

1844-022

Chancery Causes. Mary Jane Powell v William Henry Powell, by v c vs Elizabeth

Isle of Wight County

Powell, widow of Mills E. Powell

other SURNames. Wright

To the County Court of Shelby County sitting in  
chancery, humbly complaining, shew to  
the Court your complainant, Mary Jane  
Powell and son Henry Powell, infants  
sueing by ~~William C. Wright~~ <sup>William C. Wright</sup> their  
~~father~~ <sup>guardian</sup> their next friends. That sometime  
in the year 1840, one Mill & Powell  
of said County, executed this Life  
estate, signed and entitled to, or  
an estate of inheritance, to  
about 12 or 1500 acres of land in the  
said County, and leaving a widow  
whose name is Elizabeth Powell &  
your orator his two only children  
and his at law. That the widow  
is entitled to her one third part of  
said land for her life, and the  
balance and the down at her  
death accrues to your complainant.  
Your complainant are advised and  
believe it is true, that justice demands  
that the down of the widow shall be  
set aside, and the balance of the  
land divided between your complts,  
but they understand that no such  
division can be made except by  
an order of this Court. In tender  
consideration whereof, they pray that  
the said Elizabeth Powell may be  
made a defendant hereto and be  
compelled to answer this bill fully  
and unreservedly, and that your  
wile secure an allotment of down &  
division of the balance of the land  
afraid, and make any order in the

premise, that may comport with  
equity; and as in duty bound  
chymic pray for A. Atkinson p. 9.

To the County Court of Bluff County in  
Ch: Ill: The answer of Elizabeth  
proule widow of Mills & proule  
to the bill of complaint in the  
said Court exhibited against her  
by May Jane and <sup>her</sup> heirs proule  
infants sup by Wm. W. Wright their  
next friend. The defendant for  
answer admits the truth of the  
allegations in the bill and consents  
that an order be made to allot  
down to her in the land of her  
late husband Mills & proule, &  
pray leave to be dismissed for

May Jane proule and Wm. W. proule  
infants sup by Wm. W. Wright their  
next friend as Elizabeth proule & proule  
This cause this day <sup>by consent of parties</sup> came on for  
hearing on the bill and answer  
filed and was argued by counsel;  
on consideration whereof the Court  
both judges, severally and joined  
that Authy. J. Pearson, James Holland,  
Edward R. Johnson, and Meredith  
H. Watkey, any 3 of them, with the  
aid of a surveyor if necessary, do set

apart to Elizabeth proule widow of  
Mills & proule, one third part of  
the land in Bluff County  
whereup the said Mills & proule  
did seized as an estate of inheritance  
= land, having regard to quality  
and quantity. That they then  
divide the remainder into two  
equal shares, having regard to qua-  
= lity and quantity, and retain  
one share to each of the complain-  
= ants. and that the Com. make report  
to this Court with any remarks  
deemed pertinent by themselves,  
or required by the parties to be  
stated, in order to a final decree.

Powell, infant  
n  $\frac{1}{2}$  Bile de  
Powell

March 2<sup>d</sup>. 1840. Bile  
& answer filed & entry:  
decrees entered.

June 1<sup>st</sup> 1840. Report returned  
& continued.

April term 1844  
Final decrees entered

Attorney

To the Honourable Court of Isle of Wight

At a Court held in said County March 2<sup>nd</sup> 1840  
Anthony Person, Edward R. Johnson, James Holland, J. Munditt  
H. Watkins, the three first named acting, as Commissioners  
to divide the Land of Mills E. Powell decd; do now report  
according to the Requisitions of that decd. having <sup>had</sup> regard  
to quantity as well as quality, we have allowed or set apart  
to the widow Elizabeth Powell the late residence of ~~Mills E. Powell~~  
decd with two hundred & seventy six acres, bounded as follows  
North by the Land of Mrs. H. Powell and east by do- Gale Johnson  
& Mallory Vaughn, South by do- west by Edith & Penelope  
Redd <sup>as her share in all sq Miles E. Powells Land</sup> do Mary Jane Powell we set apart the following tracts  
Viz the Nancy Spivy 140 acres, Jacob Rhoads 70. do- Baker do 208  
making four hundred and eighteen acres- the two first tracts  
Bounded as follows- Spivy & Redd Tracts. north by Mrs. H. Powell  
East by Edith & Penelope Redd South by Black Darden &  
Ely Crumpler, west by Allen Spivy, Everett Turner and  
Elisha D. Ely. (Baker Tract) bounded as follows  
North by the Land of <sup>the heirs</sup> Timothy White of N.C. East by the  
Land of Bejwa Watkins- South by Black E. Darden west  
by Jas Laurence To Mrs. H. Powell we set apart Land  
to the amount of four hundred and fifteen acres, or rather  
(the Infants drew their portions) bound as follows, North by Wiley  
Watkins, and Polly Watkins heirs of of Mills Watkins- East by  
Gale Johnson & E. I. Ely heirs South by the widows dower  
and Mary Jane Powell and west by the Land of  
Elisha D. Ely- all of which we respectfully submit  
without Comment.

Anthony Person  
Edward R. Johnson  
James M. Holland

*Land Report*

Powell's *off.*

at:

Powell

Inty. decrees in  
Chancery

In the County Court of Sleepy Hollow, March 2<sup>d</sup> 1840.

Mary Jane and William H. Powell infants  
Suing by Mrs. H. Wright their next friends . . . 3 Pls.

Against  
Elizabeth Powell

Defl.

In Chancery

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 consideration whereof the Court doth adjudge decree and ~~and~~ order that Anthony Person, Edward R. Johnson, James Holland and Minnie H. Mathews, or any three of them, with the aid of a surveyor if necessary, do set apart to Elizabeth Powell widow of Mills E. Powell, an third part of the land in Sleepy Hollow County, whereof the said Mills E. Powell died seized as an estate of inheritance, having regard to quality and quantity, and set aside one share to each of the Complainants, and that the Complainants make report to this Court, with any remarks deemed pertinent by themselves, or required by the parties to be stated, in order to a final decree.

Clk: for including a  
final decree — 3/5. 00

Atto: ditto . . . 10. 00  
15. 00

Copy Fee

Nathl. J. Leroy D.C.

I wish the County Ct. to make an  
order for persons to set aside  
my down in lands & slaves  
of Mily & Powell —

Witness

James, in, Holland

(Signed,

Elizabeth <sup>her</sup> x Powel  
mark