1818-024 Chancery Causes. George Powell vd vs Thomas Gaskins vt vd

Isle of Wight County

other SURNAMES: HARRIS, BATTIN, HARRISS

is subject to sale and distribution in like manner as the other lands of said testator were, and the same parties are entitled to the proceeds; but so it is may it please the Court, that Thos Gaskins & amelia his wife, who have possessed themselves of said lands, under a variety of frivolous pretences, refuse to submit to a fair sale and division of the proceeds. In tender Consideration whereof and for asmuch as your Complainants are without remedy only in a Court of equity. To the end therefore they pray, that said Gaskins & wife, & (and the said absentees or their descendants when discovered), be made defendants to this bill true answer make &c — That Commissioners be appointed to sell said land for Cash, or on a Credit as may be deemed best, and after defraying the Costs of this Suit and expences of Sale and Conveyance, make division of the neat proceeds as follows.

To the heirs of Thomas Powell one nineth part, among them equally, — To Edmond Powell, if alive, or to his heirs if dead, One nineth, to William Powell son of John, one nineth, To George Powell one nineth. To the heirs of William Powell Senr (when discovered) One nineth part. To Betsey & Nancy Powell infants of Simeon Powell dec^d — One nineth between them. To Joseph Powell son of James Powell, one nineth part. To Lewis Harris ~~and~~ in right of Mary his wife one nineth, and to the defendant Thos — Gaskins in right of Amelia his wife one nineth part.

Your Complainants further pray that the Court will appoint some trusty person to receive the parts belonging to the absentees, in trust for their use and benefit. — and lastly, that such other or further order or decree may be made, for the benefit of your Complainants and the advancement of Justice, ~~as may~~

Barker for Complainants

Employed by Gaskins

Jo moody. Machan Town
James Edwards. V.

To the worshipfull Court of Isle of Wight in Chancery sitting humbly
Complaining shew unto the Court, your orators and oratrixes, George
Powell., Lewis Harris and Mary his wife., William Powell Lewis, Joseph
Powell an infant suing by said William Lewis his next friend., Betsey Powell
and Nancy Powell infants suing by Sarah Powell their mother and next friend

That George Powell the elder departed this life, intestate, about
the beginning of 1774. and by his will devised all his estate to his widow
Mary, for life, and then to be equally divided among his Children.
That at the time he died he left the following Children, Namely.
Thomas, Edmond, John, William, George, Simeon, James, Mary,
Amelia, and Nancy. That Nancy, (who
had intermarried with Samuel Battin) died without issue before
the death of her mother, Mary intermarried with Lewis Harris, and
Amelia is now the wife of Thomas Gaskins. That Thomas died several
years past leaving a family of Children in some distant part of the State
; but their names and places of residence are intirely unknown to your
Complainants. Edmond has removed himself also to some unknown
place, and so also has William. John died intestate leaving two
Children William & Nancy, the latter of whom died in infancy. Simeon
left two Children, Elizabeth and Anne, who are now two of your oratrixes.
James left one Child who is one of your Orators. Amelia is now
the wife of Thomas Gaskins, and Mary the wife of Lewis Harris, two of
your Complainants. And George who is your other Orator. That
the land he died possessed of was some time past sold by Virtue
of a decree of this Court and the proceeds bonded in due proportions, pay
able to the several parties. Some of whom being absent as in the
present Case, their proportions, as your Complainants understand,
were deposited with the Clerk of the Court, for their use and
benefit. In order, on that occasion, to have the decree for sale
entered, it became necessary to have an order of publication,
as respected the absentees; which added greatly to the expence
of the proceedings; the Costs on which, the subject being incon
siderable, absorbed a very respectable portion of it.

Since the above named proceedings a small tract
of about fifty two acres, the title to which had been disputed
, has been recovered in an action at Law in this Court, by the
parties to this bill. from one Simpson, This trifling property

The answer of Thomas Gaskins and amelia his wife to a bill in Chancery exhibited against them, in the worshipfull Court of Isle of Wight County in Chancery Sitting, ~~humbly Complain~~ ~~-ing &c~~ by George Powell. Lewis Harris and Mary his wife, William Powell Junr Joseph Powell an infant & Lewis Powell ~~Junr by Wm Powell his next friend~~, and ~~Mary~~ and Nancy Powell infants of Simeon Powell, Suing by Sarah Powell their Mother & next friend. —

These respondents. have no other Objection to the Sale and distribution prayed for, only the infancy of some of the parties, which, they are advised, requires the interposition of a Court of equity. They will therefore most chearfully submit to such decree as this Court may think best Calculated to Carry the Complainants prayer into effect. —

They therefore pray to be hence dismd. with their Costs — &c — — — Barden for defts

Powell &c
vs
Gaskins &c

Bill
Ans.

August 1806
Interly decree

Jany 1817 decree amended

Sept. 1817 report rec.d
& decree accordingly

ct. $2. 17 cents

Pursuant to a Decree of the Honorable Court of Pike of Eight County, bearing date, in the amendment, for a credit of twelve months, January Court 1817 - We the undersigned have made sale of the land mentioned in said decree as follows to wit,

52 Acres land, to Isham Edwards $60-00

Att.s fee	$10-00	
Clerks do.	4-00	
Comm.rs do.	5-00	24-00
Expences attending Sale	5-00	
		9 $36-00
		4-00

And further we the undersigned, Give the net proceeds of the above sale to be the sum of Thirty six Dollars, and each of the Complainants, and Defendant hath the sum of four Dollars, for which sum we have taken bonds for as Directed in said Decree - Given under our hands this 8th Day of February 1817 -

Thos Johnson Jr.
Isaac Moody

All Available Text Successfully Captured

Isle of Wight County to wit, August Court 1806.

George Powell, Lewis Harris and Mary his wife, William Powell junr., Joseph Powell (a Lunatic) suing by Wm Powell his next friend, Betsey Powell and Nancy Powell (of Simon) by Sarah Powell their mother and next friend ..... Compts.

against

In Chancy

Thomas Gaskins and Amelia his wife ..... Defts.

By consent of the parties by their attorney, this day the bill and answer was filed and heard thereon whereupon it is decreed and ordered that Joseph Moody, Michum Seam, James Johnson, and Isaac Moody, or any three of them, make sale of the land in the bill mentioned, for cash, and make division of the proceeds thereof (except as much thereof as will pay the cost of suit and sale) among the complainants and Defendant in the following manner to wit, - one ninth part thereof to the heirs of Thomas Powell - one ninth part to Edmund Powell (if alive) or to his heirs (if dead) - one ninth part to George Powell - one ninth part to the heirs of Wm Powell (when discovered) - one ninth part to Betsey & Nancy Powell - one ninth part to Joseph Powell - one ninth part to Lewis Harris and Mary his wife - and the remaining one ninth part to the defendant Thomas Gaskins and wife - and make report thereof to the court in order to a final decree

January Court 1807 - Decree amended so far as to insert the words on a credit of 12 months in lieu of the words for cash - & remain report

Teste W. North. Deputy C.C.

A Copy Teste

Nath. Young C.C.

1.5
2
1.3

Powell & al.

vs

Heapy & ors

Garnishee