

1878-31

Southampton County Chancery - Sebrell, Wm. P. vs Whitehead infants

partition of Real Estate

Sebrell, Catherine
Rebecca
(wife of Wm P.)

in
parts - by: { Whitehead, John
Whitehead, Margaret
Eliz.

Corbitt, James M.
GAL

To the Hon. Geo Blow Judge of
the Circuit Court of Southampton
In Chancery -

Humbly complaining herewith
unto your Honor your Complain-
ants Wm P Sebrall and Catherine Re-
becca his wife, formerly Whitehead,

That during the year 1870 John
Whitehead departed this life after hav-
ing made & published his last will
and Testament, which was duly admit-
ted to probate at the Jan'y Term 1871
of The County Court of Southampton as
will more fully appear from a copy
of the order of probate herewith filed
and marked "A" & prayed to be taken
as part of this bill, That the said John
Whitehead left as his devisees, his wife who
has since died, and the following children
viz - your Complainants wife Catherine
Rebecca Whitehead, Margaret Elizabeth
and John Whitehead, as will be more fully
seen from a certified copy of his will
herewith filed marked "B" & prayed
to be taken as a part of this bill -

That by Third Clause of said will the
Testator devises one third of his land
to his daughter Margaret Elizabeth

~~so as to give her~~ The land to be di-
vided by Commissioners appointed by
a Court of competent jurisdiction
so as to give her the houses in Nelson
field on the Fisher land, also the log
house with brick chimney on west
side of lane in front of his residence with
no land attached to this house. That
by Clause fourth of said will the
Testator devised to his daughter Catherine
Rebecca one third of his land to be allotted
in same way, so as to give her
the buildings in Lok field, also the frame
house with brick chimney in middle on the
east side of lane in front of residence
with no land attached to this house. That
by Clause fifth of said will the Testator
devises to his son John Whitehead one
third of his real estate to be allotted in same
way, so as to give him the residence and
all the other buildings attached, except
those already mentioned. That parti-
tion under said will of said real es-
tate has never been made, and your
Complainants are advised that it is
necessary to seek the assistance of the
Court to have the same effected. That
the said Margaret Elizabeth and John
Whitehead are infants under the age

of 21 years. In consideration where
of and inasmuch as your Complain
ants are without remedy save in a
Court of Chancery where matters of
this kind are to be properly heard, your
Complainants pray that the said Mar
garet Elizabeth and John Whitehead
be made parties to this bill and be re
quired to answer the same, That a
proper Guardian ad litem be as
signed the infant Defendants, to de
fend their interest in this suit
That the said real estate be divided
among the parties before mentioned ac
cording to their respective interests un
der the said will, and That your
Honor will grant such other & further
general & special relief as the nature
of this case may require or to Equity
may seem meet, and as in duty
bound your Complainants will ever
pray &c.

May it please the Court &c

Pinco & Sebell f.c

The joint & several answer of Mar
garet Elizabeth and John Whitehead, by James
M Corbett their Guardian ad litem, To a

bill of Complaint exhibited against them
in the Circuit Court of Southampton by Wm
P. Sebell & wife.

These respondents saving
and reserving all just grounds of Exceptions
to said Bill for answer thereto saith -

That they are infants and know nothing
of the facts alleged in said Bill and being
such they submit their rights to the pro-
tection of this Honorable Court and having
answered they pray hence to be dismiss-
ed with their costs -

J. M. Corbett Gdn ad litem
by Prince & Sebell p. d

130
Sebell & wife
vs
P. Sebell & wife
Whitehead's infants

1878 April Rules

Prince & Sebell
J. C.

Exhibits "A & B"
John Whitehead's
Will

Subrell wife

v } Ex

Whiteheads

(See 100)

I John Whitehead, farmer of the County of Southampton
in the State of Virginia, make this my last will, hereby
revoking all others. I give, devise & bequeath my Estate
& property, real & personal, as follows; that is to say;
1st I bequeath to my beloved wife Rebecca, One hundred
dollars worth of personal property such as she may select,
to be taken at what said property is appraised at,
by regular appointed appraisers through the Court of
my County. This amount is independent of what is
allowed her in the Marriage Contract between us. &
2nd To my three children, viz; Catharine Rebecca,
John & Margaret Elizabeth, I bequeath equally
all of my personal property (with the exception) of
giving to Margaret Elizabeth Five hundred dollars
more than either of the other two.
3rd To my daughter Margaret Elizabeth I give, devise
and bequeath, One third portion of my land, to be
laid off by duly authorized Commissioners, so as to
give her, the houses in the Nelson Field, on the
Fisher land. I give her also the log house with brick
chimney, on west side lane in front of my residence.
I don't attach no land to this house.
4th To my daughter Catharine Rebecca, I give, devise,
and bequeath two third portion of my land to be
laid off by duly authorized Commissioners so as to
give her the buildings in the field known as the
lot field. I give her also the farm house with
brick chimney in the middle, on the East side of
the land in front of my residence, with no land
attached.
5th To my son John Whitehead, I give, devise and

bequeath, One third portion of my Land, to be laid
off by duly authorized Commissioners, so as to give
him my residence and all the other lands attached,
except those mentioned herein above.

11th I appoint James M. Corbitt of Tuckahatchee
County, State of Virginia, Executor of this my
Will, and authorize the Court of my County, not
to require of him any Security when qualifying
as Executor of this my last Will.

In Witness Whereof, I have Signed and
Sealed and published and declared this instrument
as my Will at Branchville Sept, Tuckahatchee County,
Virginia, on the tenth (10th) day of September 1870.

The said John Whitehead

head, at said place on

said day, Signed and

Sealed this instrument,

for his last Will, in

our presence.

James R. Jagers,

William A. Jagers,

George E. Beaton,

7th And lastly it is my wish if the said James
M. Corbitt named as Executor in my will should
die before my children shall have arrived at
the age of twenty one years, that he the said

James M. Corbitt, shall appoint some
one to carry out the provisions of the will
with the same power as I have given him

Witnesses

David H. Kindred

William Oley.

John Whitehead Seal
Mark

At a Court held for the County of Hampshire
on the 16th day of January A.D. 1871.

This last will & Testament of John Whitehead,
decd. was proved by the Oath of Wm. A. Jagers
One of the Subscribing Witnesses thereto & the
Codicil thereto annexed, was proved by the Oath
of David H. Kendrick one of the witnesses thereto,

And at a Court held for the said County on the
20th day of February A.D. 1871. This last
Will & Testament and Codicil thereto of
John Whitehead decd. was fully proved, the
said Will by the Oath of Geo. E. Beaton &
the Codicil by the Oath of Mills Eley,
Subscribing Witnesses thereto, and ordered
to be recorded. And on the Motion of
James M. Corbitt the Executor Named in
the said Will, who made Oath and
entered into & acknowledged a bond in
the penalty of Five Thousand Dollars,
Conditioned according to Law, but without
Security, the Will requesting that no
Security should be required, of him, and
the Court requiring none. Certificate is
granted the said James M. Corbitt,
for obtaining a probate of the said Will
in due form.

Teste,

Erwin White C. C.

A. Jagers

Teste,

James R. Tyler D. C.

To the Hon. Judge of the Circuit-Court of Southampton

We, the Commissioners, appointed by the Circuit-Court of Southampton County - at its May Term 1878 - to divide the Lands of John Whitehead, died (according to his Will) between his three Children - do most respectfully Report - as follows: viz: That we have examined and caused said lands to be surveyed and have allotted to John Whitehead, that portion on which the residence is situated - lying West of a New chopped line Beginning near the Road gate in the line of Geo. E. Beaton & wife at a white Oak (10 inches in diameter) Cor. for this tract & Katherine R. Sibrell - thence S $87\frac{1}{8}^{\circ}$ E 150 chains to the Road; thence Same Course 13.97 to Persimmon (8); Same 13.93 to Pine (18); Same 10.20 to Persimmon (8); Same 8.08 to Pine (11); Same 10.08 to Pine (11); Same 8.10 to 2 Slooping Blk gums (10-10) Cor in Swash; thence along swash S $44\frac{1}{2}^{\circ}$ E 3.57 to a double Blk gum (30-20) Cor. thence leaving Swash S 10 W 9.50 to Persimmon; Same 135 to Bowl gum (36); Same 680 to Stringwood (8); Same 400 to Crab apple (1) in edge of field; S $18\frac{1}{2}^{\circ}$ W 26.48 to W. W. Cor of old Crib; Same 12.60 to old gate Post in Hedge Row near head of Branch; thence along Hedge Row S $81\frac{1}{4}^{\circ}$ W 7.15 to little Ash (3) pl; Same 0.75 to Water O (2); S $38\frac{3}{4}^{\circ}$ W 10.10 to S. gum (12) Cor; S 89° W 9.15 to Hornbeam (12); S $68\frac{1}{3}^{\circ}$ W 5.20 to S. gum (60) Cor for this tract & Katherine R. in Geo. E. Pope's line - giving to John Whitehead 707 Acres

2nd Division line: Beginning at a Blk gum (18) near Road - in a little Branch in the line of Geo. E. Beaton & wife thence down said Branch to a Blk gum (10); thence S 78° 7.62 to a little S. gum on Hedge Row; Same $3\frac{1}{2}$ to Hollow Blk gum (30) in Branch; S 15° W 2.92 to Water O (8) pl in edge of field; S $15\frac{1}{2}^{\circ}$ W 40.00 to Persimmon (12) in field;

(2)

Same 22,20 to Maple (101) in the head of a little Draw;
S 72 1/2 W 5-32 to Bowlgum (30) in centre of Swash;
Thence down said Swash to the Bridge at S. & R. R. R.
Thence down said Rail Road Bounds to the
Meherrin River; giving to Katharine Rebecca
Sebrall (formerly Whitehead) that portion between this
line & ~~the~~ John Whitehead's line containing
977 (nine hundred & seventeen) Acres; and to
Margaret Elizabeth Whitehead that portion
which lies East of the second Division line
containing 971 Acres
For further particulars see Plat of Survey made
by R. B. Kindred - July - 1878 - and herewith filed

J. J. Woodard
Wm. A. Logner
William Harris

Sebrall & wife
or E. Sebrall
Whitehead
Nov 8. 1878

Seville snipe
vs 3 Decree
Whitehead.

May Term
1878.

To be entered.

Geo. B. Shaw.

Settled sumbe

21 $\frac{3}{3}$ Decree
Whitehead & Adams

This day this cause came on to be heard on the bill of the Complainants, the answer of the infant defendants Margaret E. & John Whitehead by James M. Corbitt, who is appointed their guardian ad litem, general replication thereto, and the exhibits, and was argued by Counsel.

On consideration whereof the Court doth a Judge order & decree that Louis A. Joyner, E. K. Vick, Wm. Harris Geo. E. Beaton & J. J. Woodward, be & they are hereby appointed special Commissioners any three of whom may act. That they proceed to divide the real estate whereof John Whitehead died seized among his devisees according to the directions indicated and set forth in the third, fourth & fifth clauses of the will of the said Whitehead, and if it should be necessary in order to make said partition to employ the services of a Surveyor, the said Court are hereby authorized to employ one. And the said Court will make report to Court of their proceedings.

Sebrall swife
or 3 Seere
White head

Nov Term 1878

To be entered.

Geo. Blod

Schell Scipe
vs. Z. Deane.
Whitehead.

This day this cause came on to be further heard on the papers, formerly read, the report of Commissioners J. J. Woodward & others, making division of the real estate whereof John Whitehead died seized among his devisees, filed during the term, and was argued by counsel. On consideration whereof, & no exceptions being filed to said report, the same is hereby confirmed - and the division therein reported be held firm & binding among the parties - and nothing further appearing necessary to be done in this cause, it is ordered the same be removed from the docket, at the costs, & expels, of Wm. P. Schell Scipe, Maryann E. & John Whitehead.

Bellevue's Wife

vs.

2 Sums in
Chancery

Whitehead

1878 Apr. Rules

The Commonwealth of Virginia:

To the Sheriff of Southampton County---Greeting:

WE COMMAND YOU TO SUMMON

*John Margaret Elizabeth
Whitehead, Wives*

if _____ to be found within your bailiwick, to appear at the Clerk's Office
of our Circuit Court, of Southampton County at the rules to be holden for the
said Court, on the first Monday in *April next* to answer *a Bill in*
Chancery exhibited against *them* in our said Court by
Wm. P. Seely, Casterius R. his wife,

and have then and there this writ.

Witness, **Littleton R. Edwards**, Clerk of our said Court, at the Court
House this *20th* day of *March* 187*8*, in the
102nd year of the Commonwealth. *L R Edwards Clk*

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Sibrell & wife
or Stat: Rules

Whitehead

1878 Nov. Final done

In Southampton Circuit Court

Wm. P. Sebrell & Catherine Rebecca his wife formerly Whitehead

against

Margaret Elizabeth & John Whitehead by James M. Corbitt their Guardian
ad litem -

1878 March 20th Summons issued -

" April 10th Sum. ret.^d Bill filed James M. Corbitt appointed Gen
ad litem to Defts. Ans. of Defts. Gen. Ref.

" May " (last Monday in May) Cause set for hearing &c

" " " Decree for acct &c

" Nov 1. Ref. & decree final