

1832-18

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BEALE

VS. MURFEE et ux et al

6/1832

Plat

OTHER SURNAMEs: FERGASON,
Beal, FERGASON

Charity Beale

v.

Bill T.C.

Simon Murfee & al.

Baker

1831. April. decree as filed 4th
+

To the worshipful court of Southampton County in Chancery sitting. Humbly complaining sheweth unto your worship, your oratrix Charity Beale, that her husband Burrill Beale departed this life some time about the month of August in the year 1828, seized and possessed of a considerable real and personal estate and leaving a last will and testament which has been duly recorded, an attested copy of which is here referred to and prayed to be considered as a part of this bill: Your oratrix sometime after the probate of the said will renounced the provision made for her by the same in due form of law, and she is disposed to claim dower in the lands and slaves of which her husband died seized and possessed: The Testator, at the time of his death, was seized and possessed of several tracts of land situate in the County of Southampton, all of which he specifically devised by his will to and among his children: He devised the tract of land on which he lived to his son Edwin Beale, subject to the life estate of your oratrix in one third thereof, directing, that if his said son should die without lawful heir of his body, the same should be equally divided among his daughters Lydia, Pally, Lucy & Rebecca and his grandson John E. Beale - and your oratrix states that after the death of the testator the said Edwin Beale did in fact die without a lawful heir of his body, in consequence of which the said testator's daughter & grandson are entitled to the said tract of land subject as aforesaid to your oratrix's claim of dower therein - The testator, at the time of his death, was also possessed of & entitled to the following slaves, M. Phacha, Sam Parker, Sam Valentine, Anthony Hornelius which he bequeathed to your oratrix for life & afterwards, to the said children & grand-children, specifically - The said Lydia is now the wife of Simon Murfee: Pally has intermarried with Burrill Murfee, and the said Lucy is the wife of Sepe Ferguson - The Testator's said daughter, Rebecca Beale, is of lawful age and still unmarried, and his said grandson, John E. Beale, is a minor - Your oratrix further states, that she has often applied for dower to be assigned her in the said tracts of land & slaves, but her requests hitherto, in this respect, have been neglected: In tender consideration whereof &c. To the end therefore that the said Simon Murfee and Lydia his wife, Burrill Murfee and Pally his wife, Sepe Ferguson and Lucy his wife, Rebecca Beale & John E. Beale an infant defending by the said Simon Murfee his next friends, may be made defendants to this bill, and may on oath answer the allegations thereof as fully as if the same were

done again repeated and interrogated: Your orators pray
that your worships will decree a division of the said
lands and slaves, so as to give her dower therein, and
the balance to the several defendants according to
the will of the testator, and that you will make such
other and further order or decree in the premises as
may seem consistent with justice and equity. May
it please the Court &c

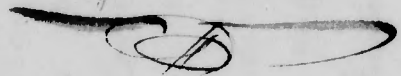
The Joint and Separate Answer of Simon Murfee and
Lydia his wife, Burrill Murfee & Sally his wife,
Lepe Ferguson and Lucy his wife, Rebecca Beale &
John E Beale, an infant by Simon Murfee his next
friend, to the bill of Complaint exhibited against
them in this court by Charity Beale complainant - These
respondents saving and reserving to themselves &c for
answer say, that the statements and charges in the
said bill contained are substantially true, and they
therefore consent that the court may decree the
division in the lands and slaves in the bill referred
to, in the manner required by the complainant - with-
out that &c, and these respondents denying all fraud
&c pray to be dismissed with their costs &c

Charity Beale v Simon Murfee &c. chg.

This cause came on this day to be
heard by consent of parties on the bill and answer & ex-
hibit filed and was argued by counsel: on consideration
whereof the court doth adjudge, order and decree
that James Rockelle, John D. Hart & Edwin G Hart, or
any two of them apointed by a competent surveyor if
needful, do apign and set apart to the complainant
for life one third part of the several Tracts of land
of which Burrill Beale died possessed, having regard
to the quantity & quality, & divide the balance of the
Tract on which the testator resided, called the manor
plantation, share & share alike among the defendants
Lydia Murfee, Sally Murfee, Lucy Ferguson, Rebecca
Beale & John E Beale: and the court doth further
adjudge, order and decree, that the same commissioners
or such of them as may act, after apignment of dower
as aforesaid, deliver over to the parties respectively entitled
under the said will, the balance of the several Tracts of
land aforesaid; and the court also directs the said com-
missioners or such of them as may act, to set apart to
the complainant for life one third of the slaves in the
bill mentioned, and deliver such parts thereof as may
not be included in the dower said dower, to the parties
to whom the same are specifically bequeathed by the
said will, and make report &c

Commissioners' Report on
The Division of the land
and Slaves of
Burwell Beal dec.

June 1832



Agreeably to an Order of the Worshipful Court of Southampton County
to us directed, Dated April Court 1831 We the undersigned Commissioners
as expressed in said Order, in Obedience to the requisitions thereof
did on the 5th day of May 1831, proceed to divide the Manor-plan-
tation of Burwell Beal dec^d. Attended by Esq. N. Gray C. J. who found
there to be in the whole tract five hundred and six acres. —
of which we assigned One hundred and thirty Acres, including
the Dwelling houses to W^m Charity Beal for her Dower in all the
lands of said Decedent. The said Dower land is Bounded as follows to wit
Beginning at a pine stump a corner in James Bishop dec^d line, thence
S. 28° E. 89 Poles, to a stake in the field. Thence N. 61° E. 53 Poles to
a stake at the road. Thence N. 68° E. 176 Poles to John E. Beal's line
thence along his line to said Bishop's line. Thence said Bishop's line
to the Beginning. — we also by the Consent of the Legatees, menti-
oned in said Order, assigned all the slaves of which said Burwell
Beal died possessed (except his interest in Jacob which was bequeathed
to Edwin Beal) to said Charity Beal for her ^{Dower} of the slaves of said dec^d.

And on the day of June 1832 by the request of said
Legatees, we proceeded to divide the whole of said tract of land
including the said dower land into five shares, as follows
Lot N^o 1 containing ninety Acres, allotted to John E. Beal, it
being the part of the Dower land lying on the East side of
the road including the houses.

Lot N^o 2 containing One hundred and Seventy Acres, allotted
to John E. Beal, as the interest in said tract of land which
he Purchased of Simon Murfee & Wife, and Bounded as
follows, (to wit) Beginning in the road, in the Dower line, thence
down the road to William Beal dec^d line. Thence along the
said William Beal dec^d line, to said John E. Beal's line, thence
along his line to the said Dower line. Thence along said Dower
line S. 68° W. 176 Poles to the Beginning — being the balance of said
tract of land lying on the East side of the road.

Lot N^o 3 containing Seventy seven Acres, allotted to Jesse Ferguson &
Lucy his Wife, and bounded as follows, to wit, Beginning in the road
opposite the well, near the Gate, a corner for lots N^o 3 & 4 in the line
of lot N^o 1, in the Dower land. Thence along lot N^o 4. S. 66° W.
58 Poles to a Post in the Dower line. Thence S. 2° E. 169 Poles to
a corner in William Beal dec^d line. Thence along his line to the
said road. Thence up the road to the Beginning — including (turn over)

About Eighteen Acres of ^{the} Dower land lying on the West side
of the road — — — — —

Lot N^o 4 Containing Eighty two Acres, allotted to Rebecca Beal
And Bounded as follows (to wit) Beginning at the Corner in
the road opposite the Well. Thence S 66° W 58 Poles to a Post
in the Dower line. Thence S 2° E 169 Poles to a corner in Wm
Beal dec^d line. Thence along said Beal's line to a pine standing
in a branch. a Corner for Zachus Story and others. Thence
along said Zachus Story's line to Samuel Story's line. Thence along
his line to a corner for lot N^o 5. Thence a new line N 62° E 125 $\frac{1}{2}$ Poles
to a corner. One pole from the corner stump in Bishop's line.
Thence S 28° E One pole to a corner. Thence N 60° E 60 Poles
to the said road. Thence down said road to the Beginning
including about Thirteen Acres of the Dower land lying
on the West side of the road — — — — —

Lot N^o 5 Containing Eighty five Acres, allotted to Burwell Eltinger
And Polley his Wife, And Bounded as follows (to wit) Beginning
at a corner pine stump in James Bishop dec^d line. a corner for
the Dower land. Thence along said Bishop's line to John Rachelle
dec^d line. Thence along said Rachelle's line to Samuel Story's
line. Thence along his line to a corner for lot N^o 4. Thence
N 62° E 125 $\frac{1}{2}$ Poles to a corner. One pole from the pine stump
at the beginning. Thence S 28° E One pole to a corner Thence
N 60° E 60 Poles to the road. Thence up the road one pole
to said Bishop's line. Thence along said Bishop's line
S 60° W 59 Poles to the Beginning — including about one
third of an acre of the Dower land lying on the west
side of the road, which we laid off for a Path to
lot N^o 5 — — — — — All of which we respectfully

Submit to the Court — Given under our hands
this day of June 1832. — — — — —

John D Hart (seal)
Edwin G. Hart (seal)

Murphy &

to Geo Deane

Murphy & Co

For Commissioners

1832 Nov. Ret & Co Deane & Co
by consent.

Southampton April Court 1831.

Charity Beale
against

Plaintiff

Defendants

Simon Murfee and Lydia his wife, Burrill Murfee, and Polly his wife,
Jesse Forgason and Lucy his wife, Rebecca Beale, and John E. Beale
an infant by Simon Murfee his next friends.

Defendants

This cause came on this day to be heard by consent of parties on the bill and answer and exhibit filed and was argued by Counsel: on consideration whereof the Court doth adjudge, order and decree that James Rochelle, John D. Hart and Edwin B. Hart or any two of them assisted by a competent surveyor if needful, do assign and set apart to the Complainant for life one third part of the several tracts of land of which Burrill Beale died possessed, having regard to the quantity and quality, and divide the balance of the tract on which the said Testator resided, called the major plantation, share and share alike among the defendants Lydia Murfee, Polly Murfee, Lucy Forgason, Rebecca Beale, and John E. Beale. and the Court doth further adjudge order and decree, that the same Commissioners or such of them as may act after assignment of dower as aforesaid, deliver over to the parties respectively entitled under the Will, the balance of the several tracts of land aforesaid. And the Court also directs the said Commissioners or such of them as may act to set apart to the Complainant for life one third of the slaves in the bill mentioned, and deliver such parts thereof as may not be included in the said dower to the parties to whom the same are specifically bequeathed by the said Will, and make report thereof to this Court in order to a final decree.

Attest

James Rochelle

Platt of Land

Beal's Est.

Burwell Beale's

Nile

Map

James

for

W.
A. Beale

In the name of God Amen I Burwell Beale of Southampton County and State of Virginia being in perfect soundness of mind and disposure of memory but calling to mind that it is appointed for all men once to die. I do make and ordain this my last will and Testament in manner and form following Viz:-

First I loan to my beloved wife Chanty Beale one third part of the tract of land on which I live ^{all my negroes} viz. Phoebe Sam of Parker Sam of Valentine Anthony and Cornelius these further Beds and Furniture one Horse and a Child's part of all my personal Estate. All of which I loan to her natural life or mid orhood.

Secondly I loan the balance of my home tract of land to my son Edwin Beale and after the death of my wife I loan the part of land before loaned to her to him also it being all the land I own excepting the mill tract of land purchased from William L Everett during his ~~life~~ and if he die without a lawful ~~heir~~ ^{heir} of his body I then give it to be Equally divided among my four daughters i.e. Lydia Polly Lucy and Rebecca and my grandson John E Beale if he has a lawful heir of his body if not to my before mentioned daughters to them and their heirs forever. I give to my son Edwin Beale one Bed & Furniture and one chest to him and his heirs forever. Thirdly I give immediately after my death all my grip and saw mills which I purchased of William L Everett and the privileges and appurtenances therunto belonging to my daughter Lydia Murfee to her and her heirs forever.

Fourthly I give to my daughter Rebecca Beale one tract of land lying and being in the County of Southampton containing 15 $\frac{1}{2}$ acres and bounded as follows viz. Beginning at a green pine standing in the beaver dam branch a corner of Lucy Furgason thence along a line of marked trees up a small branch S 50° W 32 poles thence S 43° W 24 poles thence S 9° W 38 P. to a pond thence N 3° W 22 P. to a small pond in the old field near the path thence S 86° W 17 $\frac{1}{2}$ P. to a small red oak a new corner of the said Rebecca Beale and Lucy Furgason in John D Start's line thence along the said Start's line N 6° E 100 P. to a poplar standing in a small branch a new corner of the said Rebecca Beale and Polly Murfee in the said Start's line thence down the said branch along a line of marked trees S 62° E 13 P. thence S 34° E 14 poles thence S 40° E 18 P. thence S 76° E 12 P. thence N 66° E 8 P. to a

black gum standing in the Spring Branch. thence down the said Branch the
various courses thereof to the run of Cypress Swamp a corner of the said
Rebecca Beale and Polly Murfee thence down the run of the said Cypress
Swamp to the mouth of the said Beaver dam Branch below the mill
thence up the said Branch the various courses thereof to the pine at the first
Station to her and her heirs forever. Fifthly I give to my daughter Polly
Murfee one tract of land lying and being in the County of Southampton
Containing one hundred and eighty acres and bounded as follows Viz.
Beginning at a corner of the land of the said Start: in the Cypress
Swamp thence along the said Start's line of marked trees S 67° 3' N
289. 9/10 h to a poplar a corner of the said Rebecca Beale thence along
the said Rebecca Beale's line S 62° 3/4 E 13 p. thence S 66° 3/4 E 8 h to
to a black gum standing in the Spring branch thence down the said Spring
branch the various courses thereof to the run of the said Cypress
Swamp a corner of the said Rebecca Beale and Polly Murfee's thence
up the run of the said Swamp to the first Station to her and her
heirs forever. Sixthly I leave to my daughter Lucy Fungason
during her life one tract of land containing 166 1/2 acres lying and
being in the County of Southampton and bounded as follows Viz.
Beginning at a green pine standing in the Beaver dam branch a new cor-
ner of the said Rebecca Beale thence up a ~~small~~ small branch along
a new line of marked trees made between the said Lucy Fungason and
Rebecca Beale S 57° 3/4 N 32 p. thence S 43° 3/4 N 24 p. thence S 59° N 38 poles
to a large green pine thence S 3° N 22 p. to a small green pine standing
in the old field near the path thence S 86° 3/4 N 177 3/4 h to a small red
oak a new corner of the aforesaid Rebecca Beale in the said Start's line
thence along the said Start's line S 67° 3/4 N 100 3/4 to a white oak in the north-
Carolina line a corner of the said Start and David Patton's thence
along the N Carolina line S 88° 3/4 E 137 p. thence S 55° E 118 h. thence S 89° 1/2 E
P. thence S 64° 4' P. thence S 83° 1/2 E 16 h thence S 87° 1/2 E 20 h. to a
small branch down the run thereof to the Beaver dam Branch a
foresaid thence down the run of the said Beaver dam Branch the
various courses thereof to the pine at the beginning and after
her death I leave the said tract of land to her children if any but if they
die leaving no lawful heir of their Body I give it to be Equally divided

among my daughters before mentioned and their heirs forever. Seventhly after the
death of my wife I leave my negro man Sam of Parker to my daughter Lucy
Fungason during her natural life and if she die leaving no child I give
him to be Equally divided between my other children. Eighthly After the
death of my wife I give my negro man Anthony to my daughter Rebecca
Beale to her and her heirs forever. I also give to my daughter Rebecca Beale
one cow and calf one feather Bed and furniture and one chest and also
one hundred and fifty in cash to her and her heirs forever. Ninthly I
give to my daughter Lydia Murfee my negro woman Thobe to her &
her heirs forever. Tenthly after the death of my wife I give to my
daughter Polly Murfee Sam of Valentines to her and her heirs forever. Eleventhly
after the death of my wife I leave to my grandson John E Beale my boy
Cornelius during his natural and if he die leaving no lawful heir of
his body I give him to be Equally divided among my four daughters before
mentioned Twelfthly I leave to my daughter Mildred during her natural life
one Bed & furniture and one chest and after her death I give them
to be Equally divided among my four daughters as before mentioned
Thirteenthly I give my half of my negro man Jacob to Edwin
Beale to him and his heirs forever. And I leave in the hands of
Barwell Murfee one hundred and fifty dollars to be applied to
the Benefit of Lucy Fungason as she may think she stands in need
of it. Fourteenthly I leave all the balance of my Estate of every
kind and sort to be sold immediately after my death and the proceeds
thereof I give to be Equally divided among my daughters before mentioned
to them and their heirs forever. Fifteenthly After the death of my wife
I leave all the personal Estate that I have loaned to her to be Equally
divided among my four daughters before mentioned Sixteenthly &
lastly I do hereby appoint Simon Murfee and Edwin Beale
my Son my Executors to this my last Will and Testament
disannulling all other Will or Wills and declaring this alone to be
my last Will and Testament. In Testimony whereof
I have set my hand & affixed my seal this 5 day of

August one thousand Eight Hundred and twenty Eight.

Signed sealed and delivered

in the presence of

Jonathan Pratt.

William G. Wilson

Jordan ^{his} F. Wilson
Mark.

^{his} Samuel Pratt Seal
Mark

Attest James Rochelle Secy

Charity Beal widow of Simon Murfey & Lydia his
wife, Russell Murfey & Polly his wife, Levi Hoggson
& Lucy his wife, Rebecca Beale, & John E. Beal -
grandson of the testator an infant slave named
in the will to be divided so as to give to the widow
her third part, she having renounced the will - the tract
of land on which the testator ~~resided~~ ^{lived} . acres
is to be divided so as to give the 1/3 one third, & the
bal. to the heirs, Edwin Beale being dead of lawful
age, without issue - the widow was claimed of dower
the other lands divided - ^{concur. f.}

It is proposed to get a devere sitting apart to Mrs Beale
dower in all the lands, & divide the 2/3 of the home tract
among the five heirs according to the will
the slaves are also to be divided, dower &
concur. to wit - James Rochelle, Geo. D. Hart &
Edwin G. Hart or any 2.

4.83

8.23

13.06

10

23.06

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6.23

6.23

128.92

128.92

12.3.3

31.1.29

12.5.32

25.4.32

16.2.30

9.2.2

1056

12 6.30₂

12.60

52

6.5.53

3.2 10

13.80

25.3.2

52

193

23.20.56

128.92

128.92

3.4

13.80

12.5.32

1.7.28

11.10.3

86.356

518.103

1554.30

2.59.

1.29

43

14

19.99

6.1/2

3.1/2

1.3

10.3

86.35

19.99

106.34

54.42

160.76

172.90

den Honey, 12.14