

1799-026

Chancery Causes: Westray vs Westray

S/1799

Southampton County

Other Surnames:

Westra, Bracy

Westray
vs
Westray } Pilot.
 } Answer

expend -

To the Justices of Southampton County
sitting in Chancery. respectfully complaining. sheweth
unto your Worships your Orator Mathew Westray by
Jeremiah Westray his next friend - .

That Robert Westray his father died
on the day of after having duly made and
executed his last will and testament in writing, dated
the Twenty second day of August in the year of our
Lord one thousand seven hundred and ninety; That
by the will aforesaid. he devised a tract of Land lying in the
County of Isle of Wight to Polly Westray his wife during her
widowhood and after her marriage, to go with another tract
of Land lying in this county to his two sons Benjamin
Westray and Mathew Westray to be equally divided between
them and their heirs for ever. That Polly Bracy
formerly Polly Westray and wife of the aforesaid testator
has renounced this said will and claims her dower in the
the same. And your Orator further states. That as one

of the 3^d tracts of Land lays in the county of Isle of
Wight and the other tract in this county. Your
Orator is informed that the court of Isle of Wight
can not appoint commissioners to ^{divide} the land in ^{county} this
and that the 3^d two tracts can not be advantageously
divided between Benj^d Westray and himself without the
interposition of this court -

In tender consideration whereof,
and for as much as your Orator is residually at common
law, he solicits the aid of your mercies -

To the end therefore he prays
that Benjamin Westony may be made off! to this
bill of complaint and that he may have answer made
to all the allegations contained in this bill, and particularly
if one of the tracts of Land doth lie in the county
of Isle of Wight and the other in ~~this~~ county, and
lastly he prays that your worships will appoint
commissioners to ^{value the} ~~meet~~ ^{size of} Land in
~~this county~~ ^{Isle of Wight} to make an equal division of the

~~two tracts of land~~ ^{apart} or make such other
 device as to the court may seem just & equitable

May it please V -
Rich^d. W. Byrd
p. 2

The Answer of Benjamin Werbray to the bill of complaint exhibited against him in the worshipful court of Southampton county by Mathew Werbray through Jeremiah Werbray his next friends.

This Respondent admits that Benjamin Robert Westray his father died seized & possessed of such an estate as is described by the count-plainant a part lying in the county of Isle of Wight and the remainder in this county - and also that he made such a last will and testament as is mentioned in the 2^d bill - He is anxious for a decision of the said land and therefore joins in praying that your Honours will make such decree as is prayed for by the Countess. And prays to be hence dismissed with his reasonable costs in this behalf

Westray
vs
Westray } Pilot.
 } answer

expend -

Westra }
vs } Chs
Westra } Deane

April 1839

Southampton County April Court 1799

Matthew Westra by Jeremiah Westra his
next friend - - - - -

Cplt

In Chancery

Against-

Benjamin Westra - - - - -

Deft

This cause was this day docketed by consent ^{of the parties} and heard on the
bill and answer on consideration whereof it is decreed and
ordered that Joseph Scott Samuel Hart David Washington
and Barnabas Drake or any three of them value the land
in this County whereof Robert Westra died seized and
possessed and make report to the next Court.

Sam Rellie Jr. Clk

Pursuant to the above order we the
undersigned have met, and on viewing the
premises consider the same to be worth -
one hundred & ninety dollars.

Given under our hands this 19th Day
of May Anno Domini 1799

Jo: Scott

David Washington
Sam Hart