1884-35 Southampton County Chancery, Whitehead, Robert et als. vs Screws, Jane et al

petition to sell real estate and proceeds used for children

Whitehead, Henry
" , Sarah F.B.
" , John
" , William
" , Jon-
" , Francis

Cobb, Silvanus
" , Deborah

Rowe, John
" , Cornelia

infants
Whitehead, George H.
" , James M.
" , Anne R.
" , Jesse M.
" , E.A.
" , Jos. J.

Briggs, W.W.
Guardian Ad L

(~~1881~~) 61

Whitehead et al
vs
Bill ~~& Wife~~
and
Rowe et als

1881 April Rules

To the Hon George Blow Judge of the Circuit Court of Southampton County — In Chancery

Your Complainants Robert Whitehead, Henry Whitehead, Sarah Jr. Whitehead dec'd now Whitehead, Williams Whitehead, Jno Whitehead, Francis Whitehead, Children and Grand children of James Whitehead deceased & Sebrann Cobb and Deborah his wife, residents of the said County, respectfully represent and shew unto your Honor as follows,

That sometime about the year 1848 James Whitehead of this 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 said County a certified Copy of which is herewith filed as a part of this Bill and marked "A" in which the said testator left his wife Elizabeth Whitehead all of his estate, goods and Chattels, during her life and equally among his Childrens after her death said Estate was to be divided, excepting two small legacies then in contained

That the said testator died seized and possessed of a certain tract of land lying in the County of Southampton Virginia, containing one hundred and eleven acres more or less and bounded by the lands of Mary Bellon, J. H. Williams and others

That since the death of the said James Whitehead, to wit in the year 1876 his Widow the said Elizabeth Whitehead also died, and the said tract of land remains in kind ~~among the heirs at~~ and 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, Francis Whitehead, Jane Person daughter of said testator who intermarried with Person, Deborah Anne Whitehead, who intermarried

Wife Sibrany both Caroline R Whitehead, also infants
wife Jno Rowe and Jordan Whitehead and Jesse Whitehead
the last two having since died, and whose widows are
also dead leaving the following parties grand Children of
the said James Whitehead their heirs at law, towit-
Jno H. Whitehead Sarah F. Whitehead Geo A Whitehead James M White-
head Anna R Whitehead Jesse M Whitehead
C A Whitehead and Joseph J Whitehead the
last six being minor Children of the said Jordan
and Jesse Whitehead
That your Complainants being immediate heirs in a court
of Equity as this is when such cases are peculiarly Cog-
nizable pray your Honor to appoint suitable and
discreet persons as Commissioners to divide the real Estate
of the said James Whitehead in kind if practicable among
the parties entitled thereto, and if not practicable and advan-
tageous to the parties to be divided in kind, then to report
that fact to the Court with such recommendations in the
premises as they may deem best. And that a part of
the said last-named parties, towit Joane Sowers
Widow of the late Sowers, Jno Rowe and Caroline
R his wife, Geo A Whitehead James M. Whitehead
Anna R Whitehead, Jesse M. Whitehead, C A White-
head and Jos J Whitehead, the last six minors
by W.H. Briggs their Guardian ad litem may
be made parties defendants to your Complainants
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 and to Equity may seem meet. And as in
duty bound your Complainants will ever pray &c

Griffin p.q.

Whitehead
vs
Screws &c

Bence

May Term 1883

To be Entered

Geo. Blount.

Whitehead
vs
Screws & others

This day this Cause came on again to be heard on the Report and the Report of Commissioner Whitehead this day filed by leave of the Court. And was argued by Counsel. On Consideration whereof the Court Confirming said Report doth adjudge, order and decree that Commissioner Whitehead pay out of the funds now remaining in hands the unpaid Cost of this suit. and then distribute the residue thereof among the heirs at law of James Whitehead deceased. Taking this receipt therefor ~~And then appearing Nothing further to be done in this Cause, the Court doth further adjudge, order and decree that it be removed from the docket and dispose of~~ And make his report of his proceedings under this decree, filing his receipt therewith, in order to a further decree

Whitehead &c
vs
Sessums &c

Report of Sale by
Com. Whitehead

To the Hon George W Stone Judge of the Circuit Court of Southampton County.

The undersigned special Commissioner appointed at the Term of this Court 1881. in the suit of Rutherford and others vs Rowe and others to sell the tract of land described in the bill of the complainants to the highest bidder at public auction after due publication of the time and place of sale, begs to report that in pursuance of said decree he sold after thirty days notice of time and place of sale, before the Court-house door of the County to the highest bidder at public auction, the tract of land above mentioned at which sale one John Rowe became the purchaser for the sum of Three Hundred and Eighty dollars, that being the highest bid made at said sale; and the said Rowe in accordance with said decree paid one fourth of the purchase money in cash to wit the sum of $95.00, and executed and delivered to your said Commissioner his three several bonds with J. E. Rowe as surety for the sum of $95.00 each (payable one two and three years after date) which in the aggregate was the amount of balance due on said land after the cash payment aforesaid. Said bonds are filed herewith as a part of this report.

Out of the cash payment your Commissioner reports the following payments as costs of suit and

over

xpenses of Sale and files the indorsed vouchers as apart of this xport:

To Sheriff	$4.80
To Clerk	9.22
To Coin	2.00
" Atty Griffin	10.00
For advertizing	4.00
To Amt of Commission on Sale	16.60
	~~$ 50.72~~
	$ 51.32

Which amt deducted from $95.00 amt of Cash ~~tal~~ payment leaves a balance in the hands of your Commissioner of $43.68 subject to the order of this Court.

Your Commissioner xpects specially that the said pro Rowe purchaser of the aforesaid tract of land will be ready ~~to pay the~~ and is therefore anxious to pay the amt of bonds ~~have~~ not filed before they severally become due, and would respectfully suggest that he be allowed to do so in order that your Commissioner may make a final xport in this cause ~~at the earliest day~~ as soon as practicable

Respectfully Submitted

Robert H Lilehead

Spl Commissioner

Report of
Commissioners

To the Hon George Blow. Jr of the Circuit Court of Southampton County.

Your Commissioner, appointed under a former decree of this Court, begs leave to report that the purchaser, Jno R Owen, of the James White land tract of Land sold under a former decree of this Court, came forward and paid the bonds given for the deferred payments before they became due, in accordance with the provision of a decree of this Court entered in this cause at the May Term 1888, amounting in all including interest and the Cash payment to the sum of $992.50. And your Commissioner begs to report further that out of the said sum he has made the following payments and took receipts therefor, which are filed herewith as a part of this report:

Attorney's fee	$15.00
Advt of Sale of Land	4.00
Auctioneer fee	2.00
Clerks fee	19.66
For drawing deed &c	6.50
Sheriffs fee	4.50
Com on amt of sales	16.60

leaving a balance in the hands of your Commissioner of $325.24. Out of which

he has paid the following amts to the
heirs at law of James Whitehead decd
as will be seen by this supplemental
document as a part of this supplt Re-
port-

To James E. Rowe	$33.33
To John Rowe, Guardian of	
the Children of Jordan Nicholson	33.33
To Henry Whitehead	33.33
To Deborah A Cobb	33.33
To Robert Whitehead	33.33
To John Whitehead	33.33
To E E Rowe	3333
To F J Screws	33.33
To Jas T Bowen Guardian	
of the Children of Rosa White-	
head dead	3333,

leaving a balance in the hands of
Com missioners of $25.50 subject
to the order of the Court

Respectfully
submitted
Robt Whitehead
Spl Commissioner

Know all men by these presents that I James Whitehead of the County of Southampton and State of Virginia being of both sound mind and memory do hereby make and ordain this my last will and Testament in manner and form as follows, (To wit)

1st It is my will and desire that all my Just debts should be paid,

2nd To my son Elliott Whitehead I give and bequeath the sum of Forty six dollars and ninety five cents over and above the propotion which may accrue to him from a subsequent division of my effects,

3rd To my daughter Elizabeth Whitehead, I in like manner give and bequeath one feather bed,

4th and Lastly, It is my will and desire that my wife Elizabeth Whitehead shall have and hold my entire estate, goods and chattles during her life a widow and that no sale of my property goods or chattles be made till after the decease of the said Elizabeth Whitehead after which I desire a fair sale and a Just & equal division of all the procuds arising from such sale (after Elliott Whitehead and Elizabeth Whitehead shall have received their extra portions according to the 1st & 2nd Articles of my will) then an equal division of the residue between all of my lawful heirs, I also do hereby appoint and ordain my wife Elizabeth Whitehead and my son Henry W. Whitehead executors of this my last will and Testament, In Testimony whereof I have unto set my hand and seal this 1st day of May A D 1843

James Whitehead [Seal]

Witnesses
Samuel B Willford
Jeremiah Willford

At a Court held for the County of Southampton the 16th day of October 1843 The last will and Testament of James Whitehead dec'd was proved by the Oaths of Samuel B Willeford & Jeremiah Willeford the subscribing witnesses thereto and ordered to be recorded and on the motion of Elizabeth Whitehead the Executrix therein named who made oath and together with James D Bryant and Harrison D Moore her securities entered into and acknowledged a bond in the penalty of four hundred dollars conditioned as the law directs certificate is granted her for obtaining a probat of said will in due form.

Test. J. R. Edwards C.C.

A Copy

Test. J R Edwards C C

James Whitehead's

Will

(Copy)

50¢

Finsdam Co
Aug 15 1882
Rec'd of Robert L. Tunstead Commission
of Ten 44/100 Dollars in full of Costs
Fees in Chancery suit of Whitehead
Vs Sevens &c

S R Edwards Clk

Robert Whitehead Commissioner
In ofc with K R Griffin (atty)

1882		To fee in suit of Whitehead			
		agast Rowe et ux			$5.00
		Rec'd payment			
		K R Griffin (atty)			

Robert Whitehead Adm
In a/c with R. R. Griffin

1882	To Adrtg Sale of Land under decree of the Circuit Court of Southampton County in the of Whitehead &c ads vs Same &c ads		$400
	Recd payment R. R. Griffin		

1882. March 20th Rec'd of
Robert Whitehead, Commissioner, Two dollars
in full of Crim fee in the
Sale of the James Whitehead
tract of land. Sold under a
decree of the Circuit Court
of Southampton County

Eli S. Davis

#5

Received Jany 20th 1883. of Robert White Lead Commission five Hundred dollars in full of fee for drawing deed and 50 Cents ~~paid~~ Notarial fee paid in the case of Whitehead & others vs Rowe & others

K. R. Griffin

Robt Whitehead

To W W Driggs Dr

1881 To Executing Summons & Partics re Whitehead $4.50

November 3rd 1883

Received of Robert Whitehead Commissioner in the Suit of Rowe V.S. Whitehead & others.

$222 Two Dollars & Twenty Two cents Balance in full of my Share of the proceeds of the Sale of the James Whitehead Tract of Land

John his mark Rowe Guardian for the orphans of Jordan T. Whitehead Dec'd

witness
J. L. Rowe

November 3rd 1863

Received of Robert Whitehead Commissioner in the Suit of Rowe & Whitehead & others

$2.22 Two Dollars & Twenty Two cents Balance in full of my Share of proceeds of the Sale of the James Whitehead Tract of Land

Witness
J. E. Rowe

Deborah A. Cobb for mark

November the 3 1863

Recieved of Robart Whitehead
Commissioner in the Suit of Rowe Vs
Whitehead & others
$2.22 Two Dollars & Twenty Two cents Balance
in full of my Share of the proceeds of the Sale
of James Whitehead Tract of Land

Henry his x mark Whitehead

witnes D. A. Whitehead

November 5th 1883

Recieved of Robart Whitehead Commishion in the Suit of Rowe Vs Whitehead & others =

$2.22 Two Dollars & Twenty Two cents Balance in full of My Share of the proceeds of the Sale of the James Whitehead Track of Land

Robt Whitehead

Witness

November 3rd 1883

Recieved of Robarts-
Whitehead Commishin in the Suit of
Rowe V.S. Whitehead & others-
$2.22 Two Dollars & Twenty Two cents Balance in
full of my Share of the proceeds of the
Sale of the James Whitehead Tract of
Land

his
William + Whitehead
mark

Witness W.J. Whitehead

November 4th 1863

Received of Robarts-
Whitehead Commission in the Suit of
Rowe V.S Whitehead & others-
$2.22. Two Dollars & Twenty Two cents Balance in
full of my Share of the proceeds of the
Sale of the James Whitehead Tract of
Land.

his
William + Whitehead. for a
mark
John. Whitehead

Witness
W. S. Whitehead

November 3rd 1863

Recieved of Robert Whitehead commissioner in the Suit of Rome Vs Whitehead & others

$2.22 Two Dollars & Twenty Two cents Balance in full of My Share of the proceeds of the Sale of James Whitehead Tract of Land

Caroline R. her + mark Rome & John his + mark Rome

witness

J. E. Rome

November 3rd 1883

Received of Robert Whitehead commissioner in the suit of Rowe V.S Whitehead & others

$2.92 Two Dollars & Twenty Two cents Balance in full of my Share of the proceeds of the Sale of the James Whitehead Tract of Land

Mrs F J her X Edwards
mark

witness Elizabeth Edwards

1884. May 5th. Recvd of Robt Whitehead, Commissioner in the Suit of Whitehead et al. vs Rowe et al. two dollars and twenty two cents balance in full of the distributive share of the Children of Jesse Whitehead dec'd of the proceeds of the sale of land sold under a decree of the Circuit Court of Southampton in the Suit aforesaid

Jas. T. Boren

Guardian of

Jesse Whitehead's Chil'n

Dower to be allotted to Mrs Mary Jane Cobb, widow of Daniel Cobb out of the lands of which Daniel Cobb died possessed. (Sold by Commissioner Ayers)
Dr Leppniahelson. Thos G Little,
Jane E Rowe, W H Nicholson,
W B Scheelds.

1883. May 4th Recd. of Robt. Whitehead Commissioner in the suit of Whitehead vs Rowe Sowers and others for the sale of the Jas Whitehead tract of land in Southampton County the sum of Thirty-Three 33/100 Dollars in full of the distributive share of the proceeds of said sale of the Children of Jesse Whitehead deceased

Jas T. Vincent
Guardian

Receid of of Robert Whitehead Commissioner in the suit
of Whitehead vs Screws & others $33.33.4
Dollars in Full of my distributive Share of the
net Sales of of the tract of Land of which Jas
Whitehead died seized & possessed & Ordered
& decreed by the Circuit Court of Southampton
County at the November (1881) Term of said Court

Witness
John Screws

F. J. X his Screws
mark

Whitehead Robt

RC

9 3 3

Robt. Whitehead, Henry Whitehead, Wm. Whitehead and Jesse Whitehead

To Clerk Circuit Court Southampton Co.

Fees in suit vs Whitehead

up to May 1879. $9.27

L R Edwards C.C.

Whitehead Watkins

vs

Sarah Watkins et Jneru

1881. Oct. 26th filed

Southampton Circuit Court May Term 1867

Robert Whitehead & Others Plaintiffs
against
Jas Scruor & Others Defendants } In Chancery

This day this cause came on to be heard on the bill of the complainants, taken for confessed as to the defendants Jas Scruor, Jno Rowe and Caroline Rebecca his wife, on whom process has been duly served, they still failing to appear and plead answer and demur to the said bill, and on the answer of Geo H Whitehead, James M Whitehead, Anna R Whitehead, Jesse M Whitehead, E A Whitehead and Joseph J Whitehead infants by W W Briggs their guardian ad litem, with general replication thereto and exhibits filed, and was argued by by counsel, on consideration whereof the Court doth adjudge and decree that E L Story A G Pretlow J W Williams and A G Bradshaw are hereby appointed commissioners, any three of whom may act, to enquire into and report whether partition can be conveniently made of the tract of land mentioned and described in ~~Complainants~~ bill, as lying in the County of Southampton Virginia, known as the James Whitehead tract of land, and bounded by the lands of A G Pretlow, J W Williams and others and divided in kind among the parties entitled thereto, as whether it can be allotted to any of the parties interested, who will pay therefor to the other parties such sums of money as their interest therein may entitle them to, as whether the interest of all the parties will be best subserved as promoted by a sale of the whole of said tract of land and report the said facts to Court, together with any matter which by them may be deemed pertinent.

A Copy
Test L R Edwards Clk

Whitehead &c

vs

Sessums – others

In the Inferior Court of Southampton County.

To the Hon Geo Blow Judge of the Circuit Court of Southampton County.

Your Commissioner Robert Whitehead appointed by decree in the above named cause for the purposes therein mentioned, begs leave to report as follows: That in obedience to decree in said cause entered at the May Term of this Court 1883, he, after paying the added costs in this suit, paid the remainder of the proceeds of the sale of real estate in the proceedings mentioned to the heirs at law of James Whitehead dec'd and took their receipts therefor as follows; To Wm Whitehead for John Whitehead $2,22. To Wm Whitehead $2,22. to Robert Whitehead $2,22. To Henry Whitehead $2,22. to Jno Rowe, Guardian for the Children of Jordan Whitehead $2,22. to Caroline Rowe and John Rowe $2,22. to Deborah Cobb $2,22. to F J Sessums $2,22. and to James J Bonner Guardian of the Children of Jesse Whitehead deceased $2,22. The evidence of said payments will be seen by reference to the receipts of said parties, filed herewith as a part of this report.

And your Commissioner reports further that

the have executed and delivered to the purchaser of the real Estate in the proceedings mentioned a good and perfect deed, with special warranty thereof.

Respectfully submitted
Robert Whitehead Spl Com
by A R Griffin their
Attorney

Whitehead &c
vs
Jennings &c

Commissioners
Report

Whitehead & others

vs

Rowe & others

Decree

May Term A. D. 1881

To be entered

Ged. Bros.

This day this cause came on to be heard on the Bill of the Complainants, taken for confessed as to the defendants Jane Simms, Wm Bowe and Caroline Rebecca his wife on whom process has been duly served, they still failing to appear and plead answer and demur to the said Bill, and on the answers of Geo A Whitehead, James M Whitehead, Anna R Whitehead, Jesse M Whitehead, E A Whitehead and Joseph J Whitehead infants by H. H. Briggs their guardian ad litem, with general replication thereto and exhibits filed, and was argued by Counsel, On Consideration Whereof the Court doth adjudge order and decree that E. L. Story A G Butler, J. H. Williams and A G Bradshaw be hereby appointed Commissioners any three of whom may act to enquire into and report whether partition can conveniently be made of the tract of land mentioned and described in Complainants Bill, as lying in the County of Southampton Virginia known as the James Whitehead tract of land, and bounded by the lands of A G Butler, J H Williams and others, and divided in kind among the parties entitled thereto. or whether it can be allotted to any of the parties interested, who will pay therefor to the other parties such sums of money as their interest therein may entitle them to. or whether the interest of all the parties will be best subserved & promoted by a sale of the whole of said tract of land. And report the said facts & Court together with any matters which by them may be deemed pertinent.

Whitehead &c &c
vs
Rowe &c &c

Answer of Geo H Whitehead, Jas M Whitehead Anna R Whitehead Jesse M Whitehead, Edk Whitehead and Jos J Whitehead, by Wm Briggs their Guardian ad litem

The answer of Jno H Whitehead, Jas M Whitehead & A Whitehead, Anna R Whitehead, Jefn M Whitehead, Jos J Whitehead by W W Briggs their guardian ad litem appointed them by the Court to defend their interest in this suit to the foregoing Bill filed against them and others in the Circuit Court of Southampton County by Robert Whitehead, Henry Whitehead and others

The defendants saving and reserving to themselves all benefit of just exception to said bill, answer and say, that being infants under 21 years of age, and ignorant of the law, they submit their interest to the Care and protection of the Court, And having answered, pray to be hence dismissed &c

W W Briggs.

Whitehead &c

vs

Secretary

Decree

November term

1884

To be entered

Geo. B. Lord,

Entered

98

In the Supreme Court of Southampton County.

Whitehead &c
vs
Sevens &c } Decree

This day this cause came on again to be heard on the papers formerly read and the report of Commissioner Whitehead, reporting payment in full of all the proceeds of the sale of the real Estate in the proceedings mentioned to the hands of James Whitehead deceased, to which report no exceptions are filed, and was argued by Counsel, On Consideration whereof the Court ~~Confirming~~ Confirming said report, and there appearing nothing further to be done in this cause, Doth adjudge order and decree that the same be dismissed from the docket

In Southampton County Court's Office, January 11th. 1882.
This Bond was acknowledged by the obligors thereto, & John
Rives & C. W. Nicholson, the Securities therein, justified in
Court as to their sufficiency, according to law, and the
said bond is recorded.

Test J.R. Edwards CC

A Copy Test. J.R. Tyler, D.C

Recorded 8 Oct 1883

Bond

Powers & others

Know all men by these Presents, That we Robt Whitehead,
John Rose & Charles W. Nicholas,

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of
Fifteen hundred ——— Dollars, to the payment whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation. Sealed with our seals and dated this
16th day of January A. D. 188 2

THE CONDITION of the above obligation is such that if the above bound Robt Whitehead was appointed Commissioner to execute the decree then Made by Said Court & Such further decree as might be Made in the Said Cause. Now if the Said Robt Whitehead shall faithfully discharge his duties under Said decree & under any other decree that shall be Made in the Said Cause, to wit; Robt Whitehead & others against Jane Scruggs & others -

shall faithfully discharge the duties of Said office or trust according to law, then the above obligation to be void, or else to remain in full force and virtue.

Signed, sealed and delivered in presence of ~~the Court~~.

Robt. Whitehead [Seal.]
John Rose [Seal.]
C. W. Nicholas [Seal.]
[Seal.]

To the Hon. Judge of the Circuit Court of Southampton County.

In case of Robt. Whitehead & Others Plff. } In Chancery.
against
Jane Jones & others Defts

In Sedience to a Dicree of the Circuit Court of Southampton County made at the May Term thereof 1881, we the undersigned beg leave to Report, that we have viewed the tract of land mentioned in said order and are well acquinted with its location quality &c. and are satisfied it would best subserve the interest of the parties concerned that said tract of land should be sold at public auction.

The tract is small, containing by the old survey only about 111 acres and the heirs are we think six children and six or eight grandchildren which would render it impossible to make a division in kind that would be of advantage to the parties and we know of no one of the parties who wishes to take the whole and pay to the other heirs a fair equivalent for their interest.

Respectfully submitted.

E. L. Story
J. W. Williams } Comrs.
A. D. Pretlow

Whitehead & others
vs
Sawyer & others

This Cause has again been this day on the papers formerly read and the report of Commissioner E. L. Story filed 1st. February, and duly Read in, to which no Exceptions have been filed and was argued by Counsel. On Consideration Whereof the Court Confirming said report doth adjudge, order and decree that the tract of land mentioned and described in the Complainants Bill be sold at public Auction by to the highest Bidder before the door of the Court house of Southampton County, after thirty days notice of said sale, to be published in four or more public places in the County of Southampton, and for four successive Weeks in the Franklin Gazette, a Newspaper published in the Town of Franklin Southampton County, On the following terms to wit; One fourth in cash, the balance on a credit of one two and three years equal instalments, the purchaser to give bonds with sufficient personal security for the deferred payments, the title to be retained until the further order of the Court. And for the purpose of Executing this decree, Robert Whitehead is hereby appointed a Special Commissioner to sell said tract of land; But he shall not proceed to act as such until he shall have executed in the Clerks Office of this Court before the Clerk thereof a bond in the penalty of fifteen hundred dollars conditioned for the faithful performance of the conditions of this decree, and all other decrees to be entered in

Whitehead and others
vs
Screws and others

Decree
Nov Term 1881

To be entered

Geo. H. Blow,

in his draft. Ordered the Receiver
Commissioner to pay Whitehead
this Court this proceeding
Decree

Whitehead &c
vs
Sercus &c

Decree

May Term 1882

To be Entered

Geo. Bloxs. d.

Ex[d]

Received Aug 15. 1882 of
S R Edwards, Clk &c. two bonds against
John Rowe & J E Rowe, Each for $195.00
one due Janry 16. 1883 and one due
Janry 16. 1884.

Robt. Whitehead
Comr.

Received Nov 25th 1882 of the Clerk of the Circuit Court of
Southampton County bond against John Rowe & J E Rowe for
(95) ninety five dollars due January 16. 1885

Robt Whitehead

Whitehead &c
vs
Sessoms &c

This day this cause came on again to be heard on the papers formerly read and the report of Special Commissioner Robt. Whitehead, this day filed by leave of the Court and thereupon by Counsel. On Consideration whereof the Court ~~doth~~ Confirming said report doth adjudge, order and decree that Commissioner Whitehead, after paying the unpaid Cost of this suit, pay out of the funds now remaining in his hands of the Cash payment made on the day of sale of the tract of land mentioned in said report, to the heirs at-law of James Whitehead deceased as they are severally entitled thereto, except in the case of the infant Children of Jesse Whitehead deceased, one of the heirs at-law of the said Jas Whitehead deceased whose distributive share the said Commissioner is directed to pay to their legal guardians. And the Court doth further adjudge order and decree that the said Commissioner Whitehead, shall withdraw for collection, after filing with the Clerk of this Court a receipt for the same, the bonds filed with this report as they severally become due and payable, but should the purchaser of said land desire to pay all of said bonds before their maturity the said Commissioner is hereby directed to withdraw them at once and collect the amts due, with interest thereon, and pay the same to the heirs at-law of the said Jas Whitehead deceased as above directed, as to balance of Cash now in hand, taking their receipts for the same. And report to Court this proceeding under this decree.

Recd of Robert Whitehead Commissioner in the suit of Whitehead vs Screws & others

$33.33 Thirty three & three cts dollars in full of my distributive share of the net proceeds of the sale of the tract of land of which Jas Whitehead died seized and possessed, sold under a decree of the Circuit Court of Southampton County rendered at its December term 1881.

Dec 21st 1882 Henry his + Whitehead mark

Witness J. E. Rowe

Recd of Robert Whitehead Commissioner in suit of Whitehead vs Screws & others

$33.33 Thirty three & three cts dollars in full of my distributive share of the net sales of the tract of land of which Jas Whitehead died seized and possessed, sold under a decree of the Circuit Court of Southampton County at its December term 1881

Dec 21st 1882 Deborah her + Cobb mark

Witness J. E. Rowe

Recd of Robert Whitehead Commissioner in the suit of Whitehead vs Screws & others

$33.33 dollars in full of my distributive share of the net sales of the tract of land of which Jas Whitehead died seized and possessed & sold under a decree of the Circuit Court of Southampton County at its December term 1881

Robt Whitehead

Deed of Whitehead

Deed of Robert Whitehead Commissioner in the suit of Whitehead vs Scrivenor others
$33.33 cts Dollars in full of my distributive share of the net proceeds of the sale of that tract of land of which Jas Whitehead died seized and possessed, sold under a decree of the Circuit Court of Southampton County, rendered at its term 1881.
Dec 16 1882 his John + Rowe mark
witness J. E. Rowe mark

Deed of Robert Whitehead, Commissioner in the suit of Whitehead vs Scrivenor others, as guardian of Addison Whitehead, Children & wife Jacob H Whitehead, Mar. A. Whitehead, James M Whitehead and Annie Rosa Whitehead.
$33. 33 cents Dollars in full of their distributive share of the net proceeds of the tract of land of which Jas Whitehead died seized and possessed, sold under a decree of the Circuit Court of Southampton County, rendered at its November term 1881.
Dec 16 1882
his
John + Rowe
mark
witness J. E. Rowe

Receipt of Robert Whitehead Commissioner in the Suit of Whitehead vs Screws for the sum of $33.33= dollars in full of my distributive share of the net sales of the tract of land of which John Whitehead died seized & possessed & mentioned in the decree of the Circuit Court of Southampton County at its November term 1881.

William + his Whitehead for John Whitehead
witness mark J. E. Rowe

Receipt of Robert Whitehead Commissioner in the suit of Whitehead vs Screws & others

$33.33- dollars in full of my distributive share of the net sales of the tract of land & mentioned under a decree of the Circuit Court of Southampton County at its November term 1881

William + his Whitehead
witness mark J. E. Rowe

Whitehead &c

vs. } Sp. Ch.

Whitehead &c

1881 April 8 Rules

Griffin p.q.

Executed by delivering
John Rowe & Cornelia
his wife & Jane Semmes
each a copy of this
Summons on the 2d
day of April 1881

W. W. Griggs Shff

Fee paid

The Commonwealth of Virginia,

To the Sheriff of Southampton County--GREETING:

WE COMMAND YOU TO SUMMON Jane Screws, John Rowe & Cornelia his wife, Geo. H. Whitehead, James M. Whitehead, Anna R. Whitehead, Jesse M. Whitehead, & H. Whitehead & Joseph J. Whitehead

to appear at the Clerks Office of our Circuit Court of Southampton County at the Rules to be holden for the said Court on the first Monday in April next to answer a bill in chancery exhibited against them in our said Court by Robert Whitehead, Henry Whitehead, Sarah F. B. Whitehead, John W. Whitehead, William Whitehead, & John Whitehead, Silvanus Cobb & Deborah his wife

and have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court at the Court House, this 22 day of March 1881, in the 106 year of the Commonwealth.

L R Edwards cc

~~105~~ ~~119~~ ~~107~~ ~~45~~

~~102~~

W Whitehead &c 87

v } Stat: Rules

Whitehead &c

In Southampton Circuit Court

Robert Whitehead, Henry Whitehead, Sarah F B Whitehead
John W Whitehead, William Whitehead, Ino: Whitehead, Frances
Whitehead & Silvanus Cobb and Deborah his wife Plaintiffs

against

Jane Screws, John Rowe & Cornelia his wife, Geo: H Whitehead
James M Whitehead, Anna R Whitehead, Jesse M Whitehead, E A
Whitehead, & Jos: J Whitehead the last six minors Defendants

1881 March 22: Summons issued

" April 8. Summons returned Executed on Defts Rowe & Wife & Jane Screws — Bill filed — W W Briggs assigned Guardian to infant Defts — Decree Nisi. as Defts Rowe & Wife & Screws —

" May " Bill taken for confessed as to Defts. Rowe & Wife & Screws and cause set for hearing as to them —

" Oct 26. Report filed

" Nov T. Decree

'82 May Decree

" " Decree to withdraw bonds &c

1883 May Decree &c.