circuit Court of Southampton
County on the first Monday in December 1868 -
Walter F. Blunt

Plff

} In Chancery.

against
Abram Riddick administrator of Thomas P. Little dec'd.
John R. Kilby, E. W. Malsenbury & John W. Gurley. Defts.

The object of this Suit is to recover of the defendant Riddick admor. of
Thomas P. Little dec'd the amount of two bonds executed by the said Little in
his lifetime to Geo. W. Pectol one for \$1700 and the other for \$324 $\frac{16}{100}$ with
interest &c.

And affidavit being made that the defendant Riddick admor. as aforesaid is
not a resident of the State of Virginia it is ordered that he appear within
one month after due publication of this order and do what is necessary to protect
his interest in this Suit.

At Copy.

Teste

L. R. Edwards. cly

J. P. Little
2. 5/10
324.10

Erasmus Cole

(B)

State of N. H.

Shubert

~~Erasmus Cole~~

On the first day of march eighteen hundred and
forty seven I promise to pay to Geo. W. Little
his heirs execs & administrators the sum of
three hundred and twenty four dollars and
and ¹⁶/₁₀₀ for value recd: as witness my
hand seal this 24th day of May 1847
Wm. D. Little Esq.

Pete

По

D. Trad

Blants Trustee

Ex. with bill

This Ind. Made this 28th day of Decr. 1859, before Geo. W.
Pule and Rosa his wife, (grantors) of the one part, & E. W.
Mapleburg, trustee of the other part. Witnesseth, that the said
Geo. W. Pule & Rosa his wife, do grant unto the said E. W.
Mapleburg, and his heirs the said E. W. Pule's property, real,
personal & mixed, to wit: Mansion house & lot, (and house-
hold and kitchen furniture) valued at \$5500 - his interest in
one lot being one fourth thereof situated on the South East
Corner of High & Effingham Streets valued at \$750 - Wharf
properly situated on the East Side of Water Street valued at
\$12000 - One lot opposite the said wharf valued at \$1000 -
all lying in the City of Portsmouth, one tract of Land in
Suffolk County valued at \$1000 - of 304 acres purchased
of James W. Parker. One tract of Land in Stafford County
North Carolina, valued at \$400 - adjoining the Lands of A.
Riddick & Henry M. Britt of 100 acres, one other tract
of Land in the County and State last aforesaid surrounded by the lands
of Geo. Britt valued at \$300, one half interest in a tract of
Land in Prince Anne County, owned jointly with the heirs of,
Wm. Collins Senr. valued at \$400, and interest in the tract of
Land known as Ocean View valued at \$200, Notes and accounts
due in & about the City of Portsmouth valued at \$3000, Stock of
Sunder in the yard & at the Mill, Office furniture & fixtures valued
at \$1500, Notes for the sale of the Yellowbay Mill property \$10000,
due from Hodges and Bickford, a Note for hire from the same
parties of \$1100, a life interest in four likely mixed Slaves, two
Women, & one Girl valued at \$2500, Campine a Carpenter
valued at \$1500, Gemini valued at \$800, Augustus and Eugene
valued at \$1400, Lizzie a Cook at \$500, Eliza a house
servant and Seaman's wife at \$1200, John at \$500, Martin
at \$450, and two black Mares valued at \$450,
Total \$40,200. In Trust to Secure first the following
debts, To wit: a Note for \$4300, due Walter T. Blunt

under the Contract by which he conveyed to the said Pule his interest
in the said Yottoway Mill properly dated July 1st 1858, another bond
for \$1440.⁴⁹ Dollars dated July 1st 1858, and the said Waller F.
Blunt, for Negro hire from the 1st Jan^y 1858 to July 1st 1858, a
Note for \$1963.⁷⁵ Dollars dated September 5th 1859. & and the
said Waller F. Blunt for Negro hire & personal services rendered
from the time the said Pule purchased the interest of the said
Blunt in the Yottoway Mill until it was sold to Messrs. Hodge &
Bickford, the Note of about \$300, executed by the said Waller
F. Blunt for timber and iron under contract at Messrs. Hodge &
Bakers, Bankers, the said Note being given by the said Blunt
for the accommodation of the said Geo. W. Pule, and all other
debts and the said Waller F. Blunt from the said Geo. W. Pule,
and all other debts or demands against the said Geo. W. Pule for
which the said Waller F. Blunt is bound as his Surety, or for
which the said Blunt's business connections with the said Pule
has rendered him responsible & liable to pay. In Testimony
to Secure all other debts of any kind due from the said Geo. W. Pule
to any person as the actual principal debtor in whole or in part, (and
it is not intended that debts for which he is bound & Surety shall
be included in this Clap under the rule that all obligors and prin-
cipals to the obligor.) And in Testimony to Secure all other
debts for which the said Geo. W. Pule is bound as Surety or by
other legal and equitable obligations. And whereas the property
aforesaid except the Slaves and choses in action is so situated
as to require time to be Managed and disposed of without
loss and Sacrifice and as his Contract with Messrs. Hodge &
Bickford for the Sale of the Yottoway Mill obliges him to
receive and sell Lumber for them in payment of their
bonds until the 1st May 1860, and as the Stock of
Lumber should be sold by retail and the Charges for
Wharfage collected up to the day of Sale, it is Commanded
With and between the parties of the first and Second

parts the one with the other that the said Trustee shall have authority to
appoint some one other than the said Geo. W. Pule as his agent to
hire out the said Slaves, Manage the said property, Sell the Lumber, Collect
the debts and Wharfage, and perform such other duties as may be
required until the 1st day of May 1860, and pay him for his Services
such reasonable compensation out of the trust fund as the said Trustee may
think just & that on the 1st day of May 1860, or soon thereafter as he
may be required by any one interested in the debt the said Trustee after
giving thirty days notice, shall sell at public auction, all the property
aforesaid except the Slaves for Cash or on Credit as the said Trustee may
deem best calculated to Secure a fair price and that the said Slaves
shall on or before that time be sold either privately or at public
auction for Cash or on Credit as the said Trustee may deem best
and that said Trustee shall out of the proceeds of said Sales and
Collections of the choses in action pay the debts aforesaid in the order
in which they are Secured as above and the balance if any
pay to the said Geo. W. Pule. And it is further Covenanted by (and
between the parties of the first and Second that the said E. W.
Mapentury shall have power and authority as the Trustee or attorney
in fact of the said Geo. W. Pule to contract and renew the Notes of
the said Geo. W. Pule time in Banks at the rate of five per cent
and to Sign the Name of the said Pule to such new Notes
as may be given in renewal of the old, which shall be in all
cases as binding as if such Name had been Signed by the
said Pule in person, such renewed Notes together with the Curtil
paid or then to occupy the Land portions in this deed as to
the trust funds as the Notes for which they were given in
renewal did. And further that the said Trustee shall be entitled
to a Commission of five per cent on all Collections and
disbursements made by him. And the said Geo. W. Pule,
wishes now to say that he confidently believes that the
property hereby conveyed is much more than sufficient
to pay all his debts & that he has performed the debts

first above named, because they were Contracted under circumstances which in his opinion rendered it proper that they should be so preferred. - Witness the following Signatures and Seals this 28th day of December 1859. -

Geo. W. Pule,
R. M. Pule,



State of Virginia, City of Portsmouth to wit,
I, Hock Wilson a Notary Public for the City of Portsmouth, in the State of Virginia, do Certify that Rosa M^cS. the wife of Geo. W. Pule, whose name is signed to the writing above bearing date on the 28th day of December 1859, personally appeared before me in the City aforesaid, and being examined by me privately and apart from her husband, and hearing the writing aforesaid fully explained to her, she the said Rosa M^cS. acknowledged the said writing to be her act and deed, and declared that she had willingly executed the same, and does not wish to retract it. - Given under my hand, this 28th day of December 1859.

Hock Wilson,
Notary Public.

City of Portsmouth, State of Virginia, To wit,
I, Hock Wilson, a Notary Public for the City of Portsmouth, in the State of Virginia, do Certify that Geo. W. Pule, and Rosa M^cS. Pule, whose names are signed to the writing above bearing date on the 28th day of December 1859, have acknowledged the same before me in my said City of Portsmouth aforesaid. - Given under my hand this 28th day of December 1859.

Hock Wilson,
Notary Public.

2 Southampton County. In the Clerk's Office, January 2^d 1860.
This Sub was presented and together with the Certificate of the acknowledgment of George W. Pule, a party thereto, and of the private examination and acknowledgment of Rosa M^cS. Pule, his wife, also a party thereto, was admitted to record.

Teste.

L. R. Edwards, Ck.

Hock

Teste

L. R. Edwards, Ck.

I be dismissed
L R K

Teste L R Edwards

Blunt
 { Sp 4 ch. y.
 2
 Little's adms
 1868 December Rules

Assessment

Exhibits herewith 23rd 1878 and a fine copy hereof delivered to me. R. Kelly, the other within mentioned persons are respondents of my cause
 Your B. J. J. of
 Champaign County

THE COMMONWEALTH OF VIRGINIA,

Nansemond
To the Sheriff of the County of *Southampton*—GREETING;

We command you to summon *Abram Riddick administrator of Thomas P. Little dec'd John*
R. Kilby E. W. Mabenburg & John W. Gurley

if *they* be found within your bailiwick, to appear at the Clerk's office of our court of Southampton County,
at the Rules to be holden for the said court, on the first Monday in *December next to answer a bill in*
Chancery exhibited against them in our said court by Walter F. Blunt

And have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the courthouse, this *12th* day of
November A. D., 1868, in the *93rd* year of the Commonwealth.

L. R. Edwards