

1779-004

Chancery Causes: Benjamin Applewhaite vs John Applewhaite, by J C

Isle of Wight County

Other SURNAMES: Baker, Fulgham,
Godwin

Applushaite

v.

Applushaite

} Spa
in
Cham:

Oct 67 1773

Cont? ..

May 1774

Cont? & rept:

March 1779

Abath. by Pitt. Death

B. Applewhite

"

J. Applewhite

Chan.

but
the aforesaid Charles Fulgham and Arthur Applewheat
two of the persons appointed by the testator for that
purpose are departed this life and his brother the
said John Applewheat is an infant of tender
years, so that no such partition or division can be
made that will be stable & binding without the
aid of this worshipful court in the premises To the
end therefore that the said John Applewheat by
his guardian in any full time & perfect answer
make to all & singular the allegations of this bill
as fully as if the same were herein again repeated
& interrogated and that this worshipful court
will decree & order & appoint some fit and able
persons joining with the said Richard Baker
to make partition & division of the lands where
the said John Applewheat died died seized &
propose that they make report of such division
so that the same may by ^{decreed by this court} form stable & binding
between your orator & the said John his brother
or that your worships will make such other decree
as may be agreeable to equity May it please
Hello Sir J^{ts}

To the worshipful justices of the
of Wicfe county sitting in chancery

Humbly complain in sheweth unto your worship
your orator Benjamin Applewhaite of this county
That your orators father John Applewhaite deceased
late of this county made his last will & testament
in writing bearing date the first day of March
1750. which said will is duly proved & recorded
in the court of this county & wherein is the
following devise. "I give and bequeath all my
lands wheresoever to my two sons Benjamin
Applewhaite & John Applewhaite after the law
suit now depending is fully determined and
finished to be equally divided by the judgment
& management of Mr Richard Baker Mr
Charles Tillingham & my brother Arthur Applewhaite
to be by them ordered at their discretion to my
two sons Benjamin Applewhaite and John
Applewhaite." Your orator further sheweth that
the said John Applewhaite departed this life. (seind)
of several tracts or parcels of land lying in the
said county of Wicfe wherein your orator
& the said John Applewhaite his brother have a joint
estate & interest, That your orator is desirous that
partition or division of the said lands may be
made according to the intention of his fathers will

J Applewhite

2

B Applewhite
Chas

The answer of John Applewhaite an
infant under the age of twenty one years
by Brewer Godwin gent his guardian to
the bill of complaint of Beny Applewhaite
complainant.

This defend ant saving to himself all advantages
of exception to the many uncertainties & imperfec-
tions in the complainants said bill of complaint
contained for answer thereto or to so much
as this defend ant is advised is material for
him to answer unto he answereth to wit
That he believes it to be true that his father
John Applewhaite deceased made such will
& devise as is fraudulent only & selfish in the bill
that he is willing such partition & division
may be made by proper persons to be appointed
by this court. Humbly hoping that this worshipful
court will favor to himself all advantages
arising to him by means of his infancy
without that that hep.

Brewer Godwin

Applw haite
24
Applw haite
J. Chan

Executed

Nic. Parker M^{ty}

April 1771

Good for

Interest & duties

Sup. Cont?

July 1772

Cont?

March 1773

Cond. Ord.

June 1773

Cont? & report

September 1773

Cont? & report

Octo 1773

Cont?

George the Third by the Grace of God of Great Britain
France and Ireland King Defender of the Faith &c.
To the Sheriff of Isle of Wight County Greeting. We
command you to Summon John Applewhite to
to appear appear before the Justices of our said County
Court in Chancery at the Courthouse of the said
County on the first Thursday in April next to answer
a Bill in Chancery exhibited against him by
Benjamin Applewhite and this he shall in no
wise omit under the penalty of £100 and have then
there this writ Witness Richard Baker Clerk of our
said Court at his Office the Sixteenth Day of March
1771 in the Eleventh Year of our Reign.

Rich Baker