

Deed, DE, Sussex, ABIGAIL WESTLY to JOHN CALE 1756

JOHN CALE from **ABIGAIL WESTLY**, Administratrix Deed

THIS INDENTURE made the thirteenth day of December in the year of our Lord one thousand seven hundred and fifty six.

BETWEEN **ABIGAIL WESTLY**, relict and administratrix of all and singular the goods and chattles, rights and credits which were of her deceased husband **HENRY JOHN WESTLY**, late of the county of Sussex on Delaware, yeoman, deceased at the time of his deed of the one part and **JOHN CALE** of the the same county, yeoman, of the other part.

WHEREAS the aforesaid **HENRY JOHN WESTLY** at the time of his death indebted to sundry persons in several sums of money, whereupon the said **ABIGAIL WESTLY**, administratrix, as aforesaid, did petition to the worshipful the Justices at an Orphan's Court held at Lewes for the County of Sussex aforesaid, the ninth day of September last past and in her said petition set forth that she had not personal estate sufficient of her said deceased husband as would satisfy and discharge the several debts aforesaid therefore prayed that the worshipful court aforesaid would grant an order from the court aforesaid that the administratrix aforesaid might sell as much of the real estate of her deceased husband **HENRY JOHN WESTLY** as would satisfy and discharge the several debts aforesaid.

AND WHEREAS by an order or judgment of the worshipful Justices aforesaid at the Orphan's Court aforesaid it was by said court ordered and adjudged according to the form of an Act of Assembly of this Government in that case made and provided that the said **ABIGAIL WESTLY**, administratrix, as aforesaid, should sell as much of the real estate of her deceased husband **HENRY JOHN WESTLY** as would pay and discharge all his several debts aforesaid by way of public vendue as by the records and proceedings in the said Orphan's Court remaining may more fully, largely and amply appear thereupon the said **ABIGAIL WESTLY**, administratrix, as aforesaid, and by order of the Orphan's Court aforesaid did expose to sale at a public vendue held on the premises the twenty fifth day of October last past a certain plantation, tract or parcel of land with all and singular the premises and appurtenances thereunto belonging, situate and lying and being in Rehoboth Neck in the County of Sussex, aforesaid, and on the south said of a creek call POT HOOK Creek, containing by estimation, one hundred and sixty acres of land and marsh as is the same plantation land and premises on the which the said **HENRY JOHN WESTLY** lived and died at which vendue the aforesaid plantation lands and premises with all and singular the appurtenances was struck off to the aforesaid **JOHN CALE** party to these presents for the sum of one hundred and fifty five pounds current lawful money of this government, he being the highest bidder.

NOW THIS INDENTURE witnesseth that the said **ABIGAIL WESTLY**, administratrix, aforesaid, for and in consideration of the sum of one hundred and fifty five pounds current money as aforesaid to her in hand paid at and before the ensealing and delivery, by the said **JOHN CALE** well and truly paid the receipt whereof she doth hereby acknowledge and herself therewith to be fully satisfied, contented and paid. And thereof and of every part and parcel hereof doth fully and clearly acquit, exonerate and discharge him, the said **JOHN CALE**, his heirs, executors and administrators forever the aforesaid land, marsh and premises containing by estimation one hundred and sixty acres of land and marsh.

TO HAVE AND TO HOLD the aforesaid one hundred and sixty acres of land and marsh and all and singular other the premises with the appurtenances thereunto belonging or in anywise appertaining unto him the said **JOHN CALE**, his heirs and assigns forever.

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TO THE ONLY PROPER USE AND BEHOOF of him, the said **JOHN CALE**, his heirs, executors, administrators and assigns forever the rents and services already due and which hereafter shall become due and payable to the chief Lord or lords of the fee or fees for or in respect of the premises always excepted and foreprized and the aforesaid **ABIGAIL WESTLY**, administratrix, as aforesaid doth covenant premises and agree for herself and her heirs, executors and administrators to and with the said **JOHN CALE**, his heirs, executors and administrators and assigns to warrant and defend the aforesaid one hundred and sixty acres of land and marsh with all and singular the premises and appurtenances thereunto belonging or in anywise appertaining or to any part or parcel thereof unto him the said **JOHN CALE** his heirs, executors, administrators and assigns forever against her, the said **ABIGAIL WESTLY**, administratrix, as aforesaid, her heirs, executors, administrators and all and every other person or persons whatsoever or wheresoever lawfully claiming or to claim the aforesaid one hundred and sixty acres of land and marsh with all and singular the premises and appurtenances thereunto belonging or in any wise appertaining or to any part or parcel thereof, by, from, or under them or any of them shall and will warrant and defend forever by virtue of these presents.

IN WITNESS WHEREOF the said **ABIGAIL WESTLY**, administratrix, as aforesaid, and by virtue of the order of the Orphan's Court aforesaid hath hereunto set her hand and affixed her seal the day and year first above written.

ABIGAIL WESTLY {seal}

Sealed and delivered in the presents of us:

WILLIAM GILL
JOHN RUSSELL

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Sussex on Delaware

At a Court of common Please held at Lewes for the County of Sussex, aforesaid, on the second day of February in the year of our Lord one thousand seven hundred and fifty seven the within deed of sale was acknowledged by and unto the parties therein named.

Test **RYVES HOLT**, prothonotary

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