1882-09 Southampton County Chancery~ Drewry, Wm. H. (Exor.) vs Westbrook, James D.

to Set aside sale of land.

Drewry, James H.

Westbrook, Wm. B.
Briggs, Wm. B-(adm.)
of
Westbrook, Thomas, H.

Drewry's Exr for Dr.

vs

Westbrook Dr.

Answer of

Wm B. Westbrook.

Filed by Consent Nov 20

1871

The answer of Wm B. Westbrook to a bill of complaint exhibited against himself & others, in the County Court of Southampton County, by Wm S. Goodwyn Exor of Saml Drewry, who sues for the benefit of Wm H. Drewry, Exor of James W. Drewry decd.

This respondent, saving and reserving &c., for answer to said bill of complaint, or unto so much thereof, as he is advised it is material to answer, answering, says, that on the 20th day of November 1867, Thomas W. Westbrook, by deed of bargain & sale, duly recorded in the Clerks Office of Southampton County, conveyed to him all of his real & personal property, for the sum of two thousand dollars, which amount was paid at the sealing of said deed. That your respondent is advised that under the Statute Law of Virginia, real estate cannot be sold for debt, if the rents & profits thereof will satisfy the liens thereon in five years. Your respondent further says that the real estate, against which the complainant in this suit is seeking to enforce his judgment lien, will rent for enough in five years to satisfy all the liens

that were docketed against said
real Estate, at & before the aforesaid
deed of bargain & sale was made.
Your respondent further says that
he is willing to pay annually in fine
a sum sufficient to pay off &
year all of said liens, as a rent for
said real Estate. And having
answered, he prays hence to be
dismissed with his costs.

x W. B. Westbrook
by Counsel.

B.

Drewrys Exn

v } Exn will bill

Westbrook

.35¢

This Deed made this 20th Day of Novr One thousand eight hundred & Sixty Seven, 1867, between Thos H. Westbrook of the first part and Wm B Westbrook of the second part Witnesseth, that the said Thos H Westbrook for & in consideration of the Sum of two thousand dollars in hand paid by him the said Wm B. Westbrook, the recpt is hereby acknowledged - That the said Thos H Westbrook have this day granted, bargained & Sold to him the said Wm B Westbrook the following property to wit. 1st The tract of land now in possession of the said Thos H. Westbrook & now resided on by by him, it being the farm purchased from the s[d] Wm B. Westbrook and known as the former residence of Thos. Wrenn containing four hundred & fifty acres, be it more or less, and adjoining the lands of Richd Blow & also of those of the said Wm B. Westbrook, all in the County of Southampton & in the State of Virginia - 2ndly the following Chattel estate to wit 5 head horned Cattle, Six Sows & pigs, 20 Shoats, thirty barrels Corn, three thousand pounds blade fodder five feather beds & furniture, Six Chairs, 2 Ploughs & gear, 1 Cart & wheels, 1 Ox cart & D[o] 2 Drub & 2 weed hoes, One double barrel gun - To have & to hold Said property free from the claim of them the said Thos H Westbrook & all & every person or persons whatsoever with general warantee Given under our hands & Seals the day & date above written

Thos H. Westbrook (Seal)
Wm B Westbrook (Seal)

Southampton County In the Clerks Office November the 20th 1867.
This deed of bargain and Sale from Thomas H. Westbrook to Wm B Westbrook was this day received and acknowledged by the said Thomas H. Westbrook to be his act and deed and admitted to record. Stamps of the internal revenue of the United States to the amount of two dollars being affixed thereto and duly Cancelled.

Teste
L.R. Edwards Clk

A Copy
Teste O. White Clk

Drewry's Exr

vs.

Westbrook

Com: Report

Com. Goodwyn's report

Southampton County Court, November Term 1872.

Drewry's Exr. Plaintiff

against

Westbrook Defendant

In Chancery

This day this Cause came on again to be heard on the papers formerly read and on the Report of Commissioner Tyler, made pursuant to the Order of November Term 1871, and was argued by Counsel; On Consideration whereof the Court confirming so much of said Report as relates to the real Estate of Thos H. Westbrook and the judgment liens against the same obtained previous to the 20th November 1867, to which no exception hath been filed, by Consent of parties, doth adjudge, Order and decree, that the Orders entered in this Cause at June Term 1872, be and the same are hereby set aside, and that W.S. Goodwyn who is appointed Commissioner of the Court for the purpose, after having published the time, place and terms of Sale, for at least twenty days previously, at the Court House of Southampton County, and two or more public places in the Vecinity of the Land, proceed to Sell at public auction in front of the Court House of said County, on some Court day, the tract of Land in the Bill mentioned, Conveyed by Thos H. Westbrook to William Westbrook by deed dated the 20th November 1867, that said Commissioner out of the proceeds of Sale, reserve so much in Cash as will pay the expenses of Sale, and the Costs of this Suit, and pay

the balance of said proceeds take from the purchaser four bonds in equal amounts with good Security, payable in one, two, three, & four years from the day of Sale, said bonds to bear interest from their dates, and the title to said Land to be retained Until said bonds are paid, and the said Commissioner will report his proceedings to Court, together with the said bonds.
But no Sale is to be effected by the said Commissioner Until he has executed in the Clerk's Office before the Clerk of this Court bond with good Security in the penalty of $600, Conditioned for the faithful performance of his duties Under this decree, or any order which may be Made in this Cause. And the Court doth further Order, adjudge, and decree, that so much of the Report of Commissioner Tyler as relates to the real Estate and judgments liens on the Land of James D. Westbrook be recommitted to said Commissioner who is directed to report what real Estate is now in possession of said Westbrook, its real and annual Value; and what judgments liens on the same now exist; What real Estate formerly owned by said Westbrook has been Sold, and what judgments liens if any, against the said Westbrook reported by him have been satisfied, and what liens now exist against the said Westbrook; which said account the said Commissioner is ordered to audit and report to Court with any Matter Specially stated, deemed pertinent by himself, or which may be required to be so stated by either of the parties.

A Copy
Teste,
James R Tyler D.C.

Plffs Costs to wit

Clk's	17.74	Rec'd 18.49. the balance to be p. W. H. Drewry E.
Shff's	3.50	Rec'd 1.50. W. H. Drewry E. SRE. Shff
Com Tyler	15.00	p. SRE for Jo. R Tyler.
Lawson & C	16.11	52.24.

Drewry's Exrs

v. } Copy. Judgt. & Exon.

Westbrook

To be laid before Court
after clear proceedings

Southampton Circuit Court November Term 1869.

W. S. Goodwyn Executor of Samuel Drewry Pff:

against

Thomas H. Westbrook Deft

In ~~Debt~~ Case

The judgment obtained at the Rules not having been set aside and the plaintiff being now entitled to a final judgment. It is therefore Considered that the Plaintiff recover against the Defendant Seventy four dollars Eighty Cents, the amount of the account upon which this action is brought with legal interest thereon from the 31st December 1862 till paid and his costs by him about his suit in this behalf expended.

Pffs Costs $7.11.

A Copy.

Teste, O. White Cl

The Commonwealth of Virginia.

To the Sheriff of Southampton County - Greeting.

We command you that of the goods and Chattels of Thomas H. Westbrook late in your Bailiwick you cause to be made Seventy four dollars eighty Cents with interest from 31st December 1862 till paid which W. S. Goodwyn Executor of Samuel Drewry lately in our Circuit Court of Southampton County hath recovered against him as well for a certain debt as for interest thereon, also the sum of Seven dollars and eleven Cents, which to the said Goodwyn Ex. in the same Court were adjudged for his costs in that suit expended, whereof the said Westbrook is Convict as appears to us of record, and how you shall have executed this writ make known at the Clerks Office of our said Court at the Rules to be holden for the said Court on the first Monday in February next, and have then there this Writ.

Witness Oswin White Clerk of our said Court at the Courthouse this 22nd day of December 1869 in the 94th year of the Commonwealth.

O. White Cl

Sheriffs Endorsement - "Came to hand Dec 28th 1869 at 11. Oclock A.M.
G.W. Vick D.Shff"

Return - "No Property out of which this Fi fa can be made or any part of it.
G.W. Vick D.Shff"

Copies.

Teste, O. White Cl

Southampton Circuit Court November Term 1867.

W. S. Goodwyn Exctor of Samuel Drewry Pltff } In Debt.

against

Thomas H. Westbrook Deft

The judgment obtained at the Rules not having been set aside and the plaintiff being now entitled to a final judgment it is therefore considered that the plaintiff recover against the Defendant Sixty dollars and fifty two Cents the debt in the declaration mentioned with legal interest thereon from the 1st day of January 1858 till paid and his costs by him about his suit in this behalf expended.

Pltffs Costs $7.05

A Copy—

Teste. O. White cc

The Commonwealth of Virginia.

To the Sheriff of Southampton County - Greeting.

We command you that of the goods and chattels of Thomas H Westbrook late in your bailiwick you cause to be made Sixty dollars fifty two Cents with Legal interest from 1st day of January 1858 till paid which W. S. Goodwyn Exor: Samuel Drewry lately in our Circuit Court of Southampton County hath recovered against him as well for a certain debt as for interest thereon also Seven dollars and 05 Cents which to the said Goodwyn Exor &c in the same Court were adjudged for his costs in that suit expended, whereof the said Westbrook is convict as appears to us of record. and how you shall have executed this Writ make known at the Clerks Office of our said Court at the Rules to be holden for the said Court on the first Monday in February next and have then there this Writ.

Witness Owen White Clerk of our said Court at the Courthouse this 22nd day of December 1869, in the 94 year of the Commonwealth

O. White cc

Sheriffs Endorsement - "Came to hand Dec 28 1869 at 11 Oclock A.M.

G.W. Vick D. Shff"

Return - "No property out of which this Fi fa could be made or any part of it.

G.W. Vick D. Shff."

Copies - Teste, O. White cc

Executed by delivering to Jas. Dutchbrook
& W. W. Briggs Sheff each a copy of this
Summons

Wm. P. Selvidge Dy
for W. W. Briggs Sheff

Dawson Exr. &c
vs
Sund. Chs

Westbrook & Co

1871 August Rules

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you to summon James D Westbrook Wm B. Westbrook & W. Briggs Shff & adm. of Thos. H Westbrook dec'd

if they be found within your bailiwick, to appear at the Clerk's Office of our County Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in August next to answer a bill in Chancery exhibited against them in our said Court by W H Drewry Exor. of James D Drewry who sues for himself & all other judgment creditors of Thomas H. Westbrook & Jas D. Westbrook

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the Courthouse, this 18 day of July A. D., 1871, in the 96 year of the Commonwealth.

O White Clk

Druerys Exr.

v. Sum. Chy

Westbrook &c

1871 August Rules.

Executed July 29th 1871 by delivering a true copy of the within Writ to the defendant Wm Westbrook

J. H. Brookhouse D.S.
for E. H. Bunn Shff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ~~Southampton~~ County, Greeting:

We command you to summon Wm. B. Westbrook

if he be found within your bailiwick, to appear at the Clerk's Office of our County Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in August next to answer a bill in chancery exhibited against himself & others in our said Court by Wm. H. Drewry Exor. of James N. Drewry who sues for himself & all other judgment creditors of Thomas H. Westbrook & Jas. B. Westbrook

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the Courthouse, this 18 day of July – A. D., 1871, in the 96 year of the Commonwealth.

O. White Clk

Recog Exon &c

ā ʒ Same

Recognizance &c

Com. Court 1871

To be entered

J. W. Wyphart Judge

Stamps Exr: &c
&
Westbrooks &c

Nov: Term 1871 - County Court -

Decree

The bill of the plaintiffs having been taken for confessed as to the defendant James D Westbrooks, who still fails to appear and answer, and the cause coming on this day to be heard on the bill and exhibits filed, on the answer of N. N. Briggs Admr of Thomas H Westbrooks, ~~of the answer of William B Westbrook~~ and of W. B. Westbrook and ~~and~~ replication thereto, was argued by Counsel - On consideration whereof the Court doth adjudge, order and decree that a Commission of this Court take the following accounts - to wit - An account of all the real Estate owned by the said Thomas H Westbrooks, and which was bound by any judgement liens against said Westbrooks previous to the 20th day of November in the year 1867 and the real and annual value of the same - 2d An account of all judgement liens against said Westbrooks in his lifetime, on said real estate, and their priority - 3d An account of the real estate of James D Westbrooks, and the annual and real value of the same - 4th An account of all judgents against the said James D Westbrooks and their priority - which said accounts the Commission is directed to audit, state and report to Court, with any matters specially stated deemed pertinent by himself or which may be required to be so stated by either of the parties -

The commissioner further reports to the court that after the completion of the said accounts he retained the same in his office two days for the examination of the books & which with the decree & case herewith returned.

Given under my hand as commissioner aforesaid the day and year first aforesaid

Jas R. Tyler
Com.

Commissioner fee $15.00
Clerks fee 4.25
$19.25

Comm's Exhibit
No. 3
Plaintiff
Whitbeck
vs
Commissioner Tyler's
Report
1872. May 11th
"

An account of Judgments liens against James D Westbrook and their priorities. as follows

Wm S. Gardenyr Exr of Saml Dreary for the benefit of Wm E Pierce			
against			
James D Westbrook.			
Judgment for	122 80		
Int: from 1st January 1861 to 1st May 1872	83 50		
Costs	6 49		
Docketed Dec 25: 1866		212	79
"			
Susan N. Harris admx Wm P. Harris dd			
68 against			
James D Westbrook			
Judgment for	50 70		
Int: from 22nd Sept 1859 to 22 Jany 1867	52 72		
	103 42		
Paid 22 Jany 1867	25 00		
	# 78 42		
Int: on same to 1st May 1872	24 70		
Costs	6 07		
Docketed Jany 1 1868.		109	19
"			
David N. Thomas acting Guard of Caroline W & Mary E Brigg			
against			
James D. Westbrook & Littleton G. Powell			
Judgment for	7 00		
Int from 28 Sept 1868 to 1st May 1872	1 50		
Docketed Sept 28/68		8	50
"			
James Dreary			
against			
James D. Westbrook			Nov 69
Judgment for	118 10		Nov ~~1776~~
Int: from 9th Feb: 1862 to 1 May 1872	72 43		
Costs	6 32	196	85
Docketed Jany 1st 1870		# 517	33

Amt brot over			$ 517 33
James Drewry			
against			
James D Westbrook			Exr. 69
Judgment for		200 00	
Int. from 2d March 1863 to 1st May 1872		109 13	
Costs		6 32	
Docketed Janry 1 1870			315 45
"			
Sallie A Gaizard. adm. with will annexed of Caroline F Gaizard			
Exrx of Ro P. Gaizard dec'd			
against			
W S. Goodwyn Exr & Saml Drewry who sues for the benefit of W S.			
Goodwyn adm. of Jos. A Drewry			
against.			
James D Westbrook			
Judgment for		201 05	
Int. from 13th July 1867 to 1st May 1872		57 55	
Costs		8 67	
Docketed Feby. 2nd 1872.			267 27
"			
W. S Goodwyn Exr Saml. Drewry - for the benefit of W. S. Goodwyn			
adm of Jos A Drewry.			
against			
James D Westbrook — Judgment for		67 11	
Int. from 13th July 1867. to 1 May 1872		19 20	
Costs		8 27	
Docketed Feb: 2. 1872			94 57
			$ 1194 62
Amt carried up			

Amt brot up			$ 1194 62
W S. Goodwyn Exr & Saml Drewry for the benefit of W S. Goodwyn			
adm Jos A Drewry			
against			
James D Westbrook — Judgment for		48 02	
Int. from 13 July 1867. to 1 May 1872		13 81	
Costs		8 27	
Docketed Feb: 2nd 1872.			70 10
"			
W S. Goodwyn Ex Saml Drewry — for the benefit of W S Goodwyn			
adm of Jos A Drewry			
against			
James D Westbrook — Judgment for		69 48	
Int. from 13 July 1867 to 1 May 1872		19 99	
Costs		8 27	
Docketed Feb: 2-1872.			97 74
"			
W S. Goodwyn Ex Saml Drewry - benefit of W S Goodwyn			
adm of Jos A Drewry			
against			
James D West brook — Judgt for		40 53	
Int. from 13 July 1867. to 1 May 1872		11 67	
Costs		8 27	
Docketed Feb: 2. 1872.			60 49
"			
W S. Goodwyn Ex Saml Drewry. benefit of W S Goodwyn			
adm Jos A Drewry			
against			
James D Westbrook — Judgt for		100 97	
Int. from 13 July 1867. to 1 May 1872		29 07	
Costs		8 27	
Docketed Feb: 2-1872			138 31
Respectfully Submitted			$ 1561 26
S & R Tyler			

An Account of Judgments lien against Thomas H Westbrook & C
and their families as follows-

W. S. Godwyn Exor of Saml Drewry who sues for the benefit of Wm H Drewry Exor of James Drewry			
against			
Thomas H Westbrook & Jas D Westbrook – Judgment	$283 07		
Int. from 1 Jany 1859 to 1st May 1872	226 45		
Costs	7 17		
Docketed May 2nd 1867		516 69	
"			
W. S. Godwyn Exor Samuel Drewry			
against			
Thomas H Westbrook Judgment for	74 88		
Int. from Dec 31. 1862 to 1st May 1872	41 88		
Costs	6 23		
Docketed Dec 23/67		122 91	
"			
W S Godwyn Exor Saml Drewry			
against			
Thomas H Westbrook – Judgment for	60 52		
Int. from 1 Jany 1858 to 1 May 1872	52 04		
Costs	6 17		
Docketed Dec 23/67.		118 73	
		158 33	
"			
James Drewry			
against			
Thomas H Westbrook & Wm B. Westbrook:			
Judgment for	161 52		
Int. from 17th November 1863 to 1 May 1872	81 13		
Costs	7 17		
Docketed Dec 23rd 1872		249 82	
		$1008 15	

Amt carried over

Amt brot over		$1008 15
John H. Magee who sues for the benefit of Wm H Stock		
against		
Thomas H. Westbrook – Judgment for	125 00	
Int. from 14th Feby 1867. to 1st May 1872	38 25	
Costs	7 25	
Docketed Jan. 1st 1868		170 50
"		
Sallie F Guzzard – for the benefit of Evaline F Guzzard Extrix of Rs. P. Guzzard dec'd		
against		
Thomas H Westbrook – Judgment for	110 25	
Int. from 1st Sept 1860 to 1st May 1872	77 17	
Costs	6 90	
Docketed May 21st 1870		194 32
		$1372 97

Respectfully Submitted.
James R Tyler
Com.

An Account of the real and annual Value of the Lands belonging to James D. Westbrook in Southampton County

		Real Value	Annual Value
One Tract of Land	374 Acres	$ 1496 00	$ 100 00
" " "	29 "	87 10	20 00
" " "	14 3/4 "	44 25	20 00
" " "	38 "	114 00	25 00
		$ 1741 25	$ 165 00
			825

Respectfully Submitted
Jas R. Tyler
Com:

An Account of all the real Est. owned by Thomas N. Westbrook its real and annual Value ~~this~~ of

	Real Value	Annual Value
One tract 461 Acres adjoining the Lands of the late Geo Blow	$ 1802 50	$ 100 00

Respectfully Submitted
Jas R Tyler
Com

Commissioners Office
Jerusalem May 9th 72

To the County court of Southampton County
Pursuant to a decree of the county court of Southampton county rendered at the November Term 1871. in a suit in Chancery depending between Wm H Drewry Exor of James N Drewry dec'd. and James D Westbrook Wm P. Westbrook & Wm W Briggs Sheff and adm of Thos N Westbrook dec'd the undersigned, one of the commissioners of the said court to whom was referred for settlement by said decree the following account to wit.
An Account of all the real Est. owned by the said Thomas N. Westbrook and which was bound by any Judgment lien against said Westbrook previous to the 20th day of November in the year 1867 and the real ~~Value~~ and annual Value of the same.
2nd An account of all Judgments liens against said Westbrook in his lifetime on said real Estate, and their priority
3rd. An account of the real Estate of James D Westbrook and the annual and real Value of the same
4th An account of all Judgments against the said James D. Westbrook and their priority
reports to the court that on the day of last he issued notices against the several parties aforesaid requiring them to attend the settlement of the said accounts and files the Judgments docketed in the Clerks office up to the 1st May 1872. including ~~costs~~ & Sheriff against James D Westbrook including interest & costs to be $ 1561.26 cents. and the Judgments against Thomas N Westbrook including interest & costs up to 1st May 1872. to be $ 1372.97 cents. and also made up an account of the real and annual Values of real Est. of Jas D. Westbrook and Thos N. Westbrook

James D. Westbrook and their privity?

Which said Accounts the Commissioner is directed to audit, State and report to Court, With any Matters Specially Stated, deemed pertinent by him, or which may be required to be so Stated, by either of the parties. &c

A Copy Test.

James R. Sykes, D.C.

Attorneys Enr.

Copy Deed

Westbrook

Southampton County, Court November Term 1871.

William H. Drewry Exr. of James H. Drewry dcd.

Against

James D. Westbrook, Wm B. Westbrook and Wm W. Briggs Sheriff and Admr of Thos. H. Westbrook dcd. Defendants

In Chancery

The Bill of the plaintiffs having been taken for confessed as to the Defendants James D. Westbrook and William B. Westbrook who still fails to appear and answer, and the Cause coming on this day to be heard on the Bill and Exhibits filed, the answer of Wm W. Briggs Admr of Thomas H. Westbrook and of W. B. Westbrook, and replication thereto, was argued by Counsel. On consideration whereof the Court doth adjudge Order and decree, That a Commissioner of this Court take the following accounts to wit; An Account of all the real Estate owned by the said Thomas H. Westbrook and which was bound by any Judgment lien against said Westbrook previous to the 20th day of November in the year 1867, and the real and annual value of the same.

2nd; An Account of all Judgments being against said Westbrook in his lifetime, and said real Estate, and their priority.

3rd; An account of the real Estate of James D. Westbrook and the annual and real value of the same.

4th; An Account of all Judgments against the said

Sheriffs Return _ "No property out of which the within Fi. fa. or any part of it can be made.

G W Vick Dy for
D L Doles Shff

Copies -

Teste O White cc

Dunlap Exr for &c
vs
Estep, Judy & Co.
Westbrooks
(Exhibit A)

Southampton Circuit Court – May Term 1869.

William S Goodwyn Exor: Samuel Drewry who sues for the benefit of William H. Drewry Exor: James H Drewry Pffs.

against

Thomas H Westbrook & James D Westbrook Deffs. } In Debt.

The judgment obtained at the Rules not having been set asidge and the plaintiffs being now entitled to a final judgment it is therefore considered that the plaintiffs recover against the Defendants two hundred and eighty three dollars Seven Cents with interest thereon from the 1st day of January 1859 the debt and interest in the declaration claimed and his costs by him about his suit in this behalf expended

Pffs Costs $8.02.

A Copy–

Teste, O. White Clk

The Commonwealth of Virginia.

To the Sheriff of Southampton County. Greeting.

We command you that of the goods and chattels of Thomas H Westbrook & James D. Westbrook late in your bailewick you cause to be made two hundred & eighty three dollars Seven Cents with interest thereof from 1st day of January 1859 till paid which Wm S Goodwyn Exor. of Samuel Drewry who sues for the benefit of Wm H Drewry Exor. of James H Drewry lately in our Circuit Court of Southampton County hath recovered against them ~~for debt~~ as well for a certain debt as for interest thereon, also the sum of eight dollars and two cents which to the said Goodwyn Exor & in the same Court were adjudged for his costs in that suit expended. whereof the said Thos & Jas D Westbrook are convict as appears to us of record. and how you shall execute this Writ make known at the Clerks Office of our said Court at the Rules to be holden for said Court on the first Monday in February next and have then there this Writ. Witness Oswn White Clerk of our said Court at the Courthouse the 27 day of December 1869 in the 94 year of the Commonwealth

O White Clk

Sheriffs Endorsement – Came to hand Dec. 28 1869. at 11 O'Clock A M

G W Vick D Shff

Exemplaire

2 3 Comm. Report and
Resolution
Westbrook

1872 Dec. 16.

Dec: Term 1872-

Dempsey Exr: &c
vs
Westbrooks &c-

Report of Comr: Goodyear

Pursuant to the annexed decree of the County Court of Southampton County, entered at Dec: Term 1872- the undersigned Commissioner begs leave to report- that the said W. B. Westbrooks having willing to pay the amt of the judgment lying on the real estate of the said Thomas Westbrooks in the proceedings mentioned, and all costs accrued, the said real estate was not sold according to the terms of said decree, and submits the following statement- to wit-

Amt judgment due N. N. Dempsey Exr:- May 1st 1872-		$316.69
Int on $283.07 principle to Dec: 16th 1872-		19.37
		$336.06
Amt two judgments due N. S. Goodyear Exr:- May 1st 1872-	$241.64	
Int on $183.52 principle to Dec: 16th 1872-	5.05	
	246.69	246.69
		$782.75
Commissions on $782.75-	29.48	¼ $195.68
Costs of suit-	32.24	
Cash payments	$61.72	
Amt paid Clerks costs-	$17.74	
" " Sheriffs "	3.50	
" " Comr. Expenses	15.50	
" " Com. fees	16.50	
	32.24	

She Comr. begs leave to return herewith four bonds, each in the sum of $195.68, bearing interest from the 16th December 1872, the day of sale, executed by W. B Westbrooks and Jesse W Benton, and payable in one, two, three and four years from date, together with receipts from the several parties to whom costs are due-

Respectfully submitted
N. S. Goodyear Comr.

Dec: 16th 1872-

March 16th 1874- Rec'd of L. R. Edmunds the four bonds in the above report mentioned, pursuant to the decree of Feby. Term 1874

N. S. Goodyear

Denny Exr: &c Nov. Term 1873- Circ- Court-

v } Decree

Westbrook &c }

This day this cause come on again to be heard on the papers formerly read and on the report of Comr. Goodyear made pursuant to the decree of Nov: Term 1872 of the County Court of Northampton County, to which no exceptions have been filed, and was argued by Counsel- On consideration whereof the Court, confirming said report, doth adjudge, order and decree that Comr: W. S. Goodyear receive from the Clerk of this Court, the four bonds returned with his report executed by Wm. B. Westbrook and Joseph W. Burton and collect the sums and out of the proceeds thereof, pay to R. H. Denny Exr: of James B. Denny the sum of $336.06 with interest from

the 16th Octr: 1872, and to R. L. Gordon Esqr: of Sonth Bend, the sum of $246.69 with interest from the same time, and report his proceedings to Court. But this decree is suspended until the said Com. Gordon shall have executed in the Clerks office before the Clerk of this Court, bond with good security in the penalty of $100 - conditioned as the law directs.

Jno. L. Easton

To be entered

Dec. Ex: in

Chancery 1873.

Filed Dec 3

Recorded

Drewry's Ex
v
Elcomb Bond
Wedbrook

Know all men by these Presents, That we

Wm S Goodwyn & N. B. Ridley

are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of

One thousand dollars

to the payment whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our Seals, and dated this 27 day of October A. D. 1874

The condition of the above obligation is such that ~~if the above bound~~ Whereas in a suit in Chancery depending in the Circuit Court of Southampton County between Drewrys Exor & plaintiffs against James D Westbrook & others Defendants by a decree rendered at the February Term thereof 1874 the above Wm S Goodwyn was appointed Commissioner for certain purposes therein mentioned Now therefore if the said Wm S Goodwyn

shall faithfully discharge the duties of his said office or trust, according to law, then the above obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and delivered in presence of ~~the Court~~.

Wm S Goodwyn (Seal.)

N. B. Ridley (Seal.)

(Seal.)

(Seal.)

Dalmyrinen!

1 ½ Rechtb
1 B Comm:

Berlbrod

Rechtsanf. M. Hahn

Inlis portis 1m Bord

Schuh

May 14th 1874 - Rec'd of D. L. Goodwyn Coun'r
in the suit of Denys Exor & v. Westbrook
in the Circuit Court of Southampton, the
sum of one hundred forty four dollars 87/100
in full of ant due me from the first-bon
Collector of D. B. Westbrook

W H Denys Exor
I H Denys Dec'd

July 17th 1875 - Rec'd of M. L. Goodyear Coun'r in the Chancery suit of Drury Ex's &c vs West Brooks the sum of one hundred fifty two dollars and 33/100 - in full of and due me for Ex's of J. H Drury, from the second bond of W. B Westbrooks collected by said Coun'r -

W H Drury Ex'r
of J H Drury Dec'd

Camp Essex

&

Westbrook

Report of Com. Hardy
to July. term 1876

1875 Feby.

Henry County,
to } Report of Com. Survey
Wetumka }

Pursuant to the decree in this cause rendered at Feby. term 1874, the undersigned Com. begs leave to report that he has collected two of the bonds of the only two that have become due) and paid out the proceeds to W. H. Berry Exr. of J. H. Berry and W. S. Yarbrough Exr. of Saml. Berry, dec'd, and submits the following statement together with receipts of W. H. Berry Exr. for the same and said bonds

1st Bond of the Town - Dec. 16th 1872 -		$128.68
Int. to May 10th 1874 -		15.84
Amt paid W. H. Berry Exr. - as rec't -	$144.87	$211.32
" " W. S. Yarbrough Exr. -	66.65 =	211.52
2nd Bond due Dec. 16th 1874 -		$128.68
Int. to Jan. 29th 1875 -		27.75
Amt paid W. H. Berry Exr. - per rec't -	$132.83	$223.43
" " W. S. Yarbrough Exr. -	71.10 =	223.43

He begs leave specially that the case be continued, as the demands and bonds not due the 16th Dec. 1875 will be collected - and due Dec. 16th 1875, and the remaining Dec. 16th 1876

Respectfully submitted
W. S. Yarbrough Com. -

Feby. 1875 -

Descrip. Surv. &c

2 3/4 Acres

Westbrook

Talbot Co. 1875

Feb 2nd 1875

to be entered.

Geo. V. Bloxom.

Gregg Exr: &c
&
Bostwick

July Term 1875.

Decree

This day this cause came on again to be heard on the papers formerly read, and on the report of Commissioner Goodyear, made pursuant to the decree of February Term 1874, to which no exceptions have been filed, and was argued by Counsel - On consideration whereof the Court, confirming said report, doth adjudge, ordain & decree that the said Comr. Goodyear collect the outstanding bonds of said W. B. Bostwick, and out of the proceeds of the same pay any bills of the said which may be due, and pay out the balance according to the direction in the decree of February Term 1874, and report his proceedings to Court.

Southampton Circuit Court November Term 1866

Wm. S. Goodwyn Exor. of Samuel Drewry who sues for the benefit of Wm. E. Pruden Plff

against

James D. Westbrook Deft

} In Debt.

Judgment against the Defendant for $122.80 with interest from 1st day of January 1861 & Costs

Pffs Costs $6.49.

Abstract from the Record

Docketed Dec. 25. 1866 Teste J.R. Tyler Cl

Southampton Circuit Court May Term 1867

Wm. S. Goodwyn Exor. of Samuel Drewry who sues for the benefit of Wm. H. Drewry Exor of James Drewry

against

Thomas H. Westbrook & James D. Westbrook Defts

Plff

} In Debt.

Judgment against the Defts for $283.07 with interest from 1st day of January 1859 & all paid & Costs

Pffs Costs $7.17.

Abstract from the Record

Docketed May 29. 1867. Teste J.R. Tyler Cl

Southampton Circuit Court November Term 1867

W.S. Goodwyn Exor. Sam Drewry Pffs

against

Thomas H. Westbrook Dft

} In Debt.

Judgment against the Dft for $74.80 with interest from December 31st 1862 & all paid Costs

Pffs Costs $6.23

Abstract from the record

Docketed Dec. 23d 1867. Teste J.R. Tyler Cl

Southampton Circuit Court November Term 1867

W. S. Goodwyn Exor of Samuel Drewry Pff } In Debt.

against

Thomas H Westbrook Dft

Judgment against the Defendant for $60.52 with interest from 1st January 1858 till paid & Costs

Pffs Costs $6.17. Abstract from the Record.

Teste J.R. Tyler Cc

Docketed Dec. 23. 1867.

Southampton Circuit Court Nov. Term 1867

James Drewry Pff } In Debt.

against

Thomas H. Westbrook & Wm B. Westbrook Dfts

Judgment against the Defts for $161.52 with Interest from 17 November 1863 till Paid & Costs

Pffs Costs $7.17.

Abstract from the Record

Docketed Dec. 23. 1867. Teste J.R. Tyler Cc

Southampton Circuit Court May Term 1868.

John W Mager who sues for the benefit of Wm J Holt. Pff } In Debt.

against

Thomas H Westbrook Deft

Judgment against the Deft for $125. with Interest from 14 February 1867 till paid & Costs

Pffs Cost $7.25

Abstract from the Record.

Docketed June 1st 1868. Teste J.R. Tyler Cc

Southampton Circuit Court May Term 1868.

Susan W Harris admx Wm B Harris dec'd Pltff
against In Debt.
James D Westbrook Dfft

Judgment against the Defft for $50-70 with interest from 22d Sept. 1859 till paid.
Costs $6.07. Cr for $25. Jany 22. 1867

Abstract from the Record

Docketed June 1st 1868. Teste J.R. Tyler Clk

Southampton County Court September Term 1868.

David A Thomas acting Guard. of Caroline W & Nancy E Briggs Pltff.
against In Debt.
James D Westbrook & Littleton G Powell Defts

Judgment against the Defts for $7.-ct

Abstract from Record

Docketed Sept 28. 1868. Teste J.R. Tyler Clk

Southampton Circuit Court November Term 1869

James Drewry Pltff.
against In Debt
James D Westbrook Dfft

Judgment against the Defts for $118.10 with interest from 9th February 1862 till paid & Costs.

Pltffs Costs $6.32

Abstract from the Record

Docketed Jany. 1. 1870 Teste J.R. Tyler Clk

Southampton Circuit Court November Term 1869

James Drewry Pff } In Debt
against
James D Westbrook Dft

Judgment against the Dft for $200. with Interest from 25th March 1863
till paid & Costs

Pff Costs $6.32

Docketed Jany 1. 1870

Abstract from the Record

Teste J.R. Tyler Clk

Southampton Circuit Court May Term 1870.

Sallie F. Grizzard who sues for the benefit of Evaline F. Grizzard Exrx of
Ro. P. Grizzard decd Pff } In Debt.
against
Thomas A. Westbrook Dft

Judgment against the Dft for $110.25 with Interest from 1st September
1860 till paid & Costs

Pff Costs $6.90

Abstract from the Record

Docketed May 21. 1870

Teste J.R. Tyler Clk

Southampton Circuit Court. November Term 1871.

W.S. Goodwyn Exr. Saml Drewry who sues for the benefit of W.S. Goodwyn
admr. of Joseph A Drewry Pff } In Debt.
against
James D Westbrook Dft

Judgment against the Dft. for $201.05 with Interest thereon from July
13th 1867 till paid & Costs

Pff Costs $8.65

Abstract from the Record

Teste J.R. Tyler Clk

Docketed Feby 2. 1872.

Southampton Circuit Court November Term 1871.

W S Goodwyn Exor Sam. Drewry who sues for the benefit of W S Goodwyn
admor Jo. A Drewry
Pltff.

against

James D Westbrooks
Dft

} In Debt.

Judgment against the Dft for $67.10 with Interest from July 13. 1867
till paid & Costs
Pltff Costs $8.27

Abstract from the Record

Docketed Feby 2. 1872. Test W R Tyler Clk

Southampton Circuit Court November Term 1871.

W S Goodwyn Exor. Sam. Drewry who sues for the benefit of W S Goodwyn admor.
Jo. A. Drewry
Pltff

against

James D Westbrooks
Dft

} In Debt.

Judgment against the Dft for $48.02. with Interest from July 13. 1867 till
paid & Costs
Pltff Costs $8.27. Abstract from Record

Test W R Tyler Clk

Docketed Feby. 2. 1872

Southampton Circuit Court November Term 1871.

W S Goodwyn Exor. Sam. Drewry who sues for the benefit of W S Goodwyn
admor Jo. A Drewry
Pltff

against

James D Westbrooks
Dft

} In Debt.

Judgment against the Dft for $69.48 Int from July 13 1867 till paid & Costs
Pltff $8.27.

Abstract from the Record -

Docketed Feby 2. 1872 - Test W R Tyler Clk

Southampton Circuit Court November Court 1871.

W. S. Goodwyn Exr Sam. Drewry who sues for the benefit of W. S. Goodwyn adm. of Dr. A. Drewry — Pltff } In Debt.

against

James D. Westbrook — Deft }

Judgment against the Deft for $40.55 with Interest from July 13 1867 till paid Hale

Pltff Costs $7.27 — Abstract from the Record

Teste W. R. Tyler Clk

Docketed Feby 5th 1872.

Southampton Circuit Court November Term 1871

W. S. Goodwyn Exr Sam. Drewry who sues for the benefit of W. S. Goodwyn adm. of Dr. A. Drewry — Pltff } In Debt.

against

James D. Westbrook — Deft }

Judgment against the Deft for $100.97 with Interest from July 13. 1867 till paid Hale

Pltff Costs $8.27 — Abstract from the Record

Teste. W. R. Tyler Clk

Docketed Feby 5 1872.

Drewry's Esq.

" Deed

West-brook &c "

June Term 1892.

To be entered.

Montgomery Judge

Henry J. Ens
vs
Deene.
West-brook &c.

It appearing to the Court from satisfactory evidence, that the real Estate reported as the property of Thomas N. West-brook, and subject to the lien rendered against him prior to the 20th day of November 1867, will satisfy, in part, the said liens in five days, the Court doth adjudge order & decree that the decree entered at this term directing, among other things, a sale of said Real Estate be set aside.

Statement for W S Lundeen Esqr

1880
Sept 4 To fee for visit to W B Wallace on board
for $195 Cts and mileage from Dec 10/72 - inclusive to visit
of $186 32 p Jan 15/78. & $25 p Nov 30/78
June 1st 10 Cts
1 Cts visit 11 Cts

1880
Nov 20 By Cash from Sgt Asst Postmaster 25 Cts
To cash p Shoe shop acct. 1 21/50 Cts visit 1.75
" " p Clerk fee 3.40

1881
May 20 By Cash from Sgt Asst Postmaster - 42 34/100 1.90 allowance 40.44
40.44
To Commission 21/40.44/6540 6.54
Bal: due you 42.75
$ 65.44 $ 65.44

Enclosed herewith is my check for said balance
June 4/81 - Very Respectfully
Ens: S Bennett

Creeys Exrs;

2/3 $128.24

Certificate

Receipt of H. H. Creey

4" Board in
pocket

May 1878 - Recd. of U. S. Goodyear Coms. in the suit of Davis Exrs. v Chesbrough in the Circuit Court of Southampton, the sum of one hundred and twenty three dollars and 24/100 - my portion of $180 - recd. from N. B Chesbrough in part of his bond in the hands of said Coms. for collection

Wm H Davis

Exrs. J. L Davis

May 1878 - Recd. of C. S. Goodyear Com. in the suit of Deacon Exr. v.
Chesbrough in the Circuit Court of Southampton, the sum of one hundred and
twenty three dollars and 84/100 - my portion of $180 - recd. from N. B Chesbrough
in part of his bond in the hands of said Com. for collection

Wm H Deacon

Exr. J. L Deacon

H. L. Berry Exrs,
to
Goodyear Comr. in Chancery
Bill of Berry Exrs
& Certificate -

April 1874

3d Bond paid
in full

Recd July 16th 1876 of W S Goodenough Com. in the suit of Denny & Lauterbach

One Hundred & Fifty nine 26/100 Dollars

amt received of Westbrook note

W H Denny Exr

I H Denny Exr

Orange Extract

2 3 Receipt of M. H.

Welbrook Orange Extract

Received of W. S. Govekenyer Coun: in the Ch. Suit of Dreyfus Exr: &c vs Westbrook the sum of Thirty dollars and 2/00 - my portion of the balance due and collected on the 4th and last bonds of W. B. Westbrook - from which sum my proportion of any costs due in said Ch. Suit is to be deducted when paid by the said Coun: -

W H Dreyfus

Exr of James H. Dreyfus

Orders Exam.
& 3 Com. Report-to
Westbrook May 2nd 1882

(April 15th 1882.)

Dreny's Exrs &c
ē
Wentbrook &c

Final report of Comrs N. S. Goodwyn &

The undersigned Comrs submit the following report of the collection and disbursement of the 3d & 4th the two last bonds, of N. B. Wentbrook.
The report could be none been submitted long since but for the delay in collecting the last bonds due, which do finally had to be collected by suit. Herewith report of the Comrs of the collection of the 1st and 2d bonds and disbursement of the same, as made to the Feby Term of the Court 1875.

And 3d bond of Wentbrook rec'd Feby. 16th 1876. $232.85

" paid N. N. Dreny Exr. his portion of same $159.22

" " N. S. Goodwyn Exr. " " 73.63 = 232.85

And rec'd on 4" bond of G. S. Bernondcally - April 24th 1878 - in part $180.00

" paid N. N. Dreny Exr. his portion $123.24

" " N. S. Goodwyn Exr. " " 56.76 = 180.00

" rec'd of G. S. Bernondcally bal bond less Expns of suit &c. Dec'r 1881 $42.75

" paid N. N. Dreny Exr. his portion $30.02

" " N. S. Goodwyn Exr. " " 12.73 = 42.75

The Comrs herewith files the receipts of N. N. Dreny Exr. of James H. Dreny for the several amounts said him as above stated. The several bonds due N. S. Goodwyn Exr. of Sand. Dreny are retained by the Comrs as Executor and charged to him in his Executorial accounts of the Estate of said Sand. Dreny. The Statement of G. S. Bernondcally, in which bond the 4th and last bond of Wentbrook was placed for collection, is also filed with this report.
The Comrs further state that the object of this suit has been attained, and the suit may be removed from the docket.

Respectfully submitted
N. S. Goodwyn Comr

April 1st 1882.

pertinent by himself, or which may be required to be specially stated by any of the parties -

Chancery Cause

Between

and

Queen

Bill taken pro confesso

June Court 1872

Solicitor for Plaintiff

Drury's Exrs &c
vs
Westbrooks &c

June Court 1872

Decree

This day this cause come on again to be heard on the papers formerly read and the report of Comr. Lyles made pursuant to the order of November term 1871, and was argued by counsel. On consideration whereof the Court confirms so much of said report as relates to the real Estate of Thomas D Westbrooks and the judgment liens against the same obtained previous to the 20th Octr. 1867, to which no exceptions have been filed, doth adjudge, order and decree that unless the said William B Westbrooks shall on or before the 1st day of October 1872, pay to W. L. Drury Exr. of James Drury the sum of $283.07 with interest thereon from Jany. 1st 1859, and the sum of $7.17 Costs of suit; to W. L. Grooms Exr. of Saml. Drury the sum of $74.80 with interest thereon from Decr. 31st 1862, and $6.23 Costs of suit and to the same the sum of $60.32 with interest thereon from the 1st January 1868 and 6.17 Costs of suit; then W. L. Grooms who is hereby appointed Commissioner of this Court for this purpose, as soon as practicable, shall sell at public auction the real estate mentioned in the report of Comr. Lyles formerly owned by Thomas D. Westbrooks and conveyed by him to William B Westbrooks by deed dated Novr. 20th 1867, having previously given at least 30 days notice of the time, place and ~~terms~~ of the sale; and that said Comr. ~~take from the purchaser thereof~~ with good security reserve so much in cash as will be necessary to pay the expenses of sale and the costs of this suit; and for the balance of the proceeds of sale, to take from the purchaser three bonds in equal amounts, with good security, each bearing interest from the day of sale and payable in one two and three years from the day of sale, and report his proceedings to get them with the bonds to Court. But no sale is to be effected by said Comr. until he has executed in the Clerks office before the Clerk of this Court bond with good security in the penalty of $300. conditioned as the law directs: and the Court doth further adjudge order and decree that so much of the report of Comr. Lyles as relates to the real Estate and judgment liens on the same, of James D. Westbrooks be recommitted to said Comr. who is instructed to report what real estate is now in possession of the said J. D. Westbrooks, its real and annual value, and what judgment liens on the same now exist; what real estate formerly owned by the said J. D. Westbrooks has been disposed of by him, to whom and for what purpose stating what judgment liens, if any, against the said Westbrooks, reported by him, have been satisfied, which said account the said Comr. is directed to audit, state and report to Court with any matters specially stated and

Geo. Evans
vs
Decree
Wattmaker

To be entered
Withyhart
J. Judge
Nov. Term 1892

Deems Exor &c
v
Westbrooks &c

Nov: Term 1872
Decree

This day this came on again to be heard on the papers formerly read, and on the report of Comr. Lyles made pursuant to the order of Nov: term 1871, and was argued by Counsel, On consideration whereof, the Court confirming so much of said report as relates to the real estate of Thomas H Westbrooks and the judgment liens against the same, obtained previous to the 20th Nov: 1867, to which no exceptions have been filed, by consent of parties, doth adjudge order and decree that the orders entered in this cause at June term 1872 be and the same are hereby set aside; and that W. L. Lowndes who is appointed Comr. of this Court for the purpose, after having published the time, place and terms of sale for at least twenty days previously, at the Court house of Charlestown County and two or more public places in the vicinity of the land, proceed to sell at public auction in front of the Court house of said County, on some Court day, the tract of land in the bill mentioned, conveyed by Thomas H. Westbrooks to William Westbrooks, by deed dated the 20th Nov: 1867 - that said Comr, out of the proceeds of sale, reserve so much in hand as will pay the expenses of sale and the costs of this suit, and for the balance of said proceeds, take from the purchaser four bonds in equal amounts, with good security, pay-

-able in one, two, three and four years from the day of sale, said bonds to bear intst from their date, and the title to said land to be retained until said bonds are paid - That said Comr report his proceedings to Court, together with the said bonds - But no sale is to be effected by the said Comr until he has executed in the Clerks office, before the Clerk of this Court, bond with good security in the penalty of $500 Conditioned for the faithful performance of his duties under this decree, or any other which may be made in this cause - And the Court doth further order adjudge and decree that so much of the report of Flowers &c as relates to the real estate, and judgment liens on the same, of James D Hunt Trustee be recommitted to said Comr who is directed to report what real estate is now in possession of said Hunt Trustee, its real and annual value and what judgment liens on the same now exist; what real estate formerly owned by said Hunt Trustee has been sold, and what judgment liens if any, against the said Hunt Trustee, reportedly paid, have been satisfied, and what liens now exist against the said Hunt Trustee which said account said Comr is directed to audit, state and report to Court, with any matter specially stated and pertinently brought up, or which may be required to be so stated by either of the parties -

Dump Lan: adjo
ann of B. W.
& Bridge adjo —
Bentbrook
Ass: Count 1871

To the Hon. Judge of the County Court of Southampton County sitting in Chancery -

The answer of W. W. Briggs Sheriff &c - and Admr of Thomas H Westbrook to a bill of complaint exhibited against him & others in the County Court of Southampton by N. D. Drew Exor of J. H Drew & others -

This respondent saving and reserving &c - in answer to the said bill says that it is true he was appointed by the County Court of Southampton as Admr of Thomas H. Westbrook - that nothing whatever has come into his hands as Admr; and this respondent is advised and believes that the said Westbrook died insolvent - and having answered he prays to be discharged this Court with his costs &c -

W. W. Briggs

Decree Entered

Decree to be entered
1 May Term 1882

Chancellor

May Term 1882

To be entered

Geo. P. Bloss. J.

Kemys Executor

&c &c Decree to be entered at May Term 1882.

Westbrook

This day this cause come on to be further heard on the papers formerly read, and on the report of Comm. N. S. Goodeve, dated April 1st 1882, made pursuant to the decree in this cause at February Term 1874, to which said report no exceptions have been filed, and was argued by counsel. Whereupon the Court doth adjudge, order and decree that the said report be confirmed. And it appearing to the Court that the objects of this said bequest have attained, the Court doth order that the same be removed from the docket.

Drewry's Exor &c
v
Stat. Rules

Westbrook &c

Received by Clerk Circuit
Court Aug: 13th 1873.

1872 Nov 6th $17.74
Shff 3.50
Com Tyler - 13.00
Law " 16.00
$52.24

In Southampton County Court.

William H Drewry Exor. of James H Drewry who sues in behalf of himself and all other Creditors by judgment of Thomas H Westbrook and James D Westbrook who may prove their claims and Contribute to the expenses of this Suit.

against

James D Westbrook & Wm W Briggs Sheriff &c. of Thomas H Westbrook

1871 July 18 Sumn issued.
" Aug 8 Sumn Ret. Executed Bill filed D Nisi v Defts
" Sep. Bill taken for Confessed Cause Set for hearing &c

" Nov. Decree for Accts &c.

1872 May 11 Rep't.
" June 17. Decree &c
" " 20 decree set aside &c
" Nov 7 Decree for sale

73 Aug 13 Papers received by Clk Cir. Ct.
" Nov. Cont.
74 Feb. Rep & Decree to Collect.

175 Feby 7. Report & decree to Collect &c.

1882 Apl 15th Rep't
" May 7 Removed from the docket.

Chancy Exam

Bill in Chancy Exhibits

Westbrook &c

1871 Aug. Rules.

(A.S.G.)

To the Hon. Judge of the ~~Circuit~~ County Court of Southampton County - sitting in Chancery

Humbly complaining sheweth your complainant - William N. Drury Exor. of James N. Drury, who sues in behalf of himself, and all other creditors by judgment of Thomas N. Westbrooke and James D Westbrooke, who may come and contribute to the expenses of this suit - that on the day of May 1867, your complainant, in the name of W. L. Goodwyn Exor. of Sarah Drury who sues for the benefit of W. N. Drury Exor. of J. N. Drury, obtained a judgment in the Circuit Court of the County aforesaid against Thomas N. Westbrooke and James D Westbrooke for the sum of $283.07, with interest thereon from the 1st day of Janry. 1869, and $8.02 costs of suit - that on the 22d December 1869, execution of Fi. fa. was issued on said judgment, returnable to the first Monday in February 1870, which was regularly returned by the Sheriff of said County "No property out of which the within Fi. fa., or any part of it can be made" - all of which will appear from a copy of said judgment, execution and indorsement thereon, herewith filed as part of this bill (Marked A) - Your complainant further states that at the time the said judgment was obtained, the said Thomas N. Westbrooke and James D Westbrooke were each of them, the owners and in possession of separate real estate in the County aforesaid, upon which the said judgment is a lien - that the said Thomas N Westbrooke, by a deed of bargain and sale, dated the 20th November 1867, conveyed his real Estate aforesaid to one William B Westbrooke, a copy of which deed is herewith filed as part of this bill (Marked B) and the said James D Westbrooke is still the owner and in possession of his real estate as aforesaid - Your complainant is advised that

the real Estate conveyed by Thomas H. Huntington to W. B. Huntington, by the said deed of the 20th Nov: 1867, is bound for the payment of his judgment as aforesaid, which was obtained prior to the date of said deed and was regularly docketed according to law - and that the said Thomas H. Huntington died sometime since notoriously insolvent - In consideration of the facts hereinbefore stated and inasmuch as your Complainant has no remedy except in a Court of Chancery, he prays that James D. Huntington and William B Huntington* be made defendants to this bill, and that they answer the same that the Hon. Court will direct all necessary accounts to be taken by a Comr. of this Court, and direct the said real estate, or so much thereof as may be necessary, to be sold for the payment of the judgment aforesaid, and grant such other and general relief as may be fit and proper in the premises; and he will as in duty bound ever pray &c.

W. L. Goodyear atty.

* and W. W. Briggs sheriff of Northampton and Admr. of Thomas H Huntington -