

1873-33

Southampton County - Chancery

Mussonburg, E. W. Admrs Vs

Blunt, Walter F. & c.

Salis & L.
Attys. Sh. Admrs.

Wm. B. Sharpe &
+
Walter F. Blunt

#61 55

Maffenburg's adm
v. } Papers.

Blunt &

To the Honorable Judge B. F. Jones Judge of the
circuit court of Southampton County in shewing
sitting

Humbly complaining your Orator Demarcus
L. Dole late sheriff of Southampton and as such
administrator of E. W. Mapesbury died sheweth
unto your Honor that Walter F. Blunt who
is not now a resident of Virginia but as far
as he knows and believes is now a resident
of Texas is indebted to his intestate estate
by a note in writing for \$40 due the 24th
of December 1860 and by another note in
writing for \$280 due the 3^d of June 1860 said
note being executed to J. C. White as E. W. Mapesbury
but now owned by his intestate estate and also
in the sum of \$290.30 cts for money paid by
your Orator Jan^y 1st 187- as administrator
of E. W. Mapesbury for the said W. F. Blunt
as his security, All of which ^{fully appear} will more by
the two notes herewith filed marked A and B
and a certified copy of his payment of the said
debt of \$290.30 cts taken from the commissioners
report of his entire account of said Mapesbury
estate marked C and prayed to be taken as parts
of this bill

Your Orator states further that on
the 28th of December 1869 George W. Peto and

Rosa his wife executed a deed of trust to
E. W. Mapenburg as trustee conveying a large
amount of property both personal and real
in trust to secure a large number of debts
due to Walter F. Blunt and therein named
and all other debts due the said Walter F. Blunt
from the said George W. Peete, and all other debts
or demands against the said George W. Peete
for which the said Walter F. Blunt is bound as
his security or for which the said Blunt's
business connections with the said Peete has rendered
him responsible and liable to pay, secondly
to pay all the debts due from the said Peete
as principal, thirdly to pay all the debts for
which he was bound as security, All of which
will more fully appear by a certified copy of
the said deed herewith filed marked ID and
prayed to be taken as a part of this bill.

Your Orator states further that Edward W.
Mapenburg in his lifetime sold the property and
paid off many debts, but your orator has never
seen any settlement of his account as trustee to
the said deed of trust and does not know
either how much money he received or paid
out, but that in the year 1869 his intestate
died and Wm B. Shames was appointed trustee
to the said deed of trust as will more fully
appear by a certified copy of a decree of the

circuit court of Southampton entered at the
November term 1869 in the case of Mapenburg
vs Hedley & Bickford a copy of which
decree is herewith filed marked II and prayed to
be taken as a part of this bill, Your Orator
states that Wm B. Shames as trustee has
received some money from Edward Hedley which
he charges that under the deed would have
to be paid to Walter F. Blunt as the first
class creditor and that if so it is liable to be
attached in the said trustee's hands to pay the
debts above mentioned as due to your Orator
intestate.

For tender consideration whereof and
inasmuch as your Orator is without relief at law
and only entitled to relief in a court of equity
where such matters are peculiarly cognizable he
therefore prays that William B. Shames and Walter F.
Blunt may be made parties defendant to this bill
and that the court would compel them as full
and perfect answer make to the allegations therein
contained as if they had been therewith more fully
and specially interrogated That the said Wm B.
Shames settle an account before one of the
commissioners of this as trustee of E. W. Peete vs Rosa
his wife and in the meantime be restrained
from paying out any moneys he may have
in his hands as trustee as aforesaid unless

the further order of this court and if it should
 appear upon the settlement of the said trust
 that this money belongs to Walter F. Blunt
 then that the same may be applied to the
 payment of your Orator's debt herewith filed
 and that the court would grant such other and
 general relief the justice considered as equity may
 dictate and the nature of his case may require
 and as in duty bound your orator will ever pray
 Yours &c J. G.

May 1871
 Bill
 as
 Blunt was

1871 December Rules

6

Mafsenburgs adm

~ } C₄ with bill

Blunt
Dredley

Southampton Circuit Court November 12 1869.
E. W. Maffenburg
against.

Peff

} In Chancery

Edward Medley, Samuel Bickford, Geo. W. Peete & Walter F. Blunt. Df's.

It being suggested that since the institution of this suit & the last order entered in this cause ~~and the last order~~ E. W. Maffenburg the plaintiff in the same has departed this life, on motion of Geo. W. Peete one of the parties to this suit, it is ordered that the name of William B. Shands, the trustee herein after named and appointed be substituted in his place, as plaintiff, and that this suit hereafter be prosecuted in the name of W. B. Shands as plaintiff only

and thereupon this cause came on this day again to be heard, on the papers formerly read and the report of Commissioner and receiver E. W. Maffenburg, to which no exceptions have been filed and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that the said report be confirmed, and that W. B. Shands be appointed Trustee in place of E. W.

Maffenburg dec'd. in a certain deed of Trust executed by Geo. W. Peete & wife Rosa to the said Maffenburg on the 28 of December 1857. and that the said W. B. Shands, withdraw from the papers in this cause a certain bond executed by James Wills and Irvin C. Wills to E. W. Maffenburg for seven hundred & fifteen dollars & twenty four cents, on the 19 of February 1864 and collect the same - And the Court doth further decree that the Commissioner on the payment of the bond of seven hundred & fifteen dollars & twenty four cents for the purchase of the real estate in the bill mentioned, execute a deed to the purchaser for the land bought by James Wills, with special warranty.

Attest

Peete

O. White Clk

This Deed made this 28 day of Decr. 1859, between Geo. W. Peete and Rosa his wife, grantors, of the one part, and E. W. Maspenburg Trustee of the other part. Witnesseth: that the said G. W. Peete and Rosa his wife, do grant unto the said E. W. Maspenburg, all his, the said G. W. Peete's property, real, personal & mixed, to wit: Mansion house & lot and household & kitchen furniture valued at \$5,500, his interest in one lot, being one fourth thereof, situated on the South East corner of High & Offingham Streets, valued at \$750. Wharf property situated on the East side of Water Street valued at \$12,000. one lot opposite the said Wharf valued at \$1,000. all lying in the City of Portsmouth, one tract of land in Southampton County, valued at \$1,000. of 204 acres, purchased of James W. Parker, one tract of land in Hertford County North Carolina, valued at \$400. adjoining the lands of A. Riddick and Bimpy M. Brith of 100 acres, one other tract of land in the County and State last aforesaid surrounded by the lands of Geo. Brith valued at \$300. One half interest in a tract of land in Prince Anne County owned jointly with the heirs of Wm. Collins dec'd. valued at \$400. An interest in the tract of land known as Ocean View valued at \$200. Notes and accounts due in and about the City of Portsmouth valued at \$3,000. Stock of Lumber in the yard and at the Mill. Office furniture and fixtures valued at \$1,500. Notes for the sale of the Nottoway Mill property \$10,000 due from Meadley W. Bickford, one note for hire from the same parties of \$1,100. a life interest in four likely men Slaves, two women and one girl, valued at \$2,500. Hampton a carpenter valued at \$1,500. Junius valued at \$800. Augustus an Engineer valued at \$1,400. Lizzie a cook at \$500. Eliza a house servant and seamstress at \$1,200. John at \$500. Matthew at \$450 and one black man valued at \$150. Total \$46,250.

In trust to secure, first, the following debts, to wit: a note for \$4,300 due Walter F. Blunt under the contract by which he conveyed to the said Peete his interest in the said Nottoway Mills property dated July 1st 1858, and their bonds for \$14,400 ⁴⁹/₁₀₀ dollars dated July 1st 1858. due the said Walter F. Blunt for negro hire from the 1st Jan'y 1856. to July 1st 1858. a note for \$1963. ¹⁵/₁₀₀ dollars ¹⁵/₁₀₀ September 5th 1859, and due the said Walter F. Blunt for negro hire and personal services rendered from the time the said Peete purchased the interest of the said Blunt in the Nottoway Mill

until it was sold to Messrs Hedly & Bickford one note of about \$300 executed by the said Walter F Blunt for timber and now under protest at Messrs Hodges & Bakers Bankers, the said note being given by the said Blunt for the accommodation of the said Geo W Peete; and all other debts due the said Walter F Blunt from the said Geo W Peete and all other debts or demands against the said Geo W Peete for which the said Walter F Blunt is bound as security or for which the said Blunt's business connections with the said Peete has rendered him responsible & liable to pay. In trust Secondly to secure all other debts of any kind due from the said Geo W Peete 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 as surety shall be included in this class under the rule that all obligors are principals to the oblige) And in trust thirdly to secure all other debts for which the said Geo W Peete 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 Hedly & Bickford for the sale of the Nottoway mill obliges him to receive and sell lumber for them in payment of their bonds until the 1st day of 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 covenanted with and between the parties of the first part 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 Peete 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 2^d day of May 1860 and pay him for his services such reasonable compensation out of the trust funds as the said trustee may think just and that on the 2^d day of May 1860 or soon thereafter as he may be required by any one interested in the deed the said trustee after giving thirty days notice shall sell at public auction all the property aforesaid except the slaves for cash or on a 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 ~~shall~~ be sold either privately or at public auction for cash or on a 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 Peete. And it is further covenanted by and

between the parties of the first and second that the said E W Maspenburg shall have power and authority as the trustee or attorney in fact of the said Geo W Peete to curtail and renew the notes of the said Geo W Peete now in Bank at the rate of five per cent and to sign the name of the said Peete to such new notes as may be given in renewal of the old, which shall be in cases as binding as if such name had been signed by the said Peete in person, such renewed notes together with the curtail paid on them to occupy the same position in this deed as to the trust fund 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 Peete wishes now to say that he confidently believes that the property hereby conveyed is much more than sufficient to pay all his debts and that he has preferred the debts first above named because they were contracted under circumstances which in his opinion rendered it proper that they should be so preferred. Witnesses the following signatures &cals this 28th day of December 1859.

Geo W Peete

R. M Peete

(Seal)

(Seal)

(Seal)

State of Virginia City of Portsmouth to wit.

I Holt Wilson a Notary ~~for~~ Public for the City of Portsmouth in the State of Virginia do certify that Rosa M^d. the wife of Geo W Peete whose name is signed to the writing above bearing date on the 28th day of December 1859 personally appeared before me in the City of Portsmouth aforesaid and being examined by me privately and apart from her husband and having the writing aforesaid fully explained to her she the said Rosa M^d 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.

Holt Wilson

Notary Public

City of Portsmouth State of Virginia, to wit

I Holt Wilson a Notary Public for the City of Portsmouth, in the State of Virginia do

Certify that Geo. W. Peete and Rosa M. D. Peete whose names are signed to the writing above bearing date on the 28th day of Decr 1859, have acknowledged the same before me in my said City of Portsmouth aforesaid Given under my hand this 28th day of December 1859.

Holt Wilson
Notary Public

Southampton County In the Clerks Office January 2^d 1860.
This deed was presented and together with the certificate of the acknowledgement of George W. Peete a party thereto, and of the ^{private} examination of Rosa M. D. Peete, also a party thereto, was admitted to record

Teste

L. R. Edwards cl

Attest

Teste

J. R. Tyler cl

Blind

at
Hampburg
{
Geo. Will Hall

\$280 Portsmouth, 3^d April 1860

Sixty days after date, I promise to pay unto
J. White & E. W. Mapenbrug or Order, negotiable and payable at the
Office of Discount and Deposit of the Portsmouth Savings Fund Society,
in Portsmouth, without offset, Two hundred eighty ——— Dollars,
————— Cents, for value received.

W. F. Blunt

Credit the Maker.

Portsmouth Savings Fund Society.

20
280
22
2302
3
2205

Blunt

L. 3 notes

Marying

\$40

A

\$40⁰⁰ Due Mr B W Mopenburg Forty Dollars
money loaned me to be returned in a few days
24 Dec 1860 W. F. Blunt

473
 36
 36
 20
 36
 40

 661
 98
 35

 794

Mafsenburg's adm
 ~ } Stat. Rules

Blunt of

1873 Mar

blk.	17.94
Sh	50
or Pub.	6.75
Law	16.00
	\$ 31.19

In Southampton Circuit Court

Demarcus L Dodes late Sheriff of Southampton and as such administrator of
E. W. Maysenburg dec^d Jeff

against
William B. Shands & Walter F. Blunt Jfs

1871 Oct 20 Subp^a & Ret order issued

" Nov. Rules, Sub. p^a & ret^a Ex^o dr Jfs Shands.

" Dec " Bill filed. D. Nisi is Jfs Shands. Or Sub is Jfs Blunt

1872 Jan " Bill taken for confessed as to Jfs Shands & Cause set for hearing J^o

1872 Nov J. Decree for acct &c

1873 May 1 Decree to collect &c

" Nov. Removed from Docket.

Memorandum
for Clerk

$$\begin{array}{r} 101 \\ 13 \\ \hline 1303 \\ 101 \\ \hline 1313 \\ 44 \\ \hline 88 \end{array}$$

Memorandum for clerk

Copy extract from Commissioners Report in the case
of Edwards vs Mapesbury's adm - showing \$290.30
paid by Dole as security for W. F. Blunt C

Copy deed of Trust from J. W. Pate to Rosa his wife
to E. W. Mapesbury Trustee made in 1859 D

Copy decree entered at November 1869 in case of
Mapesbury vs Hedley & Bickford vs Circuit Court H

C

Mafsenburg's arm

u } Ex: with Bell

Blunt.

The Estate of E. W. Massenburg
In account with D. L. Doles Sheriff & administrator

1870					
Jan'y	1	To paid note of W. F. Blunts endorsed by E. W. M. with protest & Int.	\$	290	30
					64

Abstract from Report of Commissioner Tyler filed in Chancery Court of
Gilliam Edwards who owes for & to D. L. Doles Sheriff & admin. of E. W. Massenburg
dec & others depending in County Court of Southampton County.

Teste

Southampton County Clk. Off.
December 4. 1871

O. White Clk

Masentungs as
v { O. Pub

Blunt J^d

Copy stick up at G.H. Door
Dec. 6. 1871.

Virginia

At Rules held in the Clerks Office of the Circuit Court of
Southampton County on the first Monday in December 1877.

D. L. Dole, late Sheriff of Southampton and as such administrator of
E. W. Haysburg dec. Plaintiff

against

William B. Shands and Walter F. Blunt Defendants

In Chancery

The object of this suit is to recover of the defendant Blunt certain sums of
money due from him to the estate of the plaintiff's intestate and to subject
the effects of the said defendant Blunt in the hands of the defendant Shands
to the payment thereof. And affidavit having been made that the said
defendant Blunt 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.

A Copy

Teste

O. White Clk

the officer serving the writ not to attach such debts as are already
 due, or to become due, to the Defendants ^{Blunt} who are non residents of the
 Commonwealth of Virginia from the other Defendant: also any other estate
 of the said Defendant Blunt whether in his own hands or in the hands
 of the other Defendant to answer the future order of the Court

Teste O. Whitely

I acknowledge service of this within
 summons
 October 20th 1871
 Wm B Shumaker

Maplebury ady

to Sum. Rest. order

Blunt H

1871 November Rules

The Commonwealth of Virginia

To the Sheriff of Southampton County, Greeting:

WE COMMAND YOU to summon

*Mr. D. Shanks trustee to a certain Debt.
of trust executed by G. W. Pickett
Hill wife of Walter F. Blunt*

if they be found within your bailiwick, to appear at the Clerk's Office of our *Circuit*
Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in
November next to answer a bill in chancery exhibited against themselves by Demarcus
I. Dole Sheriff & as such admor. of E. W. Massenburg &c.

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the Court-
house, this *20th* day of *October* A., D., 1871 in the *96* year of
the Commonwealth.

O. White

100/10

100/10

Maplebury adu

4

Blunt re.

Order of Publication

VIRGINIA.—AT RULES HELD IN THE
Clerk's Office of the Circuit Court of South-
ampton County, on the first Monday in De-
cember, 1871, D. L. Doles, late Sheriff of
Southampton, and as such, Administrator
of E. W. Massenburg, dec'd.

Plaintiff,

IN CHANCERY,

Against

William B. Shands and Walter B. Blount,
Defendants.

The object of this suit is to recover of the De-
fendant Blount, certain sums of money due from
him to the estate of the Plaintiff Intestate, and
to subject the effects of the said Defendant Blount
in the hands of the Defendant Shands, to the pay-
ment thereof, and affidavit having been made
that the said Defendant Blount is not a resident
of the State of Virginia, it is ordered that he ap-
pear within one month after due publication of
this order and do what is necessary to protect
his interest.

A Copy—Teste:

C. WHITE,
Clerk.

do 22-4t
Shands, p. q.

Price of Advg.
\$6.75

I do hereby certify that—the
annexed Notice was published
for four successive weeks,
in the Christian Sun, and
that—the price charged is
in accordance with the
established rates of the
office, Given under my
hand this March 6th 1873
W. B. Wellons

VIRGINIA.—AT RULES HELD IN THE
Clerk's Office of the Circuit Court of South-
ampton County, on the first Monday in De-
cember, 1871, D. L. Doles, late Sheriff of
Southampton, and as such, Administrator
of E. W. Massenburg, dec'd.

Plaintiff,
IN CHANCERY,

Against
William B. Shands and Walter B. Blount,
Defendants.

The object of this suit is to recover of the De-
fendant Blount, certain sums of money due from
him to the estate of the Plaintiffs intestate, and
to subject the effects of the said Defendant Blount
in the hands of the Defendant Shands, to the pay-
ment thereof, and affidavit having been made
that the said Defendant Blount is not a resident
of the State of Virginia, it is ordered that he ap-
pear within one month after due publication of
this order and do what is necessary to protect
his interest.

▲ Copy—Tense :

O. WHITE,
Clerk.

do22-44
Shands, p.q.

NAMENTAL PRINTING EXECUTED WITH DISPATCH.

SUFFOLK. Va.

April 12th 1873

B. Shands



W. B. WELLONS & CO.,



KILBY STREET.

Wapenburg & Blount - 204764

April 12th 1873

Recd. Payment

W.B. Wellons & Co

Per G. M. Mearns

Ac. 75-

Receipt

Maplebury's ledger

No 3

Sharon as trustee

\$920

May 17th 1873. Received from Wm B Shances
Whelan (substitute) the sum of nine
dollars and twenty cents in full
of the amount directed to be paid in
under the decree rendered at the May
term 1873 of the circuit court in
the case of Mapenburg vs Hedley and
Mapenburgs' adm^r vs Shances &c

W A Driggs Dy
for D E Dole Shff

Report of
Jm B Shanas in
cases of
Mazumbar
vs 3
Hodley
" Mazumbar adms.
vs 3
Blunt vs

1873 May 17

Mapsbury

vs 3

Bledley

vs

Mapsbury's adm

vs 3

13th

The Undersigned begs leave
to report that in obedience to a decree
made at the May Term 1873 of
the Circuit Court he has been to report
that in obedience he withdrew the
certificate of Deposit of \$912.50 at a
bank and collected the same and
paid it over to D. L. Dole (the sum of
\$920), administrator of E. W. Mapsbury
as will more fully appear by his
receipt herewith filed all of which
is respectfully submitted by

Wm B. Shames
Substitute Trustee

Mapleburg
do 3 Dec
Hedley & Bickford
and
Mapleburg
do 3 Dec
Blunt &
Geo. W. M. D.

We enclose the
we are.

W. Chas. L. L.
Mr B. Shanks

by company

Mapentburg
vs 3 Decr
Bedley & Bickford
and
Mapentburg's adm-
vs 3 Decr
Blunt &c

This day these causes
came on to be heard together in the case
of Mapentburg vs Bedley & Bickford on the
papers formerly made and the report of James
R. Tyler commissioner rendered in pursuance
of a decree entered at the November term
1872 and to which report no exceptions have
been filed and in the case of Mapentburg's
adm- vs Blunt &c on the plaintiff's bill
taken for confessed as to the defendant
Wm B. Shances and it appearing that the
plaintiff has proceeded in the manner
prescribed by law against N. F. Blunt an
absent ^{defendant} and the exhibits filed with the
bill and was argued by counsel On
consideration Whereof the court ^{with the consent of the parties} doth
that the report James R. Tyler be confirmed and
adjudge order and decree that Wm
B. Shances the substitute trustee
withdraw the certificate of Deposit
for \$912.50 on the 1st National Bank
of Norfolk Virginia from the papers in
this cause and collect the same and
pay it to Demarcus & Dole administrators
of E. W. Mapentburg decd and return his receipt
with his report to this court in order to a
further decree

Mapping
to 3 Dec
Hedley is Bickford
and

Mapping
to 3 Dec
Blundell

Nov. Dec 1873

to be entered

Geo. R. Stod.

1873 November

Mapenburg

vs 3

Obedley vs Bickford

and

Mapenburg

vs 3

Blunt vs

Decree

This day these cases came on again to be heard on the papers formerly made and the report of Mr. B. Shamas substituted trustee enclosing a receipt of \$920 paid under order of the court entered at the May Term 1873 and to which report no exceptions have been filed And was argued by counsel. On consideration whereof the court doth adjudge order and decree that the said report be confirmed and it appearing to the court that there is nothing further to be done in these cases the court doth order the same to be removed from the docket