

1881~12

Southampton County Chancery. Powell, Joseph B. v's Powell, Emma & Florence
(infants)

petition for sale of real estate

Powell, Mary Jane

Edwards, L. R.
(G. A. L.)

~~44~~ 34 23 27

Powell's wife

2 Bill, whitt
as 3 Ann

Powells

1872 April. Dece H^d for sale

" Aug. Rep & dece

1881 Apr. Removed from
the Docket

Received by Clerk Corwin

County Aug. 13th 1873

Over 7 years

To the Honorable Joseph W. Ingraham judge
of the county court of Southampton in
chambers sitting.

Humbly complaining your orators Joseph
B. Powell and Mary Jane Powell his wife shew
unto your Honor that they and Emma Powell
and Florence Powell two infants of tender
years own a tract of land lying in
Southampton County containing one hundred
and fifty seven acres known as the Holly Pond
tract valued at \$392.50 cents all of which will
more fully appear by a report of Commissioner
Biggs. Story is contained in minute file marked
A and prayed to be taken as a part of this
bill that your orators own one half and
Emma and Florence Powell one fourth each.

Your orators state that they now desire
a division or sale of the whole tract and
division of the proceeds of sale among the
parties according to their respective rights
and your orators think a division impracticable
and that the interests of all would be
promoted by a sale.

In tender consideration whereof and
inasmuch as your orators are without relief
at law and only entitled to relief in a
court of equity where such matters are

particularly cogizable they therefore pray that
Emma Power and Florence Power two infants
by some fit and proper person their guardian
ad litem appointed for that purpose may be
made parties defendant to this bill and that
the court would compel them as full
and perfect answer make to the allegations
therein contained as if they had been themselves
more fully and specially interrogated and that
if the court should be satisfied that the interests
of all would be promoted by so doing that then
the court would decree a sale of the said
tract of land and division of the money
according to the rights of the parties and
that the court would grant such other and
general relief the premises considered as equity may
dictate and the nature of this case may
require and as in duty bound your orator
will ever pray &c

Shanes J. J.

The answer of Emma & Florence Power two
infants by L. R. Edwards their guardian ad
litem appointed for that purpose to a bill in
chancery in the county court of Southampton
by J. B. Power & wife against them

This defendant for answer to the said bill
or as much thereof as he is advised it is
material for him to answer, answering says
that he knows nothing of the allegations of
the plaintiffs bill but submits the interests of
his wards to the care of this court whose
peculiar duty it is to protect the rights of
infants and having fully answered prays
hence to be discharged with his costs

Shanes for
deft

Powells

vs { Petition of
M. B. Hamlin

Powells.

To The Hon. Joseph W. Ingraham judge
of the county court of Southampton
in chancery sitting

Respectfully petitioning your
petitioner Mary B. Chandler who ~~was~~
before her marriage was Powell ask-
to be made a party plaintiff in the
suit of Joseph B. Powell & wife vs
Emma & Florence Powell she states that
before her last marriage she was the
widow of Joseph B. Powell and as such
entitled to dower in one half of the tract
of 157 acres of land sold by Bayne &
Bryant she consents to the sale and
desires the court to allot so much
of the purchase ^{money} in fee in lieu of
her dower and that the court would
grant such other relief as may be
necessary as in duty bound she will
and pray us

Shancas for
petitioner

Jan'y 20th 1873 Received from the
Clerk of the county court a bond
for \$280 due by G. H. Drake & others.
B. J. Bryant

Powell
m 3
Powell

Commissioners
Report

1872 Aug.

The undersigned commissioners appointed
by the above decree of April term 1872
begs leave to report that in compliance
to the above decree on the 25th of May
1872 he sold the Holl, Pond tract of
land containing 157 acres of land for
\$325 - on six months credit to George
W Drake and after receiving \$25 - in
cash to pay costs of suit we he
took a bond for \$280 for value of the
purchase money which he herewith
returns. he reports further he shall
make no title until the further
order of this court all of which is
Respectfully submitted by

Berya S Bayard Commissioners

May 25th 1872

KNOW ALL MEN BY THESE PRESENTS, That we

Benj. J. Bryant. Amos S. Pope & Chas. E. Bryant

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of four hundred dollars, good and lawful money of Virginia, to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally firmly by these presents. Sealed with our seals and dated this 13th day of April A. D. 1872.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound

Benj. J. Bryant.
Commissioner appointed by a decree of the County Court of Southampton County
rendered in a suit in Chancery then pending of Powell Wife vs. Powell at
the April Term thereof 1872

shall faithfully discharge the duties of his said office or trust according to law, then the above obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and delivered
in presence of the Court. }

Benj. J. Bryant [SEAL.]

Amos S. Pope [SEAL.]

Charles E. Bryant [SEAL.]

[SEAL.]

Barnes & Co

to } Copy Report.

Worrell

A

We the Commissioners appointed by a decree of the County Court of Southampton to divide the Dover lands of Mrs Temperance Darden among the heirs of her first husband Lewis Norrell submit the following report -

We valued the Holly Pond Tract containing one hundred fifty seven acres at \$2.50 pr. acre making \$392.50 We valued the Appamossick tract containing 173 acres at \$4. pr acre making \$692. We valued Williams tract containing 331 acres at \$2.50 pr acre making \$577.50 Dollars -

We valued Mansion house tract containing $181\frac{3}{4}$ acres at \$3. pr acre making \$545.25 -

The aggregate value of all the land \$2207.25

According to directions of said decree we then divided said land according to value into four equal parts, and assigned the Holly Pond branch tract to Lot N^o 4 containing 137 acres valued at \$392.50 to the heirs of Mary J. Powell ~~whom we thought~~ & J. J. Powell's heirs - Emma & Florence

The mansion house tract containing $181\frac{3}{4}$ acres Valued at \$545.25 - Lot N^o 3 was drawn by R. J. Barnes -

The Williams tract containing 331 acres Valued at \$577.50 Lot N^o 2 was drawn by Benjamin E. Norrell -

The Appamossick tract containing 173 acres valued at \$692 Lot N^o 1 was drawn by Emaline Gillette -

Emaline Gillette the owner of Lot N^o 1 must pay to the owner of Lot N^o 4 \$140.19 to make Lot N^o 4 an equal share (an equal share being \$551.81) The Owner of Lot N^o 2 must pay to the owner of Lot N^o 4 \$19.13 to make Lot N^o 4 an equal share -

The Owner Lot N^o 2 must also pay to the owner of Lot N^o 3 \$6.36 to make Lot N^o 3 an equal share - Respectfully Submitted

W. W. Briggs }
E. L. Gray } Com.
Thos. Vaughan }

February 10. 1866

Henry Foster O. White clk

Leaves Costs. 17.50 p^d
Law fee Max 21.00 28.50

James & Wife
Jas. J. Jones
James

Dorchester County Court, April Term 1872.

Joseph B. Purrey & Wife

Plffs.

Against

Emmed & Horace Purrey two Infants by
L.R. Edwards their Guardian ad litem.

Def.

Influencing

By Consent of parties this case came on to be heard
on the Plaintiff's bill & exhibit therewith filed, answer of the
Infant Defendants by their Guardian ad litem, replication thereto & was
argued by Counsel; on consideration whereof, the Court doth adjudge,
order and decree, that Benjamin J. Bryant, who is hereby appointed
a Special Commissioner for that purpose, after having
given at least twenty days notice, of the time & place of
Sale, at Newing Dept of Superior Court, proceed to sell at public
auction, to the highest bidder, the tract of Land known as
"Holly Pond," containing two hundred and fifty seven acres, (157)
on the following terms, to wit: Sufficient Cash to pay the Costs
of this suit & Sale, including a fee of twenty dollars to
the Plaintiff's Counsel; & the balance of the
purchase money on six months credit, taking from the purchaser
Bond with approved Security carrying six per cent interest from
the day of Sale & retaining the title until the
purchase money shall have been paid, and upon the payment
of the said Bond, divide into four equal shares, and allot
two shares to Joseph B. Purrey & Mary Jane Purrey his
wife, two shares to the lawful Guardian of Emmed Purrey & the
other share to the lawful Guardian of Horace Purrey, & Report
to Court in order to a further decree. But the said Commissioner
shall not proceed to act under this decree until he shall have
executed in the Clerk's Office of this Court a Bond in the penalty
of \$400, with good and sufficient Security for the faithful per-
formance of this Term. Attest

John James R. Tyler, Clk

Powell & wife
vs 3 Deems
Powells

By consent of parties this day
this cause came on to be heard on the plaintiffs ^{bill} and
exhibit therewith filed answer of the infants
defendants by their guardians ad litem replication
thereto and was argued by counsel On consideration
whereof the court doth ~~adjudge~~ ^{order} and decree
that ~~Benjamin & B. Byrd~~ ^{Benjamin & B. Byrd} who is hereby appointed
a special commissioner for that purpose shall
after having given at least twenty days notice
of the time and place of sale at Newbern
N.C. and Towns Store proceed to sell at
public ~~sale~~ ^{auction} to the highest bidder the tract
of land known as Holly Pond containing
one hundred and fifty seven acres (157) on
the following terms to wit sufficient cash to
pay the costs of this suit and sale including
a fee of \$20 to Mr B Shanes the plaintiffs
counsel and the balance of the purchase
money on six months credit Taking from the
purchase bond with approved security carrying
six per cent interest from the day of sale
and retaining the title until all the purchase
money shall have been paid and upon
the payment of the said bond divide into
four equal shares and allot two shares

Powell & wife

as 3 June

Powell

to be entered

L. W. W. & Co. Ltd.
Judge

Jan 2 June 1873

Powell is wife

on 3 Decem

Powells

This day this cause came on again to be heard on the papers formerly made and was argued by counsel on consideration whereof the court doth adjudge order and decree that Benjamin F Bryant the commissioner withdraw the bond for \$280 due from George W Drake and others from the papers in this cause and collect the same and pay it out according to the directions given in the decree entered in this cause at the August Term 1872 and on the payment of the said bond make to the purchaser a deed with special warranty and report his proceedings to court in order to a further decree

Powell nals

as 3 Dec

Powells

Go be entered

W. W. G. Hart Jr

August Term 1872

Powell vs
vs 3, Decr
Powells

This day This cause came on again to be heard on the papers formerly made the petition of Mary B. Hamilton asking to be made a party plaintiff and the report of Benjamin & Bryant commissioners appointed to see a tract of land made pursuant to a decree of this court entered at the April term 1872 and to which no exceptions were filed and was argued by counsel on consideration whereof the court doth adjudge order and decree that Mary B. Hamilton be made a party plaintiff to this suit and that the report of Benjamin & Bryant be confirmed and that on collecting the purchase money for the said land and after paying costs as before directed be allot one half to Joseph B. Powell and Mary Jane Powell his wife and divide the other half into five shares and allot one fifth to Mary B. Hamilton in fee in law of down two fifths to the lawful guardian of Emma Powell and two fifths to the lawful guardian of Florence Powell and report his proceedings to court in order to a further decree.