

1798-017

Chancery Causes. Samuel Council v. d. vs Miles Council v. Lockwin Council

Isle of Wight County

To the Wfful Court of Isle of Wight County in chancery sitting
humbly complaining shew unto your Wffs your orator, David
Lemuel Council, Betsey Council infant daughter of Joshua
Council the elder dec'd. & Chasny Council infant daughter of
Joshua Council the younger dec'd. by Lemuel Council their next
friend.

That Joshua Council the elder in his life time
and at the time of his decease was seized in fee of certain Lands
lying & being in the County aforesaid. departed this life on or
about the day of after having made his last
Will and Testament, that in his Will aforesaid he devised to
your orator Lemuel 155 acres Land, to his Son Miles 155
acres, and to his Son Godwin 100 acres. and then made a
devise of the residue of his estate in the following words to
wit, "It is my will & devise that all the Remainder part of my
estate, whatsoever kind it may be whether Real or personal
to be equally divided between my four sons, Lemuel, Joshua,
Miles, & Godwin, as also my two daughters Chasny & Betsey
to them and their heirs forever". That Chasny was deceased
long before the said testator, and that Joshua departed this
life after the said testator leaving issue your orator Chasny.
That your orator Lemuel is possessed of 155 acres of Land
devised to him. and that Miles & Godwin Council is in
possession of the residue of the testators Lands, in which

your water & waterways, which there is a considerable
surplus. which comes under the residuary clause of the
said Will, In tender consideration whereof, and for as
much as your water & waterways are without remedy only
in this highest Court of equity.

To the end therefore that the
said Miles & Godwin Council (who your Complainants
pray may be considered dependents to this bill of Complaint)
may upon their Oath or oaths full true and perfect answer
make to all and singular the allegations in this bill con-
tained, and that as copiously as if the same were again
herein repeated and interrogated.

And that your W^{ts} will appoint fit & able persons
to lay off to your order and the said dependents, their
several portions of land under the will of the said testator
and to make sale of the surplus upon reasonable Credit
and divide the money arising thereupon equally between
your Complainants & the dependents, and make any
other or further order or decree in the premises for the relief
of your water & waterways as may be equitable & just.

May it please &c. &c.

Yours truly for Compt^{ts}

The answer of Miles & Godwin Council to the bill of Com-
plaint of Leonard Council, Putney & Cherry Council imports
by Leonard Council their most friend, exhibited against
them in the highest Court of Law & Equity.

These dependents saving and reserving to them-
selves all manner of exception to the many uncertainties
and imperfections in the said Complainants bill contained
for answer thereto, or to do much thereof, or these dependents
are advised is material for them to make answer
unto. They answer and say, That true it is that Leonard
Council the elder, did make the devise or be stated in
the Complainants bill, and that there may be a surplus
of Land after the several proportions are set apart,
but they deny having any objection to its being laid
off, and if any surplus Land the same be to be sold &
the money arising from the sale divided equally as
the Complainants have prayed. They deny all fraud
and injustice in the premises and pray to be there dis-
missed with their reasonable Costs so lawfully dis-
trained.

Council Log

4 } Bill on
Councils' }

Answer

(200)

Israel 3. Copher

3.

1—ry.

1—8.

1—9.

2—10.

Council: 8 Oct.

To

Council's

Bill Vans.

November 1795

Bill Vans. filed ^{Interdict} & ^{Declar}

~~annually~~ to

May '97

cont. for sept.

Novemb. '97

cont. for sept.

March '98.

cont. for sept.

Aug. '98

cont. for sept.

Novemb. '98.

cont. for sept.

Feb. '99. sept. sold. &

March '99.

Isle of Wight County

August Session 1797.

Samuel Council, Betsey Council infant
daughter of Joshua Council the elder
decd. and Chassey Council infant
daughter of Joshua Council the younger
decd. by Samuel Council their next friend

Compt. Clk.

In Chancery

against

Wiles Council and Godwin Council - Defts.

The former order made in this cause, so far as it respects the
Commissioners they having refused to act, It is therefore ordered
that Matthew Braughton, John Butler, and John Brown
be appointed in their room and that they proceed on the business in
the same manner that the past Commissioners were directed to
to do, and it is further ordered that the decree heretofore made
be their guide

Attest Teste of J. Young D. C. C.

Note Mr. Godwin has a copy of
the first decree in his possession

Council of 1800

1801

Copy of Decree

Council of 1800

August 1807

Council of 1800

1801

Report

Council of 1800

Delivery of Rep. of 1800

1800

