1909-85 Southampton County Chancery Darrell, Joshua H. etals vs Darrell, William A

Darrell, Geo. E
Darrell, Jno J.
Wheeler, Millard C
Darrell, Robt H.
Darrell, Albert L.
Darrell, Littleton East.

Darrell, Bettie A
Darrell, Mary E.
Darrell, Fulmore
Darrell, Thomas L
Darrell, Washington
Wheeler, Verny

Dower be set aside
to Widow, & remainder
be divided between several
parties entitled thereto

Plat
filed

To the Hon. C. N. Hill Judge of the Circuit Court of the County of Southampton,

Humbly complaining sheweth unto the Court your complainants Joshua H Powell, George E. Powell, Jno. T. Powell, Millard C. Wheeler, Robert H Powell and Albert L. Powell; that Littleton G. Powell was in his life time seized and possessed of certain real estate lying in the County of Southampton, consisting of a tract of land containing six hundred and ninety two acres more or less and bounded as follows On the north by Blanch Swamp, on the South by Jarrard Creek; On the East by the Mills Britt tract, and others, and West by the Blanch Swamp. and is commonly known as the Edwin Harris tract; and also a valuable house and lot in the town of Boykins containing about one half of an acre, situated on the West side of Main Street bounded by the said Street, the lands of W. M. Beaton, E. R. & J. P. Darden and others. and being so seized and possessed, some time in the early part of the year 1890 the said Littleton G. Powell departed this life intestate, leaving a widow, Bettie A Powell. and the following as his only children and heirs at law. to wit. William A Powell, Joshua

H. Powell, George E. Powell, Jno. J. Powell, Sarah Wheeler (who was formerly Powell) Robert H. Powell, Albert L. Powell, Mary. G. Powell, Fillmore M. Powell, Thomas J. Powell, Anna V. Powell and Washington Lee Powell the said last named two being infants of tender years.

That since the demise of the said Lillieton G. Powell to wit: in the month of 1890 Sarah Wheeler (who was formerly Powell) departed this life, surviving her an only child, Verny O. Wheeler who is an infant, and her husband Millard D. Wheeler, having first made a last will and testament in which she divised all of her right title and interest in the real estate formerly belonging to her father Lillieton G. Powell to her ~~daughter~~ Verny O. Wheeler and her husband Millard D. Wheeler equally to be divided between them, all of which will more fully appear by a copy of the said will herewith filed marked "C." and prayed to be taken as a part of this bill.

Your orators further state, that the said real estate is as they believe susceptible of partition among the parties entitled thereto; but if it be not, then your complainants after there is set aside to Bettie A. Powell, widow of the said Lillieton G. Powell, one third of the said estate as her dower, desire the residue to be

sold and the proceeds divided among the adult and infant parties according to their respective rights; the shares of the infants to be held as directed by the Statute in such cases made and provided. Should the property not be divisable in kind, your complainants believe and here state that the interests of those who are entitled to the said real estate or its proceeds will be promoted by a sale of the whole of said real estate, or by an allotment of part and sale of the residue.

In tender consideration whereof and for as much as your Complainants are remediless in the premises save by the aid of a Court of Equity where matters of this kind are alone and properly cognizable, your complainants pray that the said William A. Powell, Bettie A. Powell, Mary E. Powell, Filmore M. Powell, Thomas D. Powell, Anna V. Powell, Washington L. Powell and Verny Outhelet may be made parties defendants to this bill, and required on their oath to answer the same; that a proper guardian ad litem be assigned the infant defendants, to defend their interests in this suit who shall also answer this bill; that proper process issue; that dower be set aside to the widow of the deceased out of the said real estate and the remainder thereof be divided between the several parties entitled thereto, and your complainants portions be allotted to them; and in case the said real estate cannot be partitioned

and divided in kind, that the same be exposed to sale and the proceeds of such sale be divided among the parties entitled thereto; that all proper accounts and decrees may be made & proper enquiries may be directed, and that all such other further and general relief may be afforded to your Complainants as the nature of the case may require, or to equity may seem meet. And your Complainants will ever pray &c.

Jas. L. McLemore p.q.

Powell's heirs
vs
Powell & others
Bill & Exhibits

Filed 1st Dec 1845

McLemore p.q.

Exhibit "BB"

Copy.

Will of

Sarah E. Wheeler

dec'd

1890.

BE IT REMEMBERED that I, Sarah E. Wheeler, wife of Millard C. Wheeler, of the city of Philadelphia, being of sound and disposing mind, memory and understanding do make publish this my last will and Testament, hereby revoking and making void all former wills by me at any time heretofore made.

Imprimis: I order and direct my executor hereinafter named to pay my just debts and funeral expenses as soon,as soon as conveniently may be after my decease.

Item: All the rest,residue and remainder of my estate,real,personal and mixed and of every kind and nature whatever,and wherever the same may be situated of which I may die seized or possessed or entitled to, I give devise and bequeath the same and every part thereof unto my husband Willard C. Wheeler and my daughter Vernie Ola Wheeler, their heirs and assigns in equal shares.

Lastly: I nominate,constitute and appoint my brother William A. Powell executor of this my last will and testament.

IN WITNESS WHEREOFI have hereunto set my hand and seal this 31st. day of July, 1890.

Sarah E.Wheeler SEAL

City and County of Philadelphia, ss

Register's Office.

Then personally appeared Anna J. Roorbach &
Frederick J King
to the foregoing Last Will of Sarah E. Wheeler
deceased, and on their solemn affirmation did depose and say that
they were present, and did see and hear Sarah E. Wheeler
deceased, the Testatrix above named, sign, seal and publish and declare
the same as and for her Last Will and Testament, and that at the time
thereof she was of sound mind, memory and understanding to the best of
their knowledge and belief.

Signed, sealed published and declared by Sarah E. Wheeler, testatrix above named, as and for her last will and testament in the presence of us, who in her presence, and at her request and in the presence of each other have hereunto set our names as witnesses thereto.

(signed)

Anna J. Roorbach,
Frederick J. King
Frederick J. King.
Anna J. Roorbach

Sworn and subscribed
before me the day and year aforesaid.

Jno. L. Fields
Deputy Register.

[Form 5.]

# City and County of Philadelphia, ss.

*Register's Office,* October 1st 1890.

Then personally appeared Anne J. Roorbach and Frederick J. King the subscribing witnesses to the foregoing Last Will of Sarah E. Wheeler deceased, and on their solemn oaths did say that they were present, and did see and hear Sarah E. Wheeler deceased, the Testatrix therein named, sign seal, publish and declare the same as and for her last Will and testament and that at the doing thereof she was of sound disposing mind, memory, and understanding, to the best of their knowledge and belief.

Sworn and subscribed before me, the date above.

Wm. G. Shields
Deputy Register.

Frederick J. King

Anne J. Roorbach

I, Wm A. Powell, hereby renounce my right to qualify as Executor on the Estate of my sister Sarah E. Wheeler.

Given under my hand this the 15th day of September 1890.

Wm A. Powell.

[Form No. 9.]

**Commonwealth of Pennsylvania,** } ss.:
**CITY AND COUNTY OF PHILADELPHIA.**

Register's Office, November 1st 1890

*I, ALFRED GRATZ, Register of Wills and ex-officio Clerk of the Orphan's Court for the City and County of Philadelphia, in the Commonwealth of Pennsylvania, do hereby certify the foregoing to be a true and accurate copy of* the last Will and Testament of Sarah E. Wheeler, deceased, together with the probate thereof, upon which Letters of Administration cum testamento annexo were granted on the 17th day of October A. D. 1890 to "The Equitable Trust Co".

*and the same remains on file and of record in this office.*

*In Testimony Whereof, I have hereunto set my hand and official seal at Philadelphia the date above.*

Alfred Gratz

*Register of Wills and ex-officio Clerk of Orphan's Court.*

FORM 10.

STATE OF PENNSYLVANIA,
PHILADELPHIA COUNTY, } ss.

I, WILLIAM B. HANNA, President Judge of the Orphans' Court of Philadelphia County, DO CERTIFY, that the foregoing Certificate and Attestation, made by ALFRED GRATZ, Esq., Register of Wills and ex-officio Clerk of said Orphans' Court, whose name is thereto subscribed and seal of his Office affixed, are in due form and made by the proper officer.

IN TESTIMONY WHEREOF, I have hereunto set my hand, this First day of November in the year of our Lord one thousand eight hundred and Ninety.

Wm B. Hanna SEAL
President Judge.

STATE OF PENNSYLVANIA,
PHILADELPHIA COUNTY, } ss.

I, ALFRED GRATZ, Esq., Register of Wills and ex-officio Clerk of the Orphans' Court of Philadelphia County, DO CERTIFY, that the HONORABLE WILLIAM B. HANNA, by whom the foregoing Attestation was made, and who has thereunto subscribed his name, was, at the time of making thereof, and still is, President Judge of the Orphans' Court of Philadelphia County, duly commissioned and sworn; to all whose acts, as such, full faith and credit are and ought to be given, as well in Courts of Judicature as elsewhere.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the said Court, this First day of November in the year of our Lord one thousand eight hundred and Ninety.

Alfred Gratz
Register of Wills and ex-officio Clerk of the Orphans' Court.

Miss Anna V Powell

In Acct with W. A. Powell

Acting Guardian

1890 Miss Anna V Powell In Acct with

W A Powell Acting Guardian

| | | | | |
|---|---|---|---|---|
| Apr | 12 | To Amt Cash to buy suit Black | 33 | 00 |
| Aug 1891 | 10 | " Cash Self | 8 | 00 |
| Septr | 28 | " " " | 15 | 00 |
| Octr | 10 | " " " | 15 | 00 |
| Novr | 6 | " " Dr W F Dreary | 10 | 00 |
| " | 10 | " " Self | 10 | 00 |
| " 1892 | " | " " " | | |
| Jan | 4 | " Paid T. J. Powell to pay expences | | |
| " | | " to Philadelphia Retreat | 52 | 32 |
| " | 6 | " Paid Geor Jones Steward | 130 | 00 |
| " | 28 | " " Mrs B A Powell to have teeth fixed | 22 | 00 |
| Feb | 23 | " " Dr W B Barhom Medical bill | 40 | 30 |
| " | 27 | " " Mrs M E Cloud for sewing | 1 | 70 |
| March | 26 | " " Dr J H H Sykes Medical bill | 34 | 80 |
| " | 28 | " " Geor E Powell three grain tone tech | 19 | 00 |
| Apr | 6 | " " Geor Jones Steward at Retreat | 130 | 00 |
| July | 2 | " " Mrs B A Powell to pay expences | | |
| " 1893 | " | " from Retreat in Philadelphia | 30 | 00 |
| March | 3 | " " Check to self on Bank of Port | 20 | 00 |
| | | | $567 | 82 |
| Nov. | 6 | To pais J. L. McQueen atty | 7 | 50 |
| | | " " Clerks fee bill - | | |

Order of Court to expunge all of the Principal Entered in this case

PLEASE MAKE CHECKS AND DRAFTS
PAYABLE TO THE ORDER OF
**GEORGE JONES, Steward,**
44th and Market Streets, Philadelphia.

William A. Powell Guardian

## To the CONTRIBUTORS TO THE PENNSYLVANIA HOSPITAL, Dr.

For 13 weeks' board and medical care

of Anna V. Powell

From 1 Mo. 6 da to 4 Mo. 6 da 1892 at $ 1.00 per week, } $ 13.00

Duplicate

Received Payment
Geo. Jones
Steward

W. H. MANN CO. PRINTERS PHILADA.

Lt. L Davis
Vicksville
Miss Fay. Va.

Vicksville Va
March 17. 1873

M. B. F. McLemore

Dear Sir.

I enclose you some papers which you will attend to at once. Dr. Nicholson wants a order to sell the property as soon as possible. Please Show the papers to Mr J. L. McLemore and if there is anything listing it is Dr. Nicholson's request that he attend to them. Hope they will reach you all right

Very truly Yours &c
C. L. Davis

Recd July 2 1892 of W. A Powell
teling guardian thirty #30 00
dollars to Anna V Powells expences
from Retreat in Philadelphia
Mrs. B. A. Powell

Recd Septr 28 1891 of W A Powell
teling guardian fifteen #15 00
dollars as a part of my interest in
my Father L G Powells Estate
Anna V. Powell.

Recd Aug 10 1891 of W A Powell teling Guardian
five #5 00 dollars as a part of my
Fpther L G Powells Estate
Anna V. Powell.

Recd Octr 10 1891 of W A Powell
teling Guardian fifteen #15 00
dollars as a part of my interest
in my Father L G Powells Estate
Anna V. Powell.

Recd April 12 1890 of W A Powell
teling guardian thirty three
#33 00 dollars to go in Block
as a part of my interest in
my Farthers L G Powells Estate
Anna V. Powell.

Recd Jan 28 1892 of W A Powell teling guardian
twenty two #22 00 dollars to pay for having
Anna V Powells teeth filled
Mrs. B. A. Powell

Paid out in money for
Mary & Anna $6 4.00
$3 1.00 for Mary.
$3 3.00 for Anna.
April 12. 1890.
By Mrs. B. A. Powell.
Per. L. E Ethelen.

Mrs. Anna V. Powell

| | | To W. B. Barbour, Dr. | | |
|---|---|---|---|---|
| 1892 | | | | |
| Jany | 2 | To visit & consultation with Dr Taylor | 5 | 00 |
| Jany | 5 | Fare to Portsmouth | 1 | 75 |
| " | 6 | Money loaned | 5 | 00 |
| " | 6 | Dinner in Philada | | 50 |
| " | 6 | Supper in " | | 25 |
| " | " | Berth on Shoreline | 2 | 00 |
| " | 7 | Fare from Portsmouth | 1 | 75 |
| " | 7 | To change for going | 25 | 00 |
| | | | 41 | 25 |
| | | Per. | | |
| | | By Money loaned | | 95 |
| | | Balance due me | $40 | 30 |

PLEASE MAKE CHECKS AND DRAFTS
PAYABLE TO THE ORDER OF
**GEORGE JONES, Steward,**
44th and Market Streets, Philadelphia.

William A. Powell Guardian

## To the CONTRIBUTORS TO THE PENNSYLVANIA HOSPITAL, Dr.

For 13 weeks' board and medical care

of Anna V. Powell

From 4 Mo. 6 da to 7 Mo. 6 da 1892 at $ 1.00 per week, } $13.00

Received Payment
Geo. Jones
Steward

WM. MANN CO. PRINTERS PHILADA.

40
Aug 19.

Wm A. Powell Acct Gdn Anna T. Powell

To Making motion to Expend pt principal $2.50

Paid Nov. 6/91 Jno. L. McLemore

---

Mrs Anna T Powell

1820 & Gu. E. Powell Dr

| | | | | | |
|---|---|---|---|---|---|
| April | 28 | To Lease | | | 15 |
| July | 7 | " 9 yds Calico 8 | | | 72 |
| " | 23 | " Lease | | | 2 00 |
| " | 31 | " 1 Pr Hose | | | 20 |
| Sept | 1 | " 1 Tooth Brush | | 10 | |
| " | " | " 1 Box soap | | 05 | 18 |
| " | 12 | " 1 Spool Col | | | 05 |
| Oct | 6 | " Lease | | | 1 00 |
| " | 13 | " 1/2 yd Hamburg 15 | | | 23 |
| " | 14 | " 1 Bot Jamaica Ginger | | | 10 |
| Nov | 5 | " 5 yds Calico 8 | | 40 | |
| " | " | " 3 " Lead Col. Jeans 8 | | 24 | |
| " | " | " Lease | | 25 | 89 |
| " | 18 | " 1 Bot Jamaica Ginger | | | 10 |
| " | 19 | " 1 Spool Silk Col | | | 10 |
| " | 27 | " Lease | | | 15 |
| Dec | 4 | " 1 Spool Col | | | 05 |
| " | 4 | " 3 Spools | | | 05 |
| " | 15 | " 1 3/4 yds Bro Cot 10 | | | 18 |
| " | 18 | " 1/2 " " " " 10 | | | 15 |
| | | | | | 6 27 |
| | | Cr | | | |
| July | 60 | By cash Charged to Mary Powell | | | 1 00 |
| | | | | | $5 27 |

Paid

By W. A. Powell

Acting Guardian

March 28/92

Mrs E. Powell

Wm. A. Powell, Guardian For. Anna. V. Powell

To J. A. M. Sykes Dr

| | | | | |
|---|---|---|---|---|
| Mar | 14 | To visit & med: Anna. V. Powell, Bookins, | 2 | 00 |
| | 15 | To do do do with D. W. T. D. | 2 | 00 |
| | " | To do do do Evening | 2 | 00 |
| | 16 | To do do do | 2 | 00 |
| | 17 | To do do do | 2 | 00 |
| | 18 | To do do do | 2 | 00 |
| | 23 | To do do do | 2 | 00 |
| | 25 | To Medicine do do | 1 | 00 |
| Apl | 2 | To Medicine do do | 1 | 00 |
| | 20 | To Medicine do do | 1 | 00 |
| May | 8 | To Medicine do do | 1 | 00 |
| ~~Decr~~ | 15 | To do do do | | 50 |
| Decr | 30 | To Visit & med do do Night | 3 | 50 |
| | 31 | To do do do do | 2 | 00 |
| 1892 | | | | |
| Jany | 1 | To 2 Visits do do do | 2 | 50 |
| " | 2 | To Visit do do do | 2 | 00 |
| " | 3 | To 2 do do do do | 2 | 00 |
| " | 4 | To 2 do do do do | 2 | 00 |
| " | 5 | To do do do do | 2 | 00 |
| | | | 34 | 50 |
| | | | 10 | 50 |
| | | | 44 | 00 |
| | | | 3 | |
| | | To Examg Fee for Life Ins | | 48 00 |

Paid by W. A. Powell

Guardian J. A. M. Sykes

Wm A. Powell.

Guardian,

a/c

$ 34.50

Recd March 4 1893 of W A Powell
Acting Guardian Twenty
three dollars as a part of
my interest in my Father
L G Powell's Estate
Anna V. Powell

Mrs Anna V. Powell
To Geo. E. Powell Dr

| | | | | |
|---|---|---|---|---|
| 1891 | | | | |
| Dec | 17 | Apples &c | | 12 |
| " | 19 | 1 Apples & 2 oranges | 17 | |
| " | " | 1 Bot Pepper mint | 08 | |
| " | " | 1 " Castor oil | 10 | 35 |
| " | 22 | 1/2 doz Eggs | | 10 |
| " | 30 | 1 doz Lemons 15 Apples 5 | | 20 |
| " | " | 1 Pr Hose 10 | 10 | |
| " | 31 | 1/4 # Figs 5 Apples 5 | 10 | 20 |
| 1892 | | | | |
| Jan | 5 | 2 oranges & Apples | 08 | |
| " | " | 1/4 # Figs 20 | 05 | 15 |
| | | | | 100 |

Paid By W A Powell
Acting Guardian

March 28/93
Geo E Powell

Southampton County Court, Aug Term 1891

On motion of Wm. A. Parnell acting Guardian of Anna V. Parnell, it is ordered that he be allowed to expend Fifty Dollars of the principal of his said Ward's Estate, for her maintenance, education and support, it appearing to the Court, that the same is judicious and proper.

A Copy

Teste B. F. McLemore C. C.

Receiving of Wm. A. Powell
Acting Guardian. Fifty two
and 32/100 Dollars. & taking for
expenses in taking Chas.
J. Powell to Penn. Hospital
January 4th 1892

Chas. J. Powell.

Rec'd April 18th 1892 of W. A.
Powell acting Guardian for Anna
V. Powell Forty and 30/100 Dollars for
medical services and expenses to
Philadelphia

W. B. Barham

Mrs Anna V. Purcell.
1891 In Gu. E. Purcell Gr

| | | | | | |
|---|---|---|---|---|---|
| Feb | 4 | 1/2 yds Bleaching 10 | | | 15- |
| " | 25-4 | " " 10 | | | 40 |
| " | 28 | 1 Cotl Soap | | | 05- |
| " | 30 | 1 3/4 yds Edging 12½ | | 21 | |
| " | " | 1 Piece Elastic | | 07 | 28 |
| Apl | 29 | Loan to W N Blanchard | | | 85- |
| June | 6 | " " Border for Brandy | | | 25- |
| " | 15- | " " Bill Purcell | | | 25- |
| July | 4 | 4 Lemons | | 10 | |
| " | 14 | 1 Bot Jamaica Ginger | | 25- | 85- |
| " | 18 | 1 Dz Pearl Buttons | | 08 | |
| " | " | 1 S/spool Cot- | | 05- | 13 |
| " | 22 | Loan $6.00 Postage 3 | | | 6 06 |
| " | 24 | 1/2 yd Hamburg Edge | | | 05- |
| " | 28 | 10 # G Sugar 6 | | 60 | |
| " | " | 1 Dz Eggs | | 13 | 73 |
| " | " | 5 yds Bleaching 10 | | 57 | |
| " | " | 3 " Calico 7 | | 21 | |
| " | " | 2 S/spools Cot- 5 | | 10 | 81 |
| Aug | 4 | 1 Paper Pins | | 05- | |
| " | 20 | 2 Pair 1/2 Hose | | 40- | |
| " | " | 1 Dz Pearl Button | | 08 | 53 |
| Sept | 20 | 3 yds Col Jeans 8 | | 24 | |
| " | 28 | Loan to Self | | 10 | |
| " | 30 | 2 S/spools Cot- | | 10 | 44 |
| Oct | 1 | Goods to Maggie Ridley | | | 40 |
| " | 10 | 2 S/spools B H Twist | | 06 | |
| " | 12 | 3/4 # Cheese | | 12 | 18 |
| " | 13 | 1 S/spool Cot- | | 05- | |
| " | 14 | 1 " " | | 05- | 10 |
| " | 28 | 1 Bot Jamaica Ginger | | 25- | |
| " | 30 | Goods to Maggie Ridley | | 15- | 40 |
| Nov | 4 | 3/4 yds Elastic | | 06 | |
| " | " | Goods to George | | 10 | 16 |
| " | 6 | 1 Bottle Glycerine | | | 10 |
| " | 19 | 1 S/spool Cotton | | 05- | |
| " | 20 | 1 " " " | | 05- | 10 |
| 1892 | | | | | $12 32 |
| March | 28 | Interest on Time 2 Yrs | | | 41 |
| | | | | | $12 73 |

Paid
by W. A Purcell
Acting Guardian
March 28/92
Gu. E. Purcell

Branchville Va Mch 17 1873

Mr Jas L McLemore Dear sir

Yours inclosing Report recd but am sory to say I think you have it wrong as you have charged 5 per cent on the whole 48-5-20 dollars which is more than I thought is allowed a Commissioner for selling. I thought it was 5 for the first three hundred dollars & 2, 2½, or 3 for the balance I am not sure which though I dont say you are not right for I must confess I dont know. I also think you are wrong not to Cr the Estate with some Interest. If it is customary & legal to charge me with it on the whole amt from the day of sale I am willing

to pay it I dont think I would be justafiable to carry in a report and have the legatees sign a distributive account with no interest on that amt of money for over two years of course the Court ordered me to sell the propity for $. cash and gave me the prevelge of putting the money in the Bank which I dont think I could have gotten interest on it as I would have had to put it subject to order and after collecting the 1st deferd payment it would have been the same thing but I am under the impression that it is legal that I should intevest on the whole amt from day of sale. You will please look into the matter between now and monday & if you can make the report over in what ever is a legal manner also look after those minor accts see that Mr Prellow attends to his part by Monday & oblige yours very truly &c

Mrs. A. Powell

Central Lunatic Asylum,

Petersburg, Va., Nov. 10, 1891.

P. O. BOX 565.

Mr. W. A. Powell,
Branchville, Va.,

My dear Sir,

Please accept my thanks for the $10.00 in full payment of bill for allowing Miss Powell, your sister.

Very truly,
W. F. Drewry

Mr W L Powell in
Acct with Mrs A Powell
Acting Guardian

Mr W L Powell in Acct with W A Powell
Acting Guardian

| | | | | |
|---|---|---|---|---|
| 1891 | | | | |
| Feb | 16 | To Cash to pay Schooling &c | 100 00 | order of Court to expend. |
| May | 18 | " " " " " " | 75 00 | |
| March | 8 | " ~~Interest on the above~~ | ~~16 00~~ | |
| " | " | " ~~Atty Case~~ " " " | ~~5 00~~ | |
| | | | ~~116 75~~ | |
| Nov. | 6. | To paid J. L McLennally | 5 00 | |
| 93 March | 16 | Int on $100 2 yrs | 12 | |
| | | " " 75.00 1 Yr + 9 mos - | 7 88 | |

Recd May 18 1891 of W A Powell
Acting Guardian seventy five
#75-00 dollars to pay my
expences while going to school
in Roanoke Va as a part of
my Interest in my Father
L G Powells Estate
W. Lee Powell.

Recd Feb 16 1891 of W A Powell
Acting Guardian one hundred
#100 00 dollars to pay my
expences while at School in
Roanoke Va as a part of my
Interest in my Father
L G Powells Estate
W. Lee Powell.

1891
May

Wm. A. Powell Acl. Gdn. W. L. Powell
To Making Motions (2) to expend pt principal $5.00
Paid Nov. 6/91
Dan L. McLemore

Southampton County Court, May Term 1891.
Ordered that Wm. A. Powell acting
G'dn of W. L. Powell be allowed
to expend $75.00 of the principal
of his said Ward's Estate, for his
Maintenance, Education and
support, the same appearing
judicious and proper.
A Copy
Teste: B. F. McLemore C.C.

W. L. Powell's
Order to
Expend part
Principal
$100—

In Southampton County Court
February Term 1891.

On motion Wm. A Powell Admr.
of L. G. Powell dec'd and acting Gdn of
W. L. Powell it is ordered that said
Guardian be allowed to expend $100. of
the principal of his said Ward's Estate for
his education and support the same
appearing judicious and proper.

A Copy

Teste B. F. McLemore cc

Southampton County Court Feby Term 1871

On motion of W. A. Powell Admr of L. G. Powell decd and acting G'dn of W. L. Powell it is ordered that said Guardian be allowed to expend $100.— of the Principal of his said Ward's Estate for his Education and support, the same appearing judicious and proper

A Copy

Teste B. F. McLemore Clk

Form No. 309.

W. A. Farrell &

to { COMMISSIONER'S BOND.

Commonwealth.

1890. Nov: 11. Filed

Stationer and Printer, Richmond, Va. } Form No. 309.

Know all Men by these Presents, That we William A. Powell Joshua H. Powell. Robt. H. Powell and F. M. Powell

are held and firmly bound unto the Commonwealth of Virginia, in the sum of

ten thousand Dollars,

to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligaiton, and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office, post or trust, with coupons detached from bonds of this State. Sealed with our seals, and dated this 11th day of November one thousand eight hundred and ninety.

The condition of the above Obligation is such, That if the above bound William A. Powell shall faithfully perform the duties of his office or trust, as Special Commissioner under a decree of the Circuit Court of the County of Southampton, pronounced on the 6th day of November, 1890, in the suit therein depending under the name and style of Powell's Heirs &c. Powell et. als:

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

Wm. A. Powell SEAL.

R. H. Powell SEAL.

F. M. Powell SEAL.

Joshua H. Powell SEAL.

*In the Clerk's Office of the Circuit Court of the County of Southampton:*

This day Joshua H. Powell. Robt. H. Powell & F. M. Powell sureties on the above bond, made oath before me B. F. McLemore, Clerk of the Circuit Court of the County of Southampton, that their estates after the payment of all their just debts, and those for which they bound as securities for others, and expect to have to pay are worth the sum of ten thousand dollars; whereupon the said bond is admitted to record according to law.

Given under my hand this 11 day of November 1890.

Teste: Clerk.

Powell's Heirs 162

Ex Com Stat: Rules

Powell & others

Joshua N. Powell, Geo. E. Powell
Jno. J. Powell, Millard C. Wheeler
Robt. N. Powell, & Albt. N. Powell. . Pltffs

against

Wm. A. Powell, Bettie A. Powell,
Mary G. Powell, Filmore M. Powell,
Thos. J. Powell, Anna V. Powell,
Washington L. Powell, and Verny C.
Wheeler, the last three infants
by J. B. Prince, their Gdn ad litem. Dfts.

In Chancy.

1890. Augt. 12. Process issued to 2d. Augt: Rules
" 2d. Augt. Rules. Process rtd Executed.
Bill & Ex filed. J. B. Prince
apptd. Gdn ad litem - answer
of Gdn ad litem filed. Evd. Rep-
& decree nisi.
" 1 Sept. R. Bill taken for confessed as to
adults: and cause set for
hearing.

Powell's Heirs

Pl' Summ

Powell & als:

1890. 2' Aug. Rules

Cir: Ct:

Executed Aug. 14th 1890 by delivering a copy of this Summ: to each of the within named parties.

J. H. Williams
Sheriff

7 2/5
86 0

**THE COMMONWEALTH OF VIRGINIA,**

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON Wm A. Powell, Bettie A. Powell, Mary G. Powell, Filmore M. Powell, Thos. J. Powell, Anna V. Powell, Washington L. Powell, and Benny C. Wheeler, the last three infants, by J. B. Powell their Gdn ad litem.

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the 3rd Monday in Augt. 1890 ~~next~~, to answer a bill in Chancery exhibited against them in our said Court by Joshua A. Powell, Geo. E. Powell, Jno. J. Powell, Millard C. Wheeler, Robt. H. Powell, and Albert H. Powell.

And this they shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 12th day of Augt, 1890, in the 115th year of the Commonwealth.

B. F. McLemore C. C.

A copy of
least in

Pacwell's Heirs
vs
Pacwell & other
up to date
Sept 25-1891

# Pawells Heirs vs Pawell & others

Summ 25-4 6 copies 78-4 recpt 18-4 alter
10-2 Docket-18; rule 50-4 - Ent rec 35-4
filing Bill 15-4 - filing Exhibits 15-4
Rule 50-4 4 Decrees 144 - 4 copies
of Decrees 144 - filing Comm Report
15-4 - tax Cost 20 Copy of writ 20
Cost up to Sept 25-1891

25-
78
18
10
18
50
35-
15-
15-
50
144
144
15-
---
£6.17.6d
3.00 Sheff
16.5-0 Sawle
---
£25.67
40 Clerk
---
26.07

Forms Keep

W.S. Statement of Costs

Forms Sheets

Powell's Heirs

vs. } Statement of Costs

Powell et als.

| | | | |
|---|---|---|---|
| 1891. Sept. 25 | To Clerk's Fees to date, as per Statement herewith | | |
| | Filed | | $6.57 |
| | Sheriff's " " " " " " | | 3.00 |
| | Law & C. " " " " " " | | 16.50 |
| | | | $26.07 |
| 1891 Nov | 1 Decree & copy 72. fol 2 Wm. reports 50 = 1.22 | | |
| 1893. July 1st. | 4 Continuances on the docket | 1.00 | B.F.M 2.22 |
| 1895 Apr. | 4 Continuances on the docket | 1.00 | J.M.N. 1.00 |
| 1900 Apr. 6th | 10 Continuances on the docket | 2.50 | |
| | Law Costs for 9 years at 10 cts | .90 | |
| | Filing away papers | .25 | |
| | Future Costs about 2.00 = | 2.00 | $7.65 |
| | | | $34.94 |

May 29th 1900

Teste: L. A. Gay & Co.

Exp't reports that
Pursuant to Decree of June 1893 He sold the
real estate of L. G. Powell died as set forth in his report of
sale filed Jany 30. 91 for $5520. one third Spot cash was paid in
cash the remainder upon credit of 1 & 2 yrs - That all of the deferred
payments have become due & have been paid - That deeds
have been executed to R.H.C. & J.P the purchasers of the land for
the same. Your Com. begs to report further that he has
disposed of the funds in his hands as follows:-

1890.

Dec. 13. By amo from sale of land 1/3. $1840.00

To Comn on $300. @ 5% 15.10

" " " $1540 @ 2. 30.80

" paid R. D. Moon Crier 5.01

" " So. Lupton Dupo. 1.30

" " J. L. W. for writing 3 Deeds 15.00

" " Atty fee 15.00

" " Clerk Costs 8.50
84.61

Mch 30.91 " Int. on $1755.40 for 1 yr - 210.64

Mch 30. To Comn on $210.64 5% 10.53

Dec. 13. By Cash 2nd payment from land 1840.

To Comn on same 45.80

Mch 30. By Int on $1794.20 1 yr 107.65

To Comn on $107.65 5.38

Dec. 13 By Cash last payment 1840.

To Comn 45.80

Nancie Land 5646.18

in hand 5698.14 $5836.29 5836.29

The Estate of L G Powell dec'd
In Act with Mrs N. Powell
Special Commissioner

3 / 8820 / 1840

# The Estate of L G Powell decd

| | | | | |
|---|---|---|---|---|
| 1890 | | In a/c with W A Powell Special Com | | |
| Dcr | 13 | By Amt of Sect Sales of Real Estate | | $5520.00 |
| " | " | To Taxes on $5520 @ 5% | 276.00 | |
| " | " | " Paid R D Moore Clerk | 5.00 | |
| Nov | 14 | " " Southampton Democrat for Notice | 1.30 | |
| 1891 | | | | widow |
| " | 6 | " " Jas L McLemore for recording Deed to | 5.00 | |
| Feb | | " " " " " " " " Deed to T J Powell | 5.00 | |
| | | " " " " " " " " " " " R H Powell | 5.00 | |
| | | " " " " " " Atty fee | 15. | |
| | | " " Clerks Costs | 3.50 | |
| | | | 365.80 | |

To Wm A P.
J A Powell
To Geo E. Powell
" Jno J Powell
" David C Waller
R H Powell
Albert L Powell
Mary G Powell
Fillmore M Powell
D L Powell
Anna V. Powell
Washington L Powell.

1736.70
208.40.4

1840
4
1794.20

1765.40
210.64.80

5520.50
3014.20
5434.50

Franklin, Va., Nov 14 1890

Mr. Wm A. Powell

# To Southampton Democrat, Dr.

W. H. Stroud, Proprietor.

**JOB PRINTING DONE WITH NEATNESS AT LOW PRICES.**

| | | | |
|---|---|---|---|
| Nov. | 14 | 20/50 1/8 bills for daily 90 Cents Postage 5 | 1 30 |

Paid W H Stroud

1891.
Jany.

Wm. A. Powell Spl. Comr.
To Jas L. McLemore atty. Dr
To writing Deed to Widow $5.00
Paid Nov. 6. 91.
Jas L. McLemore

Recd Dec 13 1890 of Wm. A. Powell
Admr & Special Commissioner
for L G Powell Deed five dollars in
full for selling Real Estate of
L G Powell Decd R. D. Lemore

Powell's heirs

vs

Powell & others

Answer of Infants

The joint and several answers of Anna F. Powell, Washington Lee Powell and Verny O. Wheeler all infants of tender years by L. B. Prince their Guardian ad litem to a bill of complaint exhibited against them and others in the Circuit Court of Southampton County by Joshua H. Powell & others.

These respondents, saving and reserving &c. for answer to said bill say. They are infants and as such know nothing of the facts in the case; therefore they submit their rights to the protection of this Court. And having answered they pray hence to be dismissed &c.

L. B. Prince
Gdn ad litem

Wheeler
to E Read
Powell.

4/16/37

Received Dec. 19th 1892 of Wm. A. Powell, admr. of L. G. Powell decd., and, also, Comr. in suit of Powell &c. vs. Powell's admr. &c. Check on Bank of Portsmouth for ($200.00) Two Hundred & no/100 Dollars, which, when paid, will be in part of amt. due M. C. Wheeler, devisee of Sarah E. Wheeler as heir and distributee of said L. G. Powell, decd.

M. C. Wheeler,
By W. Sebrell, atty.

May 15th 1893 Received of W. A. Powell admr and Special Comr in the chancery suit of Powell &c vs Powell &c a check on the Bank of Portsmouth Va for ($416 37/100) four hundred and sixteen 37/100 dollars which when paid will be payment in full of the paid sum of $416 37/100 in his hands as aforesaid for Sarah E. Wheeler dec'd

Sarah E. Wheeler's admr
per Shands Donaldson

J. B. LIPPINCOTT COMPANY,
Booksellers and Stationers,
Philadelphia, Pa.

To. The. Hon. Lew. Hill Judge &c.
Southampton Circuit Court.

Powell's Heirs
Against } Report.
Powell & al.

In this cause Your Commissioner begs to report that pursuant to a decree of the Circuit Court entered at the Nov. Term 1890. he sold the real estate of L. S. Powell dec'd as set forth in his report of sale filed January 30th 1891. for $5520. One third of which was paid in cash, with the exception of the lot purchased by the widow for $950, which was paid for cash. That all of the deferred payments have become due and have been paid, and that deeds have been executed to the purchasers for the same.

Your Com. begs to report further that he has disposed of the funds in his hands as follows:

| | | | |
|---|---|---|---|
| 1890 | | | |
| Dec. 13. | By Amo. from sale of the real Estate. (1/3) | | $1523.33 |
| | " " " " Lot to Widow | | 950.00 |
| | To Com. on $300. @ 5% | 15.00 | |
| | " " " $2173.33 | 43.46 | |
| | " paid R. D. Moore Cried. | 5.00 | |
| | " " Southampton Democrat | 1.30 | |
| | " " J. L. McLaurine Atty. | 15.00 | |
| | " " for writing Deeds. (3) | 15.00 | |
| 1891 | " retained to pay future costs. | 3.50 | |
| Mch. 30. | By Int. on $2375.67 for 1 yr. | | 285.00 |
| | To Com on $285.00 5% | 14.25 | |
| Dec. 13. | By Cash from 2d payment on Land | | 1523.33 |
| | To Com on $300. @ 5% | 15.00 | |
| | " " " $1223.33 @ 2% | 24.46 | |
| 92 | | | |
| Mch. 30 | By Int on $1483.67 12 mo. | | 89.03 |
| | | 151.97 | 4370.69 |

1892

| | | Dr | Cr |
|---|---|---|---|
| March 30 | Amt to brot. forwards | $151.97 | $4370.69 |
| | To Comn on $89.03 5 p/a | 4.45 | |
| Dec. 13. | By Cash last payment | | 1523.33 |
| | To Comn. on $1523.33 | 39.46 | |
| | By Balance in hands of Comn. | 5698.14 | |
| | | $5894.02 | $5894.02 |

Amount to be distributed. $5698.14

| | | |
|---|---|---|
| To Wm. T. Powell 1/12 of $5698.14. | | $474.84 |
| " Geo. C. Powell 1/12. | | 474.84 |
| " Jno. J. Powell 1/12 | | 474.84 |
| " R. H. Powell 1/12 | | 474.84 |
| " Albert L. Powell 1/12 | | 474.84 |
| " Mary G. Powell 1/12 | | 474.84 |
| " Filmore M. Powell 1/12 | | 474.84 |
| " T. J. Powell 1/12 | | 474.84 |
| " Anna V. Powell 1/12 | | 474.84 |
| " Washington L. Powell 1/12 | | 474.84 |
| " M. C. Wheeler 1/2 of 1/12 | | 237.42 |
| " Nancy A. Wheeler 1/2 of 1/12 | | 237.42 |
| " Joshua H. Powell 1/12 | | 474.84 |
| | | $5698.14 |

J. B. LIPPINCOTT COMPANY,
Booksellers and Stationers,
Philadelphia, Pa.

Recvd March 30. 1893. of Wm A. Powell. Special Commissioner in the Chancery Cause of Powell's Heirs against Powell & others the amount due Mrs from the sale of the real estate, as shown by the annexed account or statement. . . .

Mary G. Powell

Thos. J. Powell.

R. H. Powell

R. H. Powell

J. J. Powell.

Joshua H. Powell

T. H. Powell

A. L. Powell

Anna V. Powell

Geo. E. Powell.

R. H. Powell Guardian for W. L. Powell

May 15th 1893 Recvd from Wm A. Powell

special a check for $~~1 30 20~~

$274.84 for S. E. Wheeler's a/cs & Stamps Recvd

on a/c of the above amt due

per ~~and to Crabtree~~

The bal of the above sum (being $200.00) having been paid to W. J. Sebrell atty it on will appear by his receipt herewith filed

To the
Hon. Judge of Circuit Court of
Southampton County -

We, the Commissioners appointed Sept. 11th 1890 - by Decree of the Circuit Court - In vacation - to examine the lands of which L. G. Powell died seized & possessed, and ordered by said Decree, hereof to lay off the Dower - (one third rightful in all the Real Estate wherein the said Littleton G. Powell died seized and possessed), and secondly to divide the remaining portions of the said lands whereof the said L. G. Powell died seized & possessed into two parts of equal value -

In pursuance of said Decree - we the undersigned Commissioners, having been duly sworn to faithfully perform the duties assigned to us -

Beg to Report as follows:

We have met on the lands whereof the said Littleton G. Powell died seized and possessed, and having examined the lands aforesaid that the Entire Real Estate - including the "Ed Harris Place" - the "Ed Powell Place" (formerly a portion of the Harris Place) - and the House & Lot at Boykins Depot - to be worth, at a cash valuation, the sum of Seven thousand two hundred and no Dollars ($7200.00) - and we assign to Mrs. Belle A. Powell the widow - that portion of the Ed. Harris Place - lying on the west side of the Boykins & Branchville Road - including the Residence & extending Northerly along the Road about 3 40/100 from South (24) to a Persimmon tree (12 inches in Diameter) thence N 26 W 50 2/5 (Gross) to the Jarratt Creek; thence down said Creek to the Public Road;

thence along the Road to a point opposite

the Residence - Containing Two hundred & Sixty two - - - - acres and valued at Twenty four hundred Dollars ($2400.00) :

2nd finding that it is impracticable to Divide the remaining lands into twelve (12) parts ; and deeming it over much against the interests of the Heirs to Divide into the twelve parts (12) - or to allot any part, or the whole of the subject-matter to any one of the Heirs - we have with the consent of all the Heirs and with the services of J. H. B. Kindred Surveyor - Divided up the lands - not including the Tower into the following Lots :- the lands of the Ed. Harris Place situated on the S. East of the Boykine and Branchville Road into two parts - Containing :- next to Swamp (Tarrara Creek) (Lot No 3) one hundred & fifty nine & 2/10 Acres ; the Eastern portion Containing one hundred & fifty nine & 8/10 - - (159 8/10) - Acres ; and on the N. West of aforesaid Road into two Farms - the one adjoining the Tower Containing (Lot No 1) one hundred & eight & 7/10 (108 7/10) Acres ; and the one North of this (including the "Ed. Powell Place") Containing one hundred & twenty eight & 7/10 (128 7/10) Acres - making Four (4) Farms of the "Harris Place" after the Tower is assigned - either of which farms have suitable tenant houses on it ; and for further particulars as to metes & bounds see Surveyors Plat filed herewith.

These Four (4) Farms, and also the House & Lot at Boykins - we recommend to be sold separately - by public auction and the Heirs will then be able to

buy either of said ~~lands~~ Farms, if they so desire - or to make either of the Farms bring their full market value

Very respectfully
Submitted
H. L. Smith
Jas. H. Barnes
J. M. Corbitt
E. N. Grizzard

Commissioners

To

The Hon. C. W. Hein Judge Circuit Court of Southampton County.

Your Commissioner appointed at the Nov. Term of this Court in the Chancery Cause of Powell Heirs v. Powell Exrtrs &c to make sale of certain real estate in the bill and proceedings mentioned belonging to the estate of L.G. Powell dec'd beg to submit the following: After due advertisement of the day and place of sale I offered the said property to highest bidder on Dec. 22. 1890 at which sale the result was as follows. Farm No 1. containing 180 7/10 acres was purchased by R.H. Powell for $950.

Farm No 2. Containing 178 7/10 acres purchased by R.H. Powell 1760.

Farm No 3. Containing 159 3/10 acres purchased by T.J. Powell for 760.

Farm No 4. Containing 159 3/10 acres purchased by T.J. Powell 1100.

House and lot at Boykins Va. containing about 1/2 acre purchased by the widow Mrs Bettie A Powell for. 950

$5510.

For full description of above named land see plat of same filed in the papers of this cause.

The above property pursuant to the decree directing sale was sold for one third cash balance in one and two years, taking bonds from the purchasers for the deferred payments which are herewith filed, save the house and lot at Boykins which was purchased by the widow and paid for in cash

and she has received a deed therefor.

Your Commissioner thinks the property brought its full value and therefore respectfully asks that the sale be confirmed.

Respectfully Submitted
Thos. A. Powell
Commissioner

Jany 30/91

Rec'd Nov. 6th 1891 of D. F. McLemore Clerk of the Circuit Court the following bonds due me as Admr. of W. G. Powell decd.

| | | |
|---|---|---|
| 1 bond | due by Thos J. Powell | $620.00 |
| 1 " | " " " " " | 620.00 |
| 2 " | " " R H. Powell each for 903.33 | 1806.66 |
| | W. A. Powell | $3046.66 |

(See deed Nov. from 1891.)

Powell's Heirs
vs.
Powell's Admr.
Petition to Sell

Jany 30. 91 Filed

Powell's heirs -1909-

v

Powell & als.

Decree

1891. May Term

To be entered.

C W L

Ent page 469

Powell's Heirs
vs. Decree.
Powell &c.

This day this cause came on again to be heard upon the papers formerly read, the report of Special Commissioner Wm. A. Powell of the sale of the land as directed by a previous decree herein + no exceptions filed * And was argued by counsel. On Consideration whereof the Court doth adjudge order and decree that the said report be confirmed and the sales as aforesaid made firm and binding. And that the deed made to Mrs Bettie A. Powell for her purchase of the house & lot at Boykins for $950. which amount was paid in cash be also confirmed. And said Commissioner is directed out of the cash received from the sale of said real estate to pay the costs of this suit and any surplus that may be in his hands to pay equally to the children of the late Littleton T. Powell or to their legal representatives taking their receipts therefor. except that the share of the late Sarah Wheeler (being a 1/2 interest) be paid to M. L. Wheeler and Sidney O. Wheeler in equal parts + said Commissioner will report to Court.

Powell's Land
vs. Decree
Powell

1891. Nov. Term
To be entered.
CMA

Entered

Powell's Heirs
vs. Decree
Powell &c.

This day this cause came on to be further heard upon the papers formerly read and was argued by Counsel. On consideration whereof the Court doth adjudge ordain and decree that Wm. A. Powell the Commissioner appointed to make sale of the land in the bill & proceedings mentioned and who filed the bonds of the purchasers in the papers of this cause, be allowed at any time to withdraw any or all of the said bonds, receipting therefor to the Clerk of this Court, and receive such amounts on the same as the debtors may desire to pay, executing to those who may pay all the Purchase money a deed for their purchase & said Commissioner will report to Court

Southampton Circuit Court Nov Term 1890.

Powell's heirs

v. Decree.

Powell et als.

This day this cause came on again to be heard on the papers formerly read and upon the report of H L Smith and others filed Octo the 20th 1890 pursuant to a decree in vacation dated Sept 10. 1890 to which report there is no exceptions and was argued by Counsel. On Consideration whereof the Court doth adjudge order and decree that the report aforesaid, setting aside dower to dec. Bettie A. Powell widow of L. G. Powell dec'd, and recommending a sale of the residue of his real estate for partition between his children be and the same is hereby confirmed and Wm A. Powell is hereby appointed a special Commissioner to make sale of all the real estate of which Littleton G. Powell died seized and possessed exclusive of the Dower recently assigned to his widow Mrs Bettie A Powell after having first advertised the same for thirty days in three or more public places in the County upon the following terms to wit. One third cash, the remainder upon a credit of one and two years with privilege to the purchas-

to pay all the purchase money cash and take deed for his land, or at any time to anticipate the deferred payments.

The Commissioner is also authorized at his option to place what money he may receive by reason of the sale in Vaughan & Co's Bank subject to the future order of this Court, take certificate of deposit therefor and report to Court. But said Commissioner shall not proceed to act hereunder until he shall have entered into a bond in the penalty of $10.000. before, and with security approved by, the Clerk of the Circuit Court and a certificate from the Clerk that the Bond has been given be appended to his advertisement of sale. And by consent of parties given in open Court this is made a vacation cause.

A Copy

Teste B. F. McLemore Clerk

Powell's heirs
To
Powell & others

Notice

We acknowledge legal service of this notice September 3rd. 1890.

Sign

Mrs. A. Powell
F. M. Powell
Thos. J. Powell.
Mary E. Powell
B. A. Powell

To Wm A. Powell, Bettie A. Powell, Mary G. Powell, Fillmore M. Powell, Thos. J. Powell, Anna V. Powell, Washington L. Powell and Verny Outlaw, the last three infants by J. B. Prince their guardian ad litem, Take notice, that we shall on the 10th day of Sept. 1890 apply to the Hon. C. W. Hill Judge of the Circuit Court of Southampton County for a decree in vacation in the Chancery cause of Powell's heirs vs Powell and others now pending in said Circuit Court.

Given under our hands this 2nd day of September 1890.

Joshua H. Powell
Geo. E. Powell
Jno. J. Powell
Millard L. Wheeler
Robt. H. Powell
Albert H. Powell.

by
James R. McClenny Atty

Powell's heirs
Fr 333 Pierce
Powell et al 140

1890 Nov. Term
To be Entered
C M D
Nov 6, 1890

Enk

Powells heirs

v.

Powell et als.

Decree

This day this cause came on again to be heard on the papers formerly read and upon the report of H L Smith and others filed Octo. the 20th 1890, pursuant to a decree in vacation dated ~~Octo~~ 10th 1890, to which report there are no exceptions and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that the report aforesaid, setting aside dower to Mrs Bettie A. Powell widow of Littleton G. Powell dec'd and recommending a sale of the residue of his real estate for partition between his children be and the same is hereby confirmed and Wm A. Powell is hereby appointed a special Commissioner to make sale of all the real estate of which Littleton G. Powell died seized and possessed exclusive of the dower recently assigned to his widow Mrs Bettie A Powell, after having first advertised the same for thirty days in three or more public places in the County upon the following terms, to wit: One third cash, the remainder upon a credit of One and two years with privilege to the purchaser to pay all the purchase money, cash and take deed therefor his land

or at any time to anticipate the deferred payments. The Commissioner is also authorized at his option to place what money he may receive by reason of the sales in Vaughan & Co's Bank, subject to the further order of this Court take certificate of deposit therefor and report to Court. But said Commissioner shall not proceed to act hereunder until he shall have entered into a bond in the penalty of $10,000. before, & with security approved by the Clerk of the Circuit Court and a certificate from the Clerk that the Bond has been given shall be appended to his advertisement of sale. And by consent of parties this is made a vacation cause.

Powell heirs

vs

Decree

Powell + others

In Vacation

To be entered

September 10th 1890

C M Otis

417

Powell's Heirs
vs. Decree in Vacation.
Powell & others.

This cause came on this day to be heard upon the bill taken for confessed as to the adult defendants, the answer of the infant defendants by J. F. Price their guardian ad litem, the exhibits filed and was argued by Counsel. On consideration whereof it is by the Court doth adjudge order and decree that F. V. Smith James H. Barnes E. H. Grizzard James M. Corbith and S. G. Shumgrave who are hereby appointed Commissioners for the purpose, any three or more of whom may act, having been first duly sworn, do proceed, 1st. To assign to Mrs Bettie A. Powell the widow, one third in value of all the real estate whereof Littleton G. Powell died seized to be held by her as dower in the lands of her late husband the said Littleton G. Powell. 2nd. To lay off and divide the remainder of the said real estate whereof Littleton G. Powell died seized and possessed, in the bill mentioned into twelve equal parts having regard to quality and quantity and assign one of said twelve parts to Joshua C. Powell, one to Geo E. Powell, one to Jno J. Powell, One to Robt. H. Powell: one to Albert L. Powell; one to Wm A. Powell; one to Mary G. Powell, one to Filmore

A. Powell; one to Thos. J. Powell; one to Anna A. Powell: one to Washington L. Powell. and one half of one of said parts to Millard B Wheeler and the other half of said part to Perry A Wheeler. But if said Commissioners should find it impracticable to divide the said land among the aforesaid parties, then are they to ascertain & report to Court whether or not any two or more of the parties will take their shares laid off together. Or whether the entire subject matter can be allotted to any party who will accept it and pay therefor to the other parties such sums of money as their interest therein may entitle them to; or whether the interest of those who are entitled to the subject or its proceeds will be promoted by a sale of the entire subject or allotment of part and sale of the residue; and also what in their opinion is the fee simple value of the real estate of which the said Littleton G. Powell died seized and possessed. Should the said Commissioners find it practicable to lay off together two or more of the shares, and the parties whose shares are thus combined, consent, they are directed to do so, and report their proceedings to Court. (in order that partition can be conveniently made.)

# L. G. Powell's Est.

0669

Swamp

Bloun

Dower = 2.62 Acres

Lot No. 1 = 180 7/10 Acres

Lot No. 2 = 178 7/10 Acres

Lot No. 3 = 159 11/10 Acres

Lot No. 4 = 169 3/10 Acres

Beaverdam (c)

Walnut (W)

Cypress (W)

Pine (W)

Beaverdam (W)

Walnut (W)

Oak (W)

Pine (W)

Bilgum (W)

Bilgum (c)

Branchville

Pocomoke (c)

Pocomoke (c)

Road

Roads

Road

Mills

East

Bilgum (c)

S. Forks Del.

Pocomoke River

Marshes

scale

10 chain = 1 inch.

H. B. Kinsley.