

1874 05

Southampton County - Chancery

Beaton, Geo E vs

Beale; Charles et al

"To Settlement Agreement
under Contract"

Charles Beale
Billie Beale
Lucy Beale
infants

Beaton

v. } Papers

Beales

152
Beaton

or $\frac{3}{3}$ Bill Exhibits

Beales-

Copy?

1874 April Rules

S. B. Prince Esq.

Exhibit (A).

To the Honorable Geo: Blow, Judge of the Circuit
Court of Southampton County. In Chancery.
Humbly Complaining, sheweth unto your
Honor, your complainant Geo: E Beaton
that on the 28th day of April 1840, Charles
Beale & Rebecca Beale, his wife entered
into a written agreement with your Com-
plainant, whereby they agreed to sell &
convey to your Complainant a certain
water first mill real estate, situated in
Southampton County, which agreement was
duly signed by said Charles Beale & wife
& your complainant, and is herewith filed
marked (A), and prayed to be taken as part of
this bill. That by this agreement, as will
appear on reference thereto, your complain-
ant contracted to pay to said Charles Beale
the sum of Twenty five hundred dollars,
in manner as follows, to wit: - Five dollars
on the execution of this agreement, \$475 on
Jan'y 1. 1841, \$666.66 $\frac{2}{3}$ Jan'y 1. 1842, \$666.66 $\frac{2}{3}$
Jan'y 1. 1843, & \$666 $\frac{2}{3}$, Jan'y 1. 1844. That in
pursuance of the terms of said contract, your
complainant did at the times specified pay to
the said Charles Beale, the sums above mentioned
except the last payment. That your complainant
was ready & willing to have paid that, but
at the time it was due, the said Beale was

Confined by extreme sickness, from which
attack, he, the said Beale soon thereafter.
died. That soon after the death of the said
Beale, his wife also died, and the
following parties are their heirs at law,
viz. Charles Beale, Bettie Beale & Lucy Beale,
all infants. That said Beale & wife both died
intestate. That before the death of said
Beale, the bond for the last payment of
the said mill land was transferred by him
to one James M. Corbitt, who now holds
the same. That your Complainant is willing
& anxious to pay off the said last bond, and
he desires that he may be enabled to get a
good & sufficient conveyance for the property,
when he pays said bond off: that your
Complainant is advised that his only remedy
is to apply to this Court for relief. In tender
consideration of all which, your Complain-
ant prays that Charles Beale, Bettie Beale,
& Lucy Beale, all infants, may be made
parties defendant to this bill & compelled to
answer the allegations thereof. That some fit
& proper person may be appointed their
guardian ad litem to protect & defend their
interests, that when your Complainant shall
have paid off the last bond for the purchase
of the mill land above referred to,

Some party may be appointed a special
Commissioner to execute to your complain-
ant a deed of bargain & sale therefor, and
that your Honor will grant such other
further & general relief in the premises, as
Equity may dictate & the nature of his
case requires - And as in duty bound,
your Complainant will ever pray &c.
May it please the Court &c. -

J. W. Rhuie p.c. -

The joint & several answer of Charles Beale, Bettie
Beale, Lucy Beale, all infants, by S. R. Edwards
their Guardian & attorney to a bill of Complaint
exhibited against them in the Circuit Court of
Southampton by Geo. E. Beaton -

These respondents, saving & reserving all just
ground of exception to the bill, for answer thereto,
or unto so much thereof, as they are advised it
is material to answer, answering & say - That
they are infants & know nothing of the facts
alleged in said bill & being such, they submit
their rights to the protection of this Court - And
having answered, they pray hence to be dismissed
with their Costs -

S. R. Edwards
Sole attorney

J. W. Rhuie p.c.

Nov. 14th 1870. Received the
within Note in full, for
second payment due on mill
by George E. Beaton.

Chas. E. Beaton

On Demand the 1st day of January
1871, due the 1st day January
1872, I owe and promise to pay
to Charles Beal or order Six hundred
and sixty six dollars & sixty
six Cents, for value received,
an amount due for purchase of
mill and lands attached of said
Charles Beal, Given under my hand
and seal this 28th day of
April 1870

George E. Beal, *Geo. E. Beal*



Nov. 14th 1870. Received in part of the within
note two hundred & thirty three dollars
and thirty four cents.

Charles F. Carr

The within
M. Corbett
Carlyle Heale

On demand the 1st day of
January 1871, due January 1st
1873, I now and promise to pay
to Charles Beal or order, Six hundred
and sixty six dollars and sixty
six Cents, for value received
on amt due for purchase of
mill and lands attached, of said
Charles Beal; Given under my hand
and seal this 28th day of April
1870

Witness



Beaton
to E. Sum. S. Chy.

Beale
1874 April Rules

The Commonwealth of Virginia

To the Sheriff of Southampton County--Greeting:

WE COMMAND YOU to summon

Charles Beale, Bettie Beale, & Lucy Beale

if *they* be found within your bailiwick, to appear at the Clerk's Office of our *Circuit* Court of Southampton county, at the Rules to be holden for the said Court on the first Monday in *April next to answer a bill in Chancery exhibited against them in our* said Court by *Geo. E. Beaton*

And have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, this *17th* day of *March* A. D. 1874, in the *98th* year of the Commonwealth.

L. R. Edwards

Nov. 14th Received the within
Note in full, for first payment
due on mill, by Eng & Beaton.

Chas. Beaton

On Demand the 1st day of January
1871, I do and promise to pay
to Charles Beal or order Four hundred
and ninety five dollars, for value
received, or Amount due for
purchase of Mill and lands
attached, ~~of~~ said Charles Beal,
Given under my hand and seal
this 20th day of April 1870

Witness

George E. Beaton, Seal



Beaton

r } Stat Rules

Beale

1874 October Term

In Southampton Circuit Court
Geo. E. Beaton

against
Charles Beale Bettie Beale & Lucy Beale infants

1874 March 17 Summons issued

April R. Sumt. Ct. Bill filed. L R Edwards assigned Gen. ad
litum. Ans. of infants. G Rep
Cause set for hearing &

June. Decree to execute deed

Oct. Report confirm & cause removed from the docket

of January 1872, bond carrying interest from January 1st 1871. Six hundred and sixty six and two third dollars, on the 1st day of January 1873, bond carrying interest from January 1st 1871, and Six hundred and sixty six and two third dollars, on the 1st day of January 1874, bond carrying interest from January 1st 1871. And it is hereby declared and agreed, by and between the parties hereto, that no deed or conveyance is to be required of, or executed by the said Charles Beal & wife, ^{their heirs executors and administrators,} until the said George E Beaton fully and completely, with all and singular his covenants and promises touching and concerning the payment of the said several sums of money, when the last sum of money is paid by the said George E Beaton, the said Charles Beal & wife, ^{their heirs executors, and administrators} promise to execute to the said George E Beaton a sufficient conveyance thereof, with covenant of general warranty and against incumbrances, of the said property.

The said Charles Beal & wife agrees to deliver, to the said George E Beaton, on the 1st day of January 1875 if the payment of that note is complied with, by the said George E Beaton, the property spoken of in this agreement, in as good order, as it is, on the day of the execution of this agreement.

In testimony whereof, we the parties have hereunto set our hands and affixed our seals this 28th day of April 1870.

Witness
 George E Beaton
 W M Beaton

Charles Beal Seal
 Rebecca ^{her} Beale Seal
 George E Beaton Seal



Articles of Agreement Made and Entered
into the 28th day of April 1840, between
Charles Beal & wife of the first part, of the
County of Southampton, State of Va., and George E. Beaton
of the County & State aforesaid of the second part
Witnesseth; that the said Charles Beal & wife for the
Consideration here in after mentioned, doth for themselves
promise and agree to and with the said George E. Beaton
that he ^{she} the said Charles Beal & wife, agrees to
sell to the said George E. Beaton, the grist, mill
& fix ^{on which they reside} Tiers, and all the land attached, consisting
of about 330 acres more or less, adjoining the land
of Augustus Smith Lawson Beal, Edwin Harris William Thomas
& others.

In consideration whereof the said George E. Beaton,
doth Covenant promise and agree, to ^{pay} unto the
said Charles Beal & wife Seventy five hundred
dollars, in manner as follows to wit;—

Five dollars, on the execution of this agreement
Four hundred and ninety five dollars, on
the 1st day of January 1871, when the said
George E. Beaton is to take possession of
the said property, ~~Five hundred~~ and sixty
six, and two thirds dollars, on the 1st day

Charles Beal
& wife
And J. A. Beaton

750
658
192

36
6-00
50
658

Boston

in 3

Beales

Report of
Commiss^r Price

Oct 26. 1874

11

Beaton

vs $\frac{2}{3}$ Report of Commissioner Prince.

Beale's

In this cause, your Commissioner reports as follows - that in pursuance of decree rendered at June Term 1844, he has made a deed to Geo E Beaton, for the mill land in the proceedings mentioned. From a certificate from James M. Corbitt signed & sealed Sept 25. 1844, & herewith filed, it will be seen that Beaton has fully paid the whole of the purchase money. Oct 26. 1844.

Report submitted.

To Judge Cir. Ct. }
Liampton }
}

J. B. Prince
Commissioner.

Beaton

or 3 certif of
3 J. M. Corbitt.
Beales

Sept 25. 1874

"

This is to certify that Geo: E Beaton has
paid in full the last bond due for
the mill & real estate thereto attached,
purchased by him of Chas Beale.: and this
is also to further certify that the money
for said last bond was paid to me, the
bond having been transferred to me by
Charles Beale, in his lifetime. Witness my
hand and seal Sept: 25. 1874.

Ja^s M. Corlitt Secy.

Beaton

or B. Leaver.

Beales

Oct Term 1874

To be entered.

Geo. B. Leaver.

Beaton
vs B Deere.

Beales.

This day this Cause came on to be further heard on the papers formerly read & the report of Commr. Price filed during the term, and was argued by Counsel. On consideration whereof, the Court doth confirm said report, no exceptions being filed to the same: and nothing further appearing necessary to be done in this Cause, it is ordered to be removed from the docket, at the costs of the Plaintiff.

Beaton,

nr $\frac{3}{2}$ Severe

Beale's

June Term 1874.

To be entered.

Geo. T. Blom.

Beaton

vs $\frac{3}{3}$ Decees.

Bealer

This day this cause came on to be heard on the Complainant's bill, answer of the infants Charles Beale, Bettie Beale & Lucy Beale, by S.R. Edwards, their Guardian ad litem, exhibits filed, and was argued by Counsel. On consideration whereof, the Court doth advise order & decree that when the Complainant Geo. E. Beaton shall have paid off the whole of the purchase money for the mill real estate in the bill more particularly referred to, that S.R. Phineas he & he is hereby appointed a special Commissioner for the purpose, that he execute to Geo. E. Beaton a deed with Special Warranty for said mill real estate & make report to Court of his proceedings under this order.