

1753-001

SOUTHAMPTON COUNTY
CHANCERY PAPERS

WHITEHEAD

Vs. WHITEHEAD'S EXECUTORS, 3/1753

See also 1752-02, WHITEHEAD'S EXECUTOR vs. WHITEHEAD'S EXECUTRIX, 1752

1757-04 Whitehead, By Denson v. Whitehead's Executor

other surnames: Jones, Vick

Whitehead

by vick.

to

Whitehead 283

Bill

25 Dec 11.

Nov. 1751.

Nov. 1751.

Nov. 1751.

Nov. 1751.

Nov. 1751.

Nov. 1751.

Nov. 1751.

Nov. 1751.

Nov. 1751.

Nov. 1751.

Nov. 1751.

Nov. 1751.

Nov. 1751.

Nov. 1751.

To the Worshipful his Majesties Justices for
the County of Southampton Sitting in Chancery
Humbly Complaineth sheweth unto your
Worships your Orator Arthur Whitehead by Richard Vick
his Guardian. That whereas your Orators Father Arthur White
head the younger departed this life on or about the
Day of _____ in the year of our Lord God one thousand
seven hundred by _____ having first made
his Last Will by Testament in Writing bearing date the
Day of _____ one thousand seven hundred
and _____ and thereof appointed Patience
Whitehead & Lewis Whitehead Executors and
possessed of a considerable personal Est. amounting
to the sum of two hundred & sixteen pounds three
shillings and nine pence Curr. Money of Wilt. and that

soon after the death of your Orators Father the said
Patience & Lewis proved the S. Will in the County Court of
Isle of Wight and took upon themselves the Burthen &
Execution thereof and possessed themselves of all and
singular the personal Est. of the S. Test. and is still thereof
possessed and your Orator sheweth unto your Worships
that the S. Patience is since intermarried with one Tho.
Jones of this County. And your Orator sheweth unto
your Worships that this Court was before appointed
Rich. Vick N. Guardian to your Orator to taking thereby
to advance & improve that part of your Orators Estate
that he hath a right to as heir at Law and sheweth to
his S. Father the Testator but that intent by good design of
your Worships is intirely frustrated hitherto by the S. Dpts
for altho often applied to by your Orator S. Guardian in
a friendly

Whitehead
vs
Whitehead & Lewis
Bills
25 Dec 51.
Nov 1751.
Sent to Ans.
July 1752.
Cont.
May 1752
Sent for hearing
August 1752.
Cont.
Sept. 1752.
Cont. as Def. Cpn.
Decr 1752.
Att. vs Jones.
Jan'y 1753
Cont. and filed 11 Jan'y
Feb'y. Cont.
Mch. 1753
Feb. 1751

Friendly manner to deliver in for him the Est. of your
Orator ^{But none of us may please} ~~that they the~~ v. Thomas Jones & Patience his Wife
and Lewis Whitehead hath hitherto refused to comply with
the request of your Orator made by his S. Guar. for that
that your Orator is not intitled to any part of the Estate
of his S. Father the contrary whereof they the v. Defts. will
know to be true. In tender consideration whereof
and for as much as your Orator is remediless in this
premise by the strict Rules of the Common Law and
properly deliverable therein in this Worshipful Court of
Chancery where matters of this nature are properly
cognizable. To the End therefore That the v. Thomas
Jones & Patience his Wife & Lewis Whitehead whom your
Orator prays may be made parties & respondents to this
his Bill of Compt. may upon their Cornard Oath true
direct and perfect Answer make to all singular the same

Court be compell'd to account with and deliver
up to your Orator all such sum or sums of Money that
is due & owing to your Orator from the v. Defts. as Executors
of the v. Testator and all such other and further Est.
that they the v. Defts. are to pay as aforesaid. That your
Orator hath a just & Equitable right Title to And that
your Orator may have such other and further relief
in the premises as is agreeable to Equity & Good Con-
science and as the Nature & circumstances of his case
shall or may require May it please your Worships
the premises considered to grant to your Orator his
Majesty's most gracious Writ or Writs of Subpoena &c

more hereon again repeated & interrogated whether your
Orator S. Father did not depart this life on the Day of
having first made his last will & Testament bearing
date the day of year within self forth, whether they the v. Lewis
& Patience were not appointed Executors thereof, whether they
did not remove the same in the County Court of Middle
sex within self forth whether they did not dispose
themselves of all the personal Est. of the v. Test. whether
the v. Patience is not since intermarried with the v.
Thomas Jones what have they the v. Defts. done with
the Est. of the v. Test. what was the Value of the same
what part of the same doth of right belong to your
Orator whether by devise or otherwise And that
the v. Defts. may by a Decree of this Worshipful
Court

Attn
Whitehead & Ansd?
at
Whitehead

Whitehead
ad
Whitehead &
July 1852
filed
11.

The several answers of Lewis Whithead ^{one of the} ~~decedent~~ of Arthur
Whithead Junr. died to the Bill of Complaint of Arthur
Whithead an Infant eldest Son & Heir at Law of the said
Arthur Whithead Junr. died exhibited against him and others

This Defendant now and at all Times hereafter saving and
reserving to himself ~~and~~ all Manner of Advantage of
Exception to the manifold Untruths Incertainties and
Imperfections in the Compl.^d said Bill of Complaint
contained for Answer thinks also so much thereof as this Def.
is advised is material for him to answer unto he answers with
and faith that true it is that the said Arthur Whithead Junr.
decd Father of the Complaint died about the Time ~~and~~
made such Will appointed such Executors as in Bill that the
other Exec in the Will named is now intermarried with the
Def. Thomas Jones that she before her said Marriage proved the
said Will the said Arthur with this Def. that this Def. ~~—~~
hath paid away all the Estate of the said Testator ^{that came} to his Hands to
the children & Legates of the said Testator except the proportionable
Part of the said Estate of. came to his Hands due to Joseph
Whithead one of the children of the said Testator so that this
Def. is Guardian the rest of the Estate of the said Testator to
the Value of fifty three pounds four Shillings two Pence being
in the hands of the other Def. taken before her Marriage &
as aforesaid with the said Thomas Jones that if this Court shall
order this Def. to pay the said Arthur his Part of his Father's
Estate amounting to sixteen pounds nineteen Shillings and one
Penny half penny at he hath received the same of the
other Def. he desires he shall be discharged with his reasonable
Costs in this behalf incurred without that that the
other Def. be intrested with

Jones & Co. *J*
ad. *And*
Whithead by
Wick: *To Job*
14

filed Jan 7 12 1753.

The joint General Answer of Thomas Jones & Patience his
Wife Def^s to the Bill of Complaint of Arthur Whitehead an
Infant by Richard Vick in his Guardian Complainant

These Def^s having Reserving to themselves all Manner of
Advantage of Reception to the manifold Untruths Inconveniences and
Imperfections in the Compl^t said Bill of Complaint contained for
Answer therunto or to so much thereof as these Def^s are advised is
material for them to answer unto they severally answer & say
And first the said Patience for herself severally answereth & saith
That she cometh it to be true that the said Arthur Whitehead made just
Will died about the Time & Age into & such soon as in Bill that
the this Respondent proved this Will together with the other Def^s Lewis
Whitehead that there was a Balance due to the Compl^t from him
to them as in Bill But that the this Respondent since the death
of the said Arthur while she ^{was} ~~was~~ ^{jointly} ~~jointly~~ ^{intermarrying} with the said
Thomas Jones expended the sum of thirty pounds for the maintenance
& support of ^{their} ~~the~~ children of the said Arthur as by an Acct. hereunto
subjoined more fully may appear which this Respondent prays may
be taken as part of this her answer and the said Thomas Jones for
himself further answereth & saith that he believes the several
Matters & Things above answered unto by the said Patience are
true as by herself said And this Respondent is a stranger to almost
all the Transactions & Things in the Compl^t said Bill of Complaint
contained other than mentioned by the said Patience as above
Without that that &c

The respective Children of A^d Whitehead j^r dead for Expenses
on themselves & Nigros respectively, as follows

For A ^d Whitehead 2 years maintenance	£ 30 ⁰⁰
For Lazarin Whitehead 2 years	4 ⁰⁰
For Edith Whitehead 2 years	4 ⁰⁰
For Celia Whitehead 2 years	4 ⁰⁰
For W ^m Whitehead 2 years	3 ⁰⁰
For Infant or Negro Boy belongs to D ^r	5 ⁰⁰
For J ^r & P ^r Whitehead 2 years maint ^e	3 ⁰⁰
For Maint ^e of a Negro Girl belongs to A ^d Whitehead 5 years	£ 30 ⁰⁰

Copy drawn by hand

Whitehead
to
Whitehead
Locutors

Sh
in
Cane

Ed on Jones & wife
copy left at the
Dwelling house
of the within named
Whitehead 1751

Michl Polow v. sky
July 1751
Cond.

George the second by the Grace of God of Great Britain
France and Ireland King Defender of the Faith &c To the
Sherif of Southampton County Greeting We Command you
that you summon Lewis Whitehead & Thomas Jones & Patience
his wife Po^r & of Arthur Whitehead de^d —————

to appear before the Justices of our said County Court at
the Courthouse of the said County on the second Thursday in
May next to answer a Bill in Chancery exhibited
against them by Arthur Whitehead an Infant by Richard
Dick his next Friend —————

And this they shall in no wise omit under the Penalty
of every of them £100 And have then there this Writ Witness
Richard Thello Clerk of our said Court at the Courthouse the
fifteenth Day of April. In the twentyfourth Year of our Reign
R Thello

Whithead
by Wick
to
Jones

Exhibition his
body in goal
D. Grayson

George the second by the Grace of God of Great Britain France and
Ireland King Defender of the Faith &c To the Sheriff of Southampton County
Greeting We Command you that you Attach Thomas Jones so that you have
his Body before our Justice of our said County Court ^{in Chancery} at the Courthouse
of the said County on the second Thursday in January next to Answer
us as well of a certain Contempt by the said Thomas to us offered as it is
said as upon those things which to him then & there shall be objected &
further to do & receive what our said Court shall of him in that part
Consider And have then there this Wit Witnefs Richard Mello Clerk
foundaid Court at his Office the eighteenth Day of December In the
twenty sixth Year of our Reign

R. Mello

For not Answering the Bill of Complaint of Arthur
Whitehead an Infant by Richard Vick his next friend
exhibited against him

By Rule of Court
R. M.