1844-029 Chancery Cause. Polly Watkins v.d. by v.c. v.d. vs Benjamin Watkins

Isle of Wight County

other SURNAMES: PRUDEN, Leeke, PIERCE, CARR, DARDEN Johnson, English, McClenny, Gay, McCleny, Peirce, Babb, Luke, TURNER

To the County Court of Wilkinson sitting in
chy. humbly complaining, shew to the Court
your complainants ~~Benjamin Watkins~~ Benjamin Watkins Rebeckah Babb & Polly Watkins and Mourning Watkins the
two infants by ~~their~~ Watkins next fd. Benjy & Watkins,
& Catherine B. Watkins, that of the said ~~late~~
departed this life intestate about 14 years of
age, the day of January 1837, having
little, and right of an estate of inheri-
-tance to about 9 acres of land in said
County bounded by the lands of Watkins,
Benjy & Watkins, Ronalds Lessen and
others containing by estimation 119½ acres.
The intestate owned title to the said
land by purchase adjacent from his
father who was James Watkins
who left a widow now his widow & said land
the said infant left relations & next of
kin the father & following to wit, Benjamin
Watkins, Rebecca Watkins, ~~and~~ Margaret
Ann who was formerly Watkins, and
Rebeckah Babb who was Watkins, the
said Benjamin, Rebecca, Margaret and
Rebeckah his full sisters of the father
of said infant and: But before the death
of the said infant, Milly Watkins, John Watkins
and Mourning Pinder ~~the~~ full
aunts on the part of the father had died
leaving issue, ~~& this~~ and Mary
English ~~and~~ Patience Reeder who was the

ister of James Watkins the father of the
said infant had also died in the lifetime
of the said infant, they leaving children
the children of Milly Watkins & Polly an
Saint; the children of John Watkins are
Sempey & Watkins Fellowship Watkins,
the last under the age of 21 years;
The children of Mourning Pruden are Milly
Pruden, Polly Lucke wife of James
Lucke, & Nancy Pruden, & Rebeckah Pierce wife of
Elkin Pierce of Stanwood County; —
Lewis Watkins is dead, leaving children
to wit, Rebeckah, Wm and Sally all infants —
who are infants; Margaret Cain is dead
leaving children named Ryan, Elizabeth now
the wife of Rand Cain, John Cain, Joseph Cain and
Milly Johnson wife of Nat Johnson, Peggy wife of John Darden,
Rebekah Cain an infant Wm Cain an infant the children
of Mary English deceased the children
of John W English deceased the English. —
Patience Darden is dead she left issue
to wit John Darden, Alce Mc Clenny wife
of Kinchey Mc Clenny & Mr. Carlton &
Polly Darden who is also dead having a child or
children whose name is James Darden —

Your complainants represent that under the
law of the land the said real estate is to be
divided between the relations on the paternal
side of the said infant, giving to the half
blood ½ shares; the land is not worth
more than $500, nor is each share very
small; & considerably less than $300 —
and to cut the land into pieces by division
and sub-divisions which would be
necessary to make a division in kind,
would render the whole or each share
no value. They therefore pray that a
sale may be made for a sale of the
said land, and division of the net
proceeds according to the rights of the
parties respectively; but they are with-
-out remedy in the premises, except
in this Court of Equity. In tender
consideration whereof, they pray
that the said Benjamin Watkins —

may be made a defendant to this bill &
be required to answer the same fully &
unevasively — that you will decree a
sale as aforesaid, make any other decree a
order in the premises which may
comport with Equity — Law in the
thy wide Prayer —

Petition as p. 3

Watkins &c.

vs

Bill &c.

Watkins &c.

December 4th 1837 By consent
Bill Rans. filed & Interlocutory decree

Feby. 5th 1838.
Report returned & confd.

June term 1844
Final decree entered

Atty Pltff

To the County Ct. of Wilkes Nicholas Wilkes in Chy:
humbly complains - shew to the Court you orator
Polly Watkins and Mourning Watkins, infants
suing by Lemuel D Watkins, Lemuel D Watkins
Milly Bowden, John Bowden, Laws Locke and
Lucy his wife, John Pierce and Rebekah
wife, Rebekah Watkins, Wm D Watkins and
Sally Watkins, by Lemuel D Watkins their
next friend, Isom Carr, Elizabeth Carr the
husband Nancy Carr, John Carr, Isaac
Carr, Milly Johnson and Robert Johnson
husband, John Bowden and Peggy his
wife, Rebekah Carr, Wm Carr infants by
John Carr their next fd; John M English D
Minetta English; John Bowden, Hinchey
Bowden Thomas and Alse his wife and
Laws Locked That Elias B. Watkins
late of the said County

To the County Court of Bleasant Wm. to sitting in Chy. The joint and separate answers of Benjamin Watkins

to a bill of complaint against them in the said Court exhibited by Polly Watkins & others

This defendant for answer, says he believes the statement in the complainants bill is the truth, and he has nothing to say against the decree asked for by the complainants, and he chearfully submit to any order the Court may pronounce in the premises. — without this

Watkins &c.

do

Watkins &c.

Crowaugh Esq
C. H. N. C.

Free
Lo. P. Gay Esq

Mr Archd Atkinson Esqr
Smithfield
N. C. N. Va

Conwaugh P. office 20th Oct. 1837

Dr Sir/

I call'd at the Clerks office the day I left you, and mr young, made a search, to see if Jas. Watkins left a Will or not, I found that he did not, I have also to day obtained the names of Margaret Carrs & Ecum Watkins's Children, the names of Carrs, are Ecum, Eliza, Johny Joseph, Milly Johnson, forily Carr, Peggy Darden, forily Carr, these are all of age, Rebecca, & William Carr are under age, the names of Ecum Watkins are Rebecca, William, & Sally Watkins, all under age

I do not know whether you understood from me or not, that there is a dower Right in this land, this is all the land that Jas. Watkins left, & his Wife is now living, so the orphans was not really in possession of but 80 acres, but I wish you to so draw a decree to sell the whole tract of 119 acres, with the Exception of the life right of the wife of Jas. Watkins, and at her death the purchaser may be entitled to a bonafide Right to the whole tract and that is the wish of all of the parties that I have spoken to it to, I have found no mistake in no particular, I Give you so you will go on to have your decree in order by our next Court

Yours affectionately

Josiah P. Gay DR

To Archibald Atkinson Esq

make report to the court in order to a final decree. But nothing herein is to affect the right of the widow of Isaac Watkins to her dower, but at her death that part is to go to the purchaser, who under his purchase is to be entitled to all the right of the said Elias B. Watkins

~~Decd.~~

A Copy Teste Nath[l] Young C.

Att[y] $10.00
Clk: 5.00 Rec[d] pay[t] for N. Young
$15.00 costs, including a final decree

In obedience to the within order I did on the 13[th] day of January 1838 after giving twenty days notice as required in the within, sell to the highest bidder at public sale the lands of Elias B. Watkins as named in the within, and Rebanah Butler became the purchaser, at one hundred and thirty dollars and fifty cents, after deducting from that sum, twenty one dollars fifty two cents, which was required in cash to pay expenses of the sale and sale, left a balance due the parties of one hundred & eight dollars, & ninety seven cents, and of that sum I took from the purchaser, twenty three bonds, one of $13.62 cts. which is yet payable to Benjamin Watkins, one of the same, payable to Rebecca Babb & Rebecca his wife, one of the same payable to Polly Watkins, orphan of Elijah Watkins dec[d] one of the same payable to the children of Edmund Watkins dec[d] three being entitled to whole shares, Eight of one dollar & seventy 8 cents, payable to the children of Margaret Carraden, Four of $3.40 payable to the children of Mourning Presidin dec[d] Two of $6.81 cts payable to the Children of Jno. Watkins dec[d]. Two of $3.40 cts payable to the Children of Mary English dec[d], Three of $2.27 payable to the heirs of Patience Carden dec[d], and to the last Bond I made a deduction of 10. in this order, Seven under my hand this 13[th] day of January 1838

Watkins Vs.
Watkins

2 copy Sum[s].
3 Decree

Ed. P. Gray Com[r]

Isle of Wight County December Court 1837

Polly Watkins & Mourning Watkins infants by Dempsey D. Watkins, Dempsey D. Watkins, Mills Pruden, John Pruden, James Luke & Sally his wife John Peirce & Rebeccah Peirce his wife, Rebecca Watkins, William Watkins & Sally Watkins by Dempsey D. Watkins their next friend, Eaun Carr, Elizabeth Carr, & Hardy Carr his husband, John Carr, Joseph Carr, Milly Johnson, & Robert Johnson, her husband, John Darden & Peggy his wife Rebecca Carr & William Carr infants by John Carr, their next friend, John W. English and Martha English, John Darden, Kinchy Mc Clenny & Alice his wife & James Darden

Plts

against

Benjamin Watkins - - -

Polly Watkins, Elcanah Watkins, Watkins Pleasants, Benj by
Dempsy & Watkins, Dempsy & Watkins, Lidia Pleasants
John Pleasants, James Locke and Sally his wife, John
Pierce and Rebekah Pierce his wife, Rebeckah Watk-
-kins, Wm. Watkins and Sally Watkins by Benj. Pl.
Watkins their next friend, Reuben Carr, Elizabeth Carr
and Hardy Carr her husband, John Carr, Joseph
Carr, Milly Johnson and Robert Johnson her husband,
John Carr and Peggy his wife, Rebeckah
Carr, John, and Wm. Carr infants by John Carr
their next fr., John M. English and Martha
English, John Carr, Kinchey Blanchard and
Alce his wife, & James Carr

against

Benjamin Watkins.

This cause came on this day to be
heard on the Bill and answers filed and was
argued by Counsel; On consideration whereof
the Court doth adjudge, order and decree, that
Joseph D. Gray, who is for that purpose appointed a
Commr. (after giving at least two days notice
of the time and place of sale by advertisement
at some publick places near the premises)
sell to the highest bidder, upon a credit of 9
months (except so much as will be required
to pay expenses of this suit and of the sale
which will be cash, the land which Elias
B. Watkins was seized as of an estate of inhe-
-ritance at his death and which descended
to him from his father James Watkins, in
the bill named. That if the purchaser, before
he takes
bonds with good security in such way as to
enable him to distribute the fund accord-
-ing to this order, that he pay over one eighth
to Benjamin Watkins, 1/8 equally between Rebe-
-kah, Wm. and Sally Watkins children of Reuben
Watkins; 1/8 equally between Reuben Carr, Hardy
Carr and Elizabeth his wife, John Carr, Joseph
Carr, Robert Johnson and Milly his wife, John
Carter and Peggy his wife, Rebeckah Carr &
Wm. Carr children of Margaret Carr decd.; 1/8
to Rebeckah Babb; 1/8 to Polly Watkins child
of Milly Watkins, decd.; 1/8 between Dempsy & Watkins
and Mourning Watkins, children of John Watkins,

1/8 to John Pruden, James Dickens and Sally his wife, John Pierce and Nehokah his wife & Lilly Pruden ~~between them~~ to be equally devised, 1/16 equally to be divided between John M English and Martha English children of Mary English & the other 1/16 to John Sanders, Kinchey & Clancy and Alice his wife, and James Sanders to be equally devised between them - paying the shares of the infants to their legal guardians - that the said comr make deeds to the purchaser and make report to the Court &c when to a final decree But no thing herein is to affect the right of the widow of James Watkins to her dower, but at her death that part is to go to the purchaser who under his purchase is to be entitled to all the rights of the said Elias B. Watkins dec'd

Watkins

v Bill

Watkins &c

1 Benjamin Watkins —

2 Ruth Watkins, dead, his share goes to Nat. M. Wolfe

3 Margaret Carr dead, her share to Ruth Carr &

4 Rebekah Babb

5 Elisha Watkins (his children Polly Watkins

6 John Watkins dead, his children are Dempsey Watkins, Jr. Mourning Watkins, last infant

Ty Mourning Purdon dead, her children are John Purdon, Sally Locke wife of James Locke, Rebekah Pierce wife of John Pierce —

Mary Ryley Sr. dead, her children are John M. Ryley and Martha Ryley (½ share

Patience Landen dead, her children are John Landen, Alexander Clary wife of Richey Mc. Clary, and a grand child Jane Landen child of Mary Landen wife late of Mary's share —

Watkins Jr.

n ½ Lease

Watkins Sr.

Consul
of the
Seaties —
Watkins
,
Watkins

We the undersigned understanding that we are Heirs at Law, of the Real Estate of Elias B. Watkins dec'd (orphan of Sd. Watkins dec'd.) do request that the County Court of Isle of Wight, order a decree to sell said orphans real Estate, that we may obtain our Respective Parts, Given under our hands the 20th day of Oct 1834

John Darden Sr.
Rebecca Pierce
Rebeca Babb
Martha Empson
John W. English
Alex McClenney
Ecum Carr
Milly Johnson
Margaret Darden
(Four Negroes) William Carr (not of age)
Rebecca Carr (not of age)
Amos Turner Gr. to Sd. Darden

Joseph Carr

Archibald Atkinson Esq

Sir this may inform you that I wish the land of Elias B. Watkins, to be sold for taxes.

Yours &c

B

Mr. Archd Atkinson Esqr

Crowdaugh Va. Oct. 7th 1837

Dr Sir

I here with send the Request of Benja Watkins a/
Relative to that land of Watkins, he had no ink
and he wrote his name with a pencil and asks
our Judge it to be the same as if he had wrote it with
ink —

Yours with due respt

Jno. P. Gray

D. Judge Wythe Co

Free

Gov. Pickens

Mr. Sec'y Atkinson Esq.

Smithfield

Va

Conway Va

Dec 7

Mr. Sec'y Atkinson Esq.

Smithfield

Va