

1800-009

SOUTHAMPTON COUNTY
CHANCERY PAPERS

COUNCIL
COUNCIL

VS
VS

BAILEY'S ADMINISTRATORS
JIRKINS

10/1800

other SURNAMES: Council
Jenkins, Lewis,
Counsell

Council } Bill
vs
~~William~~
Baileys ad?

Oct. 1800
Inj. perpetuated

To the Justices of Southampton County
sitting in Chancery, respectfully complaining
sheweth unto your worships, your Orator
Amos Council.

That some time in the year of
our Lord one thousand seven hundred and ninety
your Orator became security to Essex Lewis
for the payment of the sum of due by us
to Jordan Perkins. That the said Jordan Perkins
suffered the said ^{note} to lie dormant, for a considerable
length of time during which the aforesaid prince
was able to discharge it. That your Orator afterwards
having some reason to fear that Essex Lewis
was likely to become insolvent, on the day of
 gave notice to the said Perkins, that unless
he prosecuted his claim aforesaid, by using due
diligence to recover the said sum of
that he should not conceive himself liable

from having signed the said Bond as security.
And your Orator also states that Jenkins
notwithstanding this precaution did not make
any efforts to obtain the money from
but on the contrary waited a great length
of time until the principal aforesaid became
insolvent, and that the said Jenkins has lately
obtained a judgment and now threatens
him with an execution upon the same.

In tender consideration
whereof and for as much as your Orator is
reminded at Law, he prays the interposition
of your worship.

To the end therefore he prays
that the said Jenkins may be made defendant
to this bill of complaint. and that he may on
his oath, discover whether he was not desired
by your Orator to commence his exertions

to procure the said money from the said
principal, and whether he did not permit
the claim after this notice to lie still for
great lapse of time? And how long? And
Your Orator lastly prays that the said
Jenkins, the Sheriff of Southampton and all
others concerned may be enjoined from
further proceedings on the said judgment
until this matter can be more fairly
heard and determined in Equity.

May it please
Rich^d W. Byrne
p 2

Sworn to in Court,

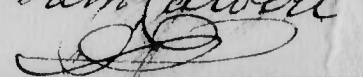
Bailey
vs } Amos
Council

The answer of Peter Bailey, who was
joint admtor, with Jordan Judkins, of
Hartwell Bailey, dead to the bill exhibited
agst him by Amos Council

This defendant saving & reserving
to himself all exception to the mani-
fold defects in the Complots' bill
contained to as much as is material
for him to answer — Answers say,
that true it is, that Exum Lewis
became a purchaser at the sale of
Hartwell Bailey dead & gave his bond
for the amount purchased by him,
with Amos Council security, — that
on the division of the estate this bond
fell to the lot of one the Children of
the sd Hartwell to whom one Benja
Carroll was guardian — who commenced
the suit against the Complots & the
sd Exum Lewis — that this Defendant
is entirely ignorant that sd Council
gave the vote by him mentioned

in his bill, as no such thing has
ever come to his knowledge before
or since the death ^{the} of Jordan Jud-
kins his co-advor & firmly believes
it to be unfounded - this defendant
denies all the allegations contained
in the complaint's bill & prays
hence to be dismissed with his
costs

Jan 4th 1800. This day Peter Bailey came
before me & made oath that the con-
tents of the within Answer is true
as far as knows or believes

Sam^l Galvert


Know all men by these presents that We Amos Council & Willie
Griffin are held & firmly bound unto Peter Bailey admt. &c.
of Hartwell Bailey dead in the sum of Eight pounds ten shillings
& two pence current money of Virginia to be paid to the S^r
adm^r. ~~his heirs~~ heirs & adm^r. to signify to what payment
made & truly to be made we bind ourselves & each of us our
& each of our heirs & adm^r. jointly & severally firmly by
these presents sealed with our seals & dated this 4th day of June
1799 in the 23^d Year of the Commonwealth

The condition of this obligation is such that Whereas the S^r ~~Amos~~
~~Amos~~ Peter Bailey adm^r. of Hartwell Bailey dead hath
obtained a judgment at common law against the S^r Amos Council
in the County court of Southampton for the ~~sum~~ sum of Lb. 10. 2 to
be discharged by payments of Three pounds seven shillings & one penny
first at 5th Cent from 19th Jan^y. 1796 till paid & each which
were of Dollars & 9 Cents And the S^r Amos Council hath
obtained an injunction to stay the execution of the S^r judgment
~~And~~ the matter in equity upon a bill for that purpose filed
can be heard if therefore the S^r Amos Council shall satisfy & pay
the S^r judgment at common law with all costs & damages that
shall be awarded to the S^r Peter Bailey adm^r. of Hartwell Bailey
in Case the S^r injunction shall be dissolved Then this obligation
to be void or else to remain in full force & virtue

Sealed & delivered
in presence of

Wells
(11)

Amos Council (Seal)
(11)

Willie Griffin (Seal)
(11)