

1818-144 SOUTHAMPTON COUNTY  
CHANCERY PAPERS

PIERCE et al VS GOODWYN'S ADM'R.  
OF GOODWYN, EXT'R OF PIERCE

other surnames: Denegree,  
Cobb, Blythe, Lewis, Peirce  
Denegre, Blunt

To the worshipful Court of Southampton County in Chancery sitting.  
Humbly complaining shew unto your worship your orators Spencer  
Peice, Nathaniel Peice, Peter Peice and Rebe Botton Peice, your orator  
and orator John Denegree and Polly his wife, formerly Polly Cobb, daughter  
of Michael Cobb & Martha Cobb dec'd, your orator son John Blythe and  
Elizabeth his wife, formerly Elizabeth Cobb, also a daughter of the said Michael  
Jellanth Cobb dec'd, your orator Sally Cobb, an infant daughter  
of the said Michael & Martha Cobb dec'd, by John Denegree her next friend  
and your orator son William Lewis and Susan Lewis, infant  
children of ~~John~~ Lewis and Elizabeth Lewis dec'd, formerly  
Elizabeth Peice, by Rebe Botton Peice their next friend, that on  
the day of in the year of our Lord 1794 a certain Eliza  
Peice departed this life in the County of Southampton, having first duly  
made and published her Last will & Testament in writing, and leaving  
six children, to wit, your orators Spencer, Nathaniel, Peter and  
Botton and two daughters to wit, Martha Cobb, then wife of Michael  
Cobb and mother of your orators P. Blythe and Sally, and Elizabeth  
Peice, who ~~was~~ afterwards intermarried with a certain Lewis  
and died leaving two children, to wit, your orator and orator William  
and Susan - that after bequeathing a bed & furniture to her said  
daughter Elizabeth and her husband furniture to her said daughter  
Martha & Elizabeth, the said Elizabeth Peice directed all the rest of  
her estate to be sold and after the payment of her just debts, to  
be divided among her children in the following manner - that is  
to wit - one fourth part of the proceeds of the said sale, she bequeathed  
to your orator Peter - one other fourth part thereof to your orator Botton -

and the other half thereof to your orators Spencer and Nathaniel and  
her said two daughters Martha and Elizabeth - all which will fully  
appear by an attested copy of the said last will & testament hereinafter  
and to which your worship are referred as a part of this bill. Your orators  
foratures beg leave further to represent to your worship that a certain Robert  
Goodwyn, named an executor in the said will, qualified thereto  
at the October term of Southampton Court in the year 1794 and  
took upon himself the burden of executing the same - that he  
sold all the estate of the said Elizabeth Pease, his testatrix and  
paid all her debts, which were few and very inconsiderable in  
amount - that after the payment thereof, a very large surplus  
of money, your orators foratures will suggest the sum of three thousand  
dollars, remained in the hands of the said Robert Goodwyn, to be  
distributed according to the directions of the said last will & testament  
of her testatrix. But so it is, may it please the Court, that at this  
your orators & oratures are clearly entitled to the said surplus  
of money; your orators Spencer, Nathaniel, Peter and Gotten taking  
immediately under the said will, your oratures Polly, Elizabeth  
and Sally taking the share of their deceased mother Martha Cobb,  
and your orator Jonathan William and Susan, taking the share of  
their deceased mother Elizabeth Lewis - yet the said Robert Good-  
wyn executor of the said Elizabeth Pease and, always refused to pay  
the same or in any manner to account therefor. In this si-  
tuation of affairs, the said Robert Goodwyn departed this life

intestate and letters of administration on his estate were on the  
23<sup>d</sup> day of March 1803 in due form of law granted by the Court  
of Southampton to a certain Samuel Blunt, who is prayed to  
be made defendant to this bill - Since that time, the said Samuel  
Blunt adm. of the said Robert Goodwyn deceased, hath refused to pay to your  
orators foratures the said surplus of money or in any manner to account  
for the administration of his intestate upon the estate of the said Elizabeth  
Pease deceased - Which is contrary to Equity and good Conscience tends to the  
manifest injury of your orators and oratures - In tender consideration whereof  
and because matters of this sort are alone relevant in a Court of  
Equity - to the end therefore that the said Samuel Blunt administrator of  
the said Robert Goodwyn deceased, may be compelled, on his corporal oath,  
full, true and perfect answer to make to all and singular the allegations  
of this bill and that as amply as if they were herein again repeated  
to be thereunto particularly interrogated - that he may be required to  
render before the Commissioners of this Court a true and perfect account  
of the administration of the said Robert Goodwyn and, upon the estate of the  
said Elizabeth Pease deceased - To say, what was the appraisement  
of her estate? to shew the inventory thereof - to say what was the amount  
of the sales of the same? to set forth, what debts were due from the said  
Elizabeth Pease at the time of her death and to whom? What debts were  
due to her and from whom? That your worship may thereupon  
decree that the said Sam. Blunt adm. as aforesaid pay to your  
orators and oratures, the surplus of money belonging to the Estate

of the said Elizabeth's share and interest, which remained in the hands of the  
 said Robert Goodwyn her Executor, at the time of his death, in the  
 manner and in the proportions mentioned in the last will & Testament of the  
 said Elizabeth, together with such interest thereon as may be thought  
 just and proper - that any other and general relief may be granted in  
 the premises consistent with Equity and good Conscience, may it please  
 the Court to grant the Com<sup>rs</sup> writ of Subpoena, commanding J.<sup>c</sup> and as  
 in duty bound your orators Solicitors will ever pray.<sup>c</sup>

Sh<sup>ts</sup> for complainants.

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Blunt add to  
add  
Pence & Co

Answer

May 1813 ans. filed

To the worshipful Court of Southampton in Chancery sitting

The Answer of Samuel Blunt adm<sup>r</sup> of Robert Goodwyns dec<sup>d</sup>.  
to the bill of Complaint exhibited against him by Spencer  
Paine, Nathaniel Paine, Peter Paine, Rice B Paine, John  
Doncey and Polly his wife formerly Polly Cobb, daughter  
of Michael Cobb and Martha Cobb dec<sup>d</sup>, John Rhytho  
and Elizabeth his wife formerly Elizabeth Cobb also  
as daughter of the said Michael Cobb and Martha  
Cobb dec<sup>d</sup>, Sally Cobb an infant daughter of the said  
Michael and Martha Cobb dec<sup>d</sup> by John Doncey  
her next friend and William Lewis and Susan  
Lewis infant children of Lewis and Elizabeth  
Lewis dec<sup>d</sup> formerly Elizabeth Paine by Rice B  
Paine ~~the~~ next friend - This Respondent now  
and at ~~all~~ times saving and reserving to himself all  
and every benefit of exception to all and every error  
and imperfection in said bill contained, for answer  
thereto or to so much ~~thereof~~ as he is advised is mate-  
-rial and necessary for him to make answer unto  
answering saith - That he is much surprised at  
the charges exhibited in the complainants bills  
whom especially as they relate to those of the  
complainants who are now and for a long time  
have been of full age. This surprise upon  
-dent entertains a confident belief will not be  
confined to himself. when the Court are informed

that the allegations in the bill refer to transactions of almost nineteen years standing - transactions too between persons living in the same neighborhood - That a claim is now attempted to be set up against the estate of the decedent Goodwyn for an alleged mismanagement of an estate of small value, when it is a fact well known that Goodwyn in his lifetime was fully able at any period to have paid any such demands if they had been considered by him to have been just, and when it is a fact equally well known that some of the complainants were in a situation which imperiously demanded the use of all the funds which could in any manner have been at their disposal. Your respondent is fully aware of the great difficulty he will have to encounter to obtain satisfactory and legal testimony of the manner in which the estate of the said Elizabeth Peirce was administered by his intestate, owing in a great measure to the staleness of the transaction, as well as to the loose manner in which his intestate transacted his business generally, the result no doubt of his unbounded confidence

in the honesty of mankind - but notwithstanding these difficulties such information as your respondent proposes upon the subject will be cheerfully submitted. Your respondent believes that Rice B Peirce the husband of Elizabeth Peirce died intestate his intestate qualified as admr. dis but a short time previous to the death of the said Elizabeth without will leaving the said Elizabeth his widow and many children as the complainants bill shows - your complainant hath many reasons to believe that the widow became a purchaser at the sale of the estate of the said Rice B Peirce to a very considerable amount, and that at the time of her death, she remained indebted to the estate the full amount of the purchase which was afterwards settled by his intestate either with Michael Cobb the admr of the said Rice B Peirce or with the complainant Spencer Peirce <sup>as</sup> executor of the said Michael Cobb died or as admr de bonis non of the said Rice B Peirce and at the death of the said Elizabeth Peirce took <sup>place</sup> not very long after that of the said Rice B Peirce and as the principal part of the property owned by her at her death was purchased at the sale of the estate of the said Rice B Peirce on a mort, your

respondent thinks it would not be an unreasonable inference from such premises, to say that the amount of the estate of the said Elizabeth Peirce was little more than sufficient to pay the debt due to the estate of the said Rich<sup>d</sup> B Peirce.

But fortunately upon this subject your respondent is not compelled to rely upon conjectural estimates only. He will be able to show that the debt due from Elizabeth Peirce to the estate of Rich<sup>d</sup> B Peirce did amount to the sum of One Hundred sixty pounds sixteen shillings and One penny. He will also show that the estate of Elizabeth Peirce sold for the sum of two hundred and twenty one pounds as thereabouts and that one of the complainants, <sup>to wit Spencer Peirce</sup> became a purchaser to the amount of eighty four pounds and upwards which has never been discharged. and upwards which has never been discharged. and which as far as your respondent is informed, and which it is presumed the said Spencer will pay upon the principle that he who would have Equity should do Equity. Your respondent cannot refrain from expressing his astonishment at the suggestion of the complainants that the estate of the said Elizabeth Peirce would amount to three thousand dollars after the payment of her debts. If your respondent would be

allowed to make his suggestion, he would in the fullest confidence that he was speaking the truth, say that he does not believe at this day that there is one cent due to the complainants, but as this is a subject proper for the investigation of a Court of Equity he submits it to the same, and denying all fraud combination &c he prays to be heard dismissed with his costs in this behalf most urgently sustained - -

Southampton County Jct.

This day Samuel Bleunt personally appeared before one of Justices of the Peace for said County and made oath that the facts contained in the foregoing bill are true so far as they depend upon his own knowledge and so far as they depend upon the knowledge of others he believes them to be true. Given under my this 17<sup>th</sup> day of May 1813 -

Jacob Darden

Pierce of <sup>31</sup>  
or } Spad in  
Blunt of } Chancery

To November court 1812

Executed 7<sup>th</sup> Nov. 1812.

David Newson sdy of  
James Fee Shff.

The Commonwealth of Virginia to the Sheriff of Southampton  
County greeting you are hereby commanded to Summon  
Samuel Blunt administrator of Robert Goodwyn, dec<sup>d</sup>. who was  
Executor of Elizabeth Pierce dec<sup>d</sup> to appear before the  
Justices of our county court of Southampton at the courthouse  
on the third Monday in November next to answer a  
bill in chancery exhibited against him by Spencer Pierce,  
Nathaniel Pierce, Peter Pierce, Rice B. Pierce, John Denegree  
and Polly his wife, John Plythe and Elizabeth his wife,  
Salley Cobb an infant by John Denegree, her guardian &  
next friend, and Susan Lewis & William Lewis infant  
children of Elizabeth Lewis, dec<sup>d</sup> by Rice B. Pierce  
their next friend. And this he shall in no wise  
omit under the penalty of £ 100. And have then there  
this writ. Witness Samuel Kello clerk of our said  
court at his office the 24<sup>th</sup> day of October 1812  
of 3<sup>rd</sup> year of the Commonwealth.

Sam<sup>l</sup> Kello