

1820-001

Chancery Causes. Dolphin D. Cornall, by & c vs Sally M. Cornall, by & c

Isle of Wight County

other Surnames: Holliman,
Bridger, Lutee

Dolphin D. Cornwell
As. ³ Bill L.
Sally M. Cornwell
Baker.
November 1819 Intertly deced.
Jan'y 1820 Reft. ut. &
deced. accordingly.

Ind. of Wright Co. Co.

division of the land of which the said Elizabeth died possessed
equally among your brother & the said Sally & that you will
also decree, in like manner, a sale & division of the slaves, or
that your worship will make such other or further order
or decree in the premises as may seem consistent with equity
& justice - May it please your worship &c

The Answer of Sally M. Councils infant daughter
of Ely Councils dec'd by Jonathan Lutes her guardian to
the foregoing bill exhibited in this court by Dolphin D. Councils to the defendant &c And the court doth further order adjourning
Complainant - This respondent saving & saving &c for answer & decree that the said Comrs. or any two of them, after
swearing that the allegations set forth in the said bill are true & duly avouching the true & place of sale, do ~~affirm~~ public
ly admit that the tract of land mentioned by the said Comrs. ~~an~~ the slaves Jerry & Lucinda in the Bill mentioned, upon
blameless can be easily & fairly divided & that no division
of the slaves Jerry & Lucinda can be made without first making
a sale thereof - your respondent craves that the court
may decree a division of the said land & slaves in such
manner as may to your worship seem just & proper -

The costs all found &c & pray to be comprised with
her costs in this behalf sustained &c Jonathan Lutes

Dolphin D. Councils suing by

his next friend

vs. Sally M. Councils

Sally M. Councils defending by Jonathan Lutes her guardian

This cause was this day docketed by court &
came on to be heard before the Bill & answer by consent of
parties & with the assent of the court, whereupon the court
doth order, adjudge & decree that Ely Councils, Goodwin Councils
and John Laurence or any two (assisted by the county surveyor
if required) do divide the tract or parcel of land of the late Elizabeth
Councils Bridger, formerly Elizabeth Councils, dec'd possessed,
containing acres, equally between the complainant &
And the court doth further order adjourning
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that the said Comrs. or any two of them, after
swearing that the allegations set forth in the said bill are true & duly avouching the true & place of sale, do
publicly admit that the tract of land mentioned by the said Comrs. ~~an~~ the slaves Jerry & Lucinda in the Bill mentioned, upon
blameless can be easily & fairly divided & that no division
of the slaves Jerry & Lucinda can be made without first making
a sale thereof - your respondent craves that the court
may decree a division of the said land & slaves in such
manner as may to your worship seem just & proper -

be necessary to pay the costs & expenses of this suit & the sale
aforesaid - which sum so as aforesaid to be received in cash
the said Comrs. or such of them as may act, are hereby directed
to apply in payment of the costs & expenses above mentioned, &
afterwards, they or such of them as may act, are hereby also
directed to take two small bonds with sufficient security
payable to the guardians of the complainant & defendant, each
for one half of the balance of the proceeds of the said sale
& deliver the said bonds to the guardians aforesaid, to make up &c

To the worshipful Court of Ish of Wight County in
Chancery sitting humbly complaining shew unto your
worships your Orator Dolphin D. Councille infant son of
Ely Councille deceased; suing by William Holliman his next friend
that some time after the death of the said Ely Councille the
lands, & slaves of which he died possessed were legally divided
one third of which was allotted to his widow Elizabeth, and
the remaining two thirds were allotted to your Orator and
Sally M. Councille his sister share & share alike. Since
the allotment & division as aforesaid the said Elizabeth has
departed this life, in consequence of which the share to
which she was entitled at the time of her death, is now
subject to division equally among your infant Orator and
his said sister Sally - the property as aforesaid subject
to distribution consists of a tract or parcel of land contain-
ing ^{acres} ~~part~~ of the tract to which the said Ely
Councille in his life was entitled, and two negro slaves named
Jerry and Lucinda; the tract of land aforesaid is susceptible
of just and equal division, but the said slaves, in consequence
of great inequality of value, cannot be fairly & properly divided:
your Orator states that the minority of the parties claim-
ing the aforesaid property prevents a distribution thereof, with
the interference of a court of equity: In Tender consideration
whereof & inasmuch as your Orator is united in the pre-
mises except by the assistance of a court of Chancery - To
the End therefore that the said Sally M. Councille by
some person to defend her in this case may be made defendant
herein, & upon oath full & perfect answer make all and sin-
gular the aforesaid allegations & that as particularly as if the
same were here again repeated & she thereto interrogated.
Your Orator prays that your worship will decree a

Council

vs.

Report^{re}

Council

3

3^d Jan^y 1820 report ret^d

Adone accordingly

In Obedience to the amsad Decree of the Honourable
Court of Suffolk County to us Directed bearing Date
November Court 1819 We the undersigned Commissioners have
Divided the tract of land which Elizabeth Bridger formerly Eliza-
beth Cornicall Decd Leized & Possesd Commencing the line
at a Post Oak on James Jordans line from thence to a pine
standing near the said Oak an East Course ^{thence} along a line
of marked trees to a pine standing in the head of a Branch
thence the same Course to a Gum standing in said Branch
thence the various Courses of said Branch to Thomas
Hancock Decd Mill Pond which line is a Dividing
line between Dolphin D. Cornicall and Sally M Corn-
icall orphans of Eley Cornicall Decd and We have allotted
the Part of said Land lying on the South and towards
the Mill House including the House to Sally M Corn-
icall and for her to pay Dolphin D Cornicall one hund-
red Dollars and We have further allotted to Dolphin
D Cornicall the Part lying on the North towards the
head of the Mill Pond and next to the land of John
Hatters and to receive from Sally M Cornicall one
hundred Dollars. we have also sold two Negroes Sam.
Jerry, and Luenda for the sum of five hundred and
eighty six Dollars and one Cent and have deducted from
that sum \$47.30. for our Commissions at 5^{cts} Cent and
for Dividing the Land above and to pay the Clerk and
and attorney for their fees respecting this Decree and
we have taken Bonds for the balance and Paid them over
to Guardian of the said Infants in an equal Division leav-
ing for each the sum of two hundred and sixty nine Dol-
lars & thirty five & a half Cent given under our hands
this 25th day of December 1819

Eam Eley
John Lawrence
Guardian Cornicall

Council
vs
Council

Copy
Deere

Islesworth County, to wit,

November Court 1819

Dolphin D. Council suing by

his next friend Compt.

against

Sally M Council depending by Jonathan Lutenburg guardian

Chancery

This cause was this day docketed by consent of
came on to be heard upon the Bill and answer by consent of parties
and with the assent of the court, whereupon the court do its order
adjudge and decree that Edwin Ely, Godwin Council and John
Lawrence or any two (assisted by the county surveyor if required) do
divide the tract or parcel of land of which the late Elizabeth Bridges,
formerly Elizabeth Council, died possessed, containing acres
equally between the complainant and the defendant - and the
court doth further order adjudge and decree that the said comrs. or
any two of them, after duly advertising the time and place of sale
do sell at public Auction the Slaves Fanny and Lucinda in the
Bill mentioned, upon a credit of six months, except such sum only
as may be necessary to pay the costs and expenses of this suit &
the sale aforesaid - which sum so as aforesaid to be received in
cash the said comrs. or such of them as may act, are hereby
directed to apply in payment of the costs and expenses above
mentioned, and afterwards, they or such of them as may act, are
by also directed to take two several bonds with sufficient
security payable to the guardians of the complainant and
of the defendant for one half of the proceeds of the
said sale and deliver the same to the guardians
aforesaid, and make report there of to the court accor-
ding to a final decree -

Attest

Nathl. Young &
Clerk