1876-006 Chancery Causes: A
Isle of Wight County

W. Ballard, assignee of Josiah P. Gay vs Nathaniel F. Powell & al &
James P. Jordan, trustee
Thomas, Adams & Company vs Nathaniel F. Powell & al, James P. Jordan, Trustee,
& Margaret Powell

other SURNAMES: Battin,
Thomas, Adams, Atkinson
Batten, Clements
[Thomas & Adams], Smith

Haydon Esq

A. W. Ballard

vs. Bill &c.

Powell

May Rules, 1869. Bill &c. filed, summs. &c. & returned.

June Rules - Bill taken for confessed & set for hearing.

Octo. 1869 - Ans. of defts. filed &c. & cond

May 1870 - cond.

Octo. 1870 - Decree for the pltff. & for acct.

Apl. 1871 - cond.

Octo. 1871 - Decree for acct.

Apl. 1875. Dec. re. Est. v. Powell.

Apl. 1876 Final Decree in this suit and Thomas v. Adams v. Powell together

Atto. Flat ——— 15.00
Clk. ——— 5.26
Sheff ——— 1.00
Cost to be Octo. 1870 — $ 21.76

& That said Mary A may be required to disclose what Chattel property settled on her by said Deed is still remaining & That the same may be sold & the proceeds of sale applied to the discharge of said Bond debt & That if such personal property should prove insufficient to pay the same that the Dower Estate aforesaid may be applied to the payment of said Bond debt, & That such other & further relief in the premises may be granted as may suit the equity of the case & to the Court may seem meet- Your Complainant will ever pray-

Hayden for —

Mary A, who under said deed had the power to charge the same with her debts & render it liable therefor That the said Mary A after her maniage with the said N F Powell executed the Bond aforesaid with reference to the said property with the intention of charging the same with the payment of said Bond and that the intention of the said Mary A, thus to charge said property with the payment of said Bond was a material inducement to the loan of the Money for which said Bond was given —
That said Bond is still due unpaid, no part of said judgment having been satisfied —
That your complainant is informed and so charges, that the property conveyed by said Deed may be made liable for the payment of said Bond notwithstanding the coventure of said Mary A —
In tender consideration whereof & for as much as your complainants are without remedy at law & can only be relieved by the aid of this Honorable Court of Chancery where matters of this sort are cognizable; to this end your complainants pray that the said N F Powel & Mary A his wife & James P Jordan as Trustee for said N F Powell Mary A his wife under the Maniage Agreement aforesaid may be made parties defendant to this bill be required to answer the same that an account may be taken of the chattel property conveyed by said Deed still remaining in the hands of the said Mary A or said Trustee

To the Honorable E P Pitts Judge of the Circuit Court of Law & Chancery for the County of Isle of Wight in Chancery sitting: Humbly complaining sheweth to the court, your Complainant A W Ballard, that he is the assignee of Josiah P Gay of the Bond of S F Powell & Mary A, his wife for which a balance of $ 48.11 with interest thereon from Oct 3d, 1859 was due & that on the 4th day of March 1868 your said Complainant obtained a judgment against the said S F Powel & Mary A his wife in the County Court of said County for said amount, as will appear from the certificate of the Court aforesaid marked A Herewith filed & prayed to be taken as a part of this Bill.

Exhibit A.

That prior to the marriage of the said Mary A with the said S F Powell, to wit on the 10th day of Feby, 1857, the said parties in contemplation of marriage entered into a marriage agreement whereby the said Mary A, then Mary A Ballen, widow of Edmund Ballen deceased conveyed in trust for the sole and separate use of the said Mary A, to James P Jordan the real & personal property described in said Deed of Marriage Agreement. The realty consisting of the estate of dower of said Mary A in the land of her late husband as aforesaid & the chattel property then belonging to the said Mary A. which deed was duly recorded according to law & a certified copy of which marked B is herewith filed, & prayed to be taken as a part of this Bill.

Exhibit B.

That by the terms of said Deed the property therein conveyed was subject to the control & disposition of said

Atto. Hay 15.00
Clk. ——— 5.43
Sheff. ——— 2.00
Costs to Oct/70 — $22.93

Hayden for

Thomas & Adams
vs. Bill &c
Powell

May Rules, 1869. Bill &c. filed, summ. Eyd. & dem. nisi.

June Rules – Bill taken for confessed & cause set for hearing.

Octo. 1869 – Ans. of defts. filed & rep'd & cond.

May 1870 – Cond.

Octo. 1870 – Dem. for rep. & for accts.

Apl. 1871 – Cond.

Octs. & further dem. for accts.

Apl. 1875. Dx. for sale in this suit & Ballard vs. Powell together.

Apl. 1876. Final Decree in this suit & Ballard vs. Powell together.

to this end your complainants pray that the said
N T Powell Mary A Powell his wife & James P
Jordan as Trustee for said N T Powell Mary A under
said Deed Margaret Powell may be made
parties Defendant to this Bill & be required to answer
the same – that the said N T Powell Mary A may
be required to disclose what Chattel property Conveyed
by said Deed is still remaining & that the same may
be sold & the proceeds applied to the payment of said
debt due your Complainants so far as the same
may be sufficient for that purpose & that if in=
sufficient that the Real estate may be sold to
satisfy the same, & that such other & further
relief may be granted in the premises as to the
Court may seem meet & may suit the equity of the
Case & your complainants will ever pray &c

Hayden & Y —

said Coventure, which Deed of Marriage Agreement was duly executed by said A. F. Powell & Mary A. L. James P. Jordan Recorded according to law -

Exhibit B - A certified Copy of said Deed Marked B is herewith filed & prayed to be taken as a part of this Bill -

That the suit aforesaid on said Bond has been dismissed as to said Mary A. - that the judgment aforesaid has, been never paid & satisfied by the said A. F. Margaret Powell nor has the said debt been paid by the said Mary A. & the same is due & unpaid - That your Complainants are informed & do charge that notwithstanding the coventure of said Mary A. at the time of her execution of said Bond the said Bond was valid as to her, & that by said Execution she rendered her separate property settled on her by said Deed liable for the payment of said Bond, as it was the intention of said Mary A. to do, said Bond having been executed by said Mary A. with reference to said separate estate with the intention of making the same liable therefor - That without the security of said separate estate the said Bond would not have been good with and resort to said separate property said debt cannot be made, the other obligors being insolvent - In tender consideration whereof & for as much as your Complainants are without remedy at Law & can only be relieved by the aid of this Honorable Court of Chancery where Matters of this sort are cognizable

To the Honorable E P Pitts Judge of the Circuit Court of Law & Chancery for the County of Isle of Wight in Chancery sitting; Humbly complaining sheweth to the Court your complainants, James Thomas, John T Adams & P R Aikens late merchants & partners under the style of Thomas Adams & Co, that N F Powell & Mary A Powell wife of said N F Powell & Margaret Powell being indebted to your complainants in the sum of $643.15 on the day of 1857 executed their Bond to the said complainants for said amount.

That on the day of 1868, your complainants instituted suit on said Bond in the court aforesaid & on the 20th day of May 1868 obtained in said court judgment against the said N F Powell & Margaret Powell for the sum of $667.49, with interest thereon $643.15 part thereof from Dec 31st 1860, the said Mary A Powell having at said term pleaded coverture to said action on said Bond & as to her said cause was continued as will appear from the certified transcript of the record by the clerk of said court marked Exhibit A herewith filed as a part of this Bill.

Exhibit A.

That prior to the execution of said Bond & before the Marriage of the said N F & Mary A, but in contemplation of said Marriage, to wit on the 10th day of February 1857, the said Mary A with the consent of the said N F Powell conveyed by Deed of Marriage Settlement to James P Jordan as Trustee certain Real & personal property described in said Deed to be held in trust for the sole & separate use of said Mary A, notwithstanding

Ballard v
Powell

Answer of
Mrs M. A. Powell

that since the institution of said suit her said husband A. J. Powell has died and that she is a widow, and is now very poor with five dependent children — and having answered

Signed Mary Ann Powell

Isle of Wight County aforesaid

I Warren Newsum a Justice of the peace in and for said County, do certify that Mrs Mary A. Powell personally came before me & made oath that the facts set forth in said answer are true to the best of her knowledge and belief. Given under my hand this 5th day of October 1869.

Warren Newsum J.P.

That the said debt was not contracted for her benefit nor for the benefit of or concerning her separate estate, and that she did not intend by signing any such paper intend to destroy the protection afforded her by said marriage Contract.

That as to any judgment which may have been rendered on said Bond against this Respondent she knows nothing about it, being ignorant of Law matters, if any suit was ever brought on it, she did not feel called on to notice it as her husband was then alive, She therefore say that she should not be bound for said debt because of any such judgment, & especially should her separate estate not be thus bound.

That she still holds her Dower in the lands referred to — That the slaves named in said Marriage Contract have been freed by the results of the late war — That the Chattle estate now on hand consists of articles which she owned at her marriage and purchased since with her separate estate, and the increase of her separate estate to wit:

Two horses 6 Cows one yoke oxen
30 hogs, pigs included, 3 beds & bedsteads
lot of Kitchen furniture & other small articles
of furniture & farming implements of small
value.

The answer of Mrs. Mary A. Pouree, to a Bill in Chancery filed in the Circuit Court of Isle of Wight County by A. W. Ballard, against A. J. Pouree (her husband) & herself &c.

This respondent says that she married the said A. J. Pouree, as stated in the said Bill, and that before her said marriage her name was Mary A. Batten, and that previously to said marriage, the marriage Contract referred to & filed with the said bill was duly executed. That the Bond for $48[illegible] referred to in said Bill was executed by her said husband and was signed by her after her marriage, to gratify him, and that she was ignorant of her legal rights in the premises, and did not by any such act intend to defeat the provisions and operation for her protection of said marriage Contract, and she is advised says that under and by virtue of said marriage Contract, no power is conferred on her to execute any such Contract and that unless such powers be conferred thereby, she cannot when she so disposed, change her separate estate by becoming security for any one, and that the execution of said Contract whilst she was a feme covert was, null and void

a. w. Ballard

vs.

Powell et al

answer to
Sam. P. Jordan

The answer of James P. Jordan Trustee to a Bill in Chancery filed in the Circuit Court of Isle of Wight County by A.W. Ballard against A. H. Powell &al.

This Respondent says that it is true a marriage Contract was executed, as charged in said Bill, between A. H. Powell and Mary Ann Battle, and that a marriage was soon thereafter consummated between them -

That he was made the Trustee in said marriage Contract and being bound to protect the estate thereby conveyed against all illegal demands and being advised, therefore he says that the execution by said Mrs. Mary A. Powell of the Bond referred to in said Bill while she was a feme covert, was & is illegal void & does not charge her said separate estate or make it liable for the payment of the same.

That the said marriage Contract confers on her no power to execute any bonds or Contracts for the payment of money by the Laws of Virginia, no such act can, unless specially authorized by the marriage contract, be valid or in any way affect the separate estate created by such marriage Contract -

He therefore prays that the Complainants' said Bill may be dismissed - and having answered &c.

J. P. Jordan

Thomas Adams

vs

Ponce

answer of
Mr. M. A. Ponce

Isle of Wight County to wit

I Warren Vandevender a Justice of the peace in and for said County do certify that Mary A Powell whose name is signed to the foregoing answer, personally appeared before me & made oath that the foregoing answer is true to the best of her knowledge. Given under my hand this 8 day of October 1869

Warren Vandevender J.P

separate estate is not liable for any such contracts. Your Respondent denies that she, by signing the Bond under the circumstances intended to do anything to defeat the purposes of said Marriage Contract or to make her separate estate liable therefor,

That the title holds her Dower in the Lands referred to, and the slaves named or referred to in said Contract have all been freed by the late war, and she now only has, subject to said Marriage, as much chattel estate, being the articles which she had when she was married and the increase of her separate estate: which: and articles, purchased with money created from her separate estate, to wit:

Two horses 6 Cows, one Yoke of Oxen 30 hogs, pigs included, 3 beds &c. 6 Chairs small lot of Kitchen furniture & other small articles of furniture & farming implements of small value ——

That since the institution of this suit her said husband N. F. Purcell has died & that she is now his widow, and that she has five small children & is now very poor, having only this small estate now left, and having answered &c.

Sworn to Mary E. Ann Purcell

The answer of Mrs. Mary A. Powell to a Bill in Chancery filed in the Circuit Court of Isle of Wight County by Thomas Adams &c. against her husband, N. F. Powell, your Respondent &c.

This Respondent says that she married the said N. F. Powell as stated in said Bill, and that before her said marriage her name was Mary A. Batten, and that previously to said marriage the marriage Contract referred to & filed with said bill, was duly executed —

That the Bond of £643:15 was executed by her husband & this respondent, and was ~~principally~~ for goods & other matters due from by her said N. F. Powell before the marriage of this Respondent with him; that it is true she signed her name to said Bond, but that she did so under the influence of her said husband, and to satisfy him and appease the demands of said plaintiff, But that in doing so she was ignorant of her legal responsibility and is advised that being a feme covert her act in thus signing was void & a nullity — This Respondent is advised & therefore says, That the said marriage Contract, does not confer upon her power to execute any such contracts, and that according to the Laws of Virginia, her

Thomas, Adams &c

vs

Ponce de

Amunátegui
Sal. P. Jordan

said Bill may be dismissed.

And having answered &c.

S. P. Gordon

The answer of James P. Jordan, Trustee to a Bill in Chancery filed in the Circuit Court of Isle of Wight County by Norman, Adam & Co. against B. F. Powell, & others.

This Respondent says that it is true a marriage Contract was executed as charged in said Bill, between B. F. Powell and Mary Ann Batten, & that a marriage was soon thereafter had between them — That he was made the Trustee in said marriage Contract, and being bound to protect the estate thereby conveyed against all illegal demands, and being advised & therefore he says that the execution by said Mrs. Mary A Powell of the Bond referred to in said Bill while she was a feme covert, was & is illegal & void, and does not charge the said separate estate or make it liable for the payment of the same — That the said marriage Contract confers on her no power to execute any bonds or Contracts for the payment of money by the Laws of Virginia, no such act can, unless specially authorized by the ~~Deed~~ marriage Contract, be valid or in any way affect the separate estate created by said marriage Contract.

He therefore says that the Complainants'

1869 April the 6th thursday personally appear before me Dixon W Kilkin a Justice of Idaho[illegible] county and made oath that he delivered a true copy of the within to N F Powell & wife and Jas P Jordan on the 2nd day of April 1869

Dixon W. Kilkin J. P.

A. W. Ballard

vs.

Bdam. to ans.

Writ

N. F. Powell & wife

et al.

To Pfl. rec'd 1869.

Dec. 6th.

Oday dem'd.

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY, Greeting:

We command you to summon N. F. Powell and Mary A. his wife and James P. Jordan trustee for said N. F. Powell & wife

to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the said Court, on the first Monday in April next, to answer the Bill in Chancery of W. W. Ballard

~~a plea of~~ ~~for $~~ ~~Damages, $~~ And have then there this writ. Witness, N. P. YOUNG, Clerk of our said County County Court, at the Court-house, the 13th day of March 1869, in the 93d year of the Commonwealth.

N. P. Youngblood,

George L. Bidgood, Richmond, Va.

1869 April the 5th this day Mills E Powell personally appeared before me Dixon W Kitchen & made oath that he delivered a true copy of the within to N F Powell & wife James P Jordan & Margaret Powell April 2nd 1869

Dixon W. Kitchen J.P.

Thomas, Adams & Co.
late Partners &c.
vs.
N. F. Powell & wife
Subpd. to
Sept. Ct. 1869
Bill
Sheriff's Ret.
Served 5th April 1869.
Mills E. Powell
Sheriff

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY, Greeting:

We command you to summon N. F. Powell & Mary A. his wife, James P. Jordan trustee for said N. F. Powell wife & Margaret Powell.

to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the said Court, on the first Monday in April next, to answer the Bill in chancery of James Thomas, John E. Adams & G. K. Atkinson late merchants Partners under the style of Thomas, Adams & Co.

~~a plea of~~ ~~for $~~ ~~Damages, $~~ And have then there this writ. Witness, N. P. YOUNG, Clerk of our said County County Court, at the Court-house, the 13th day of March 1869, in the 93d year of the Commonwealth.

N. P. Young Clk

George L. Bidgood, Richmond, Va.

Ballard
vs
Powell &c

Affidavit of
Thos J Bloxham

Octo. 3d. 1870 filed

I went to Powells House the night before the Bond was executed Staid all night — the Bond was executed next morning — Mrs Powell Said nothing when she signed the Bond Signing it apparently willingly — I know nothing of the circumstances which induced her to Sign it — There was nothing in her Manner when appearance to induce the belief that she was intimidated, or forced to Sign it —

Signed — Thos J. Clements

Above Deposition to be read & consented —

C B Hayden Atty for Plff

John R. Kelly atty for Defts.

The Deposition of Thos J Clements taken on behalf of the Plaintiff in the suit of A H Ballard vs. N. T Powell & al at Isle of Wight Court House on Monday the 3d of Oct 1870 in the presence of C B Hayden Atty for the Pltff & Thos R Kelly Atty for the Defdt -

Ques 1st Look on the Bond of N T Powell & May A Powell for $233.21 payable to Lewis P Ely of him assigned to A H Ballard the subject of the judgment in the County of Isle of Wight, which judgment the Bill in this suit seeks to enforce, & say what you may know of the execution of said Bond of May & Powell, you being the subscribing witness to said Bond -

Ans: I wrote the Bond at N T Powells Residence - I was called on by Mr N T Powell to know where he could get the loan of this amt - I informed him after an interview with Mr N P Ely, that the latter would lend it, if he could get Bond & approved Security - Mr Powell spoke to his wife, saying there was a marriage contract, of which Mr Ely was aware - I then went to Powells House, & carried the Money - the Bond was signed & both of them in My presence -

A W Bullard
vs
Powell & Others
and
Thomas L Adams
vs
Powell & Others
Summons to
Answer questions

Executed by delivering
a true copy of this
notice to the party
in person

The Commonwealth of Virginia

To the Sheriff of Isle of Wight County Greeting.

You are hereby commanded to summon Mary A Powell personally to appear before the undersigned, one of the commissioners in chancery of the Circuit Court of Isle of Wight County at his office, at Smithfield in the said county on the 15th day of February next, to answer upon oath questions touching the property, real and personal, still remaining, conveyed by the deed of marriage settlement between N F Powell and the said Mary A Powell, and the annual value of the real, referred to said commissioner for enquiry by a decree of the said court in two suits in chancery therein pending one between A W Ballard plaintiff and Mary A Powell Francis Smith adm'r of A J Powell, and James P Jordan Trustee of A J Powell defendants the other between James Thomas John E Adams and George R Dickerson on behalf of the benefit of James Thomas and John E Adams merchants and partners under the firm of Thomas & Adams plaintiffs and Mary A Powell, Francis Smith adm'r of A J Powell and James P Jordan Trustee of A J Powell and Mary A Powell, defendants. And this she shall in no wise omit under the penalty of $100, And have then there this writ.

Witness Geo R Atkinson, commissioner of the said court the 15th day of January 1872 in the 96th year of the Commonwealth,

Geo R Atkinson

J. W. Ballard

vs

Powell & others

and

Thomas F. Adams

vs

Powell & others,

Commencement of Action
for account

Execution on all the
parties.

E. J. Thompson Atty

Commissioners Office Smithfield
January 15th 1872

Bullard & Wife — Plaintiffs

Against

Mary A Powell, Francis South adm'r of A F Powell, and James P Jordan trustee of A F Powell and Mary A Powell — Defendants

And

Thomas Adams Ex. who sues for the benefit of Thomas J Adams — Plaintiffs

Against

The Same — Defendants

In the Circuit Court of Isle of Wight County, in chancery.

Pursuant to a decree of the said court rendered on the 19th day of October 1871 in the above named cause, the parties interested are hereby notified that I have fixed upon the 15th day of February next at my office aforesaid, to take and state the following accounts, as directed by said decree, and the decrees rendered in said cause on the 25th day of October 1870, to wit

An account of the property, Real and personal still remaining, conveyed by the deed of marriage settlement between the said A F Powell and Mary A Powell with the annual Value of the Real, At which time and place they are required to attend.

Given under my hand as a commissioner in chancery of the said court the day and year first aforesaid

Thos Robertson

Ballard

vs,

Powell & als—

&

Thomas & Adams

vs,

Powell & als—

Copy Decree of

Octo. Cir. Ct. 1871,

S. R. A

Tim acts

In Sabeafwright circuit Court, Octo. 19th 1871.

Ballard &c — Pltffs.
vs. } In Chy.
Powell &als, Defts,
And
Thomas & Adams Pltffs.
vs. } In Chy.
The Same Defts,

These causes this day came on to be again heard together on the papers formerly read, on the Report of Comr Geo. R. Atkinson in both of said Causes under respective decrees therein of October the 20th 1870, & was argued by Counsel: on consideration whereof the Court doth further adjudge, order & decree that said accounts be recommitted to Comr Geo. R. Atkinson, who shall make the enquiries, & report to Court as directed by the aforesaid decrees of October 1870, with authority to summon the defendant Mary A. Powell to appear before him and answer questions touching the said enquiries and report

A Copy.
Teste,
N. F. Young Clk.

Thomas D. Adams

Court Reporter

Oct. 18. 1841. filed.

Commissioners Office Smithfield
July 16th 1871

To the Current Court of Isle of Wight County

The undersigned one of the commissioners of this said court to whom was referred for settlement, by a decree of this said court rendered on the 18th Day of October 1870 in a cause wherein Mary Thomas John Eckel Jones and George R Atkinson late merchants & partners under the firm of Thomas Adams & Co being for the benefit of James Thomas and John Adams, plaintiffs and Francis Smith Sheriff and administrator of N F Powell dec'd and others defendants, an account of the property, real and personal, still remaining, emerged by the deed of marriage settlement between the said N F Powell and Mary A Powell, or the increase thereof with the several rights of the owner interest emerged by said deed, reports to the court that on the 8th Day of January 1871 he issued notices against the several parties aforesaid requiring them to attend the settlement of the said account before him at his office aforesaid on the 10th Day of February last which notices now returned to your commissioner duly executed, that the plaintiffs by their attorney appeared in obedience to said notices, but the defendants failed to attend, and the taking of said account was continued from Day to day and from time until the date of this report; and the said defendants still failing to attend and furnish evidence touching the matters of the said account your Commissioner is unable to state the said account.

All which is respectfully submitted. Given under my hand as a Commissioner of said Court the day and year first aforesaid

Geo R Atkinson

Time employed in issuing notices and granting continuances not less than 6 hours @ $5

$30

Thomas Hadams

vs

Commissioners Notice

Powell Co

Executed by delivering
a copy to the parties.

E. J. Chapman Sheriff

Commissioners Office Smithfield
January 6th 1871

In James Thomas, John E Adams and Geo R Atkinson late merchants and partners under the firm of Thomas Adams & Co. who sue for the benefit of James Thomas and John E Adams merchants and partners under the firm of Thomas & Adams Plaintiffs

And to

Mary A Powell, Francis Smith Sheriff and admr of N F Powell dec'd and of Margaret Powell dec'd, and James P Jordan trustee of N F Powell and Mary A Powell, Defendants

You are hereby notified that I have fixed upon the 10th day of February next, if fair, if not, the next fair thereafter (Sunday excepted) to take and state at my office aforesaid the following account; An account of the personal and personal, still remaining, envested by the deed of marriage Settlement between the said N F Powell and Mary A Powell, with the annual value of the Real, required to be taken by decree of Isle of Wight Circuit Court rendered on the 20th day of October 1870 in a suit in Chancery depending in said Court between the said Thomas Adams & Co who sue for the benefit of the said Thomas & Adams plaintiffs and Mary A Powell, Francis Smith Sheriff and admr of N F Powell dec'd and of Margaret Powell dec'd, and James P Jordan trustee of N F Powell and Mary A Powell defendants, at which time and place you are required to attend.

Given under my hand as a Commissioner of said Court, the day and year first aforesaid.

Geo R Atkinson Comr

Comr. of this Court take an account of said property still remaining, with the annual value of the Real, & report the same to the Court, with any matters specially stated, deemed pertinent by himself or required by the parties to be so stated, And the Court doth further adjudge, order & decree that Mary A. Powell pay the costs of this suit —.

A Copy
Teste.
N. D. Gunzel

Thomas & al
vs. } Copy of Decree.
Powell, Adm. & A.

Oct. Cir. Ct. 1870.

In Isle of Wight Circuit Court, Oct. 20th 1870

Thomas, Adams & Co. for Thomas & Adams pltffs:

vs: In Eq:

N. F. Powell & wife Mary A. Powell Defts:

This cause in which it is suggested that since the last hearing of this cause the Defendants N. F. Powell and Margaret Powell have died & that their estates have been committed to Francis Smith Sheriff of this County for administration it is by his consent ordered that this Cause proceed against him as such admr., Come on this day to be heard on the Bill, the answers of the Defendants James P. Jordan Trustee and Mary A. Powell general replications thereto, & examination of witnesses, & was argued by Counsel: On consideration whereof the Court doth adjudge, order, & decree that the plaintiffs recover of the Defendant Mary A. Powell the sum of $67.49/100 with interest on $43.45/100 part thereof from the 31st day of December 1860, till paid & that the property real and personal conveyed by the deed of Marriage Settlement in these proceedings mentioned between the said N. F. Powell and and Mary A, is now liable for the same, and the Court doth further adjudge order & decree that a

Ballard

vs

Commissioners Report

Powell Pals

Dec. 18. 1871 Filed.

Commissioners Office Smithfield
July 16th 1871

To the Circuit Court of Isle of Wight

The undersigned one of the commissioners of said court to whom was referred an settlement by a decree of the said court rendered on the 18th day of October 1870 in a suit in chancery pending therein between A. H. Ballard plaintiff and Francis Ruth Powell and others defendants, an account of A. H. Powell's debts and other liabilities, decedent of the personal and personal estate of the said decedent, and of the said A. H. Powell and Mary A. Powell, or the income thereof and the annual value of the former interest conveyed by said deed and report to the court that on the 1st day of January 1871 he issued notices to the said parties requiring them ~~to attend the said parties~~ requiring them to attend the settlement of the said account before him at his said office on the 16th day of February last, which notices were returned to your commissioner duly executed. That the plaintiff by his attorney appeared in obedience to said notices but the defendants failed to make their appearance and the taking of said account was continued from day to day and from time to time until the date of this report, and the said defendants still failing to appear and furnish the evidence in their power touching the matter of the said account, your commissioner is unable to state the said account for want of evidence

Given under my hand as commissioner of said court the day & year first aforesaid

Geo. P. Atkinson

Time employed in drawing notices and granting
subpoenas not less than 4 hours $6.00

Ballard

v. 3 Ch. Chancery

Powell & others

Commissioners &c

Executed by delivering a copy to the parties

E. J. Chapman Sheriff

Commissioners Office Smithfield

January 11th 1870.

To A W Ballard

and to

Mary A Powell, Francis Smith admr of A F Powell, and James P Jordan trustee of A F Powell and Mary A Powell

Plaintiff

Defendants.

You are hereby notified that I have fixed upon the 10th day of February next, if fair, if not, the next fair day thereafter, (Sunday excepted) to take and state at my office aforesaid the following account: An account of the property, real and personal still remaining, assigned by the deed of marriage settlement between the said A F Powell and Mary A Powell, or the increase thereof, with the annual value of the dower interest assigned by said deed, required to be taken by decree of this of Eighth Circuit Court, rendered on the 20th day of October 1870 ~~between~~ in a suit in chancery depending in said court between A W Ballard plaintiff and Mary A Powell, Francis Smith admr of A F Powell dec'd and James P Jordan trustee of A F Powell and Mary A Powell defendants, at which time and place you are required to attend.

Given under my hand as a Commissioner of said Court the day and year first aforesaid.

Geo R Atkinson Comr

proceedings mentioned between the said A. T. Powell & the said Mary A. then Mary A. Butlin is liable for the payment of the same, And the Court doth further adjudge, order & decree that a Comm'r. of this Court take an account of the property real and personal still remaining, conveyed by said Deed, or the increase thereof with the annual value of the Dower interest conveyed by said Deed, which account he shall take settle & report to Court with any matters specially stated, deemed pertinent by himself or required by the parties to be so stated, And the Court doth further adjudge order & decree that the said Mary A. Powell pay the costs of this suit.

A Copy

Teste:

W. D. Young Clk.

In Isle of Wight Circuit Court, Oct. 20th 1870

A. W. Ballard pltff.

vs. } In Chy.

N. F. Powell & Mary A. his wife, & James P. Jordan trustee for said N. F. Powell and wife Defts.

This cause in which the death of the defendant N. F. Powell is suggested & that his estate has been committed for Administration to Francis Smith the Sheriff of this County, it is by his consent ordered that this suit proceed against him as such admr. Came on to be heard on the Complainants Bill, on the answers of the defendants James P. Jordan Trustee, and Mary A. the Powell & general replications thereto, and was argued by Counsel. On Consideration whereof the Court doth adjudge order & decree that the plaintiffs recover of the defendant Mary A. Powell the sum of $48.00 with interest from the 3rd day of October 1859, and the costs of this suit, and that the property real and personal conveyed by the Deed of marriage Settlement in these

from home to town, and from day to day. Having been appointed by your commissioner that the
to serve
of the said Court & herein before named to take the said [illegible] be proved that
the [illegible] to attendance of the said parties & said to be taken, the necessary made appeared
at before a [illegible] of the peace & the same thereunto annexed. And your commissioner further
of this report stated and annexed to the foregoing account of the said [illegible] and fees
that the value of the said personal property is three hundred and fifty four dollars, and
the annual value of the said real property is fifty dollars.
Remaining my hand as a commissioner of the said Court the day and year first
above written

Geo. B. Robinson

Fees employed 8 hours $8—

Wm. H. Ballard

Pd
Sheriff's admr. Paid
"
Thomas A. Adams
"
Sheriff's admr. Paid
Commissioner's Report.
Filed 8th April 1872

An Account of the property, real and personal, still remaining, conveyed by the deed of marriage settlement between N F Powell and Mary A Powell, and the annual value of the Real.

One Horse $175 One Mule $175 8 Cows & Calves $100 3 Sows & 22 pigs $30	280 00
Farming Implements $25 Household & Kitchen Furniture $50	75 00
	355 00
Annual Value of Mary A Powell's interest in the real estate	50 00

Commissioners Office Smithfield
April 6th 1872

To the Circuit Court of Isle of Wight County

Pursuant to a decree of this said court rendered on the 19th Day of October 1871 in the Suit in Chancery depending in said court between J W Ballard plaintiff and Francis Smith Admr of N F Powell, Mary A Powell and James P Jordan Trustees under the deed of marriage settlement between the said N F Powell and Mary A Powell, defendants and James Gomer and John E Adams surviving partners under the style of Gomer & Adams & others and the Heirs at law and Creditors of the said N F Powell deceased, the undersigned one of the Commissioners in Chancery of the said court to whom was recommitted the account of the property real and personal, still remaining conveyed by deed of marriage settlement between the said N F Powell and Mary A Powell, and the annual value of the real, reports to the court that on the 15th Day of January 1872 he issued notices against the several parties aforesaid requiring them to attend the taking of the said account at his office aforesaid on the 15th day of February 1872, and also issued a Summons requiring the said Mary A Powell to attend at the same time and place and answer questions touching the said property which notices and Summons are returned to your Commissioner duly executed, that the said parties having failed to attend on the day mentioned in said Notices and Summons, the taking of the said account was continued

Ballard

v.

Powell & als.

and Mary Copy Drawer

Thomas & Adams

v.

Powell & als.

Ab. Venue Copy

$ 115.00

1st Ballard vs. Powell tals.

and Bill of Costs to Apl. ct. 1845.

2d Thomas & Adams v. Powell tals.

Costs in 2nd suit, viz:		Costs in 1st Suit. Viz:	
Attys. fee & Tax Paid C.B. Hayden	$16.00	Attys. fee Hayden & C.B. Hayden	6.00
Clks. fees Paid N.P. Young	16.28	Clk. fees	13.36
Shff. Clay	1.50	Shff. Clay	1.50
Do. Chapman	3.50	Do. Chapman	2.00
Comm. Atkinson Hayden & C.B. Atkinson	6.00	Comm. Atkinson Jno. Hayden & Atkinson	6.00
J. & a,	$43.28	Ballard	$38.86

Costs of first suit brought down 43.28

Do. " Second " " " 38.86

Joint costs in two suits. Viz.

Comm. Atkinson Jno. Hayden & Atkinson	8.00	
Clerk	.56	
Shff. Chapman	5.50	14.06
Total Costs in two suits		$96.20

accdg. Teste

N.P. Young clk.

$3.88 of the abov clk's. fees in 2d. suit & $1.72 in 1st. suit have not be collected or suit out for collection.

Paid $1.72 Apl 87.

N. P. Young

Edmund Baltin died seized and possessed in Rasps Neck in the County of Isle of Wight, on a credit of one two and three years in three equal payments with interest from date, except so much for cash as will pay costs of these suits, and sale, at Isle of Wight C. H. on some Court day, after having given at least 20 days notice of the time & place of sale by advertisement at the C. H. door of said County on some Court day previous to the day of sale, and at other public places in said County: taking for the credit portion of said sale three bonds payable to himself as Sheriff. in equal amounts, with interest from the day of sale, with sufficient security, & return the same to Court with his report of his proceedings under this decree, And also at the same time and place on the same notice for cash any chattel property of the said Mary A. Powell. not exempt under the Poor law, sufficient to pay the debts aforesaid, with permission to sell the same at private sale for cash at his discretion.

A Copy - Teste. Lee H. Hart D. Clerk for
H. P. Young, Clk.

Copy of decree
Apl. Term 1875
and
Edmund Baltin
vs.
Sale &c

Copy of decree
Apl. Term 1875
and
Edmund Baltin
vs.
Sale &c

In Isle of Wight Circuit Court, April 21st 1875—

A.W. Ballard — Pltff.

against } In Chancery

H.F. Powell Admr. Mary A. Powell &als. — Defts.

and

Thomas and Adams &c — Pltffs.

against } In Chancery

The Same — Defts,

These Causes this day Came on to be again heard together, on the papers formerly read, on the report of Com'r. G. R. Atkinson under the decree in these causes of October term 1871, in the latter cause, on the Petition of N. P. Young, R. S. Thomas and C. B. Hayden Trustees of Thomas & Adams, and were argued by Counsel: On consideration whereof the Court confirming said report to which no exception was filed, doth adjudge, order & decree that the latter cause be carried on in the name of said Trustees as plaintiffs, and that unless within 90 days from the date of this decree the defendant Mary A. Powell or some one for her, pay the debt due the plaintiffs in the first cause of $48.10 with interest from Octs. 3rd 1859. less four years interest, and pay the plaintiffs in the latter cause their debt of $667.49 with interest on $643.15, from December 31st 1861. subject to a like abatement of interest; that the Sheriff of this County sell the dower interest of said Mary A. Powell in the real estate of which her late husband

Ballard v. Powell
and
Thomas Lawson v. Powell

Report of sale

Confirmed Apl 1st 1876

To the Circuit Court of Isle of Wight County,

The Undersigned Reports to the Court, That pursuant to the annexed decree of said Court, made at the April Term 1875, in the case of Ballard vs. Powell & Thomas & Adams vs. same, he proceeded to advertise the Dower of Mary A Powell in the real estate of her late former husband, Edmond Bathe dec'd, and on the 6th day of September 1875, before the Court House door of Isle of Wight County, sold said Dower Interest at auction on the terms named in said decree, when Augustus Bentley was the highest bidder and purchaser of the same at the price of One hundred & fifteen dollars ——— $115:00

& I rec'd in cash & paid out

To Crier at sale	$2.50
" 5 per cent Com'n.	5.75
" " for advertising sale	2.50
	$10.75

To Sheriff Costs 96.20 $106.95

Paid C B Hayden Pl'ff's Att'y Balance in hand $ 8.05

Respectfully submitted to Court.

Sept. 6 1875. A B Edwards } Com

Ballard &
vs. No 36
Ponca

1869
Oct. 4. Order
to be entered.
E. T. Fitch

Ballard & v. Powell

This day the Defendants James P. Jordan & Mary A Powell file their answer by leave of the Court & to which the Plaintiffs replied generally & the cause continued.

Thomas Jadam

v

Ponce

1869

Ord. of

adv

To be entered

E. P. Pitts

Nancy Adams & N. Powell

This day the Defendants James P. Jordan & Mary A. Powell filed their answers by leave of the Court & to which the Plaintiffs replied generally & the cause Continued

commissioner of this Court take an Account of the property Real and personal still remaining conveyed by said Deed or the increase thereof with the annual value of the Dower interest conveyed by said Deed which account he shall take settle and report to Court with any matter specially stated deemed pertinent by himself or required by the parties to be so stated. And the Court doth further adjudge order and decree that the said Mary A. Powell pay the costs of this suit.

Complt's Solicitor
October Term
1870
To be entered
Geo. T. Bell cons. &c.

Filed Oct 11 1870.

A. W. Ballard
vs
Powell

A. W. Ballard

Powell

This cause in which the death of the Defendant W. T. Powell is suggested and that his estate has been committed for administration to Francis Smith the Sheriff of this County it is by his consent ordered that this suit proceed against him as such Administrator came on this day to be heard on the Complainants Bill, ~~&~~ the Answers of the Defendants James P. Jordan Trustee and Mary Ann ~~Batt~~ Powell & General replications thereto and was argued by counsel On consideration whereof the Court doth adjudge order and decree that the Plaintiffs recover of the Defendant Mary A. Powell the sum of $48.10 with interest from the 3d day of October 1859 and the costs of this suit and that the property real and personal conveyed by the Deed of ~~Trust~~ Marriage Settlement in these proceedings mentioned between the said W. T. Powell and the said Mary A. ~~Ann~~ Mary A. Batten is liable for the payment of the same. And the Court doth further adjudge order and decree that a

take an account of said property still remaining with the annual value of the real & report the same to the Court with any matters specially stated deemed pertinent by himself, or required by the parties to be so stated And the Court doth further adjudge order and decree that the Defendant Mary A Powell pay the costs of this suit

Thomas Adams Plts

vs

Powell

Rough Minute of
October Term
1870

Attested
Geo. T. Elcox Jr.

Cost $ 35

Thomas, Adams & Co.

vs.

N. F. Powell & Wife

This cause, in which it is suggested that since the last hearing of this cause the Defendants N. F. Powell and Margaret Powell have died and their estates have been committed to Francis Smith the Sheriff of this County for administration it is by his consent ordered that this cause proceed against him as such Administrator come on this day to be heard on the Bill, the Answers of the Defendants Jarnagin & Jordan Trustee and Mary A Powell general & replications thereto, and examination of witnesses and was argued by counsel, on consideration whereof the Court doth adjudge order and decree that the Plaintiffs recover of the Defendant Mary A Powell the sum of $866.42/100 with interest on $643.16/100 part thereof from the 31st day of December 1860 till paid, and that the property real and personal conveyed by the Deed of Marriage Settlement in these proceedings mentioned between the said N. F. Powell and Mary A, is liable for the same, and the Court doth further adjudge order and decree that a Commissioner of this Court

Ballard vs. Powell et als

and

Thomas & Adams vs Same

Rough Decree

of

October Term

1871

To be entered.

Geo. T. Bliss.

Entered 9.

5825

with authority to examine the Clerk's accounts
to recommend the Clerk's salary - the act to provide
to appeal in certain cases - and regulating the fees
the said Clerk and witnesses and repealing

Ballard.

vs

Powell & als.

And

Thomas & Adams

vs

The Same

These causes this day came on to be again heard together on the papers formerly read on the Report of Commissioner G. R. Atkinson in both said causes under respective Decrees therein of October the 20th 1870 & was argued by counsel, on consideration whereof the Court doth further adjudge, order & decree that said Account be recommitted to Commissioner G R Atkinson, who shall make the enquiries & report to Court as directed by the aforesaid Decrees of October 1870

died seized & possessed in Rasco Neck in the County of Isle of Wight, on a credit of 1, 2 & 3 years in three equal payments with interest from date, except so much for cash as will pay costs of these suits & sale at Isle of Wight C.H. the same court day, after having given 20 days notice of the time & place of sale & advertisement at the C.H. door of said County on some court day previous to the day of sale & at other public places in said county: the taking for the credit portion of said sale three bonds payable to him as aforesaid, in equal amounts, with interest from the day of sale with sufficient security & return the same to court with his report of his proceedings under this decree & also of the same time & place & the same note & of the said Thomas & for cash any chattel property not exempt from Private sale under the foregoing, sufficient to pay the debts aforesaid with permission to sell the same at private sale for cash at his discretion —

A. M. Bacon
Commissioner

Decree & Sale

Exam'd & Sworn

Stamps cancelled
Isle of Wight 1873
Sept 15th
Exam'd & Sworn

Entered 141

A. W. Ballard

vs

Powells Admr & als

&

Thos Adams &c

vs

Powells Admr &c —

These causes, ~~in the~~ this day came on to be again heard together, on the papers formerly read, on the report of Commissioner P. R Aldhizer under the decree in these causes of October Term 1842 in the latter cause on the Petition of A P Young & R Thom's & C Bldgden Trustees of Thos Adams, ~~and~~ were argued & counsel on consideration whereof & of said report to which an exception was filed, the court doth adjudge order & decree that the latter cause be carried on in the name of said Trustees as Plaintiffs & that unless within 90 days from the date of this decree the Defendant Mary A Powell or some one for her pay the debt due the Plaintiff in the first cause of $ 48.10 — with interest from Oct 3. 1839 less four years interest, & pay the Plaintiff in the latter cause their debt of $ 64.49 with interest on $ 43.15 from December 31 1860 subject to a like abatement of interest, that the Sheriff of this county sell the dower Interest of said Mary A Powell in the real estate of her late husband Edmund Ballard

Ballard v. Ponce

and

Numa Sadaus v. D

1876

Affe ct.

Jurat Decree

Entered (10)

Ballard V. Ponce

and

Thomas Sadam, V. Do

These causes came on to be again heard on the papers formerly read & on the report of L. B. Edmonds, Sheriff, made under the Decree of this Court of the 21st April 1875. which report shews ~~shewing~~ a sale of property & full disbursement - and was argued by Counsel:

On Consideration whereof the Court doth confirm the said report, and doth adjudge, order and decree that the proceedings had in the said causes be confirmed & nothing more remaining to be done in the premises, it is ordered that the said causes be removed from the Docket.

Gau for Ballard

v. Eq. Co. Pedgt.

Powell

Exhibit A

In Isle of Wight County Court the 4th. day of March 1868.

Josiah P. Gay who sues for the benefit of A. W. Ballard Pltff.

against } In Debt.

N. F. Powell and Mary A. Powell Defts.

The judgment obtained at rules not having been set aside and the Plaintiff being now entitled to a final judgment, it is considered that the plaintiff recover against the defendants forty eight dollars and ten cents the balance of the debt in the declaration mentioned with interest thereon from the 3d day of October 1859 till paid and his costs in this behalf expended.

Acpt Test

A. P. Young Clk.

The above judgment was docketed according to law in the clerk's office on the 10th day of March 1868.

Test A. P. Young Clk.

In the Clerks Office of Isle of Wight County Court
April 6th 1837 this Indenture of Marriage agreement was
received and ordered to its acknowledgement by Mary
Ann Batten & Nath'l F Powell by Andrew Rock
& Daniel H Batten the witnesses thereto and was
also acknowledge by Jas. P. Jordan & admitted
to record.

Test A. P. Youngblood

a copy.
Teste,
A. P. Youngblood.

N. F. Powell and
Mary Ann Batten
to
Jas. P. Jordan
Contract

Copy.
Exhibit B.

Now this indenture. Witnesseth: that in Consideration of the said intended Marriage and in pursuance and perfecting of the said herein before mentioned agreements. She the said Mary Ann Batten. with the Consent and approbation of the said Nath. F. Powell. testified by his being a party to and Sealing and delivering these presents, and in Coinsideration of the Sum of $5000. in hand paid by the said James P. Jordan to the said Mary Ann Batten the receipt whereof is hereby acknowledged. hath assigned and transferred and do by these presents assign & transfer unto the said James P. Jordan his Admrs. assigns &c. all the property above set forth. To have and to hold the said property hereby Conveyed unto the said Jas. P. Jordan his Exrs & assigns, But nevertheless, upon the trust for the interest hereafter expressed and declared & Concerning the same, That he the said James P. Jordan his heirs and assigns. Shall Massanage the said property to for the sole benefit use of and as may be driven by the said Mary Ann Batten her said Marriage. Notwithstanding, And that the same in no Manner whatsoever. Shall be Subject to the direction, Control or disposition of him, the said Nath. F. Powell her intended husband, unless it be her wish and desire. Nor be liable for his debts or Contracts. And upon the further trusts, That he the said Jas P. Jordan his heirs &c. will transfer and deliver unto the said Mary Ann Batten or unto such person or persons. and at such time or times & in such proportions. Manner & form as the said Mary Ann Batten May direct. by her request or order made in Writing - attested by two or more Credible witnesses all of said property or the profits thereof so Conveyed as aforesaid, And that all the said seperate estate and the grounds & income thereof, shall be had and taken, held and enjoyed by such person and persons & for such use & uses as the said Mary Ann Batten shall at any time hereafter during her life. limit order or dispose of the same, either by her last will and testament in Writing or by any other writing Whatsoever, Signed With her hand in the presence of Credible Witnesses. And the said Nath. F. Powell for himself his heirs Ex. Covenants & agrees to & with the said Jas. P. Jordan his Executors &c, by these presents in manner & form following - that is to say, if the said intended Marriage shall take effect; he the said Nath. F. Powell shall and will permit and suffer the said Mary Ann Batten to give - grant and dispose of her said seperate estate as she shall think fit in her life time, either by her last Will and testament or otherwise, and he the said Nath. F. Powell will hereafter permit such will to be made by the said Mary Ann Batten to be duly proven by the Executor or executors thereof and probate to be made as usual, and that the person or persons to whome the said Mary Ann Batten shall give or dispose of her said seperate estate by will or otherwise, May hold & enjoy the same, according to the true intent & Meaning of said will or Writing, without any interruption by the said Nath. F. Powell, his heirs or assigns or any of them, and that he the said Nath. F. Powell will do & execute all and every such further act and acts & things for the better vesting of the said property upon the said Mary Ann Batten to her seperate use and benefit. In Witness Whereof we have hereunto set our Hands and Seals the day & year first aforesaid

Signed & sealed in our presence
attest
Andrew I. Cook
Dannie H. Batten

A. F. Powell [Seal]
Mary A. Batten [Seal]
Jas. P. Jordan [Seal]

An Indenture Tripartite Made and entered into this 10th day of February in the year eighteen hundred & fifty seven. between Nathl F Powell of the County of Isle of Wight in the state of Virginia of the first part. Mary Ann Batten of the same County & State of the other part. and James P. Jordan of the same County & State of the third part. Whereas the said Mary Ann Batten is Seized and possessed of Certain real and Chattle property to wit, a Dower or one third part of the Lands or tract of land whereon Edmund Batten died seized, lying and being in Rasco Neck in the County of Isle of Wight. and bounded by the Lands of Wm Driver Giles Daniel. John. F. Corran & others. And whereas the said Mary Ann Batten is further Seized & possessed of Certain Slaves Named as followeth. Esther Isaac. George. Ely & Matilda. being her dower in the slaves of the said. Edmund Batten dec'd. Whereas She the said Mary Ann Batten is further seized & possessed of in fee of a Certain horse and Rockaway besides divers of other property. And whereas a Marriage is agreed upon. and intended Shortly to be had and Solemnized by & between the said Nathl F. Powell and Mary ann Batten. and whereas it was agreed upon by & between the said Nathl F Powell and Mary Ann Batten that the said Mary Ann. Batten Shall notwithstanding her intended Marriage, if the same Shall take effect hold & enjoy all of her said property above set forth and described with all and every the rights Titles interests & profits of to in & out of the same free from and Seperate from all claims and demands of the said Nathl F. Powell. arising from the Consummation of the above Marriage.

Thomas, Adams & Co.

vs. Ez Co. Judgt.

A. J. Powell Sol.

In the Circuit Court of Isle of Wight County
the 20th. day of May 1868.

James Thomas, Jno. E. Adams & H. D. Atkinson merchants
& partners under the style of Thomas, Adams & Co. . Pltff.

against

In Debt.

Nath.l T. Powell and Margaret Powell & Alson
with Mary A. Powell Defts.

The judgment obtained at rules not having
been set aside, and the plaintiff being now
entitled to a final judgment, it is considered
that the plaintiffs recover against the
defendants Six Hundred & sixty seven
dollars and forty nine cents, ($667.49)
the debt in the declaration mentioned,
with interest ~~thereon from the~~ on $643.15
part thereof from the 31st. day of Dec. 1860 till
paid, and their costs in this behalf expended.

Accpt.

Teste,

A. D. Armistead.

The above judgment was docketed in the County
Court Clerk's office of Isle of Wight County, on
the 25th day of May 1868.

Teste A. D. Armistead.

In the Clerks office of Isle of Wight County Court April 6th 1857 this Indenture of Marriage agreement was received, and as to its acknowledgement by Mary Ann. Batten & Nath.l F. Powell by Andrew J. Nock & Daniel H. Batten the witness thereto. and was also acknowledge by Jas.s P. Jordan & admitted to Record.

Test

N. F. Youngblood

a.c.p.m.

Teste,

N. F. Youngblood

N. F. Powell &
Wm. A. Batten
to
Marriage
Contract
Jas. P. Jordan Trustee

6 cts.

Eq. Act-B

before mentioned Agreements. She the said Mary Ann Batten, with the Consent and approbation of the said Nath.ll F. Powell. testifies by his being a party to and sealing and delivering these presents. And in Consideration of the sum of $5000. in hand paid by the said James P. Jordan to the said Mary Ann Batten the receipt whereof is hereby acknowledged. hath assigned and transferred = and do by these presents assign & transfer unto the said James P. Jordan his Admors. assigns &c. all the property above set forth to have and to hold the said property hereby Conveyed unto the said Jas. P. Jordan his heirs & assigns.
But Nevertheless. upon the trusts & for the intents hereafter expressed and declared of & Concerning the same: That he the said James P. Jordan his heirs and assigns. Shall Manage the said property, & for the sole benefit & use of and as Mary her desired by the said Mary Ann Batten her said Marriage. Notwithstanding and that the same in no Manner Whatsoever. Shall be Subject to the direction, Control or disposition of him. the said Nath.l F Powell her intended husband, Unless it be her wish and desire. so liable for his debts or Contracts. and upon the further trusts That he the said James P. Jordan his heirs &c. shall transfer and deliver unto the said Mary Ann Batten. or unto Such person or persons. and at Such time or times & in Such proportions, Manner. & form. as the said Mary Ann Batten May direct = by her request or order made in writing - attested by two or More credible witness all of said property or the profits thereof to convey as aforesaid and that all the said Seperate estate and the proceeds & increase thereof. Shall be had and taken. held and enjoyed by Such person and persons & for Such use & ends as the said Mary ann Batten shall at any time hereafter during her life. direct order or dispose of the same either by her last will and testament in writing or by any other writing whatsoever, Signed with her hand in the presents of Credible Witnesses. And the said Nath.l F Powell for himself his heirs & Covenants & agrees to & with the said James P. Jordan his Executors &c. by these presents in manner & form following - that is to say if the said intended Marriage Shall take effect, & the said Nath.ll F Powell, Shall and will permit and Suffer the said Mary Ann Batten to give grant and dispose of her said Seperate estate, as She shall think fit in her life time. either by her last will and testament - or otherwise, And he the said Nath.l F Powell will hereafter permit Such will to be made by the said Mary Ann. Batten to be duly proven by the Executor or Executors thereof and probate to be made as usual, and that the person or persons to whom the said Mary Ann Batten shall give or dispose of her said Seperate estate by Will or otherwise - may hold & enjoy the same. according to the true intent & Meaning of said will or writing without any interruption by the said Nath.l F. Powell - his heirs or assigns or any of them and that he the said Nath.l F. Powell will do & Execute all and every Such further act - and acts & things for the better Setting of the said property upon the said Mary ann Batten to her Seperate use and benefit. In witness whereof we have hereunto Set our hands and Seals the day & year first - aforesaid Signed & sealed in our presents

Attest
Andrew I. Rock
Daniel H. Batten

N. F. Powell (Seal)
Mary A. Batten (Seal)
Jas. P. Jordan (Seal)

This indenture Tripartite Made and entered into
this 18th day of February in the year eighteen hundred
fifty seven between Nathaniel F. Powell of the
County of Isle of Wight in the State of Virginia of the
first part. Mary Ann Batten of the same County &
State of the other part. and James P. Jordan of the same
County & State of the third part, Whereas the said
Mary Ann Batten is Seizid & possessed of Certain real
and & Chattle property to wit. a dower or one third
part of the farm or tract of land Whereon Edwin
Batten dec'd resided, lying and being in Rascs Neck
in the County of Isle of Wight and bound by the lands
of William Driver Silas Daniel John T. Corran & others
and whereas the said Mary Ann Batten is further
Seizid & possessed of Certain Slaves Names as follows
Esther Isaac George Eley & Matilda, being her
dower in the slaves of the said Edwin Batten
dec'd Whereas the the said Mary Ann Batten is
further Seizid & possessed of in fee of a Certain horse and
Cockway — besides divers of other property — and Whereas
a Marriage is agreed upon and entered shortly to
be had and Solemnized by & between the said Nath'l
F. Powell and Mary Ann Batten, and whereas it was
agreed upon by & between the said Nath'l F. Powell
& Mary Ann Batten that the said Mary Ann Batten
shall notwithstanding her intended Marriage of the same
shall take effect — hold & enjoy all of her said property
above set forth and described with all and every the
right title claim & profits of to in & out of the same,
free from and Separate from all claims and demands
of the said Nath'l F. Powell Arising from the Consum-
ation of the above Marriage. Now this indenture Witnesseth
that in Consideration of the said intended Marriage
and in pursuance and perfecting of the said herein

Buckland

v.

Powell and Elliott

Thurston & Adams

v.

Powell

Thomas & Adams v. Powell &.

and } Bill costs to Apl. 21. 1875.

Pollard v. Powell &.

Costs in 1st suit, viz:		Costs in 2d. suit, viz:	
Allo. for Hon	16.00	Allo. Hon	16.00
Allo. "	16.78	Atk. for	13.36
Stff. Ely "	1.50	Stff. Ely for	1.50
Do. Chapman	3.58	Do. Chapman	2.00
Cond. Atkinson	6.00	Cond. Atkinson	6.00
	$43.28		$58.86
Costs in the first suit bet. Adams			43.28
Do. in " second suit " "			38.86
Joint Costs viz: Cond. Atkinson	8.00		
Atk. & Stff. Chapman $5.50	6.06		14.06
Taxed A.S. Lomax Clk		Total costs, 2 suits	$96.20