

1819-18

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BEALE

VS. BISHOP et ux et al
s/1819

other surnames: Story

To the worshipping the County Court of Southampton sitting in
Chancery Humbly complaining sheweth unto your worships
your oratrix Elizabeth Beale, That Drury Beale the husband
of your oratrix lately departed this life intestate leaving your
oratrix his widow & the following children, viz. Nancy Bishop
late of Nancy Beale & at present the wife of James Bishop,
Eph. G. Beale, Elizabeth Mary late Elizabeth Beale & at present
the wife of Benjamin Stoy, Drury Beale, Levi Beale and
the two following children Willis Beale & Sally Beale infant
descendants of John Beale decd. who was a child of the said
Drury Beale decd. that the said intestate died seised of a
tract of land lying in the County of Southampton containing
about 134 1/2 acres in which your oratrix is entitled
to one third of the above enumerated descendants of her said
husband to the remaining two thirds & the reversionary interest
of that third which may be allotted to her as dower. That if
a division is now were to take place among the said
distributors agreeably to the provisions of the Statute of
distributions the portions to which the said infant children
of John Beale decd. would be entitled would be considerably
less than one hundred dollars each in value. That your
oratrix is advised that in consequence of that fact a sale
of their proportions will become necessary & that the other
distributors who are all of legal age also wish a
sale of the portions to which they may be respecti-
vely entitled. That your oratrix avows that if the said
tract of land is cut in pieces for the purposes of effec-
ting a division that the value of the whole will be
materially impaired & perhaps sell for very little indeed
is perfectly willing that the whole tract should be sold
under such circumstances & upon such terms as this
worshipping Court may direct including her dower & for
her instead of receiving a third part of the land for life to

be allowed such a proportion of the money arising from the said sale to be hidden forever as to this Court may seem just & equitable. To the end therefore that the said enumerated distributees (the two infant children by some guardian to be specially appointed them by the Court & the others in their proper persons ^{or depts}) may answer the premises & that your worships will decree either an allotment to her in kind of her dower in the said land or a sale of the whole thereof should the said defendant consent & an allowance to her of a proportion of the purchase money & moreover to grant her such other & further relief in the premises as may be consistent with equity & the rules of this ^{supra} Court. May it please your worships to grant the Comrs. writ of Sp. A.

The Joint Answer of James Bishop & Nancy his wife late Nancy Beale, Jeph D. Beale, Benjamin Story & Elizabeth his wife late Elizabeth Beale, Drury Beale Levi Beale & of Willis Beale & Sally Beale which two last are infant children of John Beale decd. by the said James Bishop their guardian specially appointed by the Court to defend them in this behalf to the Bile of complaint exhibited against them in this worshipful Court by Elizabeth Beale.

These respondents saving to themselves all benefit of exception &c for answer to the said Bile say that they admit the facts stated in the Bile to be correct & true. that the proportion of the tract of land

therin mentioned to which the said infant defendants would be entitled would be of less value than One hundred dollars each, that these defendants are all of them of opinion that if the said land were divided in kind the proportion of each would be of but little value & that they are therefore perfectly willing to such a sale as is prayed for in the Bile & an allotment to the complot. of such portion of the proceeds as to the Court may seem proper, or to such other decree as may be deemed consistent with equity. And having answered their respondents pray to be hence dismissed.

Beale } In C. P.
Beale & others.

This cause was this day docketed & tried by consent of parties, and the Court on mature consideration thereof doth adjudge order & decree that George Gierley, John Rockell & John Thomas sell at public auction the tract of land of which Drury Beale did sign & possess in the County of Southampton to the highest bidder on a credit of Twelve months, having first given public notice of the time & place of sale, taking from the purchaser bond with such security as they shall approve for the payment of the purchase money, and of the proceeds that they allot to Elizabeth Beale the widow of the said Drury ^{one eighth in value} such a part in fee simple as they may think (taking into consideration her age & health) equivalent to ~~the~~ interest of one third of the said land for

life & that they then divide the remainder of the
proceeds into twelve equal proportions and allot
two such proportions to James Bishop & Nancy
his wife in right of the said Nancy; - two other propor-
tions to Sep. D. Beale; two other proportions to Benj.
Loring & Elizabeth his wife in right of the said Eliza-
beth; two other proportions to Drury Beale; two other
proportions to Levi Beale; one other proportion to
Willis Beale & the remaining proportion to Sally Beale
which two last are the infant children of John
Beale decd. and having done so that they report
their proceedings in the premises to this Court in
order to a final decree. —

584
Beale } Bill taken
Beale &c

Brooklyn.

March 1818 decreed
Jano

Beale

4
ns

Beale &c

} ~~Beale~~
Beale

copy

May 17th 1829
Notes were finally
concluded

In obedience to the within decree, to us direct-
-ed we have proceeded to sell the within named
tract of land to the highest bidder on a cre-
-dit of twelve months - At which sale Jesse B
Beale became the purchaser - and for the pur-
-chase money the said Beale executed seven
Bonds with approved Security - in the

following manner, to wit, - one bond of one
hundred & twenty five dollars, being the one eighth
part of the purchase money, which we assign
to the widow - five other bonds of one hundred
forty five dollars & 83 Cents each - which we assign
over in the following manner - one to James Bishop in
right of his wife, one to Jesse W Beale - one to Benj^a Sta-
-ley in right of his wife - one to Doremy Beale -

& one other to Levi Beale - also two other bonds
for Seventy two dollars & 91 Cents each, to the guar-
-dians of Willis & Sally Beale, infants of John
Beale dec^d - given under our hands this 17th
day of July. 1819

Geo Gentry
John Rockwell
John Thomas

Southampton March Court 1818

Elizabeth Beale
age

Complainant and

James Bishop & Crancey his wife late
Crancey Beale, Jeph D Beale, Benjamin
Story and Elizabeth his wife late Elizabeth
Beale, Drury Beale, Levi Beale also of
Willis Beale and Sally Beale which two
lasts are infants children of John Beale
decd by the said James Bishop their Guardian
Specially appointed by the Court to defend
them in this behalf. ----- Defendants

In Chancery

This Cause was this day exhibited and tried by Consent
of the Parties, and the Court on mature deliberation, thereof
doth, adjudge, order and decree that George Guiley, John Rochelle
and John Thomas sell at Public Auction the tract of Land
of which Drury Beale died seized and possessed in the
County of Southampton to the highest bidder on a credit of
Twelve months, saving first given public notice of the time
and place of Sale, taking from the purchaser bond with
such Security as they shall approve. For the payment of
the purchase money and of the proceeds that they allot to
Elizabeth Beale the widow of the said Drury, one eighth
in lieu of one third of the said Land for life and that
they divide the remainder of the proceeds into twelve equal
proportions and allot two such proportions to James Bishop and
Crancey his wife in right of the said Crancey, two other
proportions ^{to Jeph D Beale} ~~to Jeph D Beale~~ ^{two other proportions to} Benjamin Story and Elizabeth his wife in
right of the said Elizabeth, two other proportions to Drury
Beale, two other proportions to Levi Beale, one other proportion
to Willis Beale and the remaining proportion to Sally Beale
which two last are the infants children of John Beale decd and
having done so that they report their proceedings in the
premises to this Court in order to a final decree

Attest

Teste (S) Wm Madison D.C.

Widow Beas
Certificate

March 17th 1818 As the Legatee of my De^d husband
is about to obtain a Decree of the Court of this County
to sell the Land belonging to said De^d wherein I hold
my dower it is my wish that the said Court may
in the said Decree include so that my said dower
may be sold with the other two thirds and leave
it in the power of George Gurly John Richell
and John Thomas to ^{say} what part of the money arising
therefrom I shall be intitled to; me an my heirs forever
Given under my hand this day and date above written

Witness

Cordy Whitfield
Richard Leary

her
Elizabeth X Beale
mark