1757-004 SOUTHAMPTON COUNTY CHANCERY PAPERS WHITEHEAD [illegible] DENSON VS. WHITEHEAD'S EXECUTORS 8/1757

See also: Whitehead's Extr. v. Whitehead's Extr. 1752-02

other SURNames: JONES, DINSON, DENSON

J. Whitehead
Ex. B. Dawson
her Guar.
agst.
Whitehead & Ux.
Bill

Sept. 1751.
Time to Answ. Bill
& Sol.
28
Nov. 1751.
Time to Ans.
Feby 1752
Ans. filed & Cond.
May 1752.
Sec. for Leave
August 1752.
Cond.
Sept. 1752.
Cond.
Dec. 1752
Atty. Jones.
Jany 1753.
Jones Ans. filed & Cond.
Feby
Sept. 1751 Decree for Plf.

To the worshipfull his Majestys Justices for the County of Southampton Sitting in Chancery

Humbly Complaining Sheweth unto your Worships your daily Oratrix Selah Whitehead by Benj.a Dixson her Guardian That whereas one Arthur Whitehead the younger your Oratrix's Father Deced made his last Will & Testament in Writing bearing date the Day of one thousand seven hundred & forty and of his s.d Last Will appointed his wife Patience Whitehead & Lewis Whitehead Executors thereof your Oratrix sheweth unto your Worships that the s.d Patience & Lewis soon after the Death of the s.d Arther Whitehead Deced proved the s.d Will in the County Court of Isle of Wight and took upon themselves the Execution thereof which s.d Patience is since intermarried with one Thos. Jones of this County by reason of which s.d Intermarriage the s.d Thomas Jones with the s.d Patience by virtue of her Executriaship to the s.d Thomas became possessed of the Est. of your Oratrix's Father together with the s.d Lewis in the whole amounting to the sum of two hundred & sixteen pounds three shillings & nine pence Current Money of Virg.a and your Oratrix further sheweth unto your Worships that she as one of the Legatees in the s.d Will of her s.d Father Arthur Whitehead Deced is well intitled to the sum of Thirty Six pounds Nineteen shillings & one penny Current Mo. as her part or proportion of the afores.d Two hundred and sixteen pounds three shilling & nine pence and your Oratrix by her s.d Guar.d sheweth unto your Worships that she by her s.d Guardian hath often applied in a friendly manner to the s.d Patience Thomas & Lewis for the aforesaid sum of

sum of the ... six pounds Nineteen pounds & one Penny which your Oratrix well hoped they the Defts. Thomas Jones and Patience his wife & Lewis Whitehead would have done as in Equity & Honesty & Justice they should have acted by your Oratrix that thereby your Oratrix & Guardian might make some profit for the use of your Oratrix But Now So it is may it please your Worships That the Defts. Thomas Jones & Patience his Wife & Lewis Whitehead combineing & confederating with divers other persons unknown to your Oratrix refuses to pay to your Oratrix & Guardn the Sum of Money above said or any part thereof pretending and give out in Speeches & sayings that your Oratrix is not intitled to the aforesd. Sum of Thirty six pounds Nineteen shillgs & one penny or any part thereof and at other Times That they the Defts are not obliged by the Law of the Land to pay the aforesd. Sum of Money to your Oratrix in Equity & truth Right & Justice they ought to do All which acts & Doings of the Defts & their Confederates are not only contrary to Equity Good Conscience & all Natural Justice but tend to the utter ruin Wrong & Oppression of your Oratrix in keeping the sd. Money in their Hands So that your Orat is altogether depriv'd of that benefit & advantage that her sd. Guardn might make of the same to her use by putting the same to Interest which might in some measure support and maintain your Oratrix To the End therefore That the Defts may full true & perfect Answer make to all and singular the Premisses as fully as if the same were herein again particularly repeated & interrogated and that they may set forth & discover whether your Orat the sd. Arthur Whitehead did not depart this life on the ... as it is within set forth, Whether he did not make his last Will & Testament as it is within set forth and if he did make such Will who did he appoint Executors thereof Whether they the Defts did not prove the same and take upon themselves the perform & Execution thereof whether your Oratrix is not one of the Legatees & Daughters of the sd. Testator Whether they the Defts or either of them hath paid your Oratrix the sd. Sum of Thirty six pounds Nineteen shillgs & one penny or any part thereof to the use of your Oratrix or to any person or persons whatsoever Whether your Oratrix's proportionable part of the sd. Est of the sd. Testator doth not amount to the sum above mentioned And that the Defts Thomas Jones & Patience his wife & Lewis Whitehead may by an Decree of this ... be compelled by ... to pay your Oratrix the sd. Sum of Thirty Six pounds Nineteen shillgs & one penny And that your Oratrix may have such other & further relief in the Premisses as shall be agreeable to Equity & Good Conscience

May it please your Worships to grant unto your Oratrix his Majesty's most Gracious Writ or Writs of Subpœna &c

Whitehead } A. M.
ads } Answ.
Whitehead

Exhib.
13

Filed 26 July 1752

The several Answers of Lewis Whitehead one of the Exors of the last Will & Testament of Arthur Whitehead Junr. dead to the Bill of Comp. of Celah Whitehead Infant & Asahan of the said Arthur Benjamin Dimon his Guardian Compl.ts

This Defendant now & all Times hereafter saving & reserving to himself all Advantage of Exception to the manifold Uncertainties & Imperfections in the Compl.ts Bill of Complaint contained for Answer thereto or to so much thereof as this Defend.t is advised it is material for him to answer unto he answering saith that true it is that the said Arthur Whitehead died died about the time mentioned in the Bill & appointed such Exors as in Bill that behalf is set forth & this Defendant believes administration of the said Arthurs Estate as in Bill that the said Catharine hath since intermarried with the other Defendant Thomas Jones this Defendant admits that the Compl.t is intitled to the Sum of twenty four pounds eight Shillings & nine pence as a Legatee under the Will of the said Arthur her Father & also pounds ten Shillings & four pence of the thirty six pounds nineteen Shillings & one penny in the Bill mentioned as part of the said Estate being also paid to the Compl.ts Guardian as by Receipts now shewn to this Defendants Court may appear

Defts being always willing & desirous to pay the said Sum of Money to the Compl. as soon as he could get in the Debts of the Testor & the Money the Estate sold for a considerable part thereof being in the hands of the other Defts with this Deft. hath been obliged to sue for the Same in this Worshipful Court & the Suit is now depending This Deft having paid away all the Estate of the said Testor that came to his hands except that in the hands of the other Defts Thomas & Patience his Wife and not having Estate enough of the Testors Debts & Funeral Charges beyond four Shillings & two Pence in his hands to pay the Compls Demand as till he recovers the Estate in the hands of the other Defts he humbly prays to be hence dismissed with his Costs in this behalf sustained

William Hart Clerk

Southampton, to wit,

4th November 1752

Jones Read
ads
Whitehead by
Denson
& Sob.
11

Ans.

filed Jany 12. 1753.

The joint & Sivirall answer of Thomas Jones & Patience his Wife
Defts to the Bill of Complaint of Celia Whitehead an Infant by
Benja Deacon her Guardian Compt

These Defts having reserving to themselves all Manner of
Advantage of Exception to the manifold Uncertainties
Imperfections in the Compts said Bill of Complaint contained for
Answer thereunto or to so much thereof as these Defts are advised
material for them to answer unto they severally & respectively say
And first this Deft Patience for herself severally answereth &
saith That she admits it to be true that her Father Whitehead
made such Will & died about the Time & to the Purport & Effect
in Bill That she this Respondt proved the same together with the
other Defts Levi Whitehead That there is a Ballance due to the
Compt from his Father's Estate And That this Respondt while
she enjoyed her Intermarriage with the said Thomas Jones
hath expended the Sum of Thirty Pounds in the Maintenance of
the Children of the said Father & their Negros for their Board
Cloaths & Schooling & Physick according to the respective
Sums in this Act mentioned thereto subjoined which this Defts
prays may be taken as part of this her Answer And the said
Thomas Jones for himself severally answereth & saith That he
believes the several Matters & things in the Answer of the said
Patience contained are true he being a Stranger to most
of the Transactions other than mentioned in the said Parties
Answer above and prays That the s. Act may be allowed
to them as such Without That that
The respective Children of A Whitehead Jr. intitled for Expences } Dr.
or themselves & Negros respectively, as follows,
For Asher Whitehead 2 Years Maintenance ——— £3 ——
For Lazarus Whitehead 2 years do ——— 4 ——
For Edith Whitehead 2 years do ——— 4 ——
For Celia Whitehead 2 years do ——— 4 ——
For Wm Whitehead 2 do ——— 4 ——
For Trial a Negro Boy bought for do ——— 3 ——
For Jesse Whitehead 2 years do ——— 5 ——
For Maint a Negro Girl bought for Whitehead 5 years old ——— 3 ——
£ 30 ——

Jurat Sworn to in Court
Ash.

Whitehead &c
v
Whitehead &c
Sha
ja
Ep d
Mr Blow

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 Summon Lewis Whitehead Thomas Jones & Patience his wife late &c of Arthur Whitehead junr deced to appear before the Justices of our said County Court at the Court-house of the said County on the second Thursday in September next to answer a Bill in Chancery exhibited against them by Selah Whitehead an Infant by Benjamin Dinson her Guardian

And this they shall in no wise omit under the Penalty of every of them £100 And have then there this Writ Witness Richard Kello Clerk of our said Court at the Courthouse the Day of In the twenty fourth Year of our Reign

R Kello

Whitehead by
Denson
vs
Jones. — Jan.

Locuta his
body in Goal
D. Goldsbrew

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 Justices of our said County Court in Chancery at the Courthouse of our 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 and receive what our said Court shall of him in that part Consider And have then there this Writ Witness Richard Kello Clerk of our said Court at his Office the eighteenth Day of December In the twenty fifth Year of our Reign

R Kello D

For not Answering the Bill of Complaint of Selah Whitehead an Infant by Benjamin Denson her Guardian exhibited against him

By Rule of Court R K

two money Soloy Whitehead

£5 - 16 - 19 - 1½

Soloy 20 - 0 - 0

26 - 19 - 1½

Account for Soloy Whitehead

John Rud. of Lewis Whitehead Exuter
Twelve Pounds Ten Shillings & four pence
Carrant Money of Virginia it Being Part
of a Legacy Given to Silah Whitehead By Hur
Father Arthur Whitehead Dec.
April the 27: 1751
Rec.d By Mr. Bray Deputy Gen.l
Just Ruh.d Vitty.

36. 19. 1.
12. 10. 4
24. 8. 7
4
20 - 0. 9.

Attorney
vs.
Whitehead