1862-005 SOUTHAMPTON COUNTY CHANCERY PAPERS

POWELL vs. POWELL et al

s/1862

other surnames: Claud, Williams, Jones

433.

Nancy Powell

vs

Richard E. Powell et al

Decree

1855 Oct. Decree as filed

1859 Jany. Decree amended

1862 Apl. Report.

" May - Rep'l. Confirm'd

Coltr fees p[d]

To the worshipful County Court of Southampton County

In chancery

Humbly complaining sheweth unto your worships your oratrix Nancy Powell that her husband James Powell departed this life some years since having duly executed his last will and testament a copy of which is herewith filed (marked A) and prayed to be taken as part of this bill — That by the provisions of said will your said Oratrix was directed to hold several negro slaves therein specially mentioned for and during her natural life or widowhood and at her death the said slaves were to be divided equally among the children of the said testator therein named and who are herein aftermentioned prayed to be made defendants to this bill — on condition that the your said Oratrix should maintain support and educate the younger children of the said testator. With this condition your said oratrix has endeavored faithfully to comply until now all her and the said testator's children have attained their full age of twenty one years, except one Lucy Martha Powell have married the most of them and are able to provide for themselves —

Your Orator further represents to your Honships that one of the said negro slaves, to wit the negro boy Anthony, is wholly unmanageable & that he is in the invariable habit of running away from all persons who hire or employ him, and that he is therefore entirely unworthy by your Orator. From his well known bad character in the neighborhood there is great danger that the said boy may be killed or so injured as to very much affect the interest of your Orator as well as that of those entitled to the said negro after her death -

She therefore humbly prays that your Honships may decree a sale of the said negro boy Anthony allowing to her a fee simple in a just proportion of the nett proceeds of the sale of said negro in lieu of her life right in the same and direct the residue to be paid over in equal shares to the following persons, to wit Richard E. Powell Benjamin Tr Powell - Margaret Leland (whose Powell) - Joseph Powell - John Powell - William Powell - Adolphus Powell - George A Powell Mary Williams (whose Powell) Lucy Jones (who was Powell) and Martha Powell ____

That the parties last named may be made defendants to this bill - and compelled to answer &c - and as in duty bound she will ever pray &c -

Jno J Kindred p.q.

The Separate answer of Richard - Benjamin - Joseph - John - William - Adolphus - George A - and Martha Powell (the last named by S R Edwards her guardian ad litem) of Margaret Leland and John Leland Mary Williams and Elisha B. Williams her husband - and Lucy Jones and James Robert Jones her husband - to a bill filed against them by Nancy Powell in the county Court of Southampton County -

These defendants severally &c say that they have no objection to the decree prayed for - that they know nothing of the allegations made in the foregoing bill and submit their interest to the protection of the Court - and having answered pray to be hence dismissed -

Jno J Kindred p.d.

Nancy Powell
vs
Decree
Richard E. Powell &others

This cause this day came to be heard on the bill, the answer, and the replication thereto together with the exhibit marked A, and the testimony of witnesses by Counsel — On consideration whereof the Court doth adjudge, order and decree that William W. Briggs (who is appointed a special Commissioner for the purpose) sell at public auction for cash, any where in the State of Virginia that he may think most advantageous, a negro boy Anthony, bequeathed by the last will and testament of James Powell to his wife Nancy Powell, for life and after her death to his children therein named — that the said Commissioner pay over of the net proceeds, one fifth part to Nancy Powell and that he divide the residue into eleven equal shares, and pay over one share to Richard E. Powell — one to Benjamin H. Powell — one to Margaret McCand — one to Joseph Powell — one to John Powell — one to William Powell — one to Adolphus Powell — one to George A. Powell — one to Mary Williams — one to Lucy Toney — and the other to Martha Powell —

And the said Commissioner is not to proceed to the duties enjoined by this decree until he shall have executed, in the Clerk's Office of this County, bond in the penalty of two thousand dollars, conditioned for their faithful performance.

And he is directed to report to this Court in order to a final decree.

Southampton County, to Wit October Term 1858

Nancy Powell.

vs

Rich'd E Powell & others

This Cause this day, came on to be heard on the bill the answer and the replication thereto, together with the Exhibit Marked A and the Testimony of Witnesses and was Argued by Counsel. On Consideration whereof. the Court doth adjudge order and decree that William L Briggs who is appointed a Special Commissioner for the purpose, sell at public Auction for cash, any where in the State Virginia that he may think most advantageous, a Negro boy Anthony bequeathed by the Last Will and Testament of Sam'l Powell to his wife Nancy Powell for life and after his death to his Children therein named. And the said Commissioner pay over of the Net proceeds one fifth part to Nancy Powell, and that he divide the residue into eleven equal Shares, and pay over one Share to Rich'd E Powell. one to Benjamin Powell, one to John Claud wife Margaret Claud. one to Joseph Powell, one to John Powell. one to William Powell, one to Adolphus Powell, one to Hoover A Powell. one to Mary Williams one to Lucy Jones. and the one to Martha Powell. But the said Commissioner is not to proceed to the duties enjoined by this decree until he shall have given bond in the Clerks Office of this County bond in the penalty of Two Thousand Dollars Conditioned for his faithful performance And he is also to Report

In order to a Judicial decree

Clks Costs $5.00 paid

LRE Clerk

Test. LR Edwards Clk

Lawyer's fee $15.00 paid by the Com.rs

Jno R Kinsred

Rec.d Feby 21st 1859 of Wm W Briggs Comr appointed by the County Court of St. Augustine to sell a Slave belonging to the Estate of Sam Powell dec.d Twenty Dollars & Twenty one cents in full of My. Portion of said Slave; Also rec.d same date as above One Hundred & Two & 87/100 Dollars in full of Lucy A. Jones (wife of Jas R Jones) portion of Sale of said Slave.

Geo. A. Powell

Rec.d Apl. 18th 1859 of Wm W Briggs Comr. appointed by the County Court of St. Augustine to sell a Slave belonging to the Estate of Sam Powell dec.d One Hundred & Two & 87/100 Dollars in full of Adolphus D. Powell portion of Sale of said Slave.

Geo A Powell

Nancy Powell

v &

Richard E Powell et al

Amended Decree

1859 January 6th.

Nancy Powell
vs
Richard E Powell & others

Decree

This cause this day again came on to be heard on the papers formerly read and was again argued by Counsel: Whereupon the Court discerning an error in the decree rendered in this cause at the October term 1858 of this Court, inasmuch as the said last named decree directed a portion of the money arising from the sale of the slave Anthony in the proceedings mentioned, to be paid to John Powell and William Powell which is contrary to the bill of the said James Powell which is in this cause filed and is marked A — The said Court doth adjudge order and decree that the nett proceeds resulting from the sale of said slave be paid over by the said Commissioner William N Biggs as follows viz, One fifth part to Nancy Powell, widow of the said James' — and divide the residue into nine equal shares and pay one share to Richard E Powell — one to Benjamin W. Powell — one to Margaret Leland — one to Joseph Powell — one to Adolphus Powell — one to George A Powell — one to Mary Williams, wife of Elisha Barney Williams — one to Lucy Jones and the other to Martha Powell.

And the said Commissioner is directed to report to this Court in order to a final decree.

Nancy Powell

vs

Richard E Powell & others

The testimony of Benjamin E Rose taken in open Court, October Term '58 in the above suit—

The said Rose proved the exceeding bad character of the boy Anthony — that he was uncontrollable, and would not hire out for anything agreed to Mrs Powell and assisted his sale.

Powell

vi { Report

Powell to the

Sec Powell.

St Louis

1862 April.

Nancy Powell to Acct

Dr Acct with Wm L Briggs (Cont)

1858 Oct 26: By Net Proceeds Sales of boy Anthony
as per Acct Sales of Dickson Hill Co. 3 $1226:30

To Amt of expenses to Richmond & back	$15.50	
" Commissions of Cont	33.52	
" P Clerk of Cont.	5.00	
" Law fee	15.00	69.02
By Amt Due Nancy Powell to this		1157:28

Due Nancy Powell one fifth part of above 3 $231.45 231.45
and advanced by Dickson.

11 | 925.83

84.16

9 | 925.83 W L Briggs & Co Cont

102.87
84.16
18.71
1.50
20:21

102.87½
925.93

102.87½
3246

The above statement Showing $231.45 to be due to
Mrs Nancy Powell, is Correct.

Jno I. Kinnard

In obedience to the decree made at October Term of Caroline Court 1858 of Powell Hopkins & Paul I. Carrington Esqrs. by Anthony to Auction at Richmond and sold him as directed by said decree for Eleven Hundred & fifty seven & 25/100 Dollars. Terms. as will appear by Statement exhibited and Paid out said Terms proceeds according to said decree. as will appear by Receipts. herewith returned as a part of this Report.

Respectfully submitted

Nov. 1st 1859. W. W. Briggs Comr

Recd
1859 of W. W. Briggs
Commissioner appointed by a Decree of the County Court of Southampton to Sell a Negro Boy by the name of Anthony belonging to the Estate of James Powell Decd One Hundred and Two Dollars & Eighty Seven cents in full of my portion of sale of said Slave allotted to me by said Decree.

Witness
E. W. Rose
W. A. Ferguson

R. E. Powell

Recd
1859 of W. W. Briggs
Commissioner appointed by a Decree of the County Court of Southampton to sell a Negro Boy named Anthony belonging to the Estate of James Powell Decd One hundred and [redacted] Two Dollars and Eighty Seven Cents in full of my portion of sale of said Slave allotted to me by said Decree

Witness
Benja W. Powell
R E Powell

Margarett J. W. Claud

Cousin Thomas after our kindest respects to you we wish you to do us a favor that is to see Mr W. W. Briggs the sherriff of your County and collect for us the money he holds belonging to us, it being for a Negro Boy named Anthony sold by him from the Estate of James Powell Decd We Received a letter from him some time since wishing us to send for it with such receipts as he would take and those above are copied from his. You can receive the money from him and send us a sight Draft on some good house or Bank in New Orleans And after paying yourself for your trouble out of the amount, and complying with our sincere wish you will oblige your affectionate Cousins whose names are above

Recorded
1859 of W. W. Briggs
Commissioner appointed by a Decree of the County Court of Southampton to Sell a negro boy named Anthony belonging to the Estate of James Powell dcd. one Hundred & Two Dollars & eighty Seven cts in full of my portion of Sale of said Slave allotted to me by said Decree

witness
B.W. Powell
Joseph B. Powell

Recorded
1859 of W. W. Briggs
Commissioner appointed by a Decree of the County Court of Southampton to Sell a negro boy name Anthony belonging to the Estate of James Powell dcd one Hundred & Two Dollars & eighty Seven cts. in full of my portion of Sale of said Slave allotted to me by said Decree

witness
B.W. Powell
R E Powell

[redacted]

Recd
1859 of W. W. Briggs
Commissioner appointed by a Decree of the County Court of Southampton to sell a Negro boy named Anthony belonging to the Estate of James Powell Decd, one Hundred & Two Dollars & Eighty seven cts in full of my portion of sale of said Slave allotted to me by said decree

witness
W. A. Ferguson
E. W. Rose

Benja W. Powell

Rec'd Dec. 24th 1858 of Wm. L. Bridges
Commissioner appointed by the County Court
of Southampton to sell a Negro Slave named
Anthony belonging to the heirs of Samuel
Powell dec'd, Two Hundred & thirty one
& 45/100 Dollars in full of My portion
of Sale of said Slave as decreed to be
paid to Me by said decree

Witness
Robt. M Gowan

her
Nancy X Powell
mark

Rec'd Dec 28th 1855 of Wm Bragg
Commissioners appointed by the Decree of the
County Court of Hampton to sell a negro
slave Name Lambert belonging to the heirs
of James Powell dec. Eighty four Dollars
& 94 cents in full of the portion of
Sales of said slave

Geo A Powell

Received May the 28th 1859 of Lemuel Driggs Commissioner appointed by a Decree of the County Court of Southampton to sell a Negro boy named Anthony belonging to the Estate of Jno. Powell dec'd. One Hundred & Two & 87/100 Dollars in full of My portion of Sale of said Slave allotted to me by said decree

Witness
J. Hilderbrand

Mary E B Williams
Elisha B. Williams

Rec^d August 15^th 1859 of W. A. Briggs Com. appointed by a Decree of the County Court of St. Mary's to sell & Recv. by. Notes Anthony belong. to the Estate of James Powell one Note dated 2 Nov 1857, for Dollars with Interest from the Date of said Note allowed to the by said decree

Geo. A Porter

Copy

James Powells

Will

(A)

In the name of God amen.
I James Powell of the County of Southampton being weak of Body but of a Sound Mind and disposing Memory do make and ordain this my last will and testament, hereby revoking all former wills or testaments heretofore made by me.
First I lend to my beloved Wife Nancy Powell during her natural life or widowhood all of my Land the following Negroes to wit, Sam and his Wife Rose, Matilday and her four Children Andrew, Charlotte, Pleasant and Charles and their Increase, likewise three thousand pounds of pork, Sixty Barrels of Corn, three thousand pounds of Fodder, two first choice of horses, two first choice of Sows and pigs one Single Steer and Cart, Six head of Cattle, one gig and harness, and all my household and Kitchen furniture, provided she the Said Nancy Powell do keep my five youngest Children free of charge.
Item 2nd It is my desire that Coty and her Children be sold with all the rest of my property except what I have loaned to my Wife, and the Monies arising therefrom. It is my desire after my just debts are paid, the residue shall be equally divided between my two Sons John and William Powell.
Item 3d At the death or marriage of my wife Nancy Powell, I wish all my property sold and equally divided among my surviving Children or their heirs after deducting from John & William Powell the amount paid over to them by my executor, In Case either of my Children should die before arriving to the age of Twenty one years it is my will and desire that their part of my

Estate shall be equally divided among my surviving Children or their heirs.
I [illegible] my friends Nathaniel Francis and Henry Kindred executors to this my last will and Testament. Witness whereof I have hereto set my hand and affixed my Seal, this twelfth day of August one thousand eight hundred and forty four.
In presence of

James Powell (Seal)

C. D. Barham
M. T. Peete
A. Woodard

At a Court held for the County of Southampton on the 21st day of October 1844, This last will and testament of James Powell dec'd was proved by the oaths of C. D. Barham & A. Woodard two of the subscribing witnesses thereto and ordered to be Recorded, and on the Motion of Nathaniel Francis and Henry Kindred the Executors therein named who made oath and together with Richard Darden & John E. Peale their securities entered into and acknowledged a bond in the penalty of Seven Thousand dollars, Conditioned as the Law directs, Certificate is granted them for obtaining a Probate of the said Will in due form.

Teste L. R. Edwards Clk

A Copy

Teste L R Edwards Clk

March the 27 / 1859

This is to show
that I have authorized
George A. Powell to get and
send to me the amount that
is there for me

A. J. Powell

May 28th 1859

Warren County Miss

Mr. Briggs you will please send me one hundred and two Dollars and 87/100 cents mail at my and Briggs Risk and you will oblige

Mary E. B. Williams
E B. Williams

you will please. Put $102.87 cents in to a septet letter

Direct your letter To

Warrenton
Warren County
Miss

We has not had one rain in two months we are suffering ugsinte cain my Corn is dying and shating Cotton is a blooming we can handle by gitt water to drink we has not one cent Sickness and the are a bout to give out

E B. Williams

Mr W. W. Briggs

Dear Sir you will please hand me the money that you have in hand for me by Brother and this will be my receipt August 15th 1859

Martha. H. Powell

Know all men by these presents that we William W Briggs & John J. Kindred

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of
Two thousand Dollars current money of Virginia to the
payment whereof well and truly to be made we bind ourselves our heirs. Executors and
Administrators jointly and severally firmly by these presents. Sealed with our Seals and dated
this 24th day of October A.D. 1858

The Condition of the above obligation is such that if the above bound Wm W Briggs.
who was appointed Commissioner by the County Court of Southampton County at the
October Term 1858 in the Chancery Suit Powell & Powell &c.

Shall faithfully discharge the duties of his said Office or trust according to law then the above
obligation to be void or else to remain in full force and virtue.

Signed Sealed and delivered
In the presence of the Court

Wm W Briggs (Seal)
Jno J. Kindred (Seal)
(Seal)
(Seal)