

1818-020

SOUTHAMPTON COUNTY
CHANCERY PAPERS

WHITEHEAD

VS. FITZHUGH

et ux et al
5/1818

Plat

Other SURNAMES: Taylor,
Peterson, Drewry

Whitehead

23 2 Bico

Fitzhugh VV

Aug. 18th 1817 order of
Pub. to Nov. 2 1817

Pub. to Mar. 2/89

January 1878 Int. 9. Decree

To the worshipful Court of Southampton in Chancery
sitting. Humbly complaining sheweth unto your
worships your oratrix Catharine Whitehead. That
Henry Taylor late of this County died sometime in
the year ^{under the age of twenty one years}
unmarried and without issue seized and possessed of
a tract of land lying in this County containing
two hundred and eighteen acres lying in Saint
Lukes parish in the County aforesaid. That the said
Henry devised the said tract of land from his deceased
father John Taylor and at the time of his death
had no mother and only one brother William
Taylor and two sisters, Nancy the wife of Thomas
Fitzthugh and Eliza wife of Jaquelin Peterson
which said brother and sisters were alone entitled
to the aforesaid tract of land. That your oratrix
hath purchased of the said Thomas Fitzthugh
and his wife Nancy and the said Jaquelin
Peterson and his wife Eliza their undivided interest
in the aforesaid tract of land, and hath obtained
deeds for the same which have duly proved
and recorded copies of which are hereto
annexed and prayed to be considered as a part
of this bill. That the said Jaquelin Peterson

and Eliza his wife and the said William
Taylor, your orator is informed, are inhabitants
of the State of Georgia. That a division in
the tract of land aforesaid by proper meters and
bounds has never yet been made, nor can
the same be done without the aid of a Court
of Equity where matters and things of this sort
are properly cognizable. In tender consideration
whereof and in as much as your ^{orator} ~~respondents~~
~~is~~ without remedy save in a Court of Chancery
where prays that the said Thomas Fitzhugh and
Mary his wife, the said Jacqueline Peterson
and Eliza his wife, and the said William
Taylor may be made defendants here to by
the proper process of this Court, and be compelled
to say whether the allegations herein set forth
are true. She further prays that a decree
may be pronounced by this Court directing the
aforesaid tract of land to be divided into three
equal parts, two thereof to be allotted to your
orator and the remainder to the defendant
William Taylor. And she lastly prays that

this Court would make any other or further
order or decree in the premises which may comport
with the principles of Justice and Equity.
And as in duty bound she will ever pray -

Forthright & wife

adrs

Whitcomb

The answer of Thomas Fitzhugh and his family to the
bill of complaint exhibited against them and
Jaegerlin Peterson and his wife Eliza late Eliza
Taylor and William Taylor by Catharine Whitehead

These respondents saving and reserving to themselves
every benefit of exceptions to any errors in said
bill contained for answer thereto say that they
believe the complainants allegations are true
and that they are willing to submit to such
decree as this Court may think proper
to pronounce, and having answered they
pray the hence be dismissed &c.

Catharine Whitehead. Plff

In Chancery -

Thomas Fitzhugh Jr. Defs

This cause was this day heard on the bill and answer filed, exhibits and arguments of counsel and it appearing to the Court here, that the order of publication against the absent defendants Jacobson Peterson and Eliza his wife and William Taylor has been duly published and they have failed to appear and file their answer. in this case, therefore it is considered by the Court that the bill of the complainant as to them be taken for confessed and upon motion and citation filed here the Court doth adjudge order and decree that Thomas Ridley, Francis Ridley, Shanty Williams and Levi Waller or any three of them do with the assistance of the County Surveyor divide the tract of land lying in St Lukes parish in this County whereby Henry Taylor said said and proposed containing two hundred and eighty acres into three equal parts having regard to value and allot two of said parts to the complainant Catharine Whitehead and the remaining part to the defendant Wm Taylor and make report of their proceedings herein in order to a final decree

Whitehead
age
Fitzhugh

body
Acree

Santhampton January Court 1818

Catharine Whitehead

Complainant

vs.

Thomas Highhugh and Mary his wife, late
Mary Taylor, Jaquelin Peterson and Eliza
his wife, late Eliza Taylor and
William Taylor

Defendants

in of honor

This Cause was this day heard on the bill and answer
filed, exhibits and arguments of counsel, and it appearing
to the Court here, that the Order of Publication against the
absent defendants Jaquelin Peterson and Eliza his wife and
William Taylor, has been duly published, and they have failed
to appear and file their answer in this Cause. Therefore it
is considered by the Court that the bill of the Complainant
as to them be taken for confessed, and upon mature deliberation
first had the Court took advice, order, and decree that
Thomas Ridley, Francis Ridley, Spratley Williams and
Levy Walker, or any three of them, do with the ^{assistance of the} County
Surveyor, divide the tract of Land lying in Saint Lukes
Parish in this County whereof Henry Taylor and Sizer
are supposed to be entitled Two hundred and Eighteen Acres
into three equal parts having regard to value, and allot two
of the said parts to the Complainant Catharine Whitehead
and the remaining part to the defendant William Taylor
and make report of their proceedings herein in order to a
final decree

Attest

John C. Middleton, D.C.



Whitehead

vs

Fitzhugh & Co.

483

Spa in

Chy

To September Court 1817

Executed on the
Fitzhugh and wife
John Stanton Esq.
of Henry County

The Commonwealth of Virginia to the Sheriff of Southampton County greeting You are hereby commanded to Summon Thomas Fitzhugh Jettancy his wife late Nancy Taylor Jackson Peterson & Mrs Taylor to appear before the Justices of our county court of Southampton at the courthouse on the third Monday in September next to answer a bill in chancery exhibited against them by Catharine Whitehead And this they shall in no wise omit under the penalty of ~~the~~ \$100 each And have them these this writ - Witness my hand Rochelle clerk of our said County court of Southampton at his office the 4th day of August 1857 and 42nd Year of the Commonwealth

Rochelle Co.

Whitehead

^m
Fitzhugh & Co
order of
publication

three hours on many days. It is such aw-
ful times that not a dollar enters the town
except to get some necessary that cannot
be dispensed with."

SOUTH CAROLINA

Town of Petersburg Set:

Thomas Whitworth are of the Editors
of the Petersburg Intelligencer, this day person-
ally appeared before me, a magistrate of the
said Town, and made oath that the annu-
ed arrear of Court has been published in
the said paper for two successive months.

Given under my hand this 19th day of
in the year 1817

Virginia:

Southampton County,

August Court, 1817

Catherine Whitehead

Compt.

Against
Thomas Fitzhugh and Nancy his wife, late Nan-
cy Taylor, Jacquelin Peterson and Eliza his
wife, late Eliza Taylor and William Taylor

Chancery.

Def.

THE DEFENDANTS Jacquelin Peterson and
Eliza his wife, late Eliza Taylor, and William Tay-
lor not having entered their appearance and given security
according to the Act of Assembly and Rules of the
Court, and it appearing to the satisfaction of the Court
that they are not inhabitants of this Commonwealth,
it is therefore decreed and ordered, that the said abovesaid
defendants do appear here and answer the complainant's
Bill, on or before the third Monday in November next,
and that a copy of this order be forthwith inserted in
some Newspaper published in the town of Petersburg
two months successively, and posted at the front door
of the Court House of the county on two several
days.

A copy - Feste,

AUBIN MIDDLETON, D.

Sept. 13.

Report of the division
of whitethroats land
formerly Fay's Place

Agreeable to an Order of the County Court of
Sumpter Co the Undersigned have gone on the
lands of John Whitehead dec^d known by the
Taylor Place attended with the County Surveyor as by
the Order we were required and have run out and
surveyed the same and find there to be 216 Acres in
the whole Tract: we then Proceeded to divide the
S^d land in manner and form following (to wit)
Lott no. 1 containing 72 Acres which lot was
drawn by Humphry Drewry and Bounded as follows
Beginning at a red Oak a C^o of Humphry Drewry
thence S. 11. E. 150 Poles to a Willow Oak a C^o of Humphry
Drewry thence S. 7. W. 40 Poles to a Pine Standing in
a Small Branch. thence S. 2. E. 36 Poles to the great
Swamp Ball? Ridleys Swamp thence along that Swamp
to a new C^o made in that Swamp between Drewry &
Catharine Whitehead. thence along the dividing line of Drewry
and Catharine Whitehead N. 5. W. 240 Poles to another new C^o
of Humphry Drewry & Catharine Whitehead thence N. 83. W.
64 Poles to the first Station being his Proportionable
Part of the land aforesaid — also Lott no. 2 & 3
containing 72. Each making 144 Acres drawn by

Whitehead and bounded as follows (to wit) Beginning
at a new C^o between Humphry Drewry and Catharine
Whitehead Standing in Ridleys Swamp: thence along that
Swamp to where we turn out from it. thence N. 17. E.
76 Poles to a large Pine Variation on the line: thence
N. 54. E. 40 Poles to a Turkey Oak in Ridleys line
thence N. 10. W. 20 Poles thence N. 19. W. 100 Poles
thence N. 10. E. 34 Poles to a dead Pine C^o of

Capt. Ridley. Thence N. 72. W. 80 Poles to a new
Co. in Upper Downey Lot No. 1. Thence along that
dividing line S. 5. E. 240 Poles to the first Station.
being Catharine Whitehead's full Proportionable Part
of all the lands aforesaid including $\frac{2}{3}$ of the
Same: Given Under Our hands this 18th day
of May—1818—

Thos. Ridley
Francis Ridley
Levi Waller

Part of the land
of John Whitehead dec.
formerly Taylor's Place

2 1/6 acres in all

72 acres including Decedent

144 Mrs. Whitehead m.

of acres

May 18th 1818 Rep^d Note
of final decree by Court

This done by the Magnetic Meridian Variation
N.° 1/2 to the East nearly —

JAMES JONES Esq

Laid down by a Scale of
40 Poles in an Inch

See back for Map of Drury

West

North

East

