

1844-026 Chancery Cause: Josiah Joyner v Mills Daniel vs Edmund Bodwin's heirs

Isle of Wight County
Plat

Other surnames:
Sykes, Jordan, Morrison
Gray, Morrison

To the justices of the county court of Pike
springs in chancery sitting

Humly complaining that unto the court
your orators Joseph Rogers and Mills Samuels
that a certain Edmund Godwin late of
said county died intestate on the 4th day of
May of 1919 possessed in fee a tract
of land in said county containing one
hundred and eighteen acres or thereabouts
at the time of his death he left a widow
named Lurana and five children to
wit Jane Godwin, Jennie Godwin, James
Godwin, Lucile A. Godwin and Mary A.
Godwin all infants; that the said Jane
Jennie and James died about the year
1925 or 1926 intestate and under the
age of 21 years leaving their mother Lurana
and their sister Lucile A. and
Mary A. Godwin their heirs at law. The
said Lucile A. afterwards intermarried
with a certain Merit Gray of said
county and on the 19th Oct 1933 the
said Merit Gray and Mary A. his wife
by deed of bargain and sale conveyed
to the said Lurana Godwin all
their right, title claim interest and
demand in and to the said land of
which the said Edmund Godwin died
seized and possessed, which said deed
was afterwards to wit on the 6th April 1935
admitted to record in the clerk's
office of said county, an attested copy
whereof is herewith filed marked A
as part of this bill; so that all the said
land belonged to the said Lurana
and Mary A. Godwin by descent and
the conveyance of record according
to the laws of the land and laws
of descent, the said Lurana being
first entitled to receive, there to be
portions of the same by descent from
the record and third children who
died as aforesaid and the balance
belonged to the said Mary A. Godwin
by descent from her father the said
Edmund and from her sister and
brother the said Jane, James and
Jennie Godwin dead, the proportions
being as your orators are advised as
follows to wit nineteen thirty sixths
to the said Lurana, and seventeen
thirty sixths to the said Mary A. Godwin

The said Mary & Godwin afterwards intermarried with a certain Benjamin T. Lykes of said county who thereby became entitled to the interest right and title of the said Mary & in said land during the coverture & to right of entry in the case of having a child by the said Mary & The said Benjamin T. Lykes afterwards took on the day of 1837 conveyed by deed of trust all his said interest in said land to a certain Nathaniel Young for the benefit of your orators joint purpose for the purposes in said deed mentioned an attested copy whereof (the same having been duly recorded) is herewith filed marked B as part of this bill; afterwards to wit according to the terms and conditions of said deed of trust the said Nathaniel P. Young sold the said right title and interest of the said Lykes in said land and your orators became the purchasers thereof, and received from the said Young a deed for the same which has been duly recorded in the clerk's office of said county, an attested copy whereof marked C is herewith filed as part of this bill, and your orators ^{thus became} ~~thus became~~ entitled to all the right title and interest in said land formerly vested in said Lykes by the intermarriage of said Lykes to wit to wit to wit thirty rights of the said one hundred and eighty acres ~~to~~ ^{to} during the lifetime of the said Lykes (who has lost a child by the said Mary & his wife) subject to the donee of the said Nathaniel Godwin. The said Nathaniel Godwin has lately died and his ~~and~~ right

of down has therefore ceased and determined; the said a last will and testament by which the appointed Nathaniel P. Young and Edwin Monipon trustees for the benefit of his daughter Lucinda & Gray during his life and then of the children of the said Lucinda or their descendants at the time of her death, the real estate belonging to said Lucinda being directed to be held by said trustees and the profits thereof paid over to his said daughter, are attested copy of said will is herewith filed marked D as part of this bill. The said Lucinda has now three children to wit Julia A. Edwin M., and Mary & Gray who are all infants; the said Edwin Monipon has qualified as executor of the said Nathaniel Godwin and taken on himself the execution of the trust created by said will and has continued over the interest of the said Lucinda in said land; & your orators are anxious to have the said land divided and their portions thereof set apart to their issue so that relief may be had and procured as they are with out remedy at law your orators pray the court that the said Benjamin T. Lykes and Lucinda his wife, Benjamin M. Gray and Mary & his wife, the said Edwin Monipon and the said Julia A. Edwin M. and Mary & Gray who are infants be made defendants hereto and be required to answer the premises fully and distinctly and by a decree of the court the said land be divided and their several portions set apart to your orators to be held by them in as full and ample a manner as the same belonged to the said Lykes and may it please the court to grant all further relief in the premises necessary & proper &c

Joyner & Davis
vs. ^{Wm} Shaw

Godwin vs. Lewis

November 4th 1839. Bill
of sale & duty decrees.

March 2^d 1840. Report
of Com. returned & case
continued.

April term 1844
Since decree entered

The names of Justice & Gray, Belwin
re Gray and Mary & Gray infants
under the age of twenty one years
by Nathaniel Young their Guardians
ad litem to a bill exhibited a-
gainst them & others in the county
court of Wapawite by Josiah Joyner
and Miss Daniel

These respondents by their
said guardians for answer to said
bill answer and say that they
are infants and ask that the
court will protect them in
their rights in the land devised
for their benefit by the last will
and Testament of their grand-
father ~~and~~ Lawrence Godwin and
claim their full share of the
land sought to be divided ac-
cording to the said will and
the laws of the land
and having thus answered they
pray leave to be dismissed with
their costs &c in this behalf
expended

Signed

N. Young Esq. ad litem

Infants
amen

Exposition

de l'Industrie

Internationale

1889

to the County Court of Ill of Wright
Chj: sitting. The joint and several
assessors of said Morrison
~~and~~ Merit Gray and his wife
Benja. Sykes and Mary & his wife
Bill of complaint exhibited in
against them and others by Joseph
Logan and Mils. Kane. The said
said & for answer say that the said
Morrison is located and is entitled
under the will of Benjamin Sykes to
and she is entitled to one fifth of the land
and the said defendants admit
it is true so far as they are concerned
Benjamin Sykes's intent as to the
country ~~land~~ in the land
will named, has been conveyed to
Logan and Mils. Kane. and the
defendants have no objection that the
Court shall decree in the premises
as may be consistent with the rights
of the parties &c, &c.

Morrison Em. and Tucker

Merit Gray

Benjamin L. Sykes

Isle of Wight County to wit,

We the undersigned Commissioners, pursuant to a decree herewith annexed marked B, (pronounced by the Court of said County on the 4th day of November 1839 in a suit therein depending between Josiah Joyner & Mills Daniel Comptons ~~against~~ against Anne Gray & wife & others, Defendants) together with the assistance of Edwin W. Duck Surveyor of said County, proceeded to divide and set apart the Lands in the said decree named as directed therein as follows —

To Edwin Morrison trustee for Sarah & Gray & for her children we have assigned and set apart thirty five acres of the said Lands in the said decree mentioned which is bounded as laid down by the said plot hereto annexed and which is equal in value to one fifth of the land in said decree mentioned =

To the plaintiffs Josiah Joyner & Mills Daniel in right of Benjamin J. Sykes & Mary J his wife, we have assigned & set apart, during the lifetime of the said Benjamin J. Sykes — twenty seven acres, One rood & 32 rods of the land set out in said decree, being equal to nineteen thirty sixths of the said land, after first setting apart the aforementioned thirty five acres as one fifth of the whole tract of Land named in said decree —

To Edwin Morrison trustee as aforesaid we have assigned & set apart the balance of the said Lands containing sixty four acres one rood & 28 rods, being equal in value to seventeen thirty eights of said Land after setting apart as aforesaid the said thirty five acres.

All of which divisions and allotments are particularly described & bounded as laid down by the plot of the said Surveyor, which is marked B. herewith filed & considered as a part of this report — Given under our hands this 24th day of November 1839.

Barth Lightfoot
Mo J. Hodsdon
Ed. Chapman

Soynor 80

7

as

Report

Gray & Wife 80

Plat of land for
E. Morrison & others

B

Across Road. Road
35. 0. 00

Across Road. Road
64. 1. 28

Across Road. Road
27. 1. 32

The within plat of land is a correct representation of, one hundred and twenty six acres three rods and twenty rods of land marked and bounded as follows; beginning at a small red oak on Smiths neck road; thence N 8° W. 38 poles to a pine thence N 9° W 55 p^o 10 Links to a pine thence N 7° W 50 poles to a pine stump; thence N 9° 30' W 17 p^o 8 Links to a white oak; thence N 75° W 14 p^o to a stake at the creek thence N 4° E 21 p^o 8 Links to a staff in creek; thence N 50° E 7 p^o to a gum; thence Offset N 2° W to a stake in creek thence N 8° E 21 poles to a pine; thence Offset N 78° W. to first stake in creek; thence Offset N 5° E to staff; thence N 62° E 18 p^o 10 Links to a pine on creek; thence Offset N 74° W thence Offset N 24° E; thence N 85° 30' E 29 poles and 15 Links to a post oak on creek; thence Offset N 59° W; thence S 50° E 15 poles to a pine on creek; thence S 43° 30' E 36 p^o to a pine on creek; thence Offset S 73° E; thence S 43° E 10 poles on creek; thence Offset N 73° E; thence Offset S 38° 30' E; thence S 30° E 27 poles on creek; thence Offset N 36° E; thence Offset S 34° E; thence S 10° E 18 poles and 15 Links on creek; thence Offset N 40° E; thence Offset S 37° E; thence S 9° E 18 poles on creek; thence Offset N 35° E; thence S 17° E 48 poles up creek; thence S 19° E 11 poles and 18 Links to a birch on Smiths neck road a corner on Wiley Bagnal; thence S 1° W 18 poles on s^d road; thence S 15° 30' W 15 poles on d^o; thence S 70° 30' W 44 poles on s^d road thence S 75° W 50 poles 18 Links to the beginning. Containing 126 Acres, 3 Rods and 20 Rod as aforesaid.

Surveyed this 24th day of November 1839

By Irwin M. Duck Surveyor
for the County of Talbot Wm. H. S.

Lightfoot vs court Nov. 1839
Jorish Payne & Mills Daniel
vs.

Mrs Gray and Sarah & his wife
Benj. T. Lyster and Mary & his wife, Edwin
Morrison ex of Edmund Godwin and
trustee for Sarah & Gray, and Julia
& Edwin M. and Mary & Gray infants
under 21 years by Nathaniel Young
their guardian ad litem

By consent of parties and with the as-
sist of the court the cause was this day
docketed and came on to be heard on
the bill answers and papers filed in
the cause and was argued by coun-
sel on considerations whereof the court
doth adjudge order and decree that
Nathaniel Lightfoot for Chapman John Roddick &
for Godwin many ^{three of them} who are hereby appoint-
ed commissioners for that purpose, do
call in the assistance of the county
surveyor if they deem his services
necessary and proceed to divide the
tract of land ^{four fifties} of which Edmund God-
win since seized and possessed con-
taining one hundred and eighteen
acres or thereabouts more or less and
that they do set apart to the plain-
tiffs severally thirty ^{of the balance} sixths thereof
regarding quality as well as quantity
and assign the same to the said
plaintiffs marking and designating
the same by proper notes and bounds,
to be held by them during the life of said Benj.
and that they do set the same
set apart the remaining

minutes. thirty sixth in value
together with the one fifth of said
to the same between Moore
as trustee for the benefit of the said
Tanah is paid during her life, and
then to her living children or their
descendants according to the will
of ~~the said~~ ^{deceased} ~~Tanah~~ ^{Godwin} and
report their proceedings to court
in order to a final decree

* After first setting apart one fifth
part thereof in value regarding qual-
ity as well as quantity it being the
^{undivided} interest brought by ~~Tanah~~ ^{Godwin}
of Richard Regnolds & Lucy his ~~by deed~~
as filed with the defendants answer
3 the foregoing to be inserted one pre-
ceding page

Joyner & Daniel
vs. ³
Godwin heirs
Interlocutory Decree

In the County Court of Middlesex, Nov. 4th 1839.
Isiah Joyner and Mills Daniel - Plaintiffs

vs.

In Chancery

Meat Gray and Sarah A. his wife,
Benjamin J. Lykes & Mary D. his wife,
Edwin Morrison Exor. of Susanna
Godwin Trustee for Sarah A. Gray,
& Julia A. Edwin M. & Mary B. Gray,
infants under 21 years by Natl.
Young their Ex^{rs} & tutors. —

Defendants.

By Consent of parties and with the assent of the Court,
this Cause was this day docketed and came on to be
heard on the Bill, answer & papers filed in the cause,
and was argued by Counsel; on Consideration whereof
the Court doth adjudge, order and decree that
Bartho. Lightfoot, James Chapman, John S. Hodges
and Joseph Godwin or any three of them, who are
herby appointed commissioners for this purpose,
do call in the assistance of the County Surveyor
if they deem his services necessary, and proceed to de-
-vide the tract of land, four fifths of which, Edmund
Godwin did seize and possess, containing one
hundred and eighteen acres, or thereabouts, more or less,
after first setting apart one fifth part thereof in value,
regarding quality as well as quantity, it being the
undivided interest bought by Susanna Godwin of
Richard Reynold and Lucy his — by and as follo
with the defendants answer — and that they also set
apart to the plaintiffs, nineteen thirty sixths of the
balance thereof regarding quality as well as quantity,
and assign the same to the plaintiffs, marking &
designating the same by proper metes and bounds;
to be held by them during the life of said Benjaⁿ
J. Lykes, and that they do in like manner set apart
the remaining nineteen thirty sixths in value, together
with the one fifth of our said, to the said Edwin

Monson, trustee for the benefit of the said Sarah A.
Gray during her life, and then to her living children
or their descendants, according to the will of Susanna
Godwin decd. - and report their proceedings to the
Court in order to a final decree. —

A Copy Test

Nathl. P. Comyn Dec.

Joyner & Daniel
v. 3 Inty. decd.
Godwin's heirs

176

A. Copy for the court.

A

Divide into 720 parts
and give to each child

144 144 144 144 144

36 36 36 36

—

—

48

48

48

Widow

9

9

9

9

—

72

72

12

12

12

16

16

16

3

3

3

—

40

—

340

340

340

~~340~~ ~~340~~

$$2 \overline{) \begin{array}{r|l} 340 & \\ \hline 720 & \end{array}} = \frac{19}{36}$$

$$2 \overline{) \begin{array}{r|l} 340 & \\ \hline 720 & \end{array}} = \frac{19}{36}$$

Mr. George Childers
- Public House, Limerick,
and Henry E. Gray

Susanna Godwin of the county of Isle of Wight, do hereby constitute and declare this to be my last will and Testament, in manner & form as follows, to wit, First. I give and subject my estate to the payment of all my just debts. Secondly: I give and bequeath to Watson P. Jordan & Edwin Morrison as Trustees for the purposes herein declared, all my estate both real and personal not herein disposed of, to be held by them, and the profits thereof disposed of the use and benefit of my daughter Sally A. Gray during her natural life and after the death of my said daughter, my will and desire is, that all the said estate be equally divided between the children of my said daughter, or their descendants living at the time of her death. Thirdly: I bequeath to my grand son, the son of Benjamin Sykes the sum of one hundred dollars, to be expended by the said Trustees on the education of my said grandson. But if he should die before the said amount shall have been expended the same or any portion of it, which may remain, to be disposed of as is mentioned in the second clause of this my will. Fourthly. I give and bequeath to my daughter Mary D. Sykes the sum of fifty dollars to be paid her six months after my decease. Finally: I constitute and appoint my friends, Watson P. Jordan & Edwin Morrison, executors of this my will, hereby revoking all other wills by me heretofore made. In Testimony of which, I have hereunto set my hand and seal, this fourth day of September in the year of our Lord one thousand eight hundred and thirty nine

Susanna Godwin

Teste

Leopold C. P. Cooper,

A. G. Boykin

William Davis

At a Court held for Isle of Wight County the 7th day of October 1839
The last Will of Susanna Godwin aforesaid was presented in court, and being proved by the oaths of Leopold C. P. Cooper, Anthony G. Boykin and William Davis the Witness thereto was ordered to be Recorded

Attest Nathl. Young C. C.

Logner & Darnit

vs.

2 exhib. filed

3 by pptt. ~~D~~

Godwin

Copy of Susanna

Godwin's Memo

(D)

(~~Original~~)

copy deed from Reynolds &
wife to removed Godwin and
file as exhibit with defendant
answer in case of Joyner &
Lance in Godwin's hands
copy to Depts to E. Morrison
exor. of Sasawina Godwin Atherton

Withdrew exhibits A B C. from the
case in the sup. court and file
them with the bill in this case
to dismiss the suit
in sup. co.