

1816-002

SOUTHAMPTON COUNTY
CHANCERY PAPERS

DARDEN

VS.

WHITEHEAD'S CHILDREN +6/18/6
a1

other surnames: Gardner
Beal

Garden

n. 2 Bill

Whithead St.

Jan 1816 List of Deeds

James Lee

Edmund Turner

Garrett Turner

Laurence Cook

orang 3-

To the worshipful Court of Southampton County in Chancery sitting -
Humbly complaining sheweth unto your worships your orator Jacob Darden,
that a certain Claripa Whitehead lately departed this life in the County of
Southampton seized of a ~~small~~ parcel of land in the said County containing
acres, and possessed of the following slaves, to wit, Edith and her
child Jim, Ben, Christian, Fanny, Hagar, Isaac, ^{Alice} ~~and~~ Lucy, which said
land slaves, were held by the said Claripa Whitehead, as her dower
in the land slaves, of which her deceased husband William Whitehead
died seized & possessed - that the children of the said William Whitehead
deceased, entitled to the said land slaves after the death of the said Claripa
Whitehead were Richard Whitehead, William Whitehead, Catherine Whitehead
~~wife of John~~ widow & relict of John Whitehead deceased, Patience Gardner, late
Patience Whitehead, wife of John Gardner, Nathan C. Whitehead and
Joseph B. Whitehead - that the said Richard Whitehead sold all his interest
in the said land to the said Claripa Whitehead in her lifetime - that the said
William Whitehead sold all his interest in the said land slaves to the
said Richard Whitehead - that the said Richard Whitehead afterwards departed
this life in the County of Southampton intestate ^{and} left three children, to wit, Elliott
Whitehead, Edgar Whitehead & Content Whitehead, who are infants under the
age of twenty one years & of whom a certain Jesse D. Beal is guardian -
that the said John Whitehead ^{in his lifetime} & Catherine his wife, sold all the estate of the said
Catherine in the said land to the said Claripa Whitehead in her lifetime -
that the said John Gardner & Patience his wife have sold all their
interest in the said land slaves to your orator Jacob Darden -
and that the said Claripa Whitehead by her last will & testament
devised ~~bequeathed~~ the interest in the aforesaid land, sold
to her by the said Richard Whitehead & John Whitehead & Catherine his
wife, to the aforesaid Joseph B. Whitehead - upon the foregoing

statement of facts, it will appear, that the ~~former~~ children of Richard
Whitehead ~~are~~ are entitled to one share in the said ~~land~~ land and two
shares in the said slaves - that the said Catherine Whitehead is entitled to one
share on the said slaves - that your orator Jacob Darden is entitled
to one share in the said land and one share in the said slaves - that the said
Nathan C. Whitehead is entitled to one share in the said land & one share
in the said slaves - & that the said Joseph B. Whitehead is entitled to three shares
in the said land and one share in the said slaves - but the same
cannot be reduced into possession & enjoyment, without the aid
of a Court of Equity, where matters of this sort are properly cognizable
both End therefore that the said children of the said Richard Whitehead demand
by their said guardian, the said Catherine Whitehead, the said Nathan
C. Whitehead & the said Joseph B. Whitehead, may be made defendants
to this bill & be compelled to answer all things herein the allegations
herein contained & that as fully & perfectly as if the same were herein
again repeated & they thereunto particularly interrogated - that
your worship will thereupon decree that the said land be divided,
or sold, & the proceeds of the said sale, divided, & that the said slaves
be divided, between your orator and the before named defendants,
in the proportions before mentioned - that any other general relief
be granted in the premises consistent with Equity & good conscience
May it please y^e and as in duty bound your orator will ever pray &c
I sh^d for compl^y

At the worshipful Court of Southampton County, in Chancery sitting -
The joint separate answer of Elliott Whitehead, Edgar Whitehead,
Horace Whitehead infant children of Richard Whitehead ~~decd~~, by Jesse
D. Beal, their guardian, and of Catherine Whitehead, Nathan C. Whitehead

& Joseph B. Whitehead, to the bill of complaint exhibited against them in
this Court by Jacob Darden - The said Defendants saving
reserving &c for answer shew that the allegations in the said
bill contained are true & that they have no objection to the decree
prayed for by the complainants & they pray to be hence
dismissed &c (Signed)

Jesse D. Beal
Catherine Whitehead
N. C. Whitehead
J. B. Whitehead

Southampton

Decree.

End

Jacob Darden ————— Compt

against

Elliott Whitehead, Edgar Whitehead & Montom Whitehead,
infant children of Richard Whitehead dec'd, by Jpe D. Beal
their guardian, Catherine Whitehead, Nathan C. Whitehead
and Joseph B. Whitehead

} M. C. Key.

} J. G. H.

This cause was this day docketed by consent of ^{the} parties and the assent of the Court, and was heard upon the bill and the answer of the defendants, and was argued by Counsel, whereupon the Court doth adjudge, order and decree, that James Gee, Edmund Turner, Jarrell Turner and Lawrence Cook or any 3 of them, do ascertain whether the parcel of land, containing acres, heretofore allotted to Clarissa Whitehead deceased, in her lifetime, as her dower in the land of which her deceased husband William Whitehead died seised in the County of Southampton, ~~and~~ exceeds in value the sum of six hundred dollars - and if it shall be found to exceed in value the sum of \$600, that they then, attended by the Surveyor of the said County, ~~do~~ divide the said parcel of land into six equal parts and allot one of the said parts to the complainant Jacob Darden, ~~another~~ of the said parts to the infant defendants Elliott Whitehead, Edgar Whitehead and Montom Whitehead, another of the said parts to the defendant Nathan C. Whitehead, and the remaining three parts to the defendant Joseph B. Whitehead - But if ^{it} shall be found that the said parcel of land does not exceed in value the sum of \$600, the said commissioners are to sell the same at public auction on a credit of 12 months, giving at least 2 weeks previous public notice of the time & place of sale, and to execute a deed of Bargain & Sale therefor, without warranty,

2
To the purchaser, ~~from whom~~, from whom they are to require four bonds with approved Security, one for one sixth part of the purchase money payable to the said Jacob Darden, one for one other sixth part thereof, payable to the said Jope D. Beal guardian of the aforesaid children of the said Richard Whitehead ~~de~~, one for one other sixth part thereof payable to the said Nathan C. Whitehead and one for three sixth parts thereof payable to the said Joseph B. Whitehead - to each of whom the said bonds are to be delivered. - provided however, and it is duly required, that the said commissioners demand of the purchaser the sum of \$15 in cash, for the purpose of defraying the costs of this suit, ^{which the court will hereafter proportion among the parties to this suit.} ~~to be deducted from the share of the said Jacob Darden, in the purchase money, that is to say, one sixth part thereof from the share of the said Jacob Darden.~~

It is further adjudged ordered & decreed by the court, that the said commissioners or any 3 of them, do divide the following slaves, to wit, Edith & her child Jim, Ben, Christian, Fanny, Hager, Isaac, Alice and Lucy, which were also of the Donor of the said Clarissa Whitehead ~~de~~, in the estate of her said deceased husband, into six equal parts, ~~having~~ and allot one of the said parts to the complainant Jacob Darden, ~~and the~~ two other of the said parts to the aforesaid children of the said Richard Whitehead ~~de~~, to be delivered to their guardian Jope D. Beal, one other of the said parts to the defendant Catherine Whitehead, one other of the said parts to the defendant Nathan C. Whitehead and the remaining equal sixth part to the defendant Joseph B. Whitehead.

In case of a division of the aforesaid parcel of land, the

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Court will hereafter, if necessary, make an order for the sub-division or sale of that part, allotted to the aforesaid children of Richard Whitehead deceased, for the purpose of a division or distribution among them - So likewise with regard to the slaves which may be allotted to them.

It is lastly ordered, that the said Commissioners make a report of their actings & doings in this behalf to the Court, in order to a final decree.

Southampton January Court 1816

Jacob Darden Complt.

against

Elliott Whitehead, Egeon Whitehead and
Content Whitehead, infant children of
Richard Whitehead dec'd by Jefe D Beale
their guardian, Catharine Whitehead
Nathan C Whitehead & Joseph B Whitehead
Defts.

In Chancery

This cause was this day docketed by the consent of the parties
and the report of the court, and was heard upon the bill and
the answer of the defendants, and was argued by counsel, where-
upon the court doth adjudge, order and decree, that James
Lee, Edmund Turner, Jarrell Turner and Lawrence Cook or any
three of them, do ascertain whether the parcel of land, containing
acres, heretofore allotted to Eleanor Whitehead deceased,
in her lifetime, as her dower in the lands of which her deceased
husband William Whitehead died seised in the county of
Southampton, exceed in value the sum of six hundred dollars
and if it shall be found to exceed in value the sum of six
hundred dollars, that they then, attended by the Surveyor of the
said county, divide the said parcel of land into six equal parts
and allot one of the said parts to the complt. Jacob Darden, ano-
ther of the said parts to the infant defendants Elliott Whitehead,
Egeon Whitehead, and Content Whitehead, another of the said parts
to the Deft. Nathan C. Whitehead, and the remaining ~~three~~ parts
to the defendant Joseph B. Whitehead, - But if it shall be
found that the said parcel of land does not exceed in value
the sum of six hundred dollars, the said commissioners are to sell
the same at public ^{auktion} on a credit of twelve months, giving at least
two weeks previous public notice of the time & place of sale, and
to execute a deed of Bargain and Sale therefor, without warranty.

to the purchasers, from whom they are to require four bonds with approved security, one for one sixth part of the purchase money payable to the said Jacob Darden, one for one other sixth part thereof payable to the said Jefe D. Beale, guardian of the aforesaid children of the said Richard Whitehead dec'd. One for one sixth part thereof payable to the said Nathan C. Whitehead, and one for three sixth parts thereof payable to the said Joseph B. Whitehead - to each of whom the said bonds are to be delivered - provided however, and it is hereby required, that the said commissioners demand of the purchaser the sum of fifteen dollars in cash, for the purpose of defraying the costs of this suit, which the court will hereafter proportion among the parties. It is further adjudged ordered & decreed by the court, that the said commissioners or any three of them, do divide the following slaves to wit, Potiah & her child Jim, Ben, Christian, Fanny, Hagar, Isaac, Alice and Lucy, which were also of the dower of the said Helenipa Whitehead dec'd. in the estate of her said dec'd. husband, into six equal parts, and allot one of the said parts to the complot Jacob Darden, two other of the said parts to the aforesaid children of the said Richard Whitehead dec'd. to be delivered to their guardian Jefe D. Beale, one other of the said parts to the defendant Catharine Whitehead, one other of the said parts to the defendant Nathan C. Whitehead, and the remaining equal sixth part to the defendant Joseph B. Whiteheads.

In case of a division of the aforesaid parcel of land, the court will hereafter, if necessary, make an order for the subdivision or sale of that part, allotted to the aforesaid children of Richard Whitehead dec'd. for the purpose of a division or distribution among them - so likewise with regard to the slaves which may be allotted to them.

It is lastly ordered, that the said commissioners make a report of their acting & doing, in this behalf to the court in order to a final decree -

Teste
James Rochelle c. J.

Report
of the division
of the donor Land & Slaves

Clary Whitehead dnr.

June 17th 1816 OB

Ant?

Southampton County, S.C.

Pursuant to an Order of the Worshipful Court of the County aforesaid to us directed, bearing date January Court 1810 We have made Sale of the dower Lands of Clarisy Whitehead decd. which her d^{ce}. Husband William Whitehead decd. Seised and possessed in the aforesaid County of Southampton: on a Credit of Twelve Months. for the Sum of Six hundred five Dollars some cent. Which Sum after deducting Fifteen dollars agreeable to the terms of the afores^{ed}. We have taken four bonds with approved Security from the purchaser in the Names of the persons respectively entitled Thereto: as follows To Wit One

for one Sixth part of the purchase Money, payable to Jacob Darden. one for one other Sixth part thereof payable to Jesse D. Beal Guardian of Elliott Whitehead, Edgar Whitehead, and Content Whitehead, infant Children of Richard Whitehead decd. and for one other Sixth part thereof Payable to Nathan C. Whitehead, and one for the remaining three parts thereof Payable to Joseph B. Whitehead: To each of whom we have delivered the said Bonds:—

We then proceeded to divide the dower Slaves of the said Clarisy Whitehead decd. in the estate of her d^{ce}. Husband into six equal parts as follows To Wit

To Nathan Whitehead We assign Lot N^o 1 Ben. valued to five hundred Dollars. he paying to Catharine Whitehead Lot N^o 3 the Sum Forty nine Dollars. Sixty and $\frac{2}{3}$ cents: We assign to Jacob Darden Lot N^o 2 Lucy & Mary, valued to Four hundred and fifty five Dollars: he paying to Lot N^o 3 the Sum of Four Dollars. 16 $\frac{2}{3}$ cents:— We assign to Catharine Whitehead Lot N^o 3 Fanny valued to Three hundred and Seventy five Dollars: To Jesse D. Beal as Guardian aforesaid— We assign Lots N^o 4 & 5. Edith. Sam. Agar. & Isaac. Valued to Nine hundred and Seventy five Dollars: ^{making two whole shares} he paying to Lot N^o 3 the Sum of Twenty Two Dollars. & 50 Cents. and to Joseph B. Whitehead Lot N^o 5. the Sum of Fifty Dollars. & 83 $\frac{1}{3}$ Cents making in the whole which Jesse D. Beal has to pay the other legates, the Sum of Seventy three Dollars. and 33 $\frac{1}{3}$ Cents. and the amount which Catharine Whitehead receives from the other Legates is Seventy five Dollars. and 83 $\frac{1}{3}$ Cents— We also have assigned To Joseph B. Whitehead Lot N^o 5 Christian Churches abts valued Four hundred Dollars: The Amount of valuation of the above Slaves is Two Thousand Seven hundred and five Dollars. & 83 $\frac{1}{3}$ Cents which ^{being divided} into Six equal parts. gives to each legate the Sum of Four hundred and fifty Dollars. Eighty three and $\frac{1}{3}$ cents—

this 17th day of June 1810

Given under our hands
Lawrence Cook
James Gee
Clerks and Surors.