

1792-006

Chancery Causes'. Shemuel Godwin vs George Ben (Bern), admr of Jonathan

Isle of Wight County

Godwin, the Younger

other SURNAMES: Pitt,

April 1791.

Answer file & line to

Sept 1 May Rule for Sept 1st

July 1791 Jan Rule Sept.

Rule for Sept 1st

August 1791

~~Sept 1st~~ ~~Sept 1st~~ filed

March 1792

June 1st & 2nd minutes

May 1792.

Sept 1st & 2nd & 3rd & 4th & 5th & 6th & 7th & 8th & 9th & 10th & 11th & 12th

May Judge's
1792.

66 1/2
Dues 100

the aforesaid Negro Peg, & your Orators proportion of the estate
of his father Jonathan Godwin the elder, as aforesaid. departed
his life intestate on or about the day of _____ and that
letters of administration were sued for & obtained in this Hon.
- Miffut Court by a certain George Ben Gant: who your Orator
prays may be made dependant to this his bill of Complaint,
which will also appear upon reference to the records of this
Court. _____

But now so it is may it please
your Honors, that notwithstanding your Orator is so justly
intituled to one moiety of the said Negro Peg & her increase
to wit. Cye, Bloe, Aggy, Pink, Edy, Betty, James, Solomon, Aaron,
& Peter, under the devise of his Grandfather, Joseph Godwins
will, as also the ballance of his proportion of his said
father Jonathan Godwins personal estate, as is above
stated & set forth. The said George Ben, who is in full
possession thereof as administrator of your Orator brother
Jonathan Godwin the younger. Refuses to lay of & set apart
your Orators proportion of the said Slaves, or to pay unto
your Orator his ballance due from his fathers estate, but
gives out in sayings that his intestate your Orator brother
had purchased the same of your Orator & fully paid and
satisfied him for it: which your Orator now positively
denies, & ever did deny to be the Case. and which Circum-
- stance, is unjust, inequitable & oppressive. _____ In
tender Consideration whereof, and for as much as your
Orator is remediless in the premises by the strict rules of
the Common Law, and only relievable in this Honorable
Court of equity where matters of this nature are properly
Cognizable & Relievable, To the end therefore that the
said George Ben may upon his Corporal oath full
true & perfect answer ^{make} to all and singular the allegations
of this bill, and that as fully & sufficiently as if the same
were again herein repeated & interrogated, but more
especially, that he set forth & discover whether or not,

Joseph Godwin made such devise as is here set
forth in his will, that Jonathan Godwin the elder
any Son but his intestate Jonathan, & your Orator,
are not the Negroes before mentioned the increase of the
said Peg. is he not in possession of them as adminis-
- trator of Jonathan Godwin the younger. doth he not
refuse to deliver to your Orator his proportion of them,
Did not Jonathan Godwin the elder your Orators father
die intestate, was he not possessed of a considerable
personal estate, how much (exclusive of Slaves)
was it appraised to. & what proportion of it came
to your Orators hands. did not the residue come
to the hands of his intestate, & how has it been
appropriated, and that your Honors will appoint
some fit & able persons to make partition & division
of the said Slaves, to wit Peg & her increase, between
your Orator, & his brother Jonathan Godwins estate, and
advised to your Orator his proportion of the said, and
decree that the said administrator out of the estate of
his intestate Jonathan Godwin pay to your Orator
the sum of eighty one pounds 15/5 3/4 is being the ballance
of his moiety of his fathers estate which is still unacqui-
- ted for, together with the legal interest & the Cost and
Charges attending this Suit, and that your Honors
will make such other, or further order or decree for
the Relief of your Orator, as may be agreeable to
equity & good Conscience. May it please the

Yours truly for Compl^t

To the Worshipful Court of Isle of Wight County in Chancery
sitting. Humbly Complainin^g, Sheweth unto your worships
your Orator Samuel Godwin, That on or about the
day of November 1757 a Certain Joseph Godwin^{of this County} after having
made his last will & testament, wherein he nominated & appointed
a Certain William Pitt his executor, departed his life, leaving
a Considerable estate; That among other devises in his said
will, the following was made, to wit: "I give unto my two grand-
sons Jonathan & Samuel Godwin, sons of my son Jonathan, my
negro girl called Peg, to be equally divided between them,"
which will sufficiently appear upon reference to the said will
that is now of Record in this Court, your Orator further shew
unto the Court, that the said Jonathan Godwin at the time of
making the said will, nor at any other time, had but two sons,
viz your orator brother Jonathan, & your Orator himself, so that
it is plainly demonstrated, that the Testator Joseph meant
your Orator, & his brother Jonathan in the devise aforesaid.
& that the mistake was committed by the scribe who wrote the
will, tho your Orator conceives the ^{thing} devised to be persons &
whom devised sufficiently described, — Your Orator begs
leave further to shew, that the said Jonathan Godwin the
elder, your Orator's father, was seized & possessed of a very Consi-
derable personal estate and departed his life intestate,
on or about the day of leaving but two Children
your Orator, & his brother Jonathan. That the said estate ex-
clusive of the negroes (of which your Orator had his part (ex-
cept the negro Peg given by the Testator Joseph) was appraised
to £ 217: 10: 112. out of which your Orator received articles
agreeable to account hereunto annexed, of the value of £ 27.
leaving the balance of his proportion of £ 81: 15: 5³/₄. in the
hands of his brother Jonathan & still unaccounted for,
all of which will appear from the appraisment & other state-
ments hereto annexed. Your Orator further begs leave
to suggest to the Court, that the said Jonathan Godwin
the younger your Orator's brother, after possessing himself of

that the said Shemuel is therein or in any part of the said clause
named or mentioned, and ~~of~~ consequently cannot have ^{any} claim or
right whatsoever accruing by virtue thereof. And this Defendant
denying all injustice fraud oppression and combination, prays hence
to be dismissed with ~~the~~ his reasonable costs in this behalf most
wrongfully sustained &c. —

George Benn

st
Sole of Wight. August 18: 1791

This day George Benn
made oath to the truth of the fore-
going answer so far as the same
rests in his own knowledge, and
so far as it depends upon the
knowledge of others or of evidence
he believes it to be true.

Wm Bridger

Benn sworn of Falsum
or
Falsum
} Ann.

him, the said Shemuel: — That this Defendant is induced to believe that, ^{the said Shemuel} was fully paid for the said negro Peg and her increase, because the said Shemuel did not ^{prosecute his claim thereto} earlier and in the lifetime of the said Jonathan (the younger) who, it is reasonable to believe, might have collected and produced much ~~out~~ evidence and testimony concerning the paying and satisfying the said Shemuel for his pretended claim of a moiety of the said negro and her issue, which is unknown to this Defendant; ~~because also~~ this Defendant being indebted to the said Jonathan (the younger) in his lifetime, and the said Shemuel being indebted to this Defendant, upon his applying to the said Shemuel for payment, and informing him that he expected to be sued by the said Jonathan (the younger) unless he could obtain money to discharge his debt to the said Jonathan (the younger) the said Shemuel did not offer him or even mention the giving this Defendant an order on the said Jonathan (the younger) as he would certainly have done, had he at that time considered the said Jonathan (the younger) as his debtor, but the said Shemuel, instead of an order on the said Jonathan (the younger) delivered to this ^{Defendant} an obligation of Josiah Holladay in order that this Defendant might give up the same to the said Jonathan (the younger) and thereby relieve himself, which was accordingly done: — and because it is unreasonable to believe that ^{the said} Jonathan (the younger) who, in compliance with a verbal request of his father Jonathan Godwin and a request too not binding in law or equity, had given up to the said Shemuel a tract of land, would almost at the same moment attempt to defeat him of his claim to a moiety of the said negro Peg and the few small children she then had — a property so far superior to that which he had generously given up. — And as to the pretended claim of the said Shemuel to a moiety of the said £217.10.11 $\frac{1}{2}$ in the said bill of complaint mentioned — this Defendant for answer thereto, says, that he has refused and still does refuse to comply with the said Shemuel's request respecting the payment thereof — because of the reasons above-mentioned, and also because it does not appear except by the bare assertion of the said Shemuel that the said sum of £81.15.5 $\frac{3}{4}$ mentioned in the said bill of complaint and

supposed to be the balance due to him, was left in the hands of the said Jonathan (the younger): — because also admitting even ^(which this Defendant does not) that the said estate of Jonathan (the elder) was appraised to the sum of £217.10.11 $\frac{1}{2}$ it does ^{not} follow after a deduction of the value of the articles received by the said Shemuel consequently that the said Shemuel is intitled to the sum of £81.15.5 $\frac{3}{4}$, because the said Jonathan (the elder) might have ^{left} and this Defendant believes did leave several debts unpaid at his death, which he supposes were paid and satisfied by the said Jonathan (the younger) in his lifetime, but which this Defendant and that it appears from vouchers in the hands of this Defendant that divers sums of money to the amount of £28 or thereabouts cannot at this distant period exactly ascertain: — and this Defendant further shews unto your Worships — that from certain accounts and writings found among the papers of his intestate Jonathan Godwin (the younger) ~~it~~ (a list of which is here unto annexed) it appears that his said intestate did in his lifetime advance and pay divers sums of money for and on account of the said Shemuel and did pay and satisfy many claims and demands against the said Shemuel — which amount to the sum of £27.4.2 $\frac{1}{4}$ and this Defendant further shews, that this Defendant has lately been called ^{on} by Esther Layton ~~and~~ for the payment of £5.12.11 $\frac{1}{2}$ due from Jonathan Godwin (the elder) the payment of which he has refused, and the half of which (if this worshipful Court should be of opinion, which however this Defendant cannot believe, that the said Shemuel is intitled at this time to a part of the last-mentioned claim of £20 and of £81.15.5 $\frac{3}{4}$) ought, together with the said sum of £27.4.2 $\frac{1}{4}$, to be deducted from the said Shemuel's claim of £81.15.5 $\frac{3}{4}$ — And this Defendant further answering, ~~and~~ shews unto your Worships, that ~~all~~ altho' for the reasons above-set forth he is induced to believe that his intestate Jonathan Godwin (the younger) ^{in his lifetime} satisfied the said Shemuel for his pretended Right to a moiety of the said negro Peg & her issue, yet it does not appear from the clause of the Will of Joseph Godwin dec^d mentioned and set ~~set~~ forth in the bill of complaint of the said Shemuel and under which he pretends to claim to the said negro & her increase

The answer of George Beun administrator of all and singular the goods chattels right and credits which were of Jonathan Godwin (the younger) at the time of his death to the bill of complaint exhibited against him in the wor-shipful Court of Isle of Wight County, by Shemuel Godwin —

This Defendant, now at and all times hereafter saving and reserving to himself all manner of benefit of exception to the many errors imperfections untruths and uncertainties in the said bill of complaint contained, for answer thereto or so much thereof as he is advised is necessary for him to answer unto, — answers and says, — That he believes Joseph Godwin departed this life about the time mentioned in the said bill of complaint having previously made a last Will and Testament whereby he nominated William Pitt his executor, and devised and bequeathed as is set forth in the said Complainant's bill: — This Defendant does also believe that ~~the deceased~~ ^{Joseph} Godwin ~~deceased~~ at the time of making his said last Will and Testament had but two sons, to wit, the said Jonathan (the younger) and the said Shemuel: — This Defendant admits that the said Jonathan (the elder) departed this life intestate, leaving some personal estate, but the amount thereof this Defendant is entirely unacquainted with, or how or in what manner the same has been applied and disposed of particularly: — This Defendant further admits that the said Jonathan Godwin (the younger) died intestate, and that this Defendant obtained the administration of his estate as is set forth in the said bill of complaint: — And this Defendant further says he believes that the negro, Peg, mentioned by the Complainant in his said bill of complaint, has had issue as is set forth therein ~~and~~, and that this Defendant is possessed of them as administrator as aforesaid. — And this Defendant begs leave further to shew unto your Worships that he has refused and still does refuse to deliver unto the said Shemuel, the Complainant, a moiety of the said negro Peg and her increase for the reasons following, to wit, because this Defendant has heard his intestate, Jonathan Godwin, (the younger) in his lifetime, declare that he had fully paid and satisfied the said Complainant Shemuel for the said negro Peg and all that he, the said Jonathan (the younger) was owing

hedeius }
nr } Tepli.
hedeius ad. }

The Replication of Thomas Godwin Comptroller
to the answer of George Benn Gent. &c.

His Replicant, saving to himself, all & all
manner of advantage & exception to the manifold
insufficiencies of the said answer, for Replication
thereunto saith, That he will aver & prove his
bill to be true, certain & sufficient in the Law to be
answered unto, and that the said answer of the
Defendant is uncertain, untrue, and insufficient
to be replied unto by His Replicant, without that
that any other matter or thing, whatsoever in the
said answer contained, material or effectual
in the Law to be replied unto, and therein
replied unto, confessed & avoided, traversed
denied, is true; all which matters & things
His Replicant is, & will be ready to aver & prove,
as this worshipful Court shall award: and
humbly prays as in and by his said bill he
hath already prayed

THE Commonwealth of VIRGINIA to the Sheriff of *Isle of Wight* county,
greeting. We command you, that you summon *George Benn* *gent* *vs* *Isaac*
Jonathan Godwin *deb*

to appear before our Justices of our county court of *Isle of Wight* at their courthouse
of said county, on the *first Thursday* *in November* next, then and there
to answer a bill in Chancery against *Isaac* exhibited by *Isaac*
Godwin

And this *he* shall in no wise omit under the penalty of 100l.
there also this writ. WITNESS *Francis Young*
at the office, the *5th* day of *October*
1789 year of the commonwealth.

And have then
clerk of our said court
1789 - and in the
Francis Young

Invented
Laws London 1790

Godwin - }
w. } M.S. Sp^a
Godwin's Admⁿ } in
Chancery

To August, 1790.

August 1790
Com^d & Bill

Done
here
happy

THE Commonwealth of VIRGINIA to the Sheriff of *Isle of Wight* county,
greeting. We command you, ^{as often heretofore we have commanded you} that you summon *George Burr Adm'r. &c. of Jonathan Godwin del.*

to appear before our Justices of our county court of *Isle of Wight in Chancery* at their courthouse
of said county, on the *first Monday in August* next, then and there
to answer a bill in Chancery against *him* exhibited by *Samuel Godwin*

And this *he* shall in no wise omit under the penalty of 100l. And have then
there also this writ. WITNESS *Francis Young* clerk of our said court
at the office, the *10th* day of *June* 1780 and in the
14th year of the commonwealth. *Francis Young*

For not appearing to answer the Bill of Complaint
Exhibited against him Samuel Godwin

By order of Court

Francis Young Esq.

Godwin

or Callaghan Ans^r

Godwin's Claim

Accepted

J. W. W. W.

The Commonwealth of Virginia To the Sheriff of Isle of Wight County
Greeting; We Comm^d you that you attach George Benn Adm^r of
Jonathan Godwin and so that you have his body before our Justices of our
Court of our 3^d County in Chancery at the Court house on the first Monday
in March next to answer us as well of a certain contempt by him to us
offered as it is said, as upon these things which to him then & there
shall be objected and further to do and receive what our said Court
shall in this part consider and this you shall in no wise omit —
and have then there this Writ Writings Francis Young, Clerk of
our 3^d Court at the Court house the 8th Day of Novemb^r 1790 &
of the Commonwealth the 13th year —

Fran^s Young

Copy of Dr. Godwin's letter
to a copy of Jonathan Godwin
the same app'd. d-d to the
pet. March 22 by F. W.

Godwin -
v. } Sp. a.
Godwin's Answer

The P. day of the term Aug. 1st 1791

Excentu

James Wells Esq

THE Commonwealth of Virginia to the Sheriff of *Isle of Wight* — county
greeting: You are hereby commanded to summon *Leif* Copeland *Whitfield* *and*
William Green & Ann Godwin (the widow of Capt. Edward Godwin decd.) —

to appear before the Justices of our said court, at the courthouse, in the county
of *Isle of Wight* — on the *2^d* day of the *time in August next* — to testify and the
truth to say in behalf of *Samuel Godwin* —

127
3

in a certain matter of controversy in our said court, before our said Justices depending
and undetermined between *the said Samuel Godwin Plaintiff and George Burne Esq. Defendant*

And this *they* — shall in no wise omit, under the penalty of 100l. ^{*each*} And have then
there this writ. Witness *Francis Young* — Clerk of our said Court, at the
courthouse aforesaid, this *11th* day of *July* — 1791 in the 16th
year of the Commonwealth.

Francis Young

Godwin

~

Godwin's letter

Sp. as

to 2^d day of the term in Nov. 1841

Excused

C. Mason D.

V

THE Commonwealth of Virginia to the sheriff of *Isle of Wight* — county
greeting: You are hereby commanded to summon *Copeland Willfield Esq.*
William Green & Ann Godwin (the widow of Capt. Edmund Godwin decd)

to appear before the Justices of our said court, at the courthouse, in the county
of *Isle of Wight* — on the *2^d day of the term in November next* to testify and the
truth to say in behalf of *Samuel Godwin*

in a certain matter of controversy in our said court, before our said Justices depending
and undetermined between *the said Samuel Godwin Plaintiff & George Brown Advers. &c. of*
Jonathan Godwin decd. Defendant

And this *they* — shall in no wise omit, under the penalty of *100⁰⁰*. And have then
there this writ. Witness *Francis Young*, Clerk of our said Court, at the
courthouse aforesaid, this *16th* day of *August* 17*81* in the *16th*
year of the Commonwealth.

Francis Young

Godwin

v.

Godwin's Admon

Spa.

To 2^d. day of the term in
Blackmpt

Ex^{at}. Ed. Mason Dth

The Commonwealth of Virginia to the Sheriff of Isle of Wight County greeting
you are hereby commanded to summon Copeland Whitfield Esq. William
Green & Anne Godwin (the Widow of Edmund Godwin dec'd.)

to appear before our Justices of our Court of our said County, at the Court
house aforesaid on the second — day of the quarterly Session to be holden
in March next. To testify & the truth to say on behalf of ~~Samuel~~ Samuel
Godwin — in a Certain matter of controversy
in our said Court before our said Justices depending & undetermined between
the said Samuel Godwin Plaintiff and George Benn Esq. Adverser of Jonathan
Godwin dec'd. Defendant

and this they shall in no wise omit under the penalty of two ^{each} (and)
have then this writ to wit Francis Young Clerk of our said
Court at the Court house the 6th day of January — 1792 in the
16th year of the Commonwealth

Francis Young

A List of demands against Shemuel Godwin, which appear by certain papers to have been paid off by Jonathan Godwin (the younger) dec^d as mentioned in the foregoing answer —

The demand of Andrew Sym and Co: } — £ 10. 1. 2 ³/₄
by account —————

D^o of W^m Morripon by D^o — — 3. 1. 7 ¹/₂

D^o of Jⁿ Morripon by D^o — — 1. 2. 3

D^o of James Donaldson & Co: by D^o — — 1. 3. 4 ¹/₂

D^o of Hunter and Blain by D^o — — 9. 9. 10 ¹/₂

D^o of D^o by D^o — — 2. 5. 10

£ 27. 4. 2 ³/₄

Godwin
n. } Sept.
Godwin's Adm'n
May 7th 1792 U.S. 600p

Lth The estate of Jonathan Godwin the elder in $\frac{1}{2}$ Court with George Benn Adm^r of Jonathan Godwin the Younger
 who was Adm^r of Jonathan Godwin the elder. Lth
 By the amount of the Appraisments of
 of Jonathan Godwin the elder's estate £ 217¹⁰ 11¹/₂

To cash paid George Purdie & Co. £ 2⁵ 5¹/₂
 To ditto paid Augustin King & Co. ditto. 2¹⁴ 11¹/₂
 To ditto paid the Sheriff & Co. ditto. 2⁵ 11¹/₂
 To ditto paid Charles Driver & Co. ditto. 2¹⁴ 10¹/₂
 To ditto paid William Morrison & Co. ditto. 1⁰ 9¹/₂
 To Clerk's & Sheriff's Tickets 10⁰ 16⁰ 8⁰ 8⁰ -
 19⁸ 5¹/₂
 To Commissions & Co. on £ 217¹⁰ 11¹/₂ 4¹/₂ 10⁰
 23¹⁵ 4¹/₂
 Balance due the estate 193¹⁵ 7¹/₂
 £ 217¹⁰ 11¹/₂

Lth Samuel Godwin in $\frac{1}{2}$ Court with George Benn Adm^r of Jonathan Godwin Just. decd. Lth

To cash & sundry articles paid to Adm^r of £ 53¹⁶ 11¹/₂
 To p^r 10⁰ Taylor Adm^r of John Taylor decd. } 2¹⁶ 5¹/₂
 one half - - - - - }
 56¹³ 5¹/₂
 Balance due the Godwin. 40⁴ 4¹/₂
 96¹⁷ 9¹/₂

By half of the balance due from
 the estate of Jonathan Godwin the elder £ 96¹⁷ 9¹/₂

Pursuant to a Decree of the Hon^{ble} the Court of Chancery of Isle of Wight County we have settled and aut.
 Current of the Administration of Jonathan Godwin the Younger on the estate of Jonathan Godwin the
 Elder, as above stated, we have also settled an Account Current ~~of the estate~~ Between Samuel Godwin
 and George Benn Gent. Adm^r of Jonathan Godwin the Younger and find the Balance of forty pounds four
 shillings and nine pence half penny ^{due Samuel Godwin} as above stated, with Interest thereon, ^{for ~~eight~~ years} ~~from the date of the said account~~
~~the said balance~~ we have also made a Division of negro Pigg and her increase in the
 following manner (to wit) we attest to Samuel Godwin negroes ~~Agge~~ Elze and her child Robin, boy Jemmie, boy
 Solomon, Pink and her child Mittilda and girl Betty to the value of one hundred and fifty seven pounds ten shillings and
 to the Representative of Jonathan Godwin the Younger and the following negroes (to wit, Agge and her child Suppin, boy
 Aaron, boy Peter, man Grey, Woman Edey & Woman Pigg to the value of Two hundred and Twelve pounds ten shillings, the
 said Representative of the said Jonathan to pay unto Samuel Godwin the sum of Twenty seven pounds ten shillings
 Current Money of Virginia, we submit the above Report to the Court in Order to a final Decree Given Under our
 hands the 20th April 1792.
 John Lick Willes
 Mills, Will