

1820-023

Chancery Causes: Edmond Godwin, surviving partner & Samuel Whitfield & ex + John King,

Isle of Wight County

adms of Joshua Hunt

other surnames: Cuchin
Cutchens [Godwin &
Cuchin] [Godwin &
Cutchin], Cutchin

Rev. Gosswein
Es.
King Whitfield } Bill
July 1805
Bill filed

Aug 1805
bill taken as conf?

Nov 1806
bill filed

May 1820 dismissed
with leave to present later
in 3 months —

To the worshipfull Court of Isle of Wight in Chf. Sitting
Humbly Complaining sheweth unto your worships, your Orator
Edmond Goswin Surviving partner of Joseph Butchers decd
That your Orator and the said Butchers were
in Partnership for some time in a small Store. That
James Hunt fell in debt to the Concurrence the sum of
£ ^{which is hereunto annexed for greater Certainty} ~~for which he entered into bond.~~ Or
which a suit was brought ^{vs. Joshua Hunt his admr} ~~to which he pleaded~~
Which abated by ^{Deft's} death - That there is now no
representative of the said James to sue at law. -
But your orator states to your worships that
there was plenty of estate belonging to the said James
in the hands of said Joshua - That John King has
admr - on the said Joshuas estate and, of Course
has in his hands the estate of said James. That Saint-
Whitfield has lately intermarried with
Hunt, the daughter and only Child of Joshua
Hunt - and is, with his wife, the only person who
can have any interest in the said James estate: being
the heir at law of said Joshua, who was heir at law
of said James - Wherefor and forasmuch as
your orator is without remedy at law, he prays that
the said Saint-Whitfield and ^{his wife}
and the said John King be made dependants to
this bill - and on oath full, true and perfect answer
made to all and singular its allegations; and that
they be decreed to pay unto your orator the said
sum of £. ^{with interest &c agreeably to law}
and justice, out of the estate of the said James. -
may it please V.

Baileys per
Court. -

Godwin. {
vs. { Answer
King adms. P. }

and thereby to protect his reputation. They admit that an action of debt was instituted upon the said bond as stated by the Compt. against Joshua Hunt as admin of the said James, but they state that the said Joshua from a conviction of the injustice, oppression and imposition of the said Cutcherin Godwin pleaded the law of infancy to the said action. And your Respondents following the example of the said Joshua Hunt who best knew the origin and foundation of the said bond, now pray all benefit and advantage of the said act of infancy, in the ~~same~~^{like} manner as if the same were here specially pleaded. They are advised that this court has no jurisdiction in this case, because it is in the power of the Compt. either to force an administration on the estate of the said James Hunt, or to leave the same committed to the sheriff. They therefore except to the jurisdiction of this court.

These Respondents lastly pray to be hence dismissed with their costs in this behalf most wrongfully sustained.

John King, Samuel Whitfield and ~~Nancy~~ his wife appeared before me and made oath that the statements contained in the foregoing answer are true as far as they know or believe.

H. Driver

The answer of John King adm^r of Joshua Hunt, and of Samuel Whitfield and Nancy his wife to the bill of complaint exhibited against them in the Worshipful court of Isle of Wight county by Edmund Godwin.

These Respondents saving and reserving to themselves all right of excepting to the manifold errors, uncertainties, and imperfections of and in the said bill of complaint contained, for answer thereto or to so much thereof as they are advised is material for them to answer. Say, it may be true that James Hunt did execute such a bond as is stated by the Comptt, but they have been informed that the said James was an infant at the time of its execution, and that the Comptt and the said Joseph Gutchin taking advantage of the said James Hunt's tender years very improperly prevailed on him to sign the said bond. Your Respondents believe the foregoing information to be correct, and they also believe that the pretended debt for which the said bond was extracted, was charged by the Comptt to have arisen from the said James's impudence in gaming away or embezzling money & goods of the said Godwin & Gutchin whilst he acted as their store keeper. That from alarm and apprehensions for his character (as was natural for an unsuspicious minor) he entered into the said bond in order to conceal such an infamous charge from the public.

Indic in sum.

23.

3 Pa. in Chy

Wants Adm.

Barber att^o for
Compt^r

Executed

John S. Spencer

John W. Wills

The Commonwealth of Virginia to the Sheriff of
Isle of Wight County Greeting: we Command you,
that you Summon John King Administrator of Ascher
Hunt dec'd.

to appear before the Justices of our County court
of Isle of Wight at their Courthouse of said County
on the first Monday in July next, then
and there to answer a bill in Chancery again
st him Exhibited by Edmond Godwin surviving
partner of Godwin & Hatchin

and this he shall in no wise omit, under
the penalty of £ 100 and have then there
also this writ. Witness Nathaniel Young
Clerk of our said Court the 5th day of
May 1805 and in the 29th year of the
Commonwealth— Nathl Young