

1839-123 SOUTHAMPTON COUNTY
CHANCERY PAPERS

WHITEHEAD'S EXECUTORS

VS. JUDKINS et al (#1)

1/1839

other surnames: Beale, Bryant

1228.

Whitehead Inc.

21. 3 Bice de
Beale tal.

1837 Decree Decree as filed & P

1839 Jan. Confm'd & P

fee paid

Do the worshipping the Justices of the County
Court of ~~San Diego~~ ^{Santa Fe} in chancery sitting:

Humbly complaining, shew unto your
worships your complainants Thomas J. Bea-
con & Wm B. Whitehead, Executors of the last
will & Testament of Elliot Whitehead deceased,
that sometimes in the year a certain day of
D. Beale executed a deed of Trust to
for the benefit of Samuel Hunt, conveying therein,
among other things, the following slaves, namely,
George, John, Hannah, and Alia, all of whom
were afterwards, to wit, on the day of
in the year after the death of the said wife
D. Beale, sold by the trustee in pursuance of
the said deed. That all the said slaves, with
the exception of Hannah, were a part of the
distribution share allotted to Margaret P. Beale,
the wife of the said wife D. Beale, from the
estate of her former husband Richard White-
head, which distribution share, to wit, her
life estate, ~~in the said slaves~~ was alone sold
in the said slaves; and the slave Hannah was
the absolute property of the said wife D. Beale,
and therefore her whole interest, having been con-
veyed in the said deed of Trust, in her way sold
by the trustee. That at the trustee's sale, the
said slaves, besides other property, were pur-
chased by Elliot Whitehead & Edgar Whitehead,
and afterwards conveyed by a deed of Gift by
them to the said ^{Martha} ~~Margaret~~ P. Beale, their mo-
ther, ~~as appears~~ during her life, as appears by
reference to an attested copy of the said deed
herewith filed & prayed to be taken as a part
of this bill. That the said ^{Martha} ~~Margaret~~ P. Beale
continued in the possession of the said slaves
from the date of the said last mentioned slaves
until the time of her death, which happened

sometime in the month of last, at
which time your complainants are advised
the said slaves were liable to division among
the several persons interested therein. That
the said Richard Whitehead, from whom most
of the slaves were originally devised as aforesaid,
at the time of his death left, besides his widow
^{Martha} Margaret P. Whitehead, afterwards ^{Martha} Margaret
P. Beale as aforesaid, three children and heirs at
law, namely, Elliot Whitehead, Edgar Whitehead,
and Content Whitehead, who after wards inter-
married with a certain Jared W. Judkins, the
father of whom, afterwards, to wit, on the
day of in the year, departed this life
childless and intestate, and admⁿ on his estate
has been conferred on his widow the said Content
Judkins. That the said ^{Martha} Margaret P. Beale, hav-
ing shortly after the death of her first husband,
the said Richard Whitehead, intermarried with
the before mentioned Jeph D. Beale, ~~who~~ ^{who}
~~who~~ who departed this life some many years
before the death of her first husband,
the following other children, namely, Gilbert H.
H. Beale, Thomas B. Beale, William C. Beale,
Jeph D. Beale, Harriet E. D. Beale, Margaret P.
Beale, and Armine J. Beale, ~~and also a last will and testament, wherein her son Thomas~~
B. Beale, the hereinafter named herein, qualified as the executor, or appears
as an attorney of the said Jeph D. Beale, by which
said last will and testament she devised the premises all her estate to
her daughter, M. P. Beale, Harriet E. D. Beale, and Armine J. Beale, with
the execution of one or two pecuniary legacies.
Whitehead departed this life sometime in the
year 1826 or 7 intestate and unmarried, and ad-
ministration on his estate was conferred by the
County Court of Hanover on Elliot Whitehead;
who also, sometime in the month of June last,
departed this life also, leaving a last will &
testament, in which he appointed your Com-
plainants the executors thereof, and they being
afterwards duly qualified in that character be-
fore the County Court of Hanover, as all

of which more fully appears by reference to
an attested copy of the said will and of the
certificate of probate herewith filed. That
the said Gilbert H. Beale became indebted in
his life time, and his interest in the aforesaid
slaves was sold under an execution, and pur-
chased by Wm J. Nottingham, and afterwards
sold by him, ^{the latter} to the said Elliot Whitehead, as more
fully appears by reference to attested copies of
the said execution, Dued of the Sheriff to Not-
tingham, and of the latter to Whitehead, here-
with filed; and that the said Beale after-
wards, to wit, in the month of last,
a short time before the death of his said
mother, departed this life intestate, and
admⁿ on his estate was conferred by the Coun-
ty Court of Southampton on a certain Jarnes
D. Bryant of the ^{same} County, as appears by
reference to the certificate of admⁿ herewith
filed. And that your complainants
represent that being advised that the slaves
were liable to division as aforesaid, they
have made frequent applications to the said
Content Judkins, Jarnes D. Bryant, admⁿ
of the said Gilbert H. Beale, Thomas B. Beale,
admⁿ of the said ^{Martha} Margaret P. Beale, and
in his own right, William C. Beale, Jeph D. Beale,
Harriet E. D. Beale, Margaret P. Beale,
and Armine J. Beale, and urged them in
the most friendly manner to consent to an
amicable division of the aforesaid slaves;
but all their applications of your complain-
ants have been as yet without avail.
Wherefore, and for as much as your complain-
ants have no other remedy in the premises,
they pray that the said Content Judkins,
Jarnes D. Bryant, admⁿ of G. H. Beale, Thomas
B. Beale in his own right, and as admⁿ of Mar-
garet P. Beale dec^d, Wm C. Beale, Jeph D. Beale

Harriet E. D. Beale, ^{that} Margaret P. Beale
and Armine J. Beale, ^{two and the s^d wife D. Beale} the ~~three~~ last ^{being}
infants to be defended by some person to be
appointed their special guardian in this
suit, - may be made parties heard, and may
be required to answer, upon their several Cor-
poral oaths, the many allegations herein con-
tained, and that your worship will decree
a sale of the said slave, and a division of the
proceeds thereof among the several persons
interested in such a manner as may comport
with equity & justice, as well as such further
and general relief in the premises as may
be deemed right & proper - May it please the

Hodges, h.g.
Clerk

The joint several answers of Content End-
ling, ~~James D. Beale~~, ~~and the s^d wife D. Beale~~
Thomas B. Beale in his own right, and as
admin^r of Margaret P. Beale decd, William
C. Beale, wife D. Beale, Harriet E. D. Beale,
Margaret P. Beale and Armine J. Beale, -
The ^{two} ~~three~~ last ^{and the s^d wife D. Beale} being infants and defended in
this suit by Thomas B. Beale their guardian
ad litem, - to the bill of complaint exhibited
against them by Thomas G. Benton and Wil-
liam B. Whitehead, exors of Elliot Whitehead
decd. - These defendants saving the for
answer to the said bill, say - That they be-
lieve the facts stated in the said bill are
substantially true and correct, and they are
willing that such a decree may be rendered
in the premises as the Court may deem
right & proper - And having answered &c they
pray to be hence dismissed with their costs
in this behalf sustained.

Whiteheads Exors

27 } Decree

Beale & ad

For Commissioner

The undersigned commissioner appointed
by the County Court of Southampton
to carry into effect the within decree,
proceeds in pursuance of its direction,
to sell the slaves, ⁱⁿ the decree mentioned,
and obtained therefor the sum of
fifteen hundred and twenty three
dollars - that is to say for George five
hundred and forty three dollars, for
John seven hundred and forty five
dollars, for Celia three hundred
and twenty dollars, and for Hannah
fifteen dollars - which, after
deducting the expenses of the
sale and commission, he has
divided among the parties in
the several proportions to which
they are entitled according to
the said decree, and for which
he has obtained the receipts of
the parties.

Dec. 18th 1838.

Wm D. Hodges, Comr.
— — —

Southampton December Court 1837.

Thomas G Denton and William B Whitehead Executors &c.
of Elliott Whitehead dec.

Plffs.

against

In Chancery

Content Jenkins, Thomas B Deale, in his own right and
as administrator of Martha P Deale dec. William L Deale
Jesse D Deale, Harriet E L Deale, Margaret P Deale and
Armin D Deale the two last and the said Jesse D Deale
being infants and defended in this suit by Thomas B Deale
their guardian ad litem

Ofs.

This cause came on this day to be heard by consent of parties, on the
bill, answers, and exhibits, and was argued by Counsel: On consideration
whereof the Court doth adjudge, order and decree, that William D Hodges
who is hereby appointed Commissioner for the purpose, do proceed to sell
on a credit of nine months, the negro slaves George, John and Celina in
the bill mentioned, at some public place in the County, after having given
at least twenty days notice of the day and place of sale at two or more public
places, and after paying the expenses of this suit, divide the net proceeds
as follows, to the complainants Thomas G Denton and William B Whitehead
executors of Elliott Whitehead 48/100; To Content Jenkins 45/100; to the defendant
Thomas B Deale 3/100; to the defendant William L Deale 3/100; to the Defend-
ant Harriet E L Deale 3/100; to the guardian of the infant defendant
Martha P Deale 5/100; and to the guardian of the infant defendant Armin
D Deale the remaining 5/100; And that the said Commissioner further
proceed to sell at same place, in the same manner, and after having given
the like notice, the negro slave Hannah, and divide the net proceeds as
follows: to the complainants Denton & Whitehead Executors of Elliott White-
head 48/78; to the Defendant Content Jenkins 6/78; to the defendant Thomas B
Deale 3/78; to the defendant Harriet E L Deale 5/78; to the guardian of the
infant defendant Martha P Deale 5/78; to the guardian of the infant Defend-
ant Armin D Deale 5/78; and to the guardian of the infant Defendant
Jesse D Deale 3/78; and to the Defendant William L Deale 3/78; and that
he make report to this Court in order to a final decree. Liberty being hereby
reserved to the infant defendants to come in and set aside this decree on arriv-
ing to lawful age

Olks costs \$2 32
Law? fees 10 00
\$ 12 32

Attest Teste L R Edwards Clk