

1815-033

SOUTHAMPTON COUNTY
CHANCERY PAPERS

POWELL etal vs. POWELL'S EXECUTORS, etal
7/1815

Other SURNAMES: Atkin,
Francis, Murrell

To the worshipful Court of Southampton in Chauncy sitting
Humbly complaining shew unto your worship your complainants
John Powell, Joseph Powell, James Powell, George Powell and
Jephtha Powell infant children of John Powell and by their
next friend Willie Francis

That John Powell the father of your complainants sometimes
in the year ~~deceased~~ departed this life having first made and
executed his last will and testament, which has been admitted
to record in the Court of this County an attested copy of which
is here annexed and mayed ~~and proved~~ to be luthers as a
part of this bill. That Robert Munroe and Samuel Francis
^{are executors}
to the said last will and testament of the said John Powell and.

That among other devises and bequests in said will, the testator
directs that when the complainant John should arrive to
the age of twenty one years a division should be made
of his slaves equally between your complainants John
Joseph and James and any other children that might be
born to him of his wife afterwards and he further directs
that if his widow Rebecca should marry before your
complainant John should arrive to the age of twenty one
years, that in that case an equal division of his slaves
should be made in like manner. The testator also in his
said last will and testament directs that his wife Rebecca
should keep possession of and live on his land during
her natural life or widowhood, and at her death that the
land he sold and the money arising from the sale thereof
be equally divided amongst your complainants John
Joseph and James and the rest of his children that his wife
might afterwards have by him or their representatives
Your complainants state two of them George and Jephtha
were born of the said Rebecca wife of the said John
Powell prior to the death of the said John Powell and
during their intermarriage and therefore are entitled to
the benefit of said devises and bequests. your Complainants

state that the said Rebecca widow of the said John Powell
and pronounced in court all benefit that she might have
under the said last will and testament of the said John
Powell and, and that one third of the land and tenor of
which the said John Powell did seized and possessed
have been assigned to her as and for her dower in the same
under a decree pronounced by this honorable court
They further state that the said Rebecca hath intermarried
with a certain Elisha Atkins. In tender consideration whereof
and in as much as your complainants are remedied in
the premises except by the intervention of a court of Equity
where matter of this kind ^{are} properly and alone cognizable
they pray that the said Robert Munnell and Samuel Francis
executors as aforesaid may be made defendants as well as
the said Elisha Atkins and Rebecca his wife formerly Rebecca
Powell widow and relict of the said John Powell dead and
be compelled to answer all and singular the allegations herein
contained as fully and unreservedly as if the same were
here again repeated and they ^{therefore} more particularly
interrogated. your complainants further pray that your
honors would direct the land of which John Powell
did seized and possessed lying in this county being
the same tract mentioned in the last will and testament
of the said John Powell to be sold subject to the dower
estate already assigned to the defendant Rebecca on such
credit as may best promote the interest of the parties and
direct the proceeds of the sale secured by bonds with good
security payable to the guardian or guardians of your
complainants ^{to be equally divided among the complainants} and further that the Staves of which the
said John Powell did possessed with their increase
(being the same devised to your complainants) exclusive
of such as may have been assigned to the said Rebecca

as and for her dower be divided into five equal parts
having regard to their value; and that one equal part
be assigned to each of your complainants agreeably to
the directions of the said last will and testament of the
said John Powell dead. And lastly your complainants
pray that your worships would grant such other
relief further relief in the premises as may be consistent
with justice and equity and they will be -

The answer of Robert Munnell and Samuel Francis executors of John
Powell and to the bill of complaint exhibited against themselves and
Elisha Atkins and Rebecca his wife by John, Joseph, James
George and Lepta Powell infant children of the said John Powell
dead by their next friend - These respondents now and
at all times hereafter saving and reserving to themselves every
benefit of exception to any errors or imperfections contained
in said bill, for answer thereto, say that they cannot gainsay
the allegations contained in the complainants bill, and
they are willing to submit to such decrees as this honorable
court may think just and equitable, and they pray
to be hence dismissed &c &c -

The answer of Elisha Atkins and Rebecca his wife late Rebecca
Powell widow and relict of John Powell dead to the bill of
complaint exhibited against themselves and Robert Munnell
and Samuel Francis executors of the said John Powell dead
by John, Joseph, James, George, and Lepta Powell infant
children of the said John Powell dead by their next friend
These respondents now and at all times hereafter
saving and reserving to themselves all and every benefit of exception
to any errors or imperfections contained in said bill, for answer
thereto say that they cannot gainsay the allegations

contained in the complainant's bill, and they are willing
to stand since as this worshipful Court may deem it fit to
pronounce and they pray to be hence dismissed &c &c &c

Powell

^M
Powell's executor &c

Bill & Answer

December 1872

Int. J. Dues

Southampton December Court 1812

John Powell, Joseph Powell, James Powell,
George Powell and Septimus Powell infant
children of John Powell, by their next
friend Willie Francis Complainants
against

Robert Murrell and Samuel Francis Executors
of John Powell decd. Elisha Allen and
Rebecca his wife late Rebecca Powell
widow and relict of said John Powell decd. Defts

In Chancery

This cause was this day docketed by consent of the parties
and agents of the court heard on the bill answers and
argument of counsel whereupon the court do decree order
that Thomas Mason, Henry Porter, Thomas Porter
and Hewitt Harris or any three of them do make
sale of the lands whereof John Powell decd seized and
possessed lying in this county Subject to the dower estate
already assigned to the defendant Rebecca on such
credit as may best promote the Interest of the parties
taking bonds and security payable to the guardians or guardian
of your complainants to be equally divided among the
complainants and that the said commissioners divide
the Slaves whereof the said John Powell decd seized
and possessed with their increase exclusive of such as
may have been assigned to the said Rebecca as and
for her dower ~~into~~ into five equal parts having
regard to their value and that one equal part be
assigned to each of the complainants agreeable to
the directions of the last will and testament of S^d.

John Powell see? and make report thereof to
the court in order to a final decree

Teste James Rochelle D.C. S.C.
(1.)

Powell W. }
" } Int. Decree
Powell W. }

July 1875 Rep. mt. and
decree final—

Ent. 

Southampton May Court 1873

Powell &

Plts

ag.

Powell & son

Def.

In Chancery

By consent of parties the commissioners heretofore appointed by a decree of this court to make sale of the tract of land of which John Powell and sons are hereby further ordered to execute a deed or deeds of conveyance to the purchaser or purchasers of said land & report to the court in order to a final decree —

Teste
James Rochelle D.C.

By Virtue of Decree of the Most Honorable Court of Southampton, bearing date December 1812 (to us directed) we the undersigned Commissioners did on the 6th day of January 1813 on the plantation of John Powell dec^d. proceed to sell the lands of said dec^d, and to make division of the negro slaves of the said dec^d. among the legatees thereof as follows - V^t. To John Powell we assigned one negro man named Jacob, he the s^d John paying five Dollars thirty three cents.

To Joseph Powell, negroes Frederick & Anthony the said Joseph to receive nineteen Dollars only seven cents,
To James Powell, negroes Abner & Guy, the said James to pay twenty Dollars thirty three cents -
To George Powell, negro man Anthony, he the said George to pay forty seven Dollars - &
To Leptah Powell, negroes Dick & Lucy, he the Leptah to receive fifty three Dollars.

And by a further decree of the Court bearing date May Term 1813. we the s^d undersigned Commissioners did on the 1st day of February 1814 - execute a deed for said lands to Elisha Atkins the purchaser, and take bond & security to the Guardians of all and every of the aforesaid legatees. except John Powell he being of lawful age Given under our hands, this 10th day of February 1815 -

Thos Mason
Thomas Porter
Henry Porter } Comm^{rs}