

1832-007

SOUTHAMPTON COUNTY
CHANCERY PAPERS

DANIEL and Wife VS. DOLES' EXECUTOR

3/1832

N.B. Several sheets pasted together and folded.
Handle with care.

Other SURNAMES: Long,
Stephenson, Summerell,
Clayton, Fletcher, Fulgham,
Mercer, Booth, Boykin,
Washington, Sumrell

Plaintiffs Costs:
Att. \$ 5.18
Comm. 8.00
Law: 5.00

\$ 18.18

Daniel Hulse

" 3 Papers

Dole's Exor

1832 March Award mt.
& decree accordingly. H.

Joseph G. Council
Edmond S. Walther

Laurence Britt, sick
Gilliam G. Howden, sick
Solomon Crumpler, sick
Jordan Spivey, sick
Benja Partice, sick
William Thom, sick
John Boykin, Excused
Goodman Thom not warned in
Reed & Waghart not at home
Berlin Daniel
Rebeah Daniel
Robert J. Daniel

from the
American

53 36 1/2
65 34 1/2
71 1/2
5 1/2

34 1/2
33 1/2
68
1 1

66 1
5
6 1/2

5 7
31 1/2
18 1/2

65
78
42

50

177

Jim 42
Lizzy 65
Shade 71
178 Prunds

58 1/2
53 1/2
46 1/2
26 1/2
65
57
40

34 6 1/2

177

523

117

623

46 36
3 3

138 708

23 18

16 1 126

126 18

105 21

23 3

46 5 1/2

25 10 1/2
71 5 1/2

63 1/2
10 1/2

75 1/2

Daniel & Wife

vs { Bill &
exhibits

Dole's Execut

Attest

1828 June decess as filed by
himself

To the worshipful Court of Lancaster County sitting
in chancery humbly complaining sheweth unto
your worships your ^{orator & oratrix} Berbon Daniel & Rebecca
his wife late Rebecca Doles ~~her~~ right of the saice
Rebecca. Here your orator & oratrix beg leave to
represent to your worships that the saice Rebecca
became entitlee in the division of the
estate of Arthur Doles dec'd ^{her father} to three negroes (ie)
a fellow namee Jim a woman namee
Chince & a boy Jephthee that this division was
effected under a decree of this worshipful
Court & immediately thereafter about the first
day of January 1818 Elias Summell, dec'd
over as the administrator of Arthur Doles
all the saice Slaves Jim Chince & Jephthee to
Mrs Elizabeth Doles the mother of your oratrix
who nominated the saice Summell to become
the guardian of your oratrix: that she
however failed to be regularly appointed
guardian but kept your oratrix negroes
for a part of the time herself & herod them
to other persons for another part of the time
& for the two last years your oratrix received
the hires of the hires herself by the permission
of her mother. That her Mother Mrs Elizabeth
Doles died some time in the year 1827
having just executed her last will & copy whereof
is hereto annexed & prayed to be taken as a
part of this bill that the Exec of the saice

Will Patrick Doles qualified & took on himself
the burden of the execution thereof that since the
death of the said Elizabeth Doles who it will be
known to your worships a promise to be guardian
to your oration your orator & oration have requested
Patrick Doles her executor to settle & pay out to
them the amount of the hire of the said negro
slaves amounting exclusive of interest to largely
upwards of four hundred Dollars that the said
Patrick Doles as the executor who is hereto named
a defendant has always heretofore refused
to pay the said sums of money alleging various
 frivolous pretexts sometimes that his Ex^{or}
was not in fact the guardian of your oration
sometimes that he would raise an account
although none was left by his Ex^{or} for the
board of your oration while she lived with her
mother altho the said Patrick well knew that
his Ex^{or} never designed to charge any board
& in fact left no such demand & that so far
from such intention ^{towards} your oration after the
death of one of her younger children by the will before
mentioned gave to your oration a part of her
own estate & although the said Patrick well
knows that the labors & services of your
oration in attending to the domestic concerns
of the family of her late mother were more
than equivalent to her board & the purchase
articles of clothing furnished her the most of
which she spun & wore herself that your

orator & oration wearied with the previous protests
afore said have been constrained to apply to your
worships as a court of chancery to compel the said
Patrick to say on oath whether the facts herein
set forth are not true & whether the account
hereto annexed & marked (B) is not correct
whether he does not know that the labors &
services of your oration were not more than
equivalent to her board & clothing & lastly
whether he has not of his accord paid &
without any charge whatsoever left by his
Ex^{or} office that is in opposition
to the first claim of your complainants
that your worships be pleased since your
orator & oration are remembered in the will as
dare to & from ^{the payment of which may be for the good of the} the Commonwealth the trust of self
directed to commanding us in such other further
& general relief as equity dictates & they as in
will see fit.

Abelashome Proprs

Patrick Doles Esq. dr.

at } ansr

Daniel Luigs

Mason

Sworn to in Court the 16th
June 1828. Lth Esq. dr.

To the worshipful the County Court of Southampton
sitting in Chy.

The answer of Patrick Doler Esq^r of
the last will and testament of Elizabeth Doler ~~deceased~~
to a Bill of Complaint exhibited to this worshipful
Court, by B. Daniel and wife. This Respondent for
answer to the said Bill,aving &c. says, that he
admits that he Represents his dec^d mother's estate,
as by the pliffs is set forth. He admits that the female
Pliff is the daughter of his Testatrix, that in the dis-
tribution of their dec^d father's estate, the negro slaves
in the bill mentioned, ^{was allotted her} and that the heirs of the negro
man were either dec^d or enjoyed by his mother, - but
he denies that his said mother ever qualified as
Guardian to the s^d Rebecca. and he is of opinion
that upon every principle of ^{law} morality & justice,
~~not~~ one cent. is due to the pliffs on that acc^t.
~~This~~ Respondent respectfully states, that after the
death of their father, which occurred in the year
their mother kept the children & the small
property left by him. together, schooled & clothed
& fed them, until the year 1817. In the fall of that
year this Respondent attained lawful age, and
a division of the estate took place. The Pliff Rebecca
was then about 10 years of age - of the negroes al-
lotted her, one was ^{a girl} ~~a breeding woman~~, & another a
small child both of whom were expensive ~~than~~
^{that is, the expense of the child equalling if not exceeding the profits of the}
them profitable, - the Testatrix kept them, fed and
cloathed them - that she sent the s^d Rebecca to
school, and paid the expences herself - that she
boarded and cloathed her during the whole period

from the death of her father to her marriage, or till the death of the Testatrix. That from a defect of vision, the s^r Rebecca after she grew up was not able to have earned her support - and Your Respondent is satisfied, that any Court or Commissioner will be of opinion on all the circumstances of this case, that the Pliffs ought at least to be satisfied, that the s^r Rebecca has been educated & raised to womanhood, on the profits of one negro man, and a negro woman, with an expense ^{of} child - That your Respondent's testament settled with ^{some} ~~of~~ her other children on the same principles - charging them for board, cloathing, education, and all other expenses, only so much as their small property produced - never touching the principal - while your worships will perceive, that with an income of barely \$50 a female has been raised to womanhood - Your Respondent cannot but express his astonishment at the act which is exhibited - but believes, that if your worships think proper to entertain the cause & submit the matter of acct. to a Commr. that the Pliffs will recover nothing - in this view of the cause.

But your worships will discover by the last will of his Testatrix that a very large portion of her estate, is given to the Complt Rebecca - the very estate, against which they now seek to set up this demand - That he is advised, that this is a satisfaction and extinguishment of the claim now set up - since the legacy bequeathed exceeds in value, any claim which the Pliffs might set up against the estate, and has been rec^d by the Pliffs - He therefore submits to the Court whether

this Court ought to entertain the Pliffs bill even so far as to send it to a Commissioner - He states, that if her other children had attempted as these Pliffs are now doing to make their mother pay for the use of their small portions of their father's estate, and allowed her nothing for actual disbursements made for them, with the very income thus denied, they would long since have stripped her of what she had, and she would have died in penury & want - but ~~your~~ Respondent does not believe that they, or these Pliffs will be countenanced in such an effort.

He denies all fraud, combination &c. & having fully answered, prays to be hence dismissed & with his costs &c.

(2d). Your Respondent positively denies, that he well knows that his Testatrix never designed to raise any charge or acct. for the necessities furnished the s^r Rebecca. On the contrary, he is firmly persuaded, that his Mother always expected, that they would constitute an official set-off against the claims set up by the Pliffs in their Bill, if ever they sh^d be set up -

Daniel Wolfe
" } Chy
Dolis' Exor

This day this cause was docketed and came on to be heard by consent
of parties on the bill, answer and exhibits and was argued by Counsel.
Whereupon the Court doth adjudge order and decree that the accounts
between the parties be referred to a Comr. of this Court who is directed to
examine, state and settle the same and make report thereof to the Court
with any matters specially stated deemed pertinent by himself or which
may be requested to be stated by either of the parties & by consent Comr.
expenses are awarded the parties to take the depositions of their witnesses &c &c

Daniel }
vs } acct &
Dole }

Com^d Report

Daniel
vs
Doles } In Chancery

The Commissioner in this case has been at a great deal of trouble, in endeavouring to understand and come to a correct conclusion, but the evidence being voluminous, and in many instances contradictory a correct conclusion can hardly be expected. But from all the facts before me, I have concluded that Mr. Elizabeth Doles the mother of the wife of the plaintiff, never intended to charge her said Daughter any board or clothing; yet some of the Negroes were expensive, and others profitable; I have therefore come to the conclusion, that as the Negro man Jim was worth from forty to fifty dollars per year, that therefore twenty dollars of this sum should be charged to the estate of Annem from the year 1818 to the Year 1825 both Years inclusive clear of any interest or commissions, which would make eight years making in the whole one hundred and twenty dollars with interest thereon from the first day of January 1826 till paid: that as it is included -

Respectfully Submitted to the Court

Comr fee 10 Hours @ \$5.00 }
charges to the plaintiff }

John O. H.
Comr

I acknowledge the due service of the within notice

Berlin Daniel

3

of Jefferson County

Mrs Berlin Daniel

Mr. Birkin Daniel take notice that I shall
attend at Briants + Roacus In Northampton
County State of North Carolina on Wednesday the
Eighth day of October next for the purpose of
Taking the affidavit of Mrs. Sally Washington
To prove that Elizabeth Sols Boarded clothed &
Educated your wife Rebecca formally Rebecca Sols
and Intended charging her for the same & shall
Continue from day to day until I get through, at which
Time and place you can attend should you think
Proper. September 28th 1828

Patrick Sols

I acknowledge the service of the within notice

Berlin Danie

At John and John's

Mr. Berlin Danie

Mr. Birken Darice take notice that I shall at
Tend at house of Mr. Mary A. Summerville
on Thursday the twenty three of this Instant be
Tween the hours of twelve and three O'clock for the purpose
of taking the affidavits of the said Mr. Summerville
and perhaps others to prove that my mother Eliza
with Polly charged her children board & that said board
are your wife Rebecca formerly Rebecca Polly partly
Clothed & Educated her & kept & paid for the keeping of
Her Expensive negroes and intended charging her for
the same at which time & place you can attend should
You think proper October 11th 1828)

Patrick Dolz

I acknowledge the due service of the within
Notia Berlin Daniel

W. Berlin Daniel

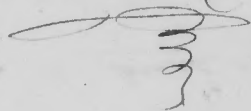
Wm. Berlin Daniel take notice that I
shall attend at Half Bredgoods Store in
Isle of Wight County on Thursday next between
the hours of ten & two o'clock for the purpose
of Taking the affidavit of Claiborn Booth
and perhaps others to prove them in account
that is to be laid before the Wm. Commissioner
Depositing Between me as the Executor of
Elizabeth (Deceased) & your self Nov^r 3rd 1828

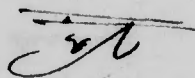
Patrik Dolez

3

I acknowledge the due service of the within Notice

Patrick Doley





(J. F. Doley)

Mr. Patrick Doley

Mr Patrick Doherty Esq. of Elizabeth Doherty. Do
Sir Take notice that I shall on Thursday the 19th
day of February attend at the house of Jesse
Stephenson between the hours of sun rise & set
for the purpose of stating the deposition of Jesse
Stephenson and perhaps of others to be received as
evidence in a suit of Chancery now depending
between you and myself in the County Court
of Southampton. whereas myself & wife are
Complainants and you defendant, at which
time and place you may attend if you think
proper. February the 18th 1829

Barth. Doherty

I acknowledge the due Service of the within notice

Berlin Danell

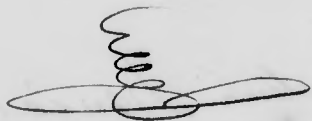
W. Berlin Danell

Mr. Butler (Daniel) Take notice that I shall
attend at the house of Mr. Jesse H. Summrell on
Thursday the twenty sixth of this instant between
the hours of seven in the A. M. and five in P. M. for
the purpose of taking the affidavits of Mrs. Nancy
Summrell the wife of the above and her mother
and perhaps others who bear evidence
In a matter of controversy depending between
me as the Executor of Elizabeth Dole's Will and yourself
In Right of your wife Rebecca formally Dole
at which time and place you are attend
Should you think proper March 20th 1829

Patrick Dole

Mr. Patrick. Doley

Southampton
Virginia



Patrick Doley

I acknowledge the service of the within notice

I acknowledge the service of the within notice

Patrick Dolan



Southampton
Virginia

Mr. Patrick Dolan

M^r Patrick Doleys administrator of Elizabeth Doleys^{Decd}

Sir Take notice that I shall on fryday the first day
of may next attend at the House of Jese. H. —
Summrells for the purpose of taking the ^{affidavits} ~~depositions~~
of Polly Totchester Nancy Summrell and perhaps of
others to be received as evidence in a suit in Chancery
undetermined in the County Court of Southampton
where as my self and wife are Complainants and
you defendant at which time and place your Comattence
if think proper

April the 23rd Day 1829

Perkins Daniel

Silas Sumnerdell, proves nothing about the board
James Clayton wrote the will of Mrs Dole &
said that Rebecca was an unfortunate child & there-
fore she gave more of her estate than the rest of
her children

Mary Dole proves Mrs Dole said she should charge
Rebecca Dole board, that began by the board with
V. Jenkins in 1818, & was expensive two years after

Southampton County To Wit

The deposition of Silas Summerville of ~~the~~^{lawful} age
taken at Drews Old Store. before Richard D.
Urguhart & Rufus Griffin Justices of the Peace
for the County aforesaid, agreeable to due notice
given to be read in evidence in a suit in
Chancery now depending Between Berbin
Daniel & Rebecca his wife Complainants
and Patrick Dales Executor of Elizabeth Dales
defendant. - Question by Mr. Daniel to Silas
Summerville. in what way did Elizabeth Dales
come in possession of Rebecca Dales negroes. that
were in your possession as the Administrator of
Arthur Dales. decd. answer by Capt. Summerville
after the negroes belonging to the heirs of Arthur
Dales were decreed by Commissioners I delivered
Rebecca Dales negroes over to Elizabeth Dales
on her saying that she ~~would~~^{would} become Rebecca
Dales Guardian: Question by the same, to the
same. did not James Dales whom you were
Guardian for, receive the benefit of the hire of his
negroes. answer he did. except one or two of the
last years Mrs Dales had a negroe boy, & girl
which he requested me to let her keep. question
by the same to the same. did you as Guardian of
James Dales pay any board for him, to Elizabeth Dales.
answer I believe that I paid her Sixty dollars
for part of the two last years while he was going to
School - Question from the same, to the same. did not
you write a will for Elizabeth Dales in her son
James life time. answer I did

Question from the same to the same, to whom
did she will her estate; answer I believe she
willed the principal part of her estate to her
son James. Question ^{by} from the same to the same
did she tell you why she gave more of her estate
to him, than she did to the rest of her children;
answer she did not that I recollect - Question
from the same to the same. and Eliza Doles say
any thing to you about writing a will for her.
after James Doles death answer she did.
Question from the same to the same. to whom
did she say she intended to give her estate - answer
as well as I recollect she told me. that she
intended to give ^{about} the same to Rebecca, that she
had given to James, ^{a negro man} excepted, I went
to her house some time after, and told her, that
I had rather she would get some other person
to write her will; and I heard no more about
it - Question by Mr Doles to Capt. Sumnerell,
how long after James Doles was done going to
school: before you bound him as an apprentice
to Mr Hatchell answer about twelve or fifteen
months: Question by the same to the same. who
paid his board & schooling the year he lived at
Richard Murfee's answer I contacted for his board
and schooling and paid it; and further this deponent
saith not signed Silas Sumnerell

Sworn and subscribed to before us Richard Alburghart
and Benj Griffin this 13th day of November 1828
Given under our hands and seals the day & date above
and seals the day & date above Walter Benj Griffin Seal

Southampton County North

The deposition of James Clayton of lawful age
taken at Driggs Old store in the County aforesaid
before Richard Alburghart of Benj Griffin Justices
of the Peace for the County aforesaid. Agreeable to due
notice given: to be read in evidence in a suit in
Chancery now depending Between Berbin Daniel
and Rebecca his wife, Complainants and Patrick
Doles Executor of Elizabeth Doles defendant -
Question by Mr. Daniel to Capt. Clayton. did Elizabeth
Doles call on you to write her will on her death
bed. answer she did: Question by the same to
the same. and Mr Doles tell you at the time
of writing her will. The reason. why she gave
to her Daughter Rebecca more of her estate. than
she did to the rest of her children. answer she
stated that she was an unfortunate Child. and that
it was her duty. to do more for her than she did
for the rest - Question by the same to the same. did
she tell you on her death bed that James was her
favourite Child. and he was gone: and that Rebecca
was the next, answer she did; and further this
deponent saith not - Signed James Clayton

Sworn and subscribed to before Richard Alburghart of
Benj Griffin this 13th day of November 1828
Given under our hands and seals the day & date above
Written

Richard Alburghart Seal
Benj Griffin Seal

The affidavit of Miss Polly Long, of the county
of Northampton and State of North Carolina,
taken at the house of Mrs Sally Suter, of the county
and State aforesaid; in pursuance to notice hereto annexed
between the hours of seven A.M. and five P.M. who
being of lawful age, and being duly sworn upon the
holy evangelist of almighty God, and to be used as
evidence in a certain matter of controversy depending
and undetermined in Southampton court, State of Virginia
or before the master commissaries of said county, in the
settlement of a certain account depending between Patrick
Doles executor of Elizabeth Doles decd. and Merbin Daniel
in right of his wife Rebecca, formerly Doles,
Deposeth and saith, That she the said Polly Long, re-
-ollects being at the house of Mr. Jesse Stephenson of
the said county of Southampton and State aforesaid
with Mrs Sally Washington formerly Council, and Mrs.
Rebecca Daniel, formerly Doles, together with her grand
mother Mrs Elizabeth Doles, some time in the summer
of 1800 and twenty six, and that she does not recollect
of having heard her grand mother, say that she never
had charged the said Mrs Rebecca Daniel formerly Doles,
any board,

Question by Patrick Doles, did you ever hear my
mother say any thing about charging Rebecca, board
either at Mr. Jesse Stephenson; or at any other place
Answer, No never that I now recollect.

Polly Long

State of North Carolina, Northampton county, I do
hereby certify that Miss Polly Long of the county and
State above written did this day personally appear before
me, and made oath that the facts set forth in the above
affidavit were true to the best of her knowledge and belief
Given under my hand and seal this 18th day of February 1829
J. M. P. Rogers

State of North Carolina

I John M. Harrison Clerk of the Court of Pleas and
Quarter Sessions for the County of Northampton do hereby certify that
Joseph M. S. Rogers Esquire whose name is affixed to the within
Certificate is an acting Justice of the Peace in and for the said
County of Northampton. (and that full faith and credit be due
to all his official acts as such)

In Testimony whereof I have hereunto
set my hand and affixed the Seal
of my office the 18th day of February
AD 1829. and 33rd year of our
Independence

John M. Harrison Clerk of
Northampton County Court

State of North Carolina - Northampton County -

I Hardy Cobb Chairman of the Court of Pleas and Quarter Ses-
-sions for the County aforesaid certify that John W. Harrison
whose name is subscribed to the above Certificate is and then
was acting Clerk of said Court duly elected according to
the laws of our State & full faith and credit be given to all
his official attestations. (Witness: Hardy Cobb)

North Carolina, Northampton County, I John M. Harrison Clerk
of the Court of Pleas and Quarter Sessions for the County of Northampton
do hereby certify that Hardy Cobb Esquire, whose name is affixed to the
above Certificate - is Chairman of our Court of Pleas and Quarter Sessions for
the County aforesaid - & that full faith and credit ought to be given to all
his attestations as such. Given under my hand this 12th day of February 1829
John M. Harrison C. A. C. C.

Mr. Barber. I must take notice that I should
attend at the house of Mrs. Sally Tinters in North
ampton County State of North Carolina on Tuesday
The first of this Instant between the hours of sunrise
and sunset say seven & five O'clock for the purpose
of taking the affidavit of Polly Long Valuable
The Oath of Calvin J. Stephenson in a case depending
Between me as the Executor of Elizabeth H. Poles Dec
and you and your wife Rebecca formally Rebecca
Poles to Lay before the Master Commission to
make up and account to lay before the Court and
Continue from day to day until I get through at which
Time and place you can attend should you think
Proper, (February 1th 1829)

Patrick Poles


I acknowledge the due service of the within notice
Perkin Danice

W. H. Perkin Danice
of Hampton

Polly Long, never heard Mrs Dole say
she intended to charge Rebecca board

Came to hand
under seal

Perth Cobden Esq.

Mr. Commissioner

S. Ton

Isaac Stephenson proves she
heard Mrs. Oles say she never
intended to charge Rebecca board
unless she married a contrary
man, & then she would give it
to her afterwards —

Agreeably to the within notices Mr James Clayton and Benjamin, L. Drew have Caused ~~like~~ Stephenson to appear before us at the house of the said Stephenson in the County of Southampton on the 19th day of February in the year 1829, between the hours of Sun Rise & Sun Set of the same day who being of lawful age and first sworn on the holy Evangelist of almighty God we have provided to take his deposition to be read in evidence in a Suit in Chancery now depending in the County Court of Southampton

Question by Mr. Dames to Mr. Stephenson

Mr. Stephenson did you hear Mr. Elizabeth Doler say in her lifetime that she never had charged her daughter Rebekah Doler any board & that she never intended to charge her any?

Answer by Mr. Stephenson I did.

Question by Mr. Doler, how come my mother to be making use of those declarations to you Mr. Stephenson

Answer, she & her daughter came here & Sally Cunnice with them, also Polly Long my Wife asked Mr. Doler if she had charged her daughter board she say'd she had not nor never intended; unless she married with a contrary man, then she must to charge her & to give it to her after wards,

Question by Mr. Doler, who was present when my mother made use of this conversation, Answer Sally Cunnice, Polly Long & Calvin Stephenson

^{Before} ~~like~~ Stephenson appearing personally before us & under oath to the Questions & answers as set forth above, Given under our hands & seals this day & date above written?

Benj. L. Drew
James Clayton

N.B. The plff objects to any summary
deposition as he conceives she
is interested — the parties objects
to no illegality in taking the
evidence in this cause

Walter Commey
Southampton County Virginia

James Bell Esq

Can't have copy of this

Committee by
the J. P. Smith

Sally Washington proves she heard
Mr. Oles say a year before his death
did not intend to charge Rebecca toad
she kept Chinese who had their children
in the town &

see page 12

Document the 2^d 1828
I return the north of
as evidence in favor of Rebecca Oles
Oles did in an account of standing against me
No. 12
J. P. Smith

State of North Carolina
Northampton County }

J: Hardy Cobb Chairman of the Court
of Pleas & Quarter Sessions for the County
aforesaid do hereby certify that John W. Harris
Esquire whose name is subscribed to the
above written certificate is & was on this day &
date thereof regular acting clerk of our said
Court duly & legally elected & qualified, that
the said certificate is in due form of law
and that full faith & credit are due to all
his official attestations — Given under my hand
& seal manual this 9th day of October
(A. D. 1828)

Hardy Cobb ^{seal} ₆₆ ₂₅

Mrs. Sally M. Washington being of lawful age, maketh oath that she lived with her Grand-Mother Elizabeth Doles four or five years, and within the dates of eighteen hundred and nineteen and eighteen hundred and twenty seven, frequently heard her Grand-Mother say, that she charged Rebecca Doles the same board, that she did me, which was forty dollars per year. —

Question by Mr. Doles, have or have you not heard Rebecca say, that her Mother ought not to make her work and charge her board, answer I have. —

Question by the same, what kind of work did Rebecca do, when she complained. — Answer such as setting

the table, sweeping the floor and yard — Question by

the same, do or do you not know, whether my Mother made Rebecca wash, — Answer never that I know of. — Question by the same, Was Rebecca

made to do more than yourself, answer No, nor hardly as much. — Question by the same, do you, or do

you not know that Chana, Rebecca's, negro Woman lived with my Mother three or four years, answer

she did. Question by the same, Was not this negro Woman an expence to my Mother, answer

she brought three children in the time. — Question by the same, did not Rebecca go to school to Spencer

R. Jenkins at the time, you and your Brother Dolphin D. Council did, answer she did. —

Question by Mr. Daniel, was or was it not, before the death of James Doles, that you heard ~~Mr.~~

Doles say, she should charge Rebecca board, answer both before and afterwards. — Question by the same,

did you ever hear, Mrs. Doles say, that she did not intend to charge Rebecca board, answer I did. —

Question by the same, how long before the death of M. Hales was it you heard her say, she did not intend to charge Rebecca board; Answer The Year before her death, she said she should not charge her board that year. — Question by the same, who furnished Rebecca every day clothes; Answer Rebecca furnished them her-self, unless when she exchanged work with Grand-Mother. — Question by the same, who furnished Rebecca's fine clothes; Answer Grand-Mother bought them for her. — Question by M. Hales who mended the cloth which made Rebecca's every day clothes; Answer Grand-Mother. —

I do hereby certify, that Mrs. Sally M. Washington, appeared before me on the eighth of October eighteen hundred & twenty eight, and have sworn to the contents of this affidavit — given under my hand this 8th Oct. 1828 — J. P. W. Gregory J. P.

State of North Carolina }
Northampton County } J. John M. Harrison
Jesse and Quartermasters of said County, do hereby certify that Thomas M. Gregory, whose signature appears to the above Certificate was at the time of signing the same one of the acting Justices of Peace for and in the County and State aforesaid, and that due faith & credit ought to be given to his acts as such.
Given under my hand & the seal of my office affixed at office in the Town of Jackson Northampton County, this 9th day of October A.D. 1828.

John M. Harrison c.c.

M^{rs} Mary A Sumnerell being of lawful age, makes
Oath ~~that~~ to the following facts
Question by Patrick Dolan to M^{rs} Sumnerell did you
live with any Mother Elizabeth Dolan from the first
^{eighteen hundred & twenty seven} of the year ~~1827~~ to the last of the year ~~1827~~ Answer she did.
Question by the same. did your Mother Elizabeth
Dolan Charge your board, and your Brother Herod.
Answer she did. - Question by the same. who found
Rebecca Dolan her clothes within the above dates. Ans^r
Elizabeth Dolan her mother found the greater part of
them. Question by the same did not Elizabeth Dolan
^{say that she} charged Rebecca board from the time of the division
of the negroes, till the death of James Dolan answer
she did. Question by the same. did not Elizabeth
Dolan employ Volentine Jenkins the first year after
the negroes were divided, to keep a negro boy Jeph-
thah. that belonged to Rebecca Dolan Answer she did
Question by the same, did not Volentine Jenkins
threaten to warrant Elizabeth Dolan for the money
for keeping said negro boy Answer he did, -
Question by the same was not the said negro boy
expensive after the year, he lived at M^r Jenkins,
Answer he was for as much as two years -

Mary A Sumnerell
Saulthampton County Corrit.

I hereby Certify that the above named Mary
A Sumnerell appeared before me. and made oath to
the foregoing Affidavit - Given under my hand this
Twenty third day of October 1828.

Reij Griffin J.P.

~~affidavit~~ ~~by~~ ~~the~~ ~~Stephenson~~ being of lawful age make
Oath to the following facts.

Question by Patrick Daley to Mrs. Stephenson, did you
not come to Elizabeth Dales to live, in the year 1821
eighteen hundred & twenty one and continue there
till the first of the year eighteen hundred & twenty
five. Answer I did. Question by the same did
you or did you not frequently hear Rebecca
Dales ask Elizabeth Dales not to charge her board
another year. Answer I have. Question by the same
did Rebecca find her own cloths, Answer she com-
menced finding her every day clothes the next year
after I went there, — Question by the same, did not
Rebecca go to school to Zebulon ^{Day} the whole of the time
you did. Answer she did, except one day that she was sick,
Question by the same do you know of Elizabeth Dales
ever forcing Rebecca ^{to do any kind of work in the time you lived there} except such as sitting the
Table, sweeping the floor, or yard. Answer I do not;
Question by the same do you think that Rebecca was
capable of rendering any service that was profitable
in the time you lived there, ^{every day} ~~more than~~ get her
cloths. Answer I do not.

Elizabeth Stephenson

Louthampton County to wit

I hereby certify that the above
named Elizabeth Stephenson appeared before me and
made Oath to allegations contained in the foregoing
Affidavit — Given under my hands this 23^d day
of October 1828 —

Perj Griffin J.P.

Mr. Jeremiah Cobb, M.C.,
Southampton County —
No. — — — —
Came to hand under
seal

Charles Booth procured Mr. Dole,
paid him \$9. for tuition of Rebecca
for 1820 & 1821 —

The Affidavit of David Boykin Taken at the Store
House of Ralph Biddood in pursuance to notice hereunto
annexed between the hours of ten and two O'clock, who
being of lawful age, duly sworn upon the holy evangelist
of Almighty God, and to be used as evidence in a certain
matter of Controversy depending and undetermined
before the Master Commissioner in the Settlement
of certain Accounts of - - - - -

~~between Patrick Dole, Executor of Elizabeth Dole,~~
Def. and Beriah Daniel Plaintiff - - - - -

Deponent saith that Rebekah Daniel, formerly
Rebekah Dole, Daughter of said Elizabeth Dole,
that she the said Rebekah lived with her mother
from the time of her birth till the Death of her
mother - and further this deponent saith not.
Nov. 6th, 1828.

David I Boykin

Is of Wight County, Nov. 6th, 1828. This day
David Boykin made ^{oath} to the above Affidavit
before me - - - - -

Jordan Parr, J.P.

Martha Fulgham proves she lived with Mrs Oles, and that she
never heard Mrs Oles say she intended to charge her board (Rebecca)
Mrs Oles got a bonnet & shoes, & furnished Rebecca with money to buy
a dress -

Calvin Stephenson heard Mrs Oles say she did not intend to charge
Rebecca board unless she married a contrary man &c

2

Southampton County To Wit

The deposition of Martha Fulghem of lawfull Age
taken at Diner Old Store in the County aforesaid
before Rich. A. Ureghart & Benj. Griffin Justices
of the Peace for the County aforesaid. Agreeable to
due notice given. to be read in evidence in a suit
in Chancery, now depending Between Berbin Daniel
and Rebecca his wife. Complainants, and Patrick
Dales Executor of Elizabeth Dales defendant.
Question by Mr. Daniel to Miss Fulghem
what year did you go to Elizabeth Dales to live,
Answer in the fall of the year 1823. and continued
to live there until her death: question by the same
to the same: did you ever hear Mrs. Dales say anything
about charging her Daughter Rebecca board: and?
if I ever did, I dont recollect it— question by the
same to the same: did not Rebecca live there as one
of the family, and do any thing that was required. Answer
she did. question by the same, to the same, what kind
of Clothing did she have in the time you were there,
more than she spun her self, Answer none; but one dress
question by the same to the same, did you ever hear
Mrs. Dales say why she did not dress her Daughter
Rebecca better than she did: Answer I have heard
her say that she could not afford to do it. until
she got better off in the world than she was—
question by the same to the same: did you ever hear
her say that she was owing her Daughter Rebecca,
Answer I have, question by Mr. Dales to Martha
Fulghem: did you ever hear Elizabeth Dales say that
it was for services which Rebecca had rendered, that
she owed her for, Answer I did not—

question by the same to the same: do you think
the services rendered by Rebecca was more than
would pay for her every day clothes. answer
I don't know that it would - question
by Mr. Daniel to Martha Fulghum ~~and~~
her mother ever buy her Daughter any clothes
more than were made at home; answer none that I
know of, except a Bonnet & shoes - question by Mr.
Dolan to the same, did you ever see or know Rebecca
to have any money to buy clothes with. answer none
except to buy one dress - and further this depo-
nant saith not signed Martha ^{her} Fulghum
mark

Seen and subscribed to before Rich. A. Urquhart & Benj
Griffin this 13th day of November 1828 - Given under
our hands & seals the day and date above written
R. A. Urquhart Seal
Benj Griffin Seal

Southampton County To Wit

The deposition of Calvin Stephenson of Casper age
taken at Draper's Old store in the County aforesaid before
Richard A. Urquhart & Benj Griffin Justices of the
peace for the County aforesaid, Agreeable to due notice
given to be read in Evidence in a suit in Chan-
cery now depending between Perkins Daniel and
Rebecca his wife Complainants and Patrick Dolan
Executor of Elizabeth Dolan defendants - question
by Mr. Daniel to Mr. Stephenson - did you not hear
Mrs Dolan say in her life time, that she never

had charged her Daughter Rebecca any board;
and did not intend it, unless she married a contrary
man. if she did, she would charge her board and give
the board to her afterwards; answer I did. question
by Mr. Dolan to the same, how long before the death
of Elizabeth Dolan did you hear her make use of
the Conversation as stated above; answer the year
before her death. - question by the same, to the same,
who was present at the time of the Conversation as above
was made use of, ^{answer} Talley Long Talley Council of Jesse
Stephenson - and further this deponent saith not.
signed Calvin Stephenson

Seen and subscribed to before Richard A. Urquhart
and Benj Griffin this 13th day of November 1828
Given under our hands & seals the day & date above
written -

R. A. Urquhart Seal

Benj Griffin Seal

Mr Patrick Dolan administrator ~~of~~ of Elizabeth Dolan
do take notice that I shall on Thursday the 13th day of
November attend at Draper's Old store ^{between 10 & 5 o'clock} for the purpose of
taking the depositions of James Clayton Silas Summrell
and perhaps others to be received as evidence in the
suit in Chancery now depending in the County Court
of Southampton where in myself & wife Rebecca take
Rebecca Dolan are complainants and you are defendants
When and where you may attend should you think
proper

This the 10th day of November
1828

Yours respectfully
Perkins Daniel

St
Jackson County

Mr. Patrick Doliz

I acknowledge the due service of the within notice
November 10th 1828)

Patrick Doliz
3

Southampton County

Leicester Feb. 20. 6.

Polly Fletcher Nancy Sumner and
Robert Mercer. - the two former prove
they heard Mrs. Coles say she should
charge Rebecca her daughter's board
& the latter rec^d \$20. for keeping
Cherry & 2 children in 1844. he also
proves that Gyptha a negro boy lived
with Mr. Senker in 1818. worth 80 \$10.

Came to hand
and in due

The Affidavits of Mrs Nancy Sumnerell and Miss Polly Fletcher ^{of Mr Robert Fletcher} taken at the house of Jesse H. Sumnerell in pursuance to notice hereto annexed, Between the hours of seven & five of this day, who being of lawful age, and duly sworn upon the Holy Evangelist of almighty God, to be used as evidence in a certain matter of Controversy depending and undetermined Between Purben Daniel Plaintiff and Patrick Doler defendant before the Master Commissioner

^{Nancy Sumnerell}
Mrs Nancy Sumnerell deposes and saith, that she lived on the plantation with Mrs Elizabeth Doler two or three years between the dates of 1818 & 1827 and that she frequently heard Mr Doler say that she charged Rebecca Doler board, and if she was not satisfied, that she must hire out her negroes & pay her board, — Question by Mr Doler to the same, do you recollect that a negro woman ^{Channy} kept by Elizabeth Doler, that belonged to Rebecca Doler. answer I do. how many children did the said negro woman in the time you lived there. answer she had one that lived, and one miscarriage — Question by the same, was not Channy very sickly, and confined a long time when she miscarried, answer she was. question do you recollect the dates you lived on the plantation with Mrs Doler. answer to the best of my recollection it was in the dates 1824 & 1825

^{Nancy Sumnerell}
Miss Polly Fletcher deposes & saith that she lived on the plantation with Mrs Elizabeth Doler, two or three years between 1818 & 1827. and that she frequently heard Mr Doler say that she charged Rebecca Doler Board, and that she could not afford to board her for nothing; and if she was not satisfied, she must hire out her negroes and pay her board. — Question by Mr Doler to the same, do you recollect that a negro woman Channy was kept by Elizabeth Doler, that belonged to Rebecca Doler. answer I do.

how many children did the said negroe woman have in the
time you lived there. answer she had one that lived, and
one miscarriage: question by the same, was not Channy
very sickly, and confined a long time when she miscarried,
answer she was, question do you recollect the dates that
you lived at Mrs Dales, answer to the best of my recollec-
tion it was in the date of 1824 & 1825 her
Polley + Fletcher
mark

Mr Robert Mercer deposeseth and saith question by
Mr Dales what did Capt. Clayton (who was Rebecca Dales
Guarodian) pay you in 1827 for keeping Channy & two
children, answer twenty dollars, question by the
same, how long did you keep them, answer eleven
months, question by the same, to the same, do you
recollect that a negroe boy Jephthah lived at Mr Jenkins
in the year 1818, answer I recollect he lived ^{there} a year about
that time, question by the same, to the same, what
could you afford to have kept him for. answer
I think it was worth eight or Ten dollars

Robert Mercer

The above subscribed given to before me the 26th
day of March 1829. Given under my hand and
seal this 26th day of March 1829

Benj Griffin J.P.

Came to hand
under seal

Nancy Sumner & Polly Fletcher
affidavit. they prove that Mrs E. Dole
lived before the Death of James Dole
that she should charge Rebecca with board

Jeremias Cobb C. M.

Southampton County To Wills

The Affidavit of M^{rs} Nancy Summerville
of full age taken at the House of M^{rs}
Jesse H. Summerville on Friday 1st day of
May 1829 agreeable to due notice given
to be read as evidence in a suit in Chancery
now depending between Berken Daniel
Plff & Patrick Doles Executor of Elizabeth
Doles dec^d deft. being the sworn depositions
a oath —

Question by Mr. Daniel to M^{rs} Summerville
was it before, or after the Death of James
Doles that you heard Elizabeth Doles say
that she should charge Rebecca Doles for
her Board, Answer it was before the death
of James Doles that I heard her say that
she should charge Rebecca Doles for her
Board

Nancy Summerville
mark

Sworn and subscribed to, before me this 1st day
of May 1829 Given under my hand & seal
the day and date above Written

Bery Griffin (seal)

Lancaster County To Wit
The affidavit of Miss Polly Fletcher of full age
taken at the House of W^h Jesse H. Sumner
on Friday 10th day of May 1829 agreeable
to due notice given, to be read as evidence
in a suit in Chancery now depending between
Herben Daniel Plff & Patrick Dole, Exec^t
of Elizabeth Dole dec^d Deft. being duly
sworn deposed and oath.

Question by W^h Daniel to Miss Polly Fletcher
Was it before or after, the death of James
Dole that you heard Elizabeth Dole
say that she should charge Rebecca Dole
for her board, answer it was before the
Death of James Dole that I heard Elizabeth
Dole say that she should charge Rebecca
Dole for her board -

her
Polly. Fletcher
mark

Sworn and subscribed to before me this 10th day
of May 1829 - Given under my hand &
seal the day and date above written

Wm. Griffin (seal)

Affidavit of Elizabeth Stephenson. The wife of
William G. Stephenson taken at his house in Southamp-
ton County on Friday the 2nd day of December
1831 between the hours of 10 o'clock in the morning
and 6 o'clock in the evening of the same day taken
by consent of parties they both being present

Question by M^{rs} Daniel to M^{rs} Stephenson, did not my
Wife (at the time you lived with your Aunt Dols)
labour for the Family, answer she did assist in
cleaning the house, setting tables, and some times
assisted in washing and darning —

Question by M^{rs} Dols. ~~how many negroes~~
how many white persons were in the Family
when you lived there. Answer four. Question who
were they, Answer Aunt Dols, Cousin James
Rebecca, and myself — Question by the same
how many Negroe Women were on the plantation
Answer four. did or did they not assist in
washing and scouring for the white family.
Answer they did. Signed

Elizabeth Stephenson

Sworn and subscribed to before me Perry Griffin
This 2nd day of December 1831 —

Perry Griffin J.P.

Mr Edwin Williford

to Sape

Zebulon E.

\$3 " 08 1/3

reference to this
is made in the
appendix

Mr Edwin Williford

Sept
25

To Zebulon Ely

1818 To 74 tuition of your sister Eliza

Williford @ \$10 per annum

Recd payment in full

Nov 8th 1818

Zeb. Ely

\$3.08 1/3

o Val. Gentius
R.D.

February 6th 1849 Received of Patrick Dales the just and
Full sum of ten dollars in full of all demands upto
this day

Witness
Nedy ^{his} Chapman
mark

Valentine Jenkins

J. R. Gentry

Rev

April 19th 1821 Rec^d ^{of Eliz^d Doles} Eighteen dollars in full of
all demands, either by bond, Note, or acct. —

Spencer K. Linkins
3

Referred to in the appraisals.

For

to B. B. or the

Mrs Elizabeth

Polers Mole

to B. B. or the

I acknowledge myself to be indebted to Claiborne Booth
to the am^t of Nine Dollars & Sixteen Cents, this the Tenth
Days of December 1821

April 28.. 1822. #

Received in part 2⁰⁰..

Samuel S. S. S.
in 3 parts.
Helen's exo.

1832 March: Ret^d & Aug^t.

The estate of Elizabeth Holes
In account with Rebecca Holes Dⁿ 6ⁿ

1818	Dec ^r 31	To hire of negroes (Jim & Lachina)	45	—		
		By this sum for keeping (Septtha)	"	"	10	—
		" " " for Schooling	"	"	3	8
		" 3 ^d Commis ⁿ on accts			2	25
		" board & clothing			30	
		To balance due the estate.	"	33		
			45	33	45	33
1819	Dec ^r 31	To hire of negroes (Jim & Lachina)	54	50		
		By this sum for keeping (Septtha)	"	"	10	—
		" 3 ^d Commis ⁿ on accts			2	72
		" board and clothing			30	—
		" balance due Rebecca Holes	"	"	11	78
			54	50	54	50
1820	Dec ^r 31	To hire of negroes (Jim & Lachina)	54	50		
		By this sum for keeping (Septtha)	"	"	10	—
		" Schooling	"	"	9	16
		" 3 ^d Commis ⁿ on accts			2	72
		" board and clothing			30	—
		" balance due Rebecca Holes			2	62
			54	50	54	50
1821	Dec ^r 31	To hire of negroes (Jim & Septtha)	50	—		
		" negro Lachina (Victuals & clothes)	"	"	"	"
		By Schooling	"	"	6	—
		" 3 ^d Commis ⁿ on accts			2	50
		" board and clothing			30	—
		" balance due Rebecca Holes			11	50
			50	—	50	—
1822	Dec ^r 31	To hire of negroes (Jim & Septtha)	50	—		
		By this sum for keeping (Lachina)	"	"	10	—
		" 3 ^d Commis ⁿ on accts	"	"	2	50
		" board and clothing			30	—
		" balance due Rebecca Holes			7	50
			50	—	50	—

1823	Dec ^r 31.	To hire of negroes (Jim & Josephine)	50	—		
		By this sum for keeping (Lechina)		15	—	
		" 5 th Commission on receipts		2 50		
		" board and clothing		30	—	
		" balance due Rebecca Holes		2 50		
			\$ 50	—	50	—
1824	Dec ^r 31.	To hire of negroes (Jim & Josephine)	50	—		
		By this sum for keeping (Lechina)		15	—	
		" 5 th Commission on receipts		2 50		
		" board and clothing		30	—	
		" balance due Rebecca Holes		2 30		
			\$ 50	—	50	—
1825	Dec ^r 31.	To hire of negroes (Jim & Josephine)	50	—		
		By this sum for keeping (Lechina)		15	—	
		" 5 th Commission on receipts		2 50		
		" board and clothing		30	—	
		" balance due Rebecca Holes		2 50		
			\$ 50	—	50	—
Due the estate of Eliz ^a Holes 31 Dec ^r 1828.						33.
		" Rebecca Holes 31 Dec ^r 1829	11	78		
		" " 31 Dec ^r 1820	2	62		
		" " 31 " 1821	1	50		
		" " 31 " 1822	7	50		
		" " 31 " 1823	2	50		
		" " 31 " 1824	2	50		
		" " 31 " 1825	2	50		
		By balance due Rebecca Holes			40	51.
			\$ 40	90	40	90.

In obedience to an order of the Honorable Court of Southampten County, sheweth annexed. The undersigned have examined the depositions taken in ^a suit depending in said Court wherein Robert Hanes and Rebecca his wife are plaintiffs against Patrick Holes executor of Elizabeth Holes and dependants; and find a balance due from the estate of s^d Elizabeth Holes to the wife of Robert Hanes of Forty dollar and fifty seven Cents with 6th annum interest from the 1st day of December 1825. until paid, and the cost of s^d suit. The annexed account is prayed to be taken as a part of this report. All of which is respectfully submitted to the Court. Given under our hand this 18th day of February 1832.

Wm. Holliman
Augustus Ballou

Daniel Smith

to £ 100: 00:

Dones

Southampton June Court 1831.

Barber Daniel and Rebecca his wife late Rebecca Doles. Plff

against

Patrick Doles Executor of Elizabeth Doles dec'd.

Deft
In Chancery

The parties mutually submit all matters in difference between them in this suit to the final determination of William Holliman and Augustin Ballard of the County of Isle of Wight, and agree that their award or the award of such person as they shall choose for an umpire thereupon shall be made the judgment of the Court, and the said arbitrators may proceed to make their award ex parte in case either party shall fail to attend them after receiving ten days previous notice of the time and place appointed for that purpose. And the parties are to take the affidavits of their witnesses which are to be read in evidence before the said arbitrators they giving each other reasonable notice of the time and place of taking the same.

Attest Teste James Rockelle Clk

At a Court held for the County of Southampton on the 10th of January
1827 This Will was presented in Court by Patrick John the Executor
heron named proved by the oaths of James Clayton and Martha
Fulgham the witnesses thereto and ordered to be recorded And on the
motion of said Executor who made oath according to Law Certificate is
granted him for obtaining a probate thereof in due form on his
giving Bond and security whereupon the said Patrick John with
James Clayton Edwin Harrison & Henry Griffin did
securitise into and acknowledge in the penalty of three
hundred and five pounds and shillings conditioned as the Law
directs

Teste James Rochelle

A Copy Teste

James Rochelle

Elizabeth John

Will

(A Copy)

(For Probate and record)

In Name of God I Anne Elizabeth Wives of Southampton County
and State of Virginia of perfect mind and memory do make and ordain this
my last will and Testament in the manner and form following (To wit)
In the first place I give and bequeath to my daughter Elizabeth Wives
all my lands tenements and Kitchen furniture except one Red cloth
I shall hereafter dispose of one negro Boy Tom Two sent and pigs
two cows and lambs two cows and calves all of which I properly alive
named I give to her & her heirs forever. 2^d I give and bequeath to
Herod Wives's Children to be equally divided amongst them one negro
Boy Rob I give to them and their heirs forever. 3^d I give and
bequeath to Robert Wives son of Patrick Wives one negro Boy George
I give to him and his heirs forever. 4th I give and bequeath to
my daughter Mary & Sumner all one Red and furniture one
negro woman Silvey which I properly alive named I give to her and
her heirs forever. 5th It is my will and desire that my man Ellick
should be free of the will accept of it by complying with the Laws of this
subject I do give him his freedom and if he did not think proper
to accept of it on these conditions it is my will and desire that he
may make choice which of my children he will serve to. After
the payment of all my just debts I wish the remainder of my Estate
to be equally divided between my two sons Patrick and Herod Wives
Patrick's portion I give and bequeath to him and his heirs forever
Herod's portion I lend to him during his life and at his death
I give and bequeath the same to his children to them and their heirs
forever. 7th I constitute and appoint my son Patrick Wives
my whole and sole Executor to this my last Will and Testament
fully revoking all other wills by me heretofore made In Witness
whereof I have hereunto set my hand and seal this 29th day of
December 1826.

Signed sealed published
and declared in presence of

James Clayton

Martha ^{the} Hutgham
mark

Elizabeth ^{the} Wives
mark

Daniel Wolfe

as Skipper (in Chesney)

Doris Enn

(Master Comd.)

To the Worshipful Court of Stamford County Sitting in Chancery
Humbly complaining sheweth unto your Honorships your Orator & Oratrix
Benjamin Daniel and Rebecca his wife late Rebecca Doles, in right of the
said Rebecca - Here your Orator and Oratrix beg leave to represent to your
Honors that the said Rebecca became entitled in the division of the estate
of Arthur Doles dec^d her father to three negroes (ie) a fellow named Jim
a woman named China and a boy Septha. That the division was
effected under a decree of this Worshipful Court and immediately thereafter
about the first day of January 1818 Silas Sumner delivered over as
the Administrator of Arthur Doles all the said Slaves Jim, China &
Septha to Mrs Elizabeth Doles the mother of your Oratrix who
promised the said Sumner to become the Guardian of your Oratrix - That
she however failed to be regularly appointed Guardian but kept your Oratrix
as negroes for a part of the time herself and hired them to other persons
for another part of the time and for the two last years your Oratrix re-
ceived the hires of the hires herself by the permission of her mother -
That her mother Mrs Elizabeth Doles died sometime in the year 1837
having first Executed her last Will, a copy whereof is hereto annexed and
prayed to be taken as a part of this bill, that the Court of the said
Will Patrick Doles qualified and took on himself the burden of the
Execution thereof. That since the death of the said Elizabeth Doles who
it will be proven to your Honorships assumed to be Guardian to your Oratrix
your Orator and Oratrix have requested Patrick Doles her Executor to settle
and pay over to them the amount of the hires of the said negroes Slaves
amounting exclusive of Interest to largely upwards of four hundred
dollars. That the said Patrick Doles as the Executor and who is hereto
prayed a defendant has always heretofore refused to pay the said sums
of money alleging various frivolous excuses pretexts, sometimes that
his Executrix was not in fact the Guardian of your Oratrix Sometimes
that he would raise an account although none was left by the Court
for the board of your Oratrix while she lived with her mother altho'
the said Patrick well knew that his Executrix never designed to charge
any board and in fact left no such demand and that so far from such
intention towards your Oratrix after the death of one of his younger
children by the Will before referred to gave to your Oratrix a part of
her own estate, and although the said Patrick well knows that the
labour and services of your Oratrix in attending to the domestic concerns
of the family of her late mother were more than equivalent to her

board and the few small articles of clothing furnished her the most of which she spun and wove herself, that your Orator and Oratrix waived with the frivolous protests aforesaid have been constrained to apply to ~~the~~ your Honors as a Court of Chancery to compel the said Patrick to say on oath whether the facts herein set forth are not true and whether the account hereto annexed marked B. is not correct, whether he does not know that the labour and services of your Oratrix were not more than equivalent to her board and clothing & lastly whether he has not of his accord first and without any charge whatsoever left by his Executors offered that idea in opposition to the just claims of your Complainants. That your Honors be pleased since your Orator and Oratrix are remediless in the premises at Law to decree the payment of what may be found justly due them and grant them the Commonwealth's writ of Subpoena directed & commanding &c. in such other further and general relief as equity dictates & they as in duty shall see &c.

McClintock pro Comp.

In the name of God Amen I Elizabeth Dols of Southampton County and State of Virginia being of perfect mind and memory do make and ordain this my last Will and Testament. In the manner and form following to wit: In the first place I give and bequeath to my daughter Rebecca Dols all my lands household & kitchen furniture except one bed and furniture which I shall hereafter dispose of one negro Boy Ben, two sows pigs, two young lambs - two cows and calves all of which property above named I give to her and her heirs forever 2^d I give and bequeath to Herod Dols children to be equally divided amongst them one negro boy Bob. I give to them and their heirs forever - 3^d I give and bequeath to Robert Dols son of Patrick Dols one negro boy George Parker I give to him and his heirs forever 4th I give and bequeath to my Daughter Mary A. Summerville one bed and furniture one negro woman Silver which property above named I give to her and her heirs forever - 5th It is my will and desire that my man Ellick be free if he will accept of it by complying with the Laws on this subject I do give him his freedom and if he does not think proper to accept of it on these conditions it is my Will and desire that he may make choice which of my children

he will serve - 6th After the payment of all my just debts I wish the remainder of my Estate to be equally divided between my two sons Patrick and Herod Dols Patrick Dols proportion I give and bequeath to him and his heirs forever Herod Dols proportion I give to him during his life and at his death I give and bequeath the same to his children to them and their heirs forever - 7th I constitute and appoint my son Patrick Dols my whole and sole Executor to this my last Will and Testament hereby revoking all other Wills by me heretofore made. In Witness whereof I have hereunto set my hand and seal this 29th day of December 1826 -

her
Elizabeth Dols (seal)
mark.

signed sealed published &c.
declared in presence of
James Clayton
Martha Fulgham
mark

At a Court held for the County of Southampton on 15th of January 1827
This Will was presented in Court by Patrick Dols the Executor thereof named, sworn by the oath of James Clayton & Martha Fulgham the Witnesses thereto and ordered to be recorded - And on the motion of the said Executor who made oath according to Law Certificate is granted him for obtaining a probate thereof in due form in his given bond and security Whereupon the said Patrick Dols with James Clayton, Edwin Harrison and Benjamin Shaffer his securities entered into and acknowledged their bond in the penalty of three thousand five hundred dollars conditioned as the Law directs

Teste James Rochelle Clk

(Exhibit B)

1819 Mrs Elizabeth Dols To Rebecca Dols orphan of Herod Dols an D^r
Jan'y 1st To this amount Received of David S. Boykin for hire of negro Ben for 1818 \$40.00
1820 " do received of John Summerville for hire girl Lavinia do. 5.00 45.00
Jan'y 1st " do on 18th do
do this amount Received of Wm. Dondos for hire of negro Ben for 1819 44.50
" of Elias Summerville for hire of Lavinia " 10.00 54.50
" Int. a. D. To

1821

Jan'y 1st. To hire of negroes for the year 1820 $\$$ 44.50
 of hire for the year 1820
 " Do hire of Robert Moxley for hire of China 1820. - 10 00 54.50
 " Int. on Do. To.

1822

Jan'y 1st. " Hire of China for the year 1821. 40 00
 " Hire of China " " 10 00 50.00
 " Int. on Do. To.

1823

Jan'y 1st. To hire of negroes for 1822. 40 00
 " Int. on Do. To. 40.00

1824

Jan'y 1st. " Hire of negroes for 1823. 40 00
 " Int. on Do. To. 40.00

1825

Jan'y 1st. To hire of negroes for 1824. 40 00
 " " Int. on do. To. 40.00

1826

Jan'y 1st. To hire of negroes for 1825. 40 00
 " Int. on Do. To. 40.00
 To amount of hire of negroes from 1822 to 1827 $\$$ 50.00
 Say 5 years at 10.
 Int. from 1st Jan'y 1827 till.

To the Worshipful the County Court of Southampton sitting in
 Chancery. The answer of Patrick Dole Esq of the last Will and
 Testament of Elizabeth Dole dec'd to a Bill of Complaint exhibited to this
 Worshipful Court by D. Daniel and wife. This respondent for answer to
 the said Bill having &c. Says that he admits that he represents his
 dec'd mother's Estate as by the plaintiffs is set forth he admits that the
 female plff is the daughter of his Testatrix, that in the distribution of
 their dec'd father's estate the negro slaves in the bill mentioned were
 allotted her and that the hires of the negro man were either not
 or enjoyed by his mother up to the year 1825 and no longer - but
 he denies that his said mother ever qualified as Guardian to the s^d
 Rebecca - and he is of opinion that upon every principle of Law morality
 & Justice not one cent is due to the plaintiffs on that acct.

Your Respondent respectfully States, that after the death of their father
 which occurred in the year their mother kept the children and the
 small property left by him, together, schooled & clothed and fed them
 until the year 1827. In the fall of that year this Respondent attained
 his majority, and a division of the estate took place. The plaintiff Rebecca

was then about 10 years of age. Of the negroes allotted her one was
 a girl, & another a small child both of whom were expensive rather
 than profitable that is the expense of the ^{child} ~~estate~~ equalling if
 not exceeding the profits of the girl. This Testatrix kept them, fed
 and clothed them - that she sent the said Rebecca to school, and
 paid the expenses herself - that she boarded and clothed her
 during the whole period from the death of her father to her mar-
 riage or till the death of the Testatrix. That from a defect of vision
 the s^d Rebecca after she grew up was not able to have earned
 her support, and your Respondent is satisfied that any Court or
 Commissioner will be of opinion on all the circumstances of this case
 that the plff ought at least to be satisfied that the s^d Rebecca has
 been brought educated and raised to womanhood, on the profits of
 one negro man, and a negro woman, with an expensive child - That
 your Respondent's Testatrix, killed with some of her other children
 on the same principles. Your Respondent positively denies that
 he well knows that his Testatrix never designed to raise any charge
 or acct. for the expenses furnished the said Rebecca, on the contrary
 he is firmly persuaded, that his mother always expected that they
 would constitute an effectual set-off against the claims set up by
 the plaintiffs in their Bill, if ever they should be set up -
 charging them for board, clothing education and all other expenses,
 only so much as their male property produced never touching the
 principal - while your Honors will perceive that with an
 income of barely \$50. a female has been raised to womanhood -
 Your Respondent cannot but express his astonishment at the acct.
 which is exhibited - but believes that if yr. Honors think proper to
 entertain the cause and submit the matter of account to a Court that
 the plffs. will recover nothing - in this view of the case - But your
 Honors will discover by the last Will and Testament of his Testatrix
 that a very large portion of the Estate is given to the Compt^{ess} Rebecca
 the very estate, against which they now seek to set up this
 demand - That he is advised that this is a satisfaction and
 extinguishment of the claim now set up since the Legacy bequeathed
 exceeds in value, any claim which the plaintiffs might set up against

the Estate, and has been received by the pffs. - He therefore submits to the Court whether this Court ought to authorize the plaintiffs bill even so far as to send it to a Commissioner - He states that if her other children had attempted at these plaintiffs are now doing to make their mother pay for the use of their small portions of their fathers estate, and allowed her nothing for actual disbursements made for them with the very income they derived they would long since have starved her of what she had, and she would have died in penury & want - But your Respondent does not believe that they, or these plaintiffs will be countenanced in such an effort - He denies all fraud Combination &c Having fully answered, prays to be hence dismissed &c with his costs &c

Sworn to in Court 16th June 1828 - L.R. Edwards DC

At a Court held for Southampton County the 16th day of June 1828
Verba Daniel & Rebecca his wife late Rebecca Dole plaintiffs
against
Patrick Dole Executor of Elizabeth Dole dec^d Defendant
John Chancellor

This day this cause was docketed and came on to be heard by consent of parties on the bill, answer and exhibits and was argued by Counsel. Whereupon the Court doth adjudge, order and decree that the accounts between the parties be referred to a Commissioner of this Court who is directed to examine State and settle the same and make report thereof to Court with any matters specially stated deemed pertinent by himself or which may be required to be stated by either of the parties. And by consent Commissioners are awarded the parties to examine and take the depositions of their witnesses in this case, which are to be read as evidence before the said Commissioner, the parties giving each other reasonable notice of the time and place of executing the said commissions.

Attest Teste L.R. Edwards DC