

1821-031

SOUTHAMPTON COUNTY
CHANCERY PAPERS

WORRELL et al VS. CAPELL et al

3/1821

Other SURNAMES: Barham,
Joyner, Nicholson

Monell & others

M
Caprell
Rice

Mar. 1871 Jul. 1871

To the worshipful Court of Southampton in Chancery
sitting - To the worshipful Court of Southampton
in Chancery sitting. Humbly complaining
shew unto your worships your complainants
Lewis Morrell and James, Joel, Edmund, and
Sarah Basham infant children of Charles Bar-
ham ^{by their next friends Robert & Charles}
~~Cham~~ ^{Cham} and Nathl Basham
late of this County died some years past intestate
without issue and seized of certain of lands lying
in this County. That the said land was
by a deed of this Court divided among the
heirs of the said Nathl Basham and
dower was allotted in the same to his
widow Nancy. That the said Nancy
widow as aforesaid hath lately departed this
life and your infant complainants in right of
their said father Charles Basham are entitled
to one equal fourth part of the land which
was allotted to the said Nancy in her
dower. your complainant Lewis Morrell
having purchased the right to the same
of James A Basham a brother to the said
Nathaniel, and of Theophilus Lopez and

I am his wife late Sam Benham a sister
to the said Nathaniel Benham as well
fully appear by reference by a duly
recorded in the office of the Court is entitled
two fourths of the said land. And Lewis Caprell
and Sally T Caprell, Patsy A Caprell, Nancy Caprell, Charles Caprell,
Mary Caprell, Benjamin Caprell, William Caprell and Nathaniel
Caprell infant

Children of William Caprell and his late
wife Patsy late Patsy Benham another
sister to the said Nathaniel are entitled
to the remaining fourth part. Your comp
-plainants state the aforesaid tract of land
contains only ^{three} ~~one~~ hundred acres and is not
thwarted by virtue of an act of assembly in
such cases made and provided ~~that~~ should
be sold for the purpose of effecting a
division. In tender consideration whereof

and in as much as your complainants are
without remedy in the premises, except in
a court of Equity they pray that the aforesaid
Caprell and

infants by some person to be appointed by the
Court to defend them in this behalf may be
made defendants hereto and be compelled
to answer all and singular the allegations
therein contained fully and unequivocally. They
further pray that the aforesaid tract of
land may be divided into ~~three~~ ^{four} equal
the proceeds of the sale be divided among
the parties entitled according to their respective
rights as herein before set forth. And they pray
for general relief &c.

Capuley

and

Worcester & others

Amherst

To the now happy Court of Southampton in Chancery
sitting. The joint and separate answers of

Lewis Capelle — and Sally T Capelle, Patsy O Capelle, Nancy
Capelle, Charles Cubell, Mary Capelle, Benjamin Capelle, William
Capelle and Nathaniel Capelle

infant children of William Capelle and his
late wife Peggy — late Peggy — Barbara

to the Bill of Complaint exhibited against
them by Lewis Morrice and James Doel,
Executors and Sarah Barbara infant children
of Charles Barbara and by their next friend
Robert Stubbins. Their respondents now
and at all times seeing and receiving to
themselves every benefit of exception to any
error in said Bill contained: for answer to
so much thereof as they are advised is
necessary for them to answer answering say.
That they believe the facts stated in the Bill
are true and they are willing to abide by
such decree in the premises as this Court may
deem it expedient to pronounce and having
answered they pray to be heard as aforesaid.

Lewis Monroe & others Plffs
21 3 In Chy.

Capells - Defts

This cause was this day docketed by consent
of parties and opened after suit and was heard
on the bill answer and exhibit and arguments
of counsel. Whereupon the Court after due
deliberation thereon had with advice order
and decreed that Benjamin Cobb, John Williams,
Samuel B. Hines and George Hines many two
of them also after giving 3 weeks public notice
of the time and place of sale sell at public
sale the land of which Nathl. Barham
died seized and which was allotted to Mary
his widow on her dower on a credit of 9
months. That they take ^{one} bond with approved
security for $\frac{1}{2}$ of the purchase ^{money} and assign
the same to the Comptroller and Lewis
Monroe. on other bond for $\frac{1}{4}$ of the purchase
money and return it to the Court as the
proportion which the infant complainants
are entitled. And on other bond for $\frac{1}{4}$

and assign the same to the draft ^{Henry Caprice}
and the guardian of the infant defendants
and it is further ordered that the aforesaid
persons or each of them as my act herein
do make a conveyance in fee simple to the
purchaser of said land and also make a
assent to this Court of their proceedings
herein in order to a final decree

Rough decree