

1837-003

Chancery Causes: Frances Everett, widow of Elisha Everett vs Sarah Everett, by &c

Dale of Wight County

+ Elisha Everett's adms

Other surnames: Whitehead

To the Justices of the County Court of Middlesex
sitting in Chancery. Humbly complaining
sheweth to the Court, your or other Francis Smith
that she is the wife of ^{Joseph} Smith
who departed this life intestate in the said
County, about the day of ¹⁸³⁴
leaving one infant child by the name of
Sarah - Bennett who is still living
under the age of twenty one years. The
intestate after death was seized & possessed
of a considerable personal estate which
came to the hands of one Joseph N.
Bennett who before the County Court
of Middlesex on the day of ¹⁸³⁴
took upon himself the burden of a personal
liability upon the said estate. Your orator
is advised that she is entitled to a life
estate in one third part of the estate
of her decedent. He has and in his mind
shall to be at fault when for that purpose
she has applied to the said Joseph N.
Bennett as a mortgagor or assignee, who
while he asserts his rights as assignee, yet
refuses to admit her share he claims
being the said intestate's Sarah
being an infant, no division can now
be made unless by an order of this
Court - intended commission when if
for as much as the complainant is without
remedy in the premises except through
a Court of Equity - she prays that the
said Sarah Bennett who is under
the age of twenty one years, the said
Joseph Bennett as mortgagor or assignee
may be made answerable to this Court
that they be required to answer the same
fully and satisfactorily & that you will
come as the said Court & make any
order for her relief proper to be done. A. J. Smith

The Court and separate answers of
Joseph B. Whitbread answer of Francis Everett
and the said Sarah
an infant by Joseph B. Whitbread who
has been by the Court appointed to defend
him in the suit to the bill of complaint
against them in the County Court of this
of Wight exhibited by Francis Everett
These separate answers except for answer
the said Joseph B. Whitbread answer of
of answer says it is true that he is answer
of Joseph B. Whitbread and is willing to
surrender the claim of said infant
to be served according to the statute
in such case made and provided
and the said infant answerant says
that he is not aware that any material
statement in the bill is incorrect and
untrue but being of very young years
he submits his intent to the Court
and says if answered they submit to
any order the Court may see proper
in the premises &c. (signed)

W. Whitbread

Francis Everett -

against
Joseph B. Whitbread answer of Sarah Everett
an infant

On motion of the complainant
Joseph B. Whitbread is appointed for answer
to the infant defendant and
this cause came on this day to be
heard by consent of parties on the
bill and answer filed and was
agreed by counsel; on considera-
tion whereof the Court doth ord.
and decree that Isaac Thoms, Daniel
Worble, Miles Wilson & Watson P. Jordan
or any 3 of them do proceed to set
apart to the infant Francis Everett
one third part of all the slaves which
Joseph B. Whitbread and his wife have
years to come &c. &c. &c.

Isaac Thoms
Daniel Worble
Miles Wilson
Watson P. Jordan
or any 3 of them

[Faint, mostly illegible handwritten text, possibly bleed-through from the reverse side of the page.]

Smith

7 1/2 feet

Smith's report

Aug. 22. 1837. Bill & one
filled & inty: done -

Febr. 6th 1837 report of the
Comm^{rs} int. & conf. 40 pgs

Attorney at Law

The undersigned Commissioner appointed
by the annual decree of the Court of Probate of
Wright County to allot & set apart to Frances
Everitt one third part of her late husband's
Elisha Everett's Slaves proceeded on the 4th
day of January 1837 to perform that duty
and our allot & set apart Clarissa and
Lemmy & Child Eliza to the said Frances
Everitt as another part of her husband's
Slaves all of which is respectfully sub-
mitted Signed Jan'y 4th 1837

W. P. Jordan

Jos. Thomas

Willis Wilson

At a court held for Isle of Wight County the 2nd day of Jan^y 1837.

Francis Ewitt

Plaintiff

against

Joseph B. Whitehead adm^r. of Elisha Ewitt,

and Sarah Ewitt an infant

defendants.

in Chancery

On motion of the Comptainant, Jos. B. Whitehead is appointed Guardian ad litem to the infant defendant, and this cause came on this day to be heard by consent of parties, on the Bill and answer filed, and was argued by Counsel, on consideration whereof the Court doth adjudge, order and decree that Josiah Thomas, Alvin Womble, Willis Wilson & Watson P. Gordon or any 3 of them do proceed to take an oath to the Comptainant Francis Ewitt on this part of all the slaves of ~~Elisha~~ Ewitt. died: and possessed, having regard to quality and quantity — & make Report to —

do hereby

Nath^l. Young c^d.

Locate

as

copy down

Locate

February 1st 1837

Sept. 11th 1837