1872-036 SOUTHAMPTON COUNTY CHANCERY PAPERS BEALE vs. BEALE et al 10/1872

other surnames: Brittle, Smith

Boale by &c.

to } Stat. Rules

Boale &c.

635
215
70

Clk

J 8.70

In Southampton County Court

Bartley Beale under twenty one years of age suing by Louisa Beale his mother & guardian & next friend

against

Charles Beale Wm W. Briggs Sheriff & Committee of Samuel Biddle dec'd and Augustus Smith

1871 Aug. 9. Summons in Chy issued

" Sept. Rules Sum's not Executed Bill filed D. Nisi v Defts Briggs & Smith ans'd by Def Beale. Rule thereto

" Oct " Bill taken for confessed v Defts Briggs & Smith & Smith Cause set for hearing as to all the Defts

" Dec. Decree for account &c

1872 Apl. 25. Report

" May. Decree for plff

" Oct 6. Final decree

Kelly p. v.

Bartley Beale (& ors

v. 3 Bill

Charles Beale &c

1871 September Rules

Southern Co. Ct.

To the Hon: J. W. Urquhart, Judge of the County Court of Southampton County.

Complaining shew unto the Court your Complainant Bartley Beale, under twenty one years of age, suing by Louisa Beale his mother & guardian, & next friend.

Your Complainant respectfully represents to the Court, and says, that one Charles Beale, qualified as the guardian of your Complainant (Bartley Beale) in the County Court of Southampton on the 18th day of November 1861, and entered into & executed a guardian's Bond in said Court on that day, in the penalty of $2000, conditioned according to law, & the which bond Samuel Brittle and Augustus Smith are the surety — a copy of said Bond and qualification are filed herewith as part of this Bill marked "A"

That the said Charles Beale as such guardian received, of the Executors of Carr Bowers deceased a certificate of Stock (or stock) of Norfolk City for $1000, and as such guardian has received, during his ward's minority the interest on said stock as follows.

on the 23d of Aug. 1866 —	the sum of	$250.00
on the 20th Nov. 1866	the sum of	$ 75.00
on the 13 Sep. 1867	the sum of	$ 30.00
on the same day	the further sum of	$ 28.50
on the 1st March 1868	the sum of	$ 28.50

on the 1st July 1868 the sum of $28.50
on the 25th Oct. 1869 the sum of $57.00

That the said Charles Beale as such guardian has never returned any account to Court of his transactions as such guardian

Your Complainant prays that the said Charles Beale may be required to under before a Commissioner of this Court, a settlement & account of his transactions as such guardian, & that he & his sureties may be required to pay the amount which he may be found indebted to said ward.

That by proceedings had in the County Court of said County at the April term of said Court 1871, the said Charles Beale was removed from his position as such guardian, and the said Louisa Beale was duly appointed guardian of said Bartley Beale, as will be seen by Copies from the records of said Court filed herewith as part of this Bill marked "B"—

That the said Samuel Bittle & ~~executors~~ Smith ~~xxx~~ ~~xxxx~~ is dead, & ~~his~~ his estates have been by order of said County Court, committed to the hands of W. W. Briggs Sheriff of said County for administration as will be seen by Certified of the order

Account filed herewith marked "C. X D"

Your Complainant prays that he may be allowed to demand of said Samuel Battle Estate and Augustus Smith's Estate whatever sum the said Charles Beale may be found indebted to him, and that the said Charles Beale be made to pay the same.

In consideration whereof and as this Court has jurisdiction to grant adequate relief, & the end your Complainant prays that the said Charles Beale, and Wm. W. Briggs, Sheriff & Committee of Samuel Battle, dec'd and Augustus Smith dec'd may be made defendants hereto & be compelled to answer the allegations herein — That the said Charles Beale may be required to settle his guardian account as aforesaid, and that whatever sum may be found due by him may be paid, and that all other and further relief may be granted, consistent with Equity &c.

John R. Kelly p. q.

Bartley Beale

vs 33

Chs Beale nals

Answer of

Charles Beale

1871 September Rules

The answer of Charles Beale to a bill in chancery by Barthy Beale vs him

This defendant for answer to the said bill or as much thereof as he is advised it is material for him to answer, answering says that it is true he qualified as guardian of Barthy Beale in the manner stated in the bill and received the $1000 bond due from the city of Norfolk and the bond is now in the hands of Wade Biggs or Taylor & Martin brokers in Norfolk as he has delivered it up since he was removed as guardian

He answers further and states that he did receive the sum of $297.50 cts as stated in the bill but this was paid not in gold or silver but in Norfolk City scrip it being the interest on the said $1000 bond that he was compelled to sell this scrip for what he could get in order to support his ward Barthy Beale as this was his whole estate and that the said scrip was sold for 50 cents in the dollar and that he actually received for it the sum of $248.75 cts and that he has actually expended for the support and maintenance of his ward the and his expenses about him the sum of $295.00 cts leaving a balance due him as guardian

of $41.25 cts. He is ready and willing to settle any account which may be ordered and asks the court to direct what sum balance may be found due him on said account out of the said Bartley Beales estate as he has not expended more than the profits and had he not been removed would have paid himself out of the same and having fully answered prays hence to be discharged with his costs &c

Charles Beale
Exr &c.

Southampton County, to wit

This day Charles Beale personally appeared before me and made oath that the facts set forth in the above answer are true given under my hand this 4th day of September 1871

James R Sykes, Commissioner in Chancery

Bartley Beale &c

vs.

Charles Beale &c

1871

Dec Ct.

Decree

To be entered.

J. W. Urquhart Judge

Co. Ct.

Bartley Beale &c.

v.

Charles Beale &al.

This cause came on this Day to be heard on the ~~papers~~ Complainants' Bill, taken for Confessed as to the Defendant W.W. Briggs Sheff. & Comr. of Sam'l. Brittle dec'd. & of Augustus Smith dec'd. on whom proces had been duly served and he still failing to appear and answer, and on the answer of Charles Beale, replication to said answer, & Exhibits filed with the said Bill, and was argued by Counsel: On Consideration whereof the Court doth adjudge, order and decree that a Comr. of this Court take and settle the accounts of Charles Beale late guardian of said Bartley, Beale, & make report to Court with any matters specially stated, deemed pertinent by himself, or that may be required to be so stated.

Beadge
vs.
Beadge

Dem

(2) (Feby 23rd 1812)

Southampton County Court, December Term 1871.

Bartley Beale, an Infant, who sues by Louisa Beale his Mother and Guardian and next friend. Pltff

vs. Injunction

Against

Charles Beale, Wm. W. Briggs, Sheriff and Committee of Samuel Brittle dcd. and Augustus Smith. Defts

This Cause Came on this day to be heard on the Complainants Bill taken for Confessed as to the Defendant W. W. Briggs Sheriff and Committee of Samd Brittle dcd. and of Augustus Smith dcd. no answer or plea has been duly filed, and he still failing to appear and answer, and on the answer of Charles Beale and Replication to said answer and on Exhibits filed with the said Bill, and was argued by Counsel; On Consideration whereof the Court doth adjudge Order and decree, That a Commissioner of this Court take and Settle the Accounts of Charles Beale late Guardian of said Bartley Beale and Make Report to Court, with any Matters Specially Stated, deemed pertinent by himself, or that may be required to be so Stated.

A Copy Teste, James R Sykes, D.C.

Beall pl'ff

vs

Beall et al

1872

May 11.

Decree

To be entered

J. W. Wrightman Judge

Beale, pltf

vs

Beale, def

This cause came on this day to be again heard on the papers formerly read & the report of Comr. Tyler, made pursuant to the decree of the December Term 1871, of this Court, as made in this cause, — to which report there is no exception and was argued by Counsel; On consideration whereof the Court doth Confirm the said report and doth adjudge, order and decree that the plaintiff recover of the said Charles Beale, the sum of $36:13. with Interest on $33:62 part thereof from the 1st April 1872 till paid, and her Costs by her Expended in prosecuting this suit — and liberty is reserved to the said plaintiff to ask for such further proceedings against the other defendants hereto as may be necessary and proper, should this decree prove unavailing

Beale
v
Beale

1872
Act. Ct. final
decree

To be entered

L. V. Bradford Judge

Beale gdn.

v

Beale. This cause came on this day to be again heard on the papers formerly read & the Certificate of the plaintiffs Attorney filed herein this day & marked "K", and was argued by Counsel. On Consideration whereof, and it appearing to the Court that the plaintiffs demand has been satisfied, doth confirm the proceedings herein, & nothing further remaining to be done in the cause, it is adjudged that the same be removed from the Docket.

Beale &c.

v

Beale

Certificate of
Pltf's Atto.

"K"

Filed Oct. Ct. 1872

Beale &c v. Beale

I certify that the Decree of May Term last in favor of the plaintiff for $ 36.13 c. has been paid under Execution issued herein, as may be seen by the Execution in the Clerk's office.

John R. Kelly

Oct. 21. 1872

pets. Atty

Beale by &c.

&c } Sum. Chy

Beale &c

1671 September Rules

Executed

Jos. S. Barbour

By for Le Breyfogle

The Commonwealth of Virginia

To the Sheriff of Southampton County, Greeting:

WE COMMAND YOU to summon Charles Beale. W W Briggs Sheriff & Committee of Samuel Brittle & Augustus Smith

if they be found within your bailiwick, to appear at the Clerk's Office of our County Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in September next to answer a bill in Chancery exhibited against them in our said Court by Bartley Beale under 21 years of age, suing by Louisa Beale his mother & guardian

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the Court-house, this 9 day of August A., D., 187/ , in the 96 year of the Commonwealth.

O White Clk

Sun Job Print, Suffolk, Va

List of witnesses to be summoned for Charles Beale in this case

Susan Johnson Scotia
Louisa Beale Hartford

Feb. 25
Co. 1826

The Commonwealth of Virginia

To the Sheriff of Southampton County, Greeting:

WE COMMAND YOU to summon Charles Beale, W W Briggs Sheriff & Committee of Samuel Brittle & Augustus Smith

if they be found within your bailiwick, to appear at the Clerk's Office of our County Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in September next to answer a bill in Chancery exhibited against them in our said Court by Bartley Beale under 21 years of age Suing by Louisa Beale his mother & guardian

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the Court-house, this 9th day of August A., D., 1871, in the 96th year of the Commonwealth.

O. White Clk.

Sun Job Print. Suffolk, Va

Beale &c
v
Beale &c

Conv.
notice

COMMISSIONER'S OFFICE,

Jerusalem Feby 15th 1872

TO Bartley Beale an Infant who sues by Louisa Beale his Mother and Guardian and next friend

against

Pltff

Charles Beale. Wm H Briggs sheriff and committee of Samuel Brittle decd and Augustus Smith ——

Defts

You are hereby notified that I have fixed upon the 23rd day of Feby next, if fair, if not, on the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:

That a Commissioner of this court take and settle the account of Charles Beale late Guardian of said Bartley Beale and make report to Court &c

2

required to be taken by a decree of Southampton Co Circuit Court, rendered on the 1st day of December Term 1871, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

To the Sheriff of Southampton County to execute.

James R. Tyler *Commissioner.*

Beals & al

vs.

Beals & al

Comm. Tyler's Report

1872. April 25.

Bartley Beale a minor

In account with Charles Beale his Guardian

			Dr		Cr	
1866						
Aug	23	By $250.00 Funded Bonds of Ms. City @ 50%			$ 125	00
Nov	30	" $75.00 Certificate for Interest @ 85%			63	75
1867 Sep	13	" $58.00 do do @ 85%			49	72
1868 Mar	1	" $28.50 do do @ 85%			24	23
July	1	" $28.50 do do @ 85%			24	23
1869 Oct	24	" $57.00 do do @ 85%			48	45
		To Commissions on $335.25 @ 5%	16	76		
		To paid Board & Clothing for 1861	30	00		
		" paid do do for 1867.8+9	90	00		
		" paid " " for 1870	40	00		
		" paid Louisa Beale	90	00		
		" " Expenses & Ms. at different times on various business	30	-		
		" paid W.B Shands acct	5	10		
		Balance due ward	33	62		
			$ 335	38	$ 335	38
1870						
Dec	31	By Balance due ward brot down			$ 33	62
1872 Apl	1	" Int. on same. 1 yr + 3 mo			2	51
		" Balance due ward as principal + Int.			$ 36	13
		With interest on $33.62 cents part thereof from date till paid				

Respectfully Submitted

James K. Sykes

Com.

Commissioners Office
Jerusalem Apl 16th 1872

To the County Court of Southampton County:

Pursuant to a decree of the county court of Southampton county rendered at the December Term 1871. in a suit in Chancery depending in the said court between Bartley Beale an Infant who sues by Louisa Beale his mother and guardian & next friend and Charles Beale Wm. D. Briggs Shff & committee of Samuel Brittle dec'd and Augustus Smith. The undersigned one of the Commissioners of the said court to whom was referred for settlement by said decree. the following account to wit. That a commissioner of this court take and settle the account of Charles Beale late Guardian of said Bartley Beale and make report & court. reports to the court that on the 15th day of July last he issued Notices against the several parties aforesaid requiring them to attend the settlement of the said account before him at his said office on the 23rd day of July last which were issued to your Commissioner duly executed. The parties aforesaid (~~did not~~ appear in obedience to said notice. ~~but with what~~ and he thereupon examined ~~the~~ Vouchers. Stated and settled the foregoing account up to the 1st day of April 1872. and on that day finds the said due by the late guardian to be $36.13 cents including interest. The Commissioner has nothing special to report. The Commissioner further reports & the court that after the completion of the said account he retained the same in his office ten days for the examination of the parties. which with the decree and notice are herewith returned—

Given under my hand as Commissioner aforesaid the day and year first aforesaid

James R. Tyler
Comm.

Com: Fee $8.00

Beach

or

Beach &
H. Industry filed
with Bee

Swanson Co. et

A"

Know all men by these presents, that we Charles Beale Samuel Brittle & Augustus Smith are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Two thousand Dollars Current money of Virginia to the payment whereof well and truly to be made, we bind ourselves our heirs, executors and administrators jointly and severally firmly by these presents, Sealed with our Seals and dated this 18 day of November A D 1861.

The Condition of the above obligation is such that if the above bound Charles Beale as Guardian of Bartley Beale orphan of Bartley Beale dec'd shall faithfully discharge the duties of his said Office or trust according to law then the above obligation to be void or else to remain in full force and virtue.

Signed Sealed and delivered
in the presence of the Court

Charles Beale (Seal)
Samuel Brittle (Seal)
Augustus Smith (Seal)

At a Court held for the County of Southampton on the 18 November 1861.

The Court doth assign Charles Beale guardian of Bartley Beale orphan of Bartley Beale dec'd and thereupon he together with Samuel Brittle and Augustus Smith his Security (who justified on oath as to their Sufficiency) entered into and acknowledged a bond in the penalty of two thousand Dollars conditioned as the law directs

Copies.

Teste D Irvin White CC

B

Beale by Y

To } 3 Ex: with Bill

Beale Y

Southampton County Court April Term 1871.

On the motion of Louisa Beale next friend to Bartley Beale against Charles Beale the Summons awarded at the last term against the Defendant being returned executed, and the Defendant though solemnly called came not It is therefore ordered considered by the Court that the said Charles Beale execute a new bond with security for his due & faithful performance of his duties as Guardian as aforesaid of Bartley I Beale. And the said Charles Beale failing to give said bond and security as aforesaid It is ordered that his powers and duties as Guardian aforesaid be revoked and annulled and that he pay the costs of this motion

Pelfs Costs $5.66

A Copy -

Teste, B. White Clk

Southampton County Court April Term 1871.

The Court doth assign Mary Louisa Beale Guardian of Bartley I Beale, and thereupon the said Mary Louisa Beale together with Kader Biggs her security entered into and acknowledged a bond in the penalty of twelve hundred dollars conditioned as the law directs, which bond is ordered to be recorded

A Copy -

Teste, B. White Clk

"C"

Southampton County Court May 15. 1871

Ordered that the estate of Samuel Brittle dec^d be committed to the hands of Wm W Briggs Sheriff of this County to be administered according to law.

A Copy—

Teste, O White CC