

1812-006

Chancery Causes: Hardy Council vs Penina Council, widow of Miles Council

Isle of Wight County

other surnames: Council

To the worshipful court of Isle of Wight in chancery
sitting, humbly complaining, sheweth to the court
your orators and oratrices Hardy Council, ~~and~~
Cherry Council, ^{and Ann Council} Elizabeth Council, Dolphin Council
and Sarah Matilda Council infants suing by
the said Hardy Council their next friend -

That Miles Council departed this life
on or about the day of A.D. 1707 after having
duly made and published his last will and testament
in writing. That by the said will, he devised his
land lying in this county and within the jurisdiction
of this court to be equally devised between his
four children Cherry, Elizabeth, Polly and Ann Coun-
cil. That Polly survived her said father and died about

the day of A.D. intitled to one fourth of
the said land as aforesaid, and possessed in her
own right of two negroes to wit for & Christian
that her heirs are your orators and Hardy Council
a brother of the whole blood, Cherry and Elizabeth
sisters of the whole blood, Ann a sister of the half
blood and Dolphin and Sarah Matilda, children
of Eliza Council who was also a brother of the whole
blood. Your orators & oratrices further state that they
are anxious for the donor of Pennine Council the
widow of the said Miles Council (who renounced
the will aforesaid) to be ~~intitled~~ ^{intitled} ~~her~~ ⁱⁿ the aforesaid
tract of land, and that the residue thereof be

be divided in the following manner - that is to say that one fourth be assigned to Cherry Council, one fourth to Ann Council, one fourth to Elizabeth Council & that the remaining fourth which was Polly's interest be legally divided among all the Compt's. They also wish that the said two negroes of which Polly died possessed be legally divided also among your orators and oratrices, but they state that the said division in the land aforesaid as well as the sale of the said negroes and ~~the~~ a legal division of the proceeds among them can not be lawfully made on account of the infamy of most of yr. Compt's without the aid of this court.

In tender consideration whereof and for as much as yr. orators and oratrices are otherwise aggrieved, they pray the aid of your Worship.

To the end therefore they pray, that the said Penina Council the widow of the said Miles be made a dependant to this bill of Complaint & that she may full true and perfect answer make to all and singular the allegations aforesaid, and that as fully as if the same were here repeated and she thereto particularly interrogated. They lastly pray that your Worship will decree that the land aforesaid ~~first that the same be assigned to the said Ann Council~~ be divided in the following manner, to wit, $\frac{1}{4}$ th to your orator Cherry Council, $\frac{1}{4}$ th to your orator

Ann Council, $\frac{1}{4}$ th to your orator Elizabeth & the remaining $\frac{1}{4}$ th which was Polly's interest, to be divided into nine parts, two ninths of which to be assigned ^{to your orator} to Cherry, the same to Elizabeth, the same to ~~Hardy~~ your orator Hardy, the same to your orator & oratrix Dolphin & Sarah Matilda, and the remaining with ^{after assigning to the widow her dower in the whole thereof} to your orator Ann Council. They also pray that you will decree that the two negroes be & Christian aforesaid be sold, and the proceeds of their sales be divided in the same proportions between the aforesaid ~~Hardy~~ Cherry, Elizabeth, Ann, and Dolphin & Sarah Matilda Council, or that your Worship will make any other order or decree in the premises for their relief which may seem just & equitable.

May it please the

Richd. W. Byrd

The answer of Penina Council the widow of Miles Council to the bill of Complaint exhibited against her in the Worshipful Court of Isle of Wight by Hardy Council, Cherry Council, and Ann Council, Elizabeth Council, Dolphin Council and Sarah Matilda Council infants suing by Hardy Council their next friends.

She admits that Miles Council her late husband departed this life after having made such a last will and testament as is stated in the bill. That she renounced his said will and

claims her share in the land therein mentioned,
 she admits that the division proposed in the
 bill of the residue of the said land, and of
 the proceeds of the two negroes Joe & Christian
 is correct - she therefore joins the committee in praying
 for such a division of the land aforesaid, and a
 sale of the said two negroes and such a division
 of the proceeds as is asked for in the bill. I hope that
 proper persons be appointed to carry the same
 into effect - the lastly prayer to be hence dismissed with
 out any other costs in this behalf expended -

Council do } Bill &
 as } answer
 Council }

3. 97
 1. 45
 5. 72

January 1812

Interference

Feb'y 1812

decrees amended

June 1812

Report not received accordingly

In Obedience to a Decree of the Worshippfull Court of Isle of Wight
County to us Directed We Have proceeded to Sell the Land and
Slaves within Mentioned and Taken Notes Agreeable to the Said
Decree & Now, the Amount of Sale of the Land \$973.00

The Amount of Sale of Two Negroes Joe & Christian — 340

5% Cent Commission Lawer & Clerk fees Included — 131.3
65.65

Each Child part to wit, \$1247.35

Cherry Council — — — \$354.22

Elizabeth Council — — — 354.22

Ann Council — — — 292.65

Dolphin & Sarah M. Council — 123.13

Hardy Council — — — 123.13

\$1247.35

Given under our Hands this 1st day of June 1812 —

Mill Darden —

Godwin Council

William Darden

Joseph Duck —

Isle of Wight County January Court 1812 —

Hardy Council, Cherry Council, & Ann Council

Elizabeth Council, Dolphin Council, Sarah M.

Council infants, suing by the said Hardy Council

their next friend

against

Perina Council widow of Miles Council

Complainant
In Chancery

Defendants

By consent of parties by their attorney this day the bills & answer
were filed and heard thereon whereupon it is decreed and ordered that
Mills Darden, Godwin Council, William Darden, and Joseph Duck or any
three of them assign one third of the land of which Miles Council died
seized to the defendant as her dower having regard to quality & quantity
and assign one fourth of the residue to the complainant Cherry Council,
one fourth to the complainant Ann Council, one fourth to the complain-
ant Elizabeth Council — and divide the remaining one fourth into nine
parts — and assign two ninth to the complainant Cherry, the same to
Elizabeth, the same to Hardy and the same to the two complainants Dolphin
Sarah Council and the remaining one ninth to the complainant Ann
Council — and it is ordered that the said commissioners make sale of
the two negroes Joe and Christian in the bills mentioned on a credit
of six months and take bond in the same proportions as last above
mentioned & to the same persons and make report at.

February Court 1812

same

against

same

By consent of parties by their attorney it is ordered that the
former decree be amended in the following manner, that the said
commissioners make sale of the land in the said decree mentioned subject
to the widow's dower therein on a credit of nine months and divide the
proceeds in the same proportions as is directed in the above decree and
make report thereof to the court in order to a final decree —

Copied Teste David Duke D.C.

Counsell
is 3 Intell of deuce
Counsell Hooper