1818-022 Chancery Causes. Jacob Bratcher + al vs John Carr

Isle of Wight County

other surnames: Beale, Bradshaw

for the same. That Joseph W Ballard & Solomon Butler — & Jones Griffin —— be & they hereby are appointed Commissioners for the purpose of carrying this decree into effect. That the said Commissioners or any two of them, who are hereby authorised to act shall after having advertised in writing at three ~~two~~ of the most public places nearest the ~~Court House of this County~~ for thirty days at least proceed to sell at auction on the credit above mentioned the S? Tract of Land for the best price that can be obtained. That they shall take from the purchasers or purchaser bonds one payable to the Comp?. Jacob Bratcher for 1/3 part of the am?. of the purchase - one to Micah Bratcher & one to Absalom Bratcher for 1/6. of the whole am?. which the S? Jacob's portion is to be deducted - One to Parker Beale or his Gdn. for one third of the whole am?. & one to the Defs. Chas Carr for the remaining third of the am?. That they convey the title without warranty to the purchaser & report their proceedings to this Court in order to a final decree.

Butcher & al
vs Bill
Carr. } Ans^r.

To the Honble the Court of Isle of Wight Coun
ty in Chancery Sitting

Humbly complaining Shew unto your
Honor your Orators Jacob Beatcher Uriah Beatcher
Salom Beatcher infants of tender years suing by their P.
Jacob Beatcher their father & next friend & Parker
Beale an infr. son of Absalom Beale dec.d suing
by P.d Jacob Beatcher his next friend That Ab=
salom Beale the grand father of your infr. com
plainants Uriah & Absalom Beatcher & father of the
your infr. compl.t Parker Beale departed this life about
the day of D.r 18 , intestate seized
of & having title to a certain tract of Land situ
ate lying & being in this County. That he left the
following Relations entitled by the laws of the
Land to his Real Estate viz.t Anne the wife
of your compl.t Jacob Beatcher, Your compl.t
Parker Beale, & a daughter Honor who inter
married with a certain Rley Carr - & a widow
Priscilla Beale. That his lands were inconformity
to the laws of this Com.th divided among his
children & a third part thereof about thirty
acres assigned to his widow as her dower.
That the P. thirty acres of land adjoyn the lands
of Solomon Butler John Carr & Jacob Beale.
That since the death of the P. Absalom Beale
his daughter Anne, has departed this life leav
ing her husband Jacob Beatcher entitled as le
gatee by the curtesy to her Real Estate & your infr.
compl.ts Uriah & Absalom entitled to the fee sim

ple Estate. That Eley Carr & Honor his wife formerly Honor Beale have by Bargain & Sale conveyed their Estate right Title to a certain John Carr in the Lands whereof the Sd. Absalom Beale died seized. That the S. Priscilla the widow & relict of the S. Absalom Beale has lately departed this life. That your Compltt. as above stated are entitled together with the above named John Carr to the said thirty acres of land. That by the act of the General Assembly of Virg. entitled An act to reduce into one, the several acts directing the course of Descents that whensoever lands shall descend from any person dying intestate to two or more heirs, any one of whom shall be an infant, feme covert, non compos mentis, or beyond sea, & the dividend of such heir shall not exceed the value of one hundred dollars in the opinion of any Court in aftermentioned, it shall be lawful for the High Court of Chancery or the Court of the County or Corporation in which such lands, or the greater quantity of them lie, to direct the sale of the S. lands and the distribution of the money arising therefrom, according to the rights of each claimant. Your Compltt. represent that the said thirty acres of land if divided would not afford to each heir a dividend or share which would exceed the value of one hundred dollars. In tender consideration whereof & in as much as they are remediless in the premises save in this Honble. Court where matters of this sort are properly cognizable & alone relievable. To the End therefore they pray that the S. John Carr may be made a party Deft. to this Bill - that he be compelled full true & perfect answer to make to all & singular the allegations herein contained - that your Honor will order & decree a Sale of the S. Lands on such terms as may be deemed most advantageous to the parties Entitled. That you will grant to your Compltt. such other & further Relief as may be deemed Consistent with the principles & usages of Equity - That you will grant to them the Co[n]ts writ of Subpa. & Commandment.

May it please &c.

Jacob + Bradshaw
his
mark

The Answer of John Carr to the Bill of Compt. & exhibited against him by Jacob Bratcher - Ulriah & Absalom Bratcher infts. of tender years suing by the S. Jacob Bratcher their father & next friend & Parker Beale an inf. suing by Jacob Bratcher his next friend.

The said John Carr the Deft. saving & reserving to himself all & all manner of benefit of Exception to the many uncertainties & other imperfections in the S. Bill of Compt. contained, for answer thereto or to so much thereof - as he is advised is material for him to make answer to, he answering saith: That he admits that Absalom Beale departed this life intestate about the time

Set out in the Bill. That he was seized of or had title to the lands in the Bill mentioned. That his widow had assigned to her the thirty acres of land in the Bill mentioned as her dower in her dec. husbands Estate. That the Compltˢ & this defᵗ are Entitled as set out to the said thirty acres of land. That the S. land if divided would not afford to each heir a dividend or share which would exceed in value one hundred dollars. This defᵗ has no objection to the decree prayed for. He prays hence to be dismissed &c.

his
John X Carr
mark

Jacob Beatchey & al. . . . . Complᵗˢ

John Carr " . . . . . Defᵗ. In Eq.

This cause coming on this day to be heard by consent of parties on the Bill of Complᵗˢ the answer of the Defᵗ and it appearing to the satisfaction of the Court that the land in the Bill mentioned & which by the S. Bill is prayed to be sold, would not if divided among the Complᵗˢ & the Defᵗ afford to each heir a dividend or share which would exceed in value one hundred dollars — whereupon this Court doth think fit, do order & decree; & accordingly it is ordered & adjudged decreed that the said land in the Bill mentioned be sold on a credit of nine months for the best price that can be obtained