

1830 - 003 Chancery Causes. Exum Watkins vs Polly Watkins, by vc

Isle of Wight County

Matthews
Bill Vanner
Matthews
June 1st 1829 Bill Vanner
filed & Interl^d decrees

July 6th 1829 Report ret^d
& continued

May 3^d 1830 report conf^d
final decrees entered

that the said William Watkins by vic-
tue of the said devise and by assen-
ed on and was possessed of the said tract
of land, and with the assent of the repre-
sentative of the estate of the said John
Watkins deceased, of the said Negro man
Dick, and being so possessed departed
this life on or about the ~~day~~ ^{day} of
1828, without leaving any child-
ren or child, that the said William
Watkins had previously departed this
life about the ~~day~~ ^{day} of 1824
~~without leaving any~~ ^{without leaving any} child-
ren or child, and the said William
Watkins deceased, of his
interest in the said tract of land and
Negro man Dick, having an only child
Polly Watkins, - and your Orotor being
advised that the said tract of land and
Negro man Dick should be equally di-
vided, agreeable to the will of the said
John Watkins deceased, and the above
stated premises, between himself and
the said Polly Watkins, has applied in
the most friendly manner to the said
by Watkins for that purpose. - But
now now so it is may it please your Wor-
ships that the said Polly Watkins herein
after called Defendant has under various
pretences refused, and says that being

an infant, so far as she understands things
she has no consent to give: All which ac-
tings and doings of the said Defendant are
contrary to equity and good conscience and
tend greatly to the injury of your Orotor
in the premises: In tender consideration
whereof and forasmuch as ~~forasmuch as~~
your Orotor is without remedy at law,
and can only be relieved in this Worship-
ful court where matters of this sort are
ordinarily cognizable and justice duly admi-
nistered. - To the end therefore that the
said Polly Watkins may by her guardi-
an for that purpose to be assigned to her,
enjoy the premises as fully and dis-
tinctly as if the same were here again
repeated and she thereto particularly in-
terrogated, and that by a decree of the
Worshipful court commissioners may
be appointed to divide the said tract of
land, and the said Negro man Dick
by sale or otherwise, between your Oro-
tor and the said Defendant: And may it
please your Worships to grant all such other
and further relief in the premises as may be
consistent with the rules and principles of this
court; and to award all such process as may
be necessary and proper in the premises &c. &c.

E. E. Watkins

As for the other for
Plaintiff

To the worshipful Justices of the
Court of Ashby Wight county in Chan-
cery sitting.

Humbly complaining
sheweth unto your worships, your
Orator Exr^{or} Watkins, that John
Watkins died sometime about the
day of 1805, having first
made and published in writing his
last will and testament, which had
been duly proved and recorded in the
office of the court of this county, a
copy of which is herewith presented
duly attested and prayed to be taken as
a part of this bill, that the said John
Watkins deceased in and by his said will
desired and bequeathed to his son Will-
iam Watkins eighty six acres of land ly-
ing in this county, and bounded by the
lands of Nancy Watkins Cherry Watkins and Benj.
Parker with Mills Cherry & others
and a negro man named Dick, to
him and his heirs, in case he should have
any, and if not having a lawful heir
the same to be equally divided between
his two brothers Mills and Exr^{or} Wat-
kins, your Orator, and their heirs forever.

The answer of Polly Watkins an infant under the age of twenty one years by Peter M. Watkins her guardian ad litem to a bill exhibited against her by in the Worshipful court of Jls of the City of London by Exr. Watkins.

This respondent by her said guardian for answer to the said bill says: that she is an infant under the age of twenty one years, and for the protection of her rights she begs leave to place herself under the control of this Worshipful court, and hence prays to be dismissed with her reasonable costs in this behalf expended.

^{Teste}
Benjamin Watkins
Peter M. Watkins
her guardian ad litem

Exr. Watkins
vs.
Polly Watkins
In Chancery

This cause came on this day to be heard by consent of parties on the bill answer and exhibits, and was argued by counsel: on consideration whereof the court

doth adjudge order and decree that Messrs.
Paul, Esq. & Esq. & Esq. commissioners
appointed for that purpose, or any
two of them, do divide the the land
traces in the bill, of which William Wat-
kins did propose, into two equal parts
having regard to quantity and quality, and
the situation of the country, and if
necessary, and assign one to Esq. &
one to Esq. that being the Plaintiff
and Defendant in this cause, and
that the said commissioners also sell,
after reasonable notice on a credit of six
months, except so much as may be
necessary to defray the expenses of the
sale and of their suit, which may be
for cash, the negro in the bill, and
having taken ^{two equal} bonds with good security
for the proceeds of the sale, assign over
one to the said Esq. Watkins and
one to the guardian of Esq. Watkins
the infant Defendant; and make report
of their proceedings herein to the court in
order to a final decree.

This cause came on for trial
at the court of the said court
on the 1st day of June 1851
and was argued by the counsel
for the parties and the court
was adjourned to the 1st day of
July 1851.

In Obedience to the annexed Decree of the County Court
of Schofield hearing date June Court 1829 to us directed
we the undersigned have divided the land which William
Watkins Decd. did propose as directed by said Decree into
two equal parts the dividing line of said Land begins
as follows at a black gum standing on the West side of the
Bridge & road in Bolus & Arrows Swamp near Watkins race
Path thence a South course a straight line of marked
trees to a pine standing in Mills Spruce line the part
of said Land lying on the West of said line we have all-
otted & set apart to Polly Watkins orphan of Mills Watkins
Decd. and the other part of said Land we have allotted & set
apart to Earm Watkins. and we the undersigned aforesaid
Commissioners have after Advertising as directed in said
Decree have made public Sale of the said Negro Dick
and Earm Watkins — became the purchaser at the
Sum of One Hundred dollars — and after having deduc-
ed the Sum of twenty one dollars — it being the am-
ount of the Clerk's attorney's fee in obtaining this annexed
decree & Commission at 50¢ cent, ^{two dollars for dividing the land} leaving a net balance
of seventy nine dollars — and we have taken two bonds
for the Sum of thirty nine dollars & fifty cents each with good
Security and have paid one of said bonds over to Earm
Watkins and the other bond to Mathias Watkins as
Guardian for said Polly Watkins orphan of Mills Watkins decd
given under our hands this 12th day of June 1829

Benjamin Powell

Earm Eley

B. Coggin

Mattkins

11

3 Diers

Mattkins

Alcock

In Isle of Wight County June Quarterly Session 1829.

Ernest Watkins

Complainant

against
Polly Watkins

Defendant

In Chancery

This cause came on this day to be heard by consent of parties on the bill answer and exhibits, and was argued by counsel: on consideration whereof the court doth as judge order and decree that Benjamin Powell, Ernest Pley, and Benjamin Loggin, commissioners appointed for that purpose, or any two of them, do divide the land mentioned in the bill of which William Watkins died possessed into two equal parts having regard to quantity and quality with the assistance of the county surveyor if necessary, and assign one to Ernest and one to Polly Watkins the plaintiff and defendant in this cause and that the said commissioners also sell after reasonable notice on a credit of six months, except so much as may be necessary to defray the expenses of this suit, which may be for each the negro man Dick, and having taken two equal bonds with good security for the proceeds of the sale, assign over one to the said Ernest Watkins and one to the Guardian of Polly Watkins the infant defendant, and make report of their proceedings herein to the court in order to a final decree.

Attest Teste Nathl. Young