

1870-028 SOUTHAMPTON COUNTY
CHANCERY PAPERS

SMITH and Wife vs. POWELL et al
3/1870

plat

Henry L. Smith & wife
vs

John H. Powell & others

Deceit

1869 Oct. Deceit as filed
1870 March Report

To the Worshipful County Court of Southampton
County — In Chancery —

Humbly Complaining Shew unto
your worship, your orator and coatrix Henry
L Smith & Emma T Smith his wife (formerly Pow-
ell) and respectfully represent as follows:

That John T. Powell father of your coatrix
who has intermarried with the said Henry L Smith
your orator, departed this life, some years since, ^{testate} ~~intestate~~
seized and possessed of certain real estate and
leaving as his only heirs at law his ^{Lucey F. Powell} ~~widow~~ ^{(to}
whom dower has been assigned) and his children to wit
John H. Powell - James D Powell - Joseph B. Powell -
and Martha F. Powell - all minors -

Your ~~complainants~~ ^{complainants} are desirous of having a
division ~~(division)~~ (division) of the whole of the said
real estate and are advised, that being of
lawful age, they are entitled to claim such
division - but are reminded save in
a Court of Equity as this is, &c.

To the end &c - Your complainants
pray that your worship[#] would appoint
Commissioners to divide the said real estate
grant such other and general relief, as
Equity may dictate and the nature of the
Case may require -

deaz it please the Court to
would make the said John H. - James D. - Joseph B. & Martha F. Powell infants by some proper
person as guardian ad litem, ~~defendants~~ parties
defendant to this Bill, & compel answer thereto
to its allegations -

The Joint and several Answer
of John H. Powell - James D Powell -
Joseph B Powell, & Martha F. Powell (minors)
by D L Dole their guardian ad litem, to a Bill
filed against them in the County Court of
Southampton County, by Henry L Smith
and Emma T. Smith -

These defendants, saying &c.,
for Answer to the Complainant's Bill
say that they are infants of tender years,
incapable of their own conduct and submit
themselves to the protection of the Court.

And having annexed pray to be decreed

Ordered
P.D.

Henry L. Smith & wife
vs
John H. Powell & others } Decree

This Cause this day, came on to be heard
on the Bill, the Answer of Defendants, with
Replication thereto, and was argued by Counsel:
On Consideration whereof the Court, having
appointed D L Dole, guardian ad litem to
the infant defendants, doth adjudge, order
and decree that Littleton G. Powell, James
H. Barnes, Sarge & Musgrave and Wm S.
Francis (any three of whom may act)
divide in kind, if practicable the whole
of the real estate of which John T. Powell
died seized and possessed, except that portion
which has been heretofore assigned as dower to
his widow, and allot & assign one just and
equal fifth of the whole said real estate
to Henry L Smith & wife Emma T. Smith,
one share or fifth to John H Powell, - one
share or fifth to James D Powell - one
share or fifth to Joseph B Powell -
and the remaining share to Martha F Powell,
children of John T Powell deceased -
having a due regard to cleared and wooded
land - and employ, if necessary, a com-
petent Surveyor.

And the said Commissioners are directed
to report to this Court in order to a final decree.

Smith & Wipe Secra.
2/5.

Pross & als

Alphy

Southampton County Court, October Term 1869.

Henry S. Smith & wife

against

John H. Powell & others

Jefts.

Sub Chancery

Jefts.

This Cause this day, came on to be heard on the Bill, the answer of Defendants with replications thereto, and was argued by Counsel; in consideration whereof, the Court having appointed J. S. Solis Guardian ad litem to the infant Defendants, doth adjudge, order & decree, that Solomon H. Powell, James H. Barnes, George H. Musgrave and W^m S. Francis, (any three of whom may act) divide in kind if practicable the whole of the real Estate of which John S. Powell died seized & possessed, except that portion which has been heretofore assigned as dower to his widow; and allot or assign one just & equal fifth of the said real Estate to Henry S. Smith & wife Emma S. Smith, one Share or fifth to John H. Powell; one Share or fifth to James S. Powell; one Share or fifth to Joseph B. Powell; and the remaining Share to Martha S. Powell Children of John S. Powell dec. having @ due regard to Cleared & Wood-land, and employ, if necessary, @ Competent Surveyor. And the said Commissioners are directed to report to this Court, in order to @ final decree.

Attest.
James R. Sykes, J.C.

Smith & Mife
a } Report

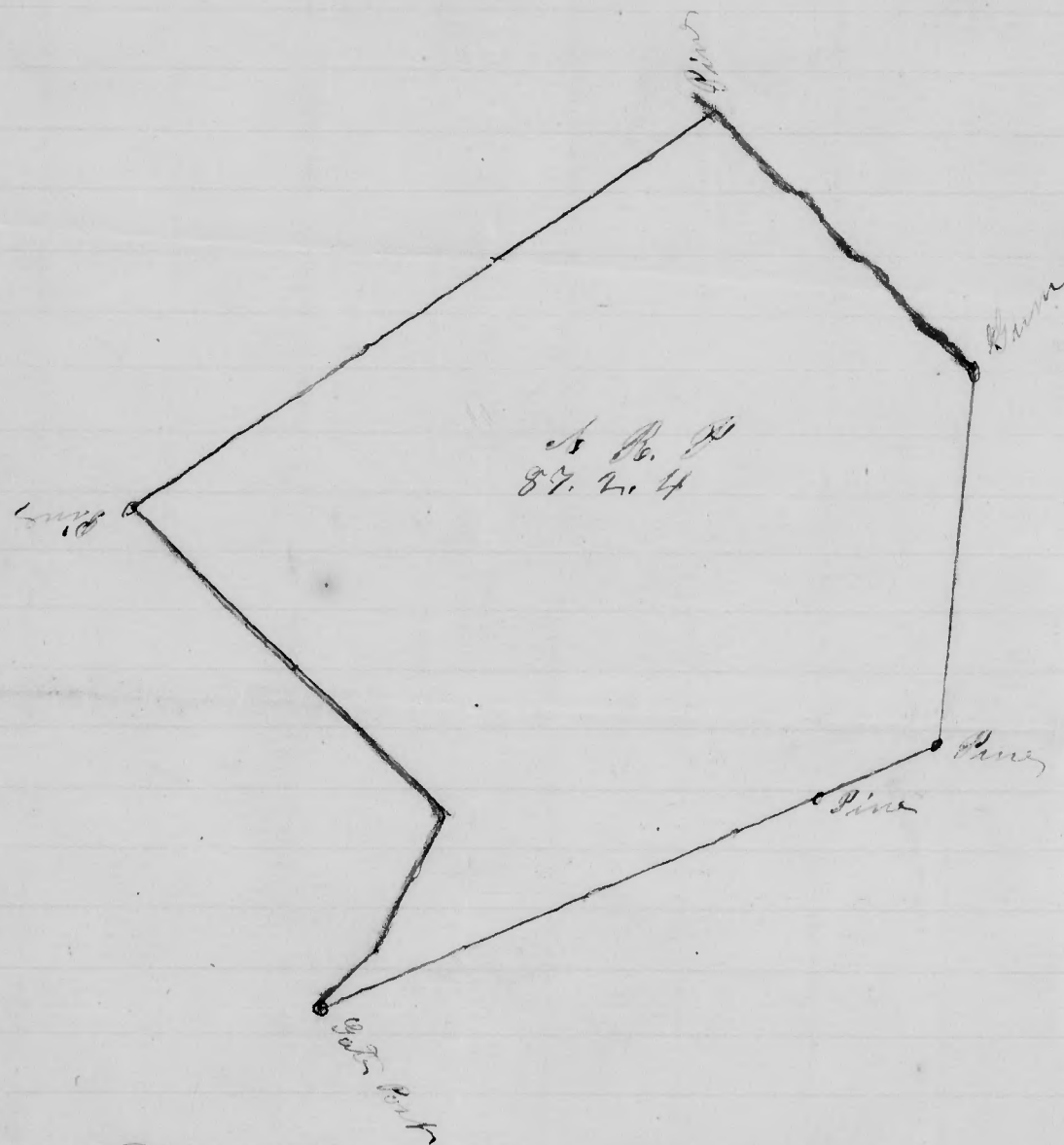
Powell & J

1870 March Report.

We as Commissioners in obedience to
an order of Southampton County Court at
its October term 1869 having carefully viewed
the lands with O. H. Moss surveyor where John
& Powell did possessed respectfully submit
that after a careful examination of the
premises did Assign to Henry I Smith & wife
the following described lot of land deeming
it best for the interest of the minor children
that the rest of the land should remain
in at a body. The boundaries of the said parcel
of land is drawn from the surveyors notes
as follows—commencing at the gate post
on the road in Martha Cooks line Thence
N 66 1/2 E 36.62 to a pine Thence N 3 1/2 E
20.80 to a Gum in Pole branch in S G Lovells
line. Thence up said branch along his
line to a Pine a corner of J W Francis line
S 33 W 38.00 to a Pine a corner for the
estate Henry More along his line to a pine
corner for the est of Martha Cook along her
line S 74 E 2.00 to the beginning and
containing 87 acres 2 Rods and 4 Poles.

Respectfully submitted this March 15th 1870.

Chas. Musgrave
Jas H. Burns
L. G. Powell



in Polkfranch on G. G. Powels line
 then ^{unpaid branch} along his line to Pine, a cor
 for J. W. Francis then along his line
 95-8 W 38.00 to Pine a cor for the
 est of H. More along his line to Pine
 cor for the rest of Martha Cook
 along her line, 94 E 200 to the
 beginning,

R. R. Moss
 Surveyor

Jan 11 1870 Surveyed for Henry L. Smith
 the above tract of land lying in Louisa County
 to Va cor 87. 2. 4 bound and situated as follows
 com at Gate on Martha Cook's line the a new line,
 N 66 1/2 E 36.64 to Pine then N 5 1/2 E 20.80 to Gum,