1809-006 SOUTHAMPTON COUNTY CHANCERY PAPERS POWELL, &c. VS. POWELL et al 5/1809

Powell
vs
Bell
Powell &

Sep 1807 Entry dismd

Jany 1808 Reprieved
Final Decree

To the worshipful court of Southampton county
in chancery sitting humbly complaining shews unto your
worships your complainants James Powell and William
by [illegible] Bailey his Guardian who sue &c
Powell infants That Drewry Powell the father of your Complainants
departed this life some time in May in the year one thousand eight
hundred & three intestate, seized of a tract of land situate
in the said county containing one hundred & forty two
acres more or less. & known by its most ancient and reputed
bounds & also seven slaves. To wit. Two women & five children
& some other personal estate — leaving your complainants & Elizabeth Powell
Newit Powell. Thomas Powell & Penny Powell
all infants under the age of twenty one years —
his only heirs & personal representatives. Your Complain-
ants further shew that Samuel Francis Administered on the said
estate in the county court of Southampton aforesaid
and took into his possession the aforesaid Slaves — Your
complainants further shew that the said Land &
Slaves have not been devided among the heirs & repre-
sentatives of the said intestate, & that they are desirous
the same should be done — In tender consideration
whereof and for as much as the said estate cannot be
devided without the aid and interposition of a court
of chancery. To the End therefore that the said Elizabeth
Newit, Thomas, & Penny Powell & Samuel Francis
may be made defendants to this bill and upon their
oath true perfect and full answer make to all
& singular the allegations thereof as fully
& truely as if the same were here again repeated
interrogated — & that the said land & Slaves may be
devided amongst the heirs & personal representatives of
the said intestate, or if it does appear to this court that

that the dowry of each heir of the said Land does not exceed the Value of one hundred dollars & that and equal division of the said Slaves cannot be made in kind — That the court will order and decree the said land & Slaves may be sold agreable to the act of Assembly in such case made and provided & appoint proper commissioners to effect the same — or make such other order and decree in the premises as shall appear according to equity and good conscience. May it please the court the writ of subpena to issue, to be directed to the commanding them to appear answer &c.

The Seperate Answer of Samuel Francis &c. to the bill of Complaint exhibited against him, by James Powel & William Powel

This defendant saving & reserving to himself all benefit of exceptions &c. for answer thereunto says — That he believes the said bill to be generally true — That this defendant has demanded the estate as far as came into his hands & has only the seven negroes mentioned in the bill in his possession of the said estate — That the estate, upon the making up his account current is indebted to this respondent in the sum of eighty five pounds or thereabouts as will appear by the said account & in the sum of two pounds eight shillings paid Doctor Thomas' including his Services, in attending &c. on three of the children while sick in the whole the sum of eighty seven pounds eight —

This defendant can shew no cause why the said slaves should not be taken out of his possession & the order of the bill carried into effect — provided the court will decree that out of the said Slaves the aforesaid sum of eighty seven pounds eight shillings should be paid to this respondent — & pray to be dismissed &c

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The Answer of Elizabeth, Stewit, Thomas & Penny Powel by their Guardian Wm Newton to the bill of Complaint exhibited against them & Samuel Francis by James Powel and William Powel.

These defendants saving and reserving to themselves all benefit of exception &c. For answer thereunto say that they believe the Allegations of the said bill to be true — & they submit this cause to be disposed of by the court as it may appear to them to be equal & right. & pray to be dismissed &c. William

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James Powel & William Powel plaintiffs
vs
Elizabeth, Stewil, Thomas & Penny Powel & Samuel Francis defendants

} In Chancery

This cause was docketed by consent of parties & came on to be heard upon the bill — Answer & exhibits. In consideration whereof

It is ordered & decreed

Order to view Drew
Powell's land
Sep 1807

Southampton Sep.t Court 1807

James Powell and William Powell by
Bailey Barnes their guardian & next friend Compltts
agt
Elizabeth Newit Thomas & Penny Powell by
Wm Newton their guardian & Sam.l Francis ad
Drewry Powell ——————— defts

In Chancery

Heard on the bill and Answer on consideration whereof it is decreed and ordered that James Gee Benjamin W Johnston and Lazarus Cook or any two of them view the land whereof Drew Powell died seized and possessed and report whether in their opinion the Land is worth more than one hundred dollars a share to each of the infant complainants & defendants

Bell

Powell
vs
Powell
Chy

Rept. Mtr. Jany 1808

We the Subscribers Agreeable to an Order of Southampton Court bearing date September Court 1807 We have viewed all the Land of which Henry Powell dec. died Seized and Possessed, and are of Opinion that the Land is not worth more than One Hundred dollars a Share to each of the Children of said Henry — Given under our Hands this 16th day of January One thousand Eight hundred and Eight —

James Lee

W. Johnston

Powell Lathing
vs
Bowell } Inty
decree

March 1808

May 1809 Repd rets
decree final

Southampton, March Court 1808

James Powell and William Powell by
Bailey Barry their guardian & next friend, compts

against

Elizabeth, Newit, Thomas & Penny Powell
by William Newton their guardian & Samuel
Francis admr Drewry Powell — Defts

This cause was this day heard on the bill of the compts
and answer of the defendants, and the persons appointed by a former
order of this Court having made report that the land was not
worth more than one hundred dollars a share to each of the
infant compts and defendants. Therefore it is decreed &
ordered that Geo Barry W Johnston Wm Cook, Richd Blunt
and Jno Wyatt Read or any three of them proceed to make sale
of the land & negroes of Drewry Powell dec'd & purchased on a
credit of 12 months and take bonds & security of the purchasers
and divide the proceeds equally among the infant compts and
defendants, And that the Commissioners aforesaid make sale of the
negroes & other of the said Powell dec'd purchased (if an equal
division in the opinion of the Comm's aforesaid cannot be made)
on a Credit of 12 months and take bonds & security of purchasers,
in the following proportions, to wit, one bond for Eighty three
pounds Six Shillings & four pence,
and assign to Samuel Francis the admr the
said bonds in his right, and 5 other bonds for the balance
of the said sales and assign in equal proportions to the infant
compts & defts or their Legal representatives. But if an
equal division of the residue of the negroes (after the sale
of so many as will be sufficient to pay and satisfy the
above sum of £ 89.6.4 due to Samuel Francis can be —

made between the infant parties (Compts & defts) then and in that case the Commissioners are to divide them equally, and make report thereof to this Court in order to a final decree —

Test

Benj Cobb d. C

Powell Father
&
Powell } Smty
decree

March 1808

May 1809 Report
& decree final

Sales of the Estate of Drury Powel made the 20
of April 1808 ——— due in 12 Months

Wood Land — Tract 157 5/8 Acres. to William Newton 29
at ——— 5/6 ——— 14.8.5½

Old field tract — 100⅞ Acres to Jn° Whitehead 78. 7.6.3.8

Boy Esop to Wm Woodard	———	70 —
Boy Moses to ——— do ———		46.1 —
Boy Jacob to Henry Porter	———	26.1 —
Annace Childs to Mrs Powel	———	60 —
Boy Peter & Woman Tiller to Jn° Barnes.		110 —

m°. 1040—33.

1809. April 14th Received of Richard Blunt, John Whitehead and Wm Johnston, Commissioners to make Sale of Drury Powels estate the Sum of four hundred and thirty seven Pounds seventeen Shillings and three Pence, being the Shares of Nevitt Penny, and Thomas Powel in the above Sales.

Witness —
Ephraim Gee

William Newton quarein

1809 — April 14 Received of Richard Blunt John Whitehead and Wm Johnston Commissioners to make Sale of Drury Powels estate the Sum of two hundred and Ninety one Pounds Eighteen Shillings and two Pence, being the Shares of James and William Powel in the above Sales.

Witness —
Ephraim Gee

Nevitt Harris Quar

1809. April 14 Received of Richard Blunt, John Whitehead and Wm Newton. Commissioners to make Sale of Henry Powels estate the Sum of Eighty nine Pounds: 6/4 Agreeable to the decree which is hereunto annexed also the Sum of ten Dollars, paid for an Attorneys Fee, in drawing the Bill and Answer and also the Sum of One hundred and forty five Pounds Nineteen Shillings and one Penny being the Share of Elizabeth Powel in the Sales of the within mentioned estate —

Witness —

Sam[l] Francis

Nevil Harris

Southampton County

By Virtue of a decree of Southampton County Court which is hereunto annexed, We the Subscribers have sold the Land and Negroes therein named Agreeable to the Statement on this Paper — and have divided and paid over the Amount thereof in the several Shares Agreeable to the receipts of Wm Newton, Nevil Harris and Samuel Francis — Given under our hands this 14th day of April One thousand Eight Hundred and nine —

Wm Newton

Rich[d] Blunt

John Whitehead

Copy Feste

Powell
vs
Powell

Report

Copy

Sales of the Estate of Drury Powell, made the 20th of April 1808

Due in 12 months —

Woodland - Tract 154 5/8 acres to William Newton, at 5/0½ per acres — Dr £ 1498.53

Old field tract - 100 5/8 acres to John Whitehead 7/8 . . 704.38

Boy Esop to John Woodard . . . £70.-.-

Boy Moses to Do 40.1.-

Boy Jacob to Henry Porter 26.1.-

Amaca & Child to Mrs Powell . . . 60.-.-

Boy Peter & woman Tillar to John Barnes . 100.-.- in Dr. 1040-33

1809 April 14th Received of Richard Blunt, John Whitehead & B.W. Johnston Commissioners to make Sale of Drury Powells estate the Sum of four hundred and thirty Seven pounds, Seventeen Shillings and three pence being the Shares of Newit, Penny and Thomas Powells, in above Sales — William Newton guardian

Witness
Ephraim Lee

1809 April 14th Received of Richard Blunt, John Whitehead and B.W. Johnston, Commissioners to make Sale of Drury Powells, estate the Sum of two hundred and ninety one pounds eighteen Shillings and two pence, being the Shares of James & William Powell, in the above Sales Newit Harris Guardian

Witness
Ephraim Lee

1809 April 14th Received of Richard Blunt, John Whitehead and B.W. Johnston Commissioners to make Sale of Drury Powells estate the Sum of Eighty nine pounds 6/4 agreeably to the decree which is hereunto annexed, also the Sum of one dollar, paid for an attorney fee in drawing the bill and answer, and also the Sum of One hundred and forty five pounds nineteen

Shillings and one penny being the Share of Elizabeth Powell in the Sales of the within mentioned estate

Sam'l Francis

Witness

Newit Harris

Southampton County

By virtue of a decree of Southampton County Court which is hereunto annexed, We the Subscribers have Sold the land, and negroes therein named, agreeable to the Statement on this paper and have divided and paid over the amount thereof in the several Shares agreeable to the receipts of Wm Newton, Newit Harris and Samuel Francis - Given under our hands this 14th day of April One thousand Eighteen hundred and nine

B.W. Johnston

Rich'd Blunt

A Copy Teste

Powell
vs
Powell

Report

A Copy.