1800-010 SOUTHAMPTON COUNTY CHANCERY PAPERS DOLES vs COUNCIL'S EXECUTRIX 7/1800

other SURNames CAUNSIL, JOHNSON, JOHNSTON, TURNER

Dales
vs
Commissioners
of
Bill &
Injunc

July 1806
Injn perpetuald

To the Justices of Southampton County Sitting
in Chancery.

Arthur Davis sheweth to the court that some
time on or about the day of in the year of
Christ 179 he was arrested by the sheriff
of the sd County to answer Lemuel Council exor
of Joshua Council decd of a plea of trespass
on the case damage pounds that
being coercion of the ill founded claim of the
sd Pl he employed an attorney of this Court
to defend him & had witnesses summoned in
his behalf who by reason of sickness could not
attend in consequence whereof Judgment
was rendered against your Complainant
for the sum of seven pounds seventeen shillings &
execution hath issued thereupon as by the
records of this Court will more fully appear
which judgment is inequitous & unjust &
oppressive
since which actings & doings, may it please
the court, the sd Lemuel Council hath departed
this life leaving a will & Isaac Council

of contrip thereto - that the court of this County hath granted administration of the estate of the sd Lemuel Council who was ~~of~~ of Joshua Council decd to the sd Sarah Council to whom your Compt has applied to stop the proceedings before mentioned of Lemuel Council ~~of~~ of Joshua Council stating to the sd Sarah Council the sd proceedings were founded on a pretended claim against ~~of~~ your Complt for the hire of a negro man slave by the name of [illegible] the property of the Joshua Council of the your Complainant informs the Court was not hired to him but put in his possession for the purpose of sale; but before the same could be effected the sd slave made his elopement — All which your Complainant would have proved to the satisfaction of the Court (had he not been ruled to trial in the absence of his witnesses) as he verily believes. —— In Consideration whereof & for as much as your Compt hath no redress without the interposition of a court of ~~justice~~ Equity and to the end therefore that the sd Sarah Council ~~of~~ of Lemuel Council who was ~~of~~ of Joshua Council whom your Complainant prays may be made defendant ~~thereto~~ to this bill & answer on oath the allegations herein contained particularly how she reason to believe that the sd slave was put in your Complt for the purposes above mentioned & [illegible] the sd Lemuel Council or Joshua Council say as much when living ——

that this court will enjoin the sd Sarah Council ~~of~~ of Lemuel Council who was ~~of~~ of Joshua Council & all other persons concerned from proceeding in virtue of sd judgment until the said cause is heard Chancery & then make the same perpetual or decree the same to be reinstated

Bill p.f.

…ncils ex.
…a
Dolrs ____ } Answer.

Filed July 1798

The answer of Sarah Council executrix of Samuel Council who was executor of Joshua Council deceased defendant to the bill of Complaint of Arthur Doles Complainant exhibited against her in the Worshipful Court of Southampton -

This defendant having & reserving to herself all manner of exception to the uncertainties, imperfections & false allegations in the said Complainants bill of Complaint contained, for answer thereto, or to so much thereof as this defendant is advised is material for her to make answer unto She answering saith, That of her own knowledge she knows nothing concerning the Complainant having had the negro of Joshua Council, but she has often heard the Dr. Joshua, as well as Samuel Council say that the Complainant did have the negro spoken of in the bill, & therefore does not believe that he had him on other terms, than as in bill. She further for answer saith, That she was not at the trial of the suit, and does not know whether the Complainants witness was present or absent, or that he has any material witness in the Cause, This she is well convinced of. That the same Evidence that was introduced in support of the Cause, Can be brought forward to rebut the allegations of his bill. She denies all fraud & injustice in the premises & prays to be hence dismissed with her reasonable Costs so wrongfully sustained

Yarbrough for Defts

Northampton County to wit Sarah Council made affirmation to the truth of that the foregoing answer is true in part & the residue & entire to the best of her knowledge & belief, Given under my hand this 20th June 1798. Jno. C. Cohoon

Copy delivered by Godwin
Cornwell & Sworn to by
him 7th July. 1798

Mr Arthur Dobbs, on Saturday the 7th of July next, I
shall be at the House of Mr John Barber of Isle of Wight between 10 & 12
O'Clk. and take notice that I shall then & there proceed to
take the affidavit of Elijah Johnson, to rebut or do away
the allegations of your Bill of injunction against me, as exe-
-cutrix of Samuel Council who was executor of Joshua Council
deceased, which evidence I shall offer to the Court of Exche-
-quer on the second day of the ensuing term, upon a motion
which I shall then & there make for a dissolution of the
said injunction

Yrs &c

Sarah Council

28 June 1798.

Councils enclo
US
Doles
Comme

6 Sept 1798

Southampton county Sct

The commonwealth of Virginia to Edmund Tyler & John Urquhart

Gentlemen greeting know ye that we trusting to your fidelity & prudent circumspection in diligently examining Jacob Turner and Timothy Atkins witnesses as well on behalf of Sarah Councils exr of Kent Council who was exr of Joshua Councils pltff as on behalf of Arthur Doles

command you or any two of you to call and cause to come before you the witnesses aforesaid when and where you shall appoint and examine them on the holy Evangelists of Almighty God & their examination into our court of our said county you send and certify inclosed returning to us also this writ witness Sam. Kello clerk of our said court at the Courthouse the 21st day of August 1798 and in the 23 year of the commonwealth

Sam Kello jr Dcc &c

Commissaires
en
Droits

The testimony of Elijah Johnston of full age, taken on affirm-ation before me John Barber a Justice of the peace for the County of Isle of Wight, In a suit now depending & undetermined in the County Court of Southampton in Chancery. Wherein Sarah Council executrix of Lemuel Council, Who was executor of Joshua Council late of this county dec'd is plaintiff & Arthur Coles is Defendt. agreeably to a commission from the said Worshipfull courts for that purpose, due & legal Notice given to the said defts or their Counsel being proven before me by the oath of Godwin Council a Copy of which is hereunto annexed —

This Witness after affirmation saith that in the year 1793 & he believes in the month of May. he the said deponent Was sent for by said Joshua Council Who was then very sick, to Witness his Will. that the said Council requested him to make of some acc'ts for him the said Council against some people, on Whom

he had demands, but of which he had no memorandums, that amongst others, was an acct against Arthur Doles for the hire of a negroe named Sam — Which said councill said he had hired out to said Doles — this deponent say[illegible] he has often heard the said Council before the above mentioned time say that he had hired the said negroe to the said Doles, and the sum for which he said the negroe was hired was Seven pounds

This deponent further say[illegible], that sometime after said Councils death, in a conversation which he had with said Doles, on the subject of this negroe, the said Doles, told this deponent, that he could prove by Jacob Turner, that said Councill in his lifetime said that he the said councill would not receive more from the said Doles for the said negroes hire than in due proportion to the time the said negroe had remained in said Doloses Service, (for it seems the negroe had run off from said Doles. And as the said deponent has generally understood by the reports in the neighbourhood, was taken up and committed to Suffolk Jail where he remain untill he was taken therefrom by said Arthur Doles) from which capacities the said deponent considers there had been a bargain between the said Joshua Councill & the said Arthur Doles about the said negroe Sams hire ——

& further this deponent say[illegible] not

Elijah Johnson

The above deposition was taken before me the 7th day of July in the year of our Lord One thousand Seven hundred & ninety Eight —

John Baber J.P.

To the Clerk of Southampton County

From the request of Arthur Doles I have
proceeded to take Timothy Atkins deposition
in a matter of Controversy now depending
in the Court of Southampton between said
Arthur Doles & Sarah Counsel. — Thos.
Deponant being of full age, & first Sworn
on the holy Evangelists of Almighty God.
Deposeth & sayeth that some time in Sum-
mer 1792. the deponant saw Jas. Counsel
Counsel, who desired the deponant to inform
Arthur Doles that his Negro fellow Sam
was in Suffolk Goal. & that he wish'd
that Arthur Doles would come & take
him out & pay the Goal fees, for he
had not money to do it. & to keep the
Negroe Sam, until he could make
sale of him. & the Deponant told
Arthur Doles agreeable to request.
& the Deponant did go with Arthur Doles
to Suffolk, & took the s^d Negro Sam out
of Goal. in the last of July or the first
of August. & in returning Home with
the Negro, the deponant, & Arthur Doles
called at the House of Rob^t Ely where
the Negro made his Escape, from them.
& returned into the family of the Counsels
& further the Deponant saith not.
Given under our hands. This 15th day of Sept.
1798.

Jno Urquhart

Southampton Ct

The Deposition of Jacob Turner of the s^d County of full age being first sworn on the Evangelist of Almighty God deposeth & saith

That sometime about Feb^y or March in the year 1792 this Deponent happened at the Sale or Funeral of Dempsey Marshal at which place he happened in Company with Joshua Council & Arthur Doles & attended to their conversation respecting a Negro Man named Sam & after some discourse & pom a proposal from Joshua Council Arthur Doles was to take the s^d Negro in order to make sale of him & during the time he was to continue w^th Arthur Doles he the s^d Doles was to allow at the rate of Seven pounds Ten Shill^s p^r annum the s^d Negro was put in possession of the s^d Doles & he remained Two months after which the Negro ran away from the service of the s^d Doles & was afterward taken up & put in Suffolk Jail — At Arth^r Doles', Above this Deponent happened in Company with the s^d Doles & Council a second time & heard J. Council inform A Doles that the Negro abovementioned was in Suffolk Gaol & that J. Council had no Money but wished A Doles to go & pay the prison Fees & have him taken out & put in Irons & make the best Sale he could of him which the s^d Doles proceeded to do paid the Prison Fees & took the Negro out & in bringing him up to the s^d Doles's the Negro made his Escape — Sometime after Joshua Council applied to this Deponent to assist A Doles to endevour to catch the said Negro & make sale of him at all events but never had an opp^y of effecting the buiness The said Joshua Council offered to make satisfaction to the said Deponent & A Doles for their endevours to take the s^d Negro & further this Deponent saith not

Jacob Turner

Jn

Taken before us this 15th day of Sept^r 1793

Edm^d Taylor

Jn^o Wrightwick

Joshua Caunsel
Deceased to
Abraham Dales

The Estate of Joshua Caunsil Deceased

To Arthur Dales. Dr.

1792

To Cash paid the Goaler at Suffolk for taking out Negroe Sam	1 " 9 " 3
for Seeking the Negroe with 3 Men & myself one Night & part of a Day	1 " 4 " 0
To Riding 1 Day with 2 Men in Pursuit of the same Negroe	" 15 " 0
To the Expinces of Timothy Atkinson & myself to Suffolk	" 13 " 0
	£ 4 " 0 " 3

Doles
vs
Council

Inyr
Bond.

Know all men by these presents that we Authen Doles & Valentine Jenkins are held and firmly bound unto Eliz.p Council adm.r Lemuel Council exr. of Lothian Council in the sum of Eighteen Pounds current money of Virginia to the which Payment well and truly to be made unto the said Executor his heirs Exors & Assigns we bind ourselves our heirs Exors and Admors jointly & severally firmly by these presents seald with our seals & dated this 15th day of Jany 1798

The condition of this obligation is such that whereas the said ~~Authen Doles~~ Eliz.p Council hath obtain'd a judment at common law against the said Authen Doles In the county court of Lit.on for Eight Pounds and costs & the said Authen Doles hath obtain'd an injunction to to stay the execution of the said judment untill the matter in equity upon a bill for the purpose filed can be heard if therefore the said Authen Doles shall satisfy & pay the said judment at common law & all costs and damage that shall be awarded to said Ex.tr.

In case the s.d injunction shall be dissolved then the above obligation to be void or else to remain in full force and virtue

Authen Doles (Seal)

Valentine Jenkins (Seal)

Seald & delivered in presence of

J Hello