

1878-38

Southampton County - Chancery

Whithead, Robert ^{vs} 25- Whithead, George ^{et al}

"To divide property
Among heirs"

Robert Whithead
Henry Whithead
William Whithead
John Whithead
Francis Whithead
Sybenna Cobb
Lebanah Cobb

Jane Scruggs
John Rame
Caroline Rebecca Rame
John Whithead
George Whithead
Miss Jane M. Whithead
Anna B. Whithead

Whitehead &c

Q. S.

Whitehead &c

Dece

May term 1878

To be entered

Geo. B. Snow.

Whiteheads

vs

Whiteheads

And

Simmons &c

vs

Williams & others

It appearing to the Court that nothing
further is necessary to be done in these Causes
it is ordered that they be removed from the
Docket—

This day I, Wm. Howard, made oath before me
that he delivered John Ross & Caroline his
wife, each a copy of this Summons on the 14th
day of October 1877. Given under my hand this
day of October 1877

Jas R Tyler

Comm. in Chancery

Whiteheads

to } Sumd Chy

Rome Hodge &

1877 October Rules.

Executed by delivering
Sam Screws a copy of
this Summons on the
14th day of October 1877.
Jno. W. Whitehead is
not a resident of my
County. W. J. Watkins
by for Wm. H. H. H. H.

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*John Rose & Caroline R his wife, Jane
Screws, John W Whitehead & George H. Whitehead, James W. Whitehead
& John R Whitehead - the last three infants,*

if *they* be found within your bailiwick, to appear at the Clerk's Office of our Circuit Court of Southampton County
at the rules to be holden for the said Court, on the first Monday in *October next* - to answer *a bill*

*in chancery exhibited against them in our said Court by Robert Whitehead
Henry Whitehead, Wm. Whitehead, John Whitehead Jesse Whitehead,
Frances Whitehead & Sylvanus Cobb & Deborah his wife*

And have then there this writ.

WITNESS, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this *22nd*
day of *September*, 1877, in the *102^d* year of the Commonwealth.

L. R. Edwards *cl*

Dear May

Please Copy the last-Will and
Testament of James Whithead and
file with the will herewith enclosed
Sept 29th 77

Respy
H. R. Griffin

P.S. If the Complainants - defendants dont-respond
with the writ please correct-oblige

1131

Whiteheads

to { Stat. Rules

Whitehead No.

1878 May Dismissed

In Southampton Circuit Court.

Robert Whitehead, Henry Whitehead, William Whitehead, John Whitehead
Jesse Whitehead & Francis Whitehead Plaintiffs

against

Jane Screws, widow of the late Screws, John Rowe & Caroline Rebecca
his wife, John W. Whitehead, George St. Whitehead, Jas. W. Whitehead &
Anna R. Whitehead the last ^{three} ~~four~~ being minors by L. R. Edwards & their guardian
ad litem

1877 Sept. 22^d Summons issued

" Oct. 10th Summons ret.^d Executed on Deft's Jane Screws & John
Rowe ^{John W. Whitehead not a resident} wife. Bill filed. L. R. Edwards assigned
Gov. ad litem to infant Deft's George St. Jas. W. & Anna
R. Whitehead. Decree nisi to Deft's Jane Screws &
John Rowe & wife

" Nov. 11th Bill taken for confessed as to Deft's Jane Screws & John
Rowe & wife, & Cause set for hearing as to them

1878 May 1st Dismissed

Know all Men by these presents, that I, James Whitehead, of
the County of Southampton and State of Virginia, being of full
sound mind & memory, do hereby make and Ordain this my
last will and Testament in manner & form as follows, to wit:
1st It is my will & desire that all my just debts should be
paid

2^d To my son Elliott Whitehead I give & bequeath the Sum of
Forty, six dollars and ninety five Cents Over & above the
proportion which may accrue to him from a subsequent
division of my effects.

3^d To my Daughter Elizabeth Whitehead, I in like manner
give & bequeath One feather bed.

4th And Lastly, It is my will and desire that my wife Elizabeth
Whitehead shall have & hold my entire Estate, goods
and Chattels during her life, & widene of that 1/2 Sale of
my property, goods or Chattels to be made till after the
decease of the said Elizabeth Whitehead, after which
I desire a fair Sale and a just & equal division of the
the proceeds arising from such Sale, (after Elliott Whitehead
and Elizabeth Whitehead shall have received their entire
portions according to the 1st & 2^d articles of my will,) to
then an equal division of the residue between all of my

lawful heirs I also do hereby appoint & Ordain my
wife Elizabeth Whitehead and my son Henry Whitehead
Executors of this my last will & Testament.

In Testimony whereof I have hereunto set my hand & Seal this
1st day of May A.D. 1843.

Witnesses

Samuel B. Williford

Jeremiah Williford

James Whitehead

(Seal)

At a Court held for the County of Southampton the 1st day of
October 1843. The last Will & Testament of James Whitehead decd.

Was proved by the Oaths of Samuel B. Williford & Jeremiah
Williford the subscribing witnesses thereto of Obedience to be
recorded. And on the Motion of Elizabeth Whitehead, the
Execution thereof James, after Made Cash & together with
James P. Bequest & Harrison T. Moore her Securities, entered
into & acknowledged a bond in the penalty of four hundred
dollars conditioned as the law directs; Certificate is granted
her for obtaining a writ of said writ in due form.

Teste,

J. K. Edwards Clk

Attest

Teste, James H. Tyler J. C.

James Whitehead

W. H.

Attest

(See 35-c)

To the Hon George Blw, Judge of the Circuit Court
of Southampton County. In Chancery—

Your complainants, Robert Whitehead
Henry Whitehead William Whitehead
John Whitehead, ~~and Jesse Whitehead~~
& ~~James Whitehead~~
Children of James Whitehead deceased,
Sylvanus Cobb and ~~deceased~~ his wife
with residents of the said County, Respect-
fully represent and shew unto your honor
as follows:

That sometime about the year 1846
James Whitehead of said County departed this
life after having made and duly executed
his last Will and Testament, which was
admitted to record at the term of the County
Court of the said County a certified copy of which
is herewith filed marked "A", and asked to be
taken as a part of this Bill, in which the said
testator left to his wife Elizabeth Whitehead all
of his "Estate, goods & Chattels" during her life and
after her death said Estate was to be divided
Equally, keeping two small legacies therein mentioned
among his children, that the said testator died
seized and possessed of a certain tract of land
lying in the County of Southampton, Virginia, containing
111 acres more or less and bounded by the lands
of A. E. Pettor, J. H. Williams and others,

That since the death of the said James White-
head, to wit, in the year 1846 his widow, the said
Elizabeth Whitehead also died, and the said
tract of land remains in kind undivided
among the heirs at law of the said testator.

That the following parties are the heirs at-law of the said testator, to wit: Robert Whitehead, Henry Whitehead, William Whitehead, John Whitehead, Jesse Whitehead, Francis Whitehead, James Screws, daughter of the testator, who intermarried with Susan Deborah Ann, who intermarried with Sylvanus Cobb, Caroline Rebecca, who intermarried with John Rowe, and Jordan Whitehead, who has since died, and whose widow is also dead, leaving the following parties, Grand Children of the said James Whitehead, as his heirs at-law, to wit, John W Whitehead, George H Whitehead, Jas M Whitehead, and Anna R Whitehead, the last three being minor children of the said Jordan Whitehead.

That your Com-
plaints, being ^{as this is} remedies save in a Court of Equity, when such cases are peculiarly Conquerable, pray your honor to appoint suitable and discreet persons as Commissioners to divide, if practicable, the real estate of the said James Whitehead in kind if practicable among the parties entitled thereto, if not practicable and advantageous to the parties, to be divided in kind, to report that fact to the Court.

That the said last-named parties, to wit, James Screws, widow of the late Screws, John Rowe and Caroline Rebecca his wife, Sylvanus Cobb Deborah Ann his wife, John W Whitehead

George H Whitehead, Jas M Whitehead and Anna R Whitehead, the last three being Minors, by L.R. Edwards, their guardian ad litem, may be made parties defendants to your Complaints Bill, and required to answer specially the allegations therein contained, and that your honor will grant such further and general relief as the nature of the case may require or to Equity may seem meet.

And as in duty bound your Obedient
will ever pray &c

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