

1840-004 Chancery Cases: William Footet vs Mary Godwin, widow of Joseph Godwin

Jsh of Wight County
Plat in Overseas Box 3

+ al

Other surnames: White,
Jones, Footett

and direct how to set aside one part
third to the wife Mary, her second
and divide the balance into three
equal shares, and make any other
order in the premises which may
comport with equity &c. —

Attorney or atto
for complts.

To the County Ct. of Hillsborough. The answer
of Mary Godwin widow of Joseph Godwin
to the bill of complaint in the said
Court exhibited against her by
Mr. Frost and others. —

The defendant for answer says that
she is entitled to one third of the land
in the bill mentioned, and for her
dower, and she consents that the
same shall be set aside to her.
Having answered, she prays to
be dismissed &c. —

Attorney for def.

Mr. Frost and Elveth his wife, and
James White and Mary his wife, ^{in ch.} vs.
Mary Godwin and Stephen W. Frost, exors.
This cause, this day ^{by consent of parties} came on to be
heard on the bill and answer filed
and was argued by counsel; on con-
sideration whereof the Court doth adjudge,
order and decree that Joseph Godwin,
Richard Smalley, Richard Reynolds,

Arthur Chandle and James P. Jordan
may 3 of them, or, with the aid
of a surveyor (if required) set
apart to the wife Mary Godwin
or widow of Joseph Godwin, one
full and equal third part of
the land in this County whereof
Joseph Godwin died seized as an
estate of inheritance, and divide
the balance into 3 equal shares,
having in such division regard
to quality and quantity, set
apart the balance after dower
assigned, say 1/3 to each of the petrs.
and the other third to the defendt.
Stephen W. Frost, and make up
in view to a final decree &c. —

To the County Court of Albemarle in ch. I sit
humbly complaining, shew to the Court your
complainants Wm. Footst and his wife
~~Elizabeth~~ ^{Elizabeth} who was ~~Marj~~ ^{Elizabeth} Gossein and
Lam, white and Mary ~~his~~ ^{his} wife, four
Mary p. Gossein - that some years ago
one Joseph Gossein departed this life
intestate in the County of Albemarle
leaving a widow whose name is Mary
Gossein and three children, that to
say Josiah Gossein, and the said Elizabeth
and Mary, and entitled as co-heirs
of Josiah to about 100 acres of
land on James river in said County.
Some years ago, the interest of the said
Josiah who left the state of Virginia was
~~conveyed~~ ^{conveyed} ~~and~~ sold and purcha-
sed by ~~some~~ ^{some} orator Wm. Footst who
afterwards sold and conveyed the same
to one Stephen H. Jones who, now the
sole owner of it, is interested in the
widow's share. Your complainants
charge that the land has never been
divided, or the widow's share set
aside, and they think it is important
to all interested that the share should
be set aside and the remainder be
divided into 3 shares between the
complainants and the said Stephen H.
Jones - but they are advised that
such a decision can't be made
except under an order of this Court.
In tender consideration whereof, they
pray that the said Mary Gossein
widow or affrs and and the said
Stephen H. Jones may be made
defendants to this bill and that they
shall be compelled to answer
the same fully and unreservedly;
and that you will appoint Comr.

Long

and

Foot of

across

To the County Ct. of Phila of Pa in chj:
vett^r - The answer of the ^{defendant} to the
to the Bill of complaint against him
is in the said Court exhibited
by Foster & others - The answer
to answer admits the correctness
of the complainant's bill and
consents to such decree as is
asked for - signed S W. Jones

Wm,

a d!

Fodder

Aug 11

20th County Ct. of Ark of
right - The answer
of Stephen W. Jones to
the Bill of complaint in
said Court exhibited
against him &c. by Com.

Footst & others. The
afts says he cant facing
the allegations in the
Bill, and has nothing to
say apts. the decree
asked for -

Long &
Griffin

Mr. Joseph Goodwin died early, took his
100 acres of land on James River, left
a widow whose name is Mary, formerly
and 3 children - to wit Josiah, Elizabeth
wife of Mr. Frost and Mary
wife of James Smith. Frost had
the right of Josiah, sold it to Mr. Frost
Wm. - so that Mr. Frost is entitled
to 1/3. of the land, the other 2/3. to
Mary to widow.

name Joseph Goodwin, the other
name Richard Reynolds
which surely may be
the name of the wife of -

In the County Court of Blount, January 8th 1840.

William Footet & Elizabeth his wife and
James White and Mary his wife. Plaintiffs
against
Mary Godwin and Stephen W. Jones. Defendants.

This cause, this day by consent of parties, came on to be heard in the box and announced, and was argued by counsel on consideration whereof the Court doth advise order and decree, that Joseph Godwin, Richard Smelly, Richard Heywood and Arthur Channell and Samuel P. Jordan or any three of them, do with the aid of a surveyor (if necessary) set apart to the defendant Mary Godwin as widow of Joseph Godwin dead, one full and equal third part of the land in this County which Joseph Godwin did sign as an estate of inheritance, and divide the balance into three equal shares, having in each division, regard to quality and quantity; set apart the balance after aforesaid, say one third to each of the plaintiffs and the other third to the defendant Stephen W. Jones and make report in order to a final decree.

Copy taken Nathl. P. Young Esq.

We the undersigned Commissioners named in the annexed decree did on the 16 of May 1840 proceed to set apart and allot to Mary Godwin the one equal third part of the land named in said decree which third part contains twenty eight acres two roods and bounded as follows, beginning at a Pine stump near The Cove Thence N 43 E 37 poles to a small pine Thence N 28 E 14 poles to a Pine in the branch Thence up said branch N 38 E 12 poles to a Pine Thence N 31 E 41 poles to a Pine standing on the banks of James river

We also proceeded to divide the remaining two thirds in three equal parts, to the plaintiff James White & Mary his wife we assigned forty one acres bounded as follows commencing at a cedar on the edge of the marsh running due North 90 poles to a Pine on James river Thence down the S River to the line of Mary Godwins third Thence down said line to the cedar at the commencement

To the plaintiff William J. Footet & Elizabeth his wife we assigned forty three acres two roods commencing at a Pine as before named in Whites line on James river Thence up the said River to a pine Thence S 36 W 139 poles 18 links to a pine stop on Jones Creek - The remainder of the land being thirty eight acres two roods we assigned to the defendant Stephen W. Jones all of which is respectfully submitted

Richard Reynolds
Richard Smelly

The Commissioners charges is Two dollars Arthur Channell each

Footlet 100
nr. 3 Copy
Footlet: 100
Footlet 100

Footlet
nr. 3 report &
Footlet 100 3 Plot of land
August 3rd 1840 rpt. &
Plot of land rpt. & tent.
of River

This is certiff to the Cort of Isleofwight County, that
I am desirous to have my dower in my husbands
hands laid of to me, and that the Cort wold grant an
order for that purpose

Nov 3 1839

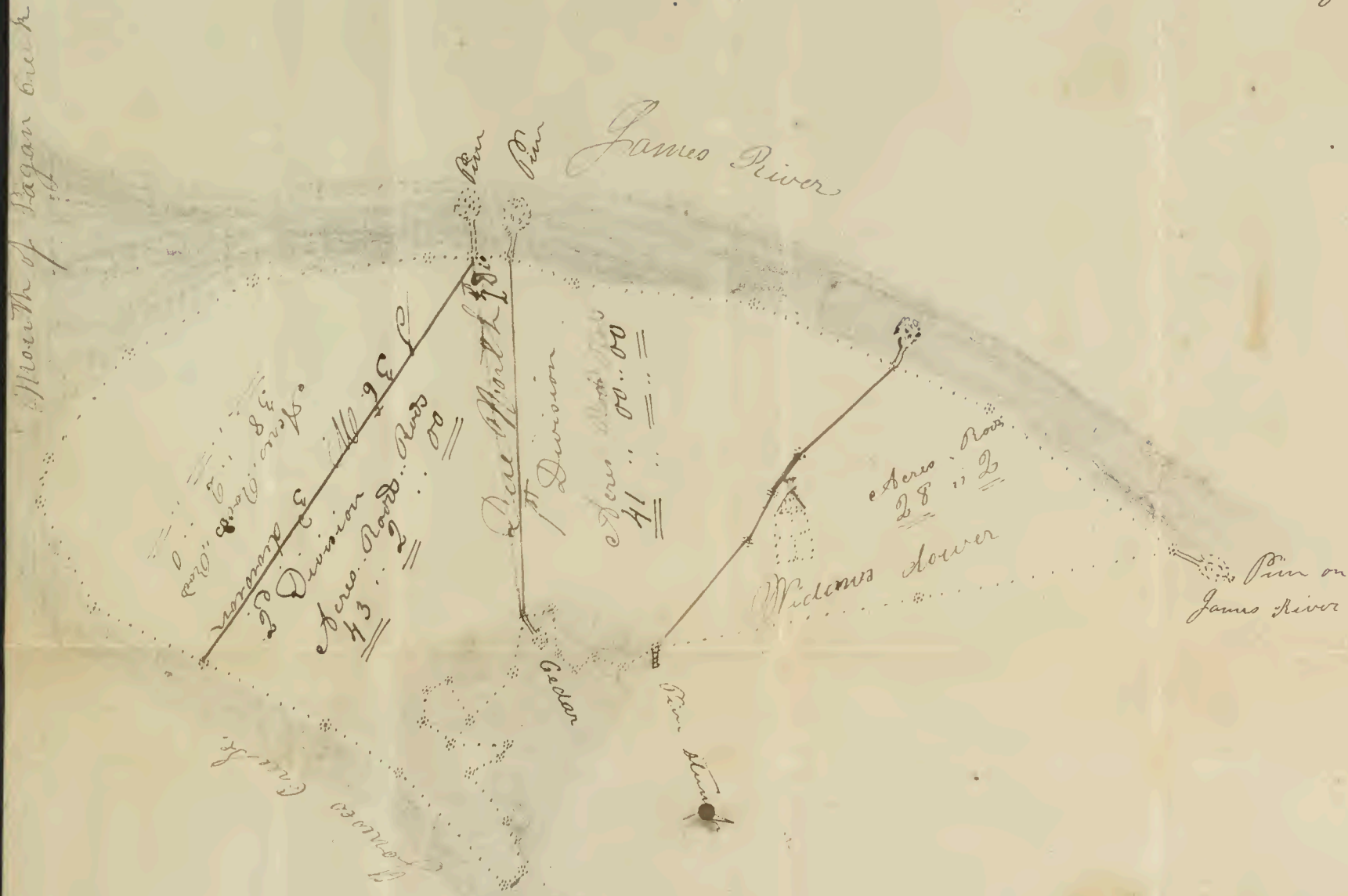
Mary ^{her} Godwin
mark

Scale 40 to the inch

= on James river; thence S 67° E 18 p. on D.; thence S 74° E 30 p. on D.; thence N 87° E 18 p. on D.; thence S 64° E 68 p. on D.; thence S 55° E 61 p. on D. to a pine corner on William Hines thence S 82° W 139 p. & 10 Links a pine stump the beginning.

Surveyed this 15th day of May 1840

By James W. Duck L. S.



The above tract of land is a correct representation of one hundred & fifty acres & a road of land marked and bounded as follows: Beginning at an old pine stump near a cove, thence the various courses of the said cove out to Jameses creek; thence N 41° 30' W 40 poles down said creek; thence N 56° W 24 p. down D.; thence N 61° W 68 p. down D.; thence N 25° W 31 p. on D.; thence N 13° E 12 p. on D.; thence N 39° E 34 p. on D.; thence N 62° E 38 p. on D. to the mouth of Pagan creek; thence N 85° E 48 p. on James river; thence Due East 20 p.

Plot of land for
Jas. White & others