

1845-015 Chancery Causes: Nancy Powell, widow of Joseph Powell vs Joseph P. Powell & al

Isle of Wight County

other SURNAMES: Young

Powell } Bill
(vs }
Powell }

Dec. Term 1842. Bill
ans. filed & jury done
= Feb, Term 1843 Report
returned & filed for
exceptions

1845 Feb. 3^d
final decree.

To the Worshipful the Justices of Isle of Wight
county in Chancery sitting. Humbly complaining shew unto your
Worships, Your Orator Nancy Powell widow of Joseph Powell
late of the county of Isle of Wight, but now deceased ^{intestate} That
the said Joseph Powell died sometime in the year 1842, leaving
your Orator, and Joseph P Powell and Wm P Powell, Almudia
Powell and Amanda Powell children, the two first named adults
the second two infants under 21 years - That the said Joseph
Powell did seize and possess of a small tract of land
in Isle of Wight county, containing about 100 acres - That the said
Nancy Powell is in want of her dower interest in the said land
and for the purpose of getting it has applied to the heirs of said
Joseph Powell for a division of the same but now so it is, may
it please your Worships, That the said Joseph P Powell and
William P Powell adults and the said Almudia Powell and
Amanda Powell infants by Nathl. Young their next friend having
called defendants, while they have no objection to your Orator
having dower in said land as the law directs it is useless on account
of the infancy of the said children - In tender consideration thereof
and for as much as your Orator Nancy is without remedy at law
and can only be relieved in this court - where matters of this sort are
only cognizable, and Justice duly administered - To the end therefore
that the said defendants may answer the premises as fully and as
distinctly, as if the same were again repeated and they more particularly
interrogated: and that by a decree of this honorable court - Your Orator
may have dower allotted to her and commission appointed for the
purpose - and the balance of the land be subject to the directions of
the court - And may it please your Worships to grant all
such other and further relief as may be consistent with the
principles of this court - and to award all such process as may
be necessary and proper - in the premises &c &c

Powell 2
vs 2
Powell 2
9

Answer

The Answer of Joseph P Powell and William
P Powell adults, and Almida Powell and Amanda Powell
infants by Nathl. P Young their next friend. These respondents now
and at all times saving and reserving to themselves all benefit of
exceptions to the allegations of the plaintiffs bill - for answer thereto
say, that they admit that so far as they are at present advised,
that the allegations of the bill are true - and they have no objection
to any decree - which this honorable court may make in the premises;
and having answered, pray to be dismissed with their reasonable costs
in this behalf expended -

Office
of the
Surveyor
General

Powell
vs Co. de
Powell & Co

In obedience to a decree of the honorable Court of Isle of Wight County bearing date Dec^r 5th 1842 we the commissioners having met on the premises therein named did on Dec^r 15th 1842 proceed to allot and set apart to the widow of Joseph Powell Dec^d one third of said dec^d land as a dowry having regard to the value thereof; the allotment of land to Mrs Nancy Powell is bounded as follows VIZ. beginning at a small poplar standing near a cross fence in the field now a corner tree, thence a south course to a holly tree standing on the south side of the avenue and on the edge of a branch thence down said branch to the run of Kena H. Chapmans mill race now a line between the lands of said Dec^d Powell and said Chapman, thence down the run of said race to the conjunction of said Mill Tale and another swamp at the conjunction of which the run is a dividing line between said Dec^d Powells land Kena H. Chapman & Jesse Fulgham thence up the run of said swamp a dividing line between said Powells land said Fulgham Wm. P. Powell & Mills Fulgham, thence to a walnut tree an east course from ^{the} run of said ^{swamp} thence an east course to a poplar the first above named station. all of which we adjudge to be one third of said Powells land, which we the undersigned Respectfully submit to the inspection of this court for their adoption with the Decree annexed. H

J. H. Chapman
J. S. Fulgham
Clammors Batten

In Isle of Wight County Court Dec^r 5th 1842
Nancy Powell widow of Joseph Powell Plt
against } On Chancery.
William P. Powell, Joseph P. Powell, Lorenzo Powell, Almexia and Amanda Powell three last infants Def^t
On the motion of the plaintiff by Counsel, Nathaniel P. Young is assigned guardian ad litem to the infant defendants. And the Cause coming on to be heard, on the bills answered and exhibits this day filed and was argued by Counsel; On Consideration whereof the court doth adjudge order and decree, that J. H. Chapman, Clammors Batten and Jesse Fulgham, do take to their assistance, if necessary the Surveyor of the County of Isle of Wight, or any other if he cannot attend do after notice to Nancy Powell, the two adult defendants, and to the next friends of the infant defendants, proceed to lay off and set aside, One third of the land of Joseph Powell as a dowry the said Commissioners having regard to the Value thereof and the balance of said land remain for the benefit of the defendants. And that the said Commissioners make report to this Court in order to a final decree.

A Copy Teste

Wm Banks D.C.

On oct: 3.0 Burn was burnt -

Remains before stronger than after -

Powell
against } Heine
Powell

Powell

Powell

Nancy Powell widow of Joseph
Powell plaintiff

against

Wm P Powell

Joseph P Powell

Louisa, Almida, and Amanda

Powell the three last of infants

by A. P. Young their next friend

} On Chancery

This day this cause came on to be heard on
the bill answer and exhibits filed, and was argued
by counsel on consideration whereof the Court
with a judge order and decreed that J. R. Chapman,
Clement Ballou, and Jesse Sulpham do take to their
assistance if necessary the Surveyor of the County of Suffolk
or any other if he cannot attend, do after
notice to Nancy Powell, the two adult defendants,
and to the next friend of the infant defendants,
proceed to lay off and set aside one third of the
land of Joseph Powell to Nancy Powell as dower.
The said Commissioners having regard to the
value thereof, and that they divide the same
the balance of said land into remain for the
benefit of the defendants and that the said commissi-
oners make report to this court in order to a final decree.