1841-014 Chancery Causes . Albert Cornwell et al, by & c. et al vs Wiley Cornwell, admr of Benjamin Cornwell

Isle of Wight County

Commissioners
vs.
Council
order &c.

Appd. est. 1841. Bill &c.
filed & entry. decree
August Court. 1841.
Report Returned & Confd.
nisi final decree

and they pray that you may
direct a sale of the said slaves
& a division of the land directly
[illegible]
with such other order in the
premises that may be correct.

Atkinson atty. for Pltff.

To the County Ct. Ga. of Wilkes sitting in
Ch. The answer of Wiley Connell
to the bill in Ch. in the County Court
of Wilkes Wilkes exhibited against him
individually and as one of Benjn
Connell by Albert Connell, Benjn
Connell and Mary A. Connell
infants by J. Connell their next fr.
and other complt. — This defendant
for answer says he is admr. of
Benjamin Connell dec'd. and one
of the distributees — he says it will be
necessary for him to sell some
slaves to pay debts of his intestate &
after that is done, he is willing for the
Com. (whom the Court shall appoint)
to sell the slaves the remains of Benjn
Connell's estate, and that the
proceeds may be divided as asked
in the bill &c. and he prays hence
to be dismissed &c.

(Signed)
Wiley Connell
Wiley Connell admr. of Benjn
Connell

To the County Court of Isle of Wight in
Ch. sitting — Humbly complain, shew to the
Court your complainants Albert Council
Benjamin Council, Mary A. Council
infants, by James Council their next
friend, and James Council, and Lorana
Rawls his wife deceased, complts.
(Isle of the County of Isle of Wight) —
That one Benjamin Council late of the
said County departed this life on or
about the day of March 1841, intestate
seized and possessed of several valua-
ble slaves, named as follows, that is to
say — Lewis, Jordan, Matilda & her child
Eliza, Milly and child, Lewis, Stephen, Mary
and Bob, that he left his children and an old
man named Jacob of no value —
That one Wiley Council is the admr. of
Benjamin Council and has the management
of his property — your complainants
state that one Wiley Council & the widow
and the sole distributees of the said
estate, and while they are advising that
some of the slaves ought to be sold to
pay the debts of the intestate, the others
(as they can't be divided) ought to
be sold for a division of the proceeds,
but such sale can't be made without
the aid of this Court — In consideration
whereof, the complainants pray
that the said Wiley Council
individually and as admr. of
Benjamin Council be made defend-
ants to this bill & answer to this bill
may be compelled to answer the same

Council & others
vs
Council

In obedience to an interlocutory decree, Council & others vs Council, pronounced the 5th day of April 1841 and hereunto annexed, your Commissioners having advertised the time and place of sale of the slaves in the bill mentioned of which Benj^a Council died seized & possess^d, or such of them as remained in the hands of the adm^r. (in conformity to said decree, proceeded on the 29th day of April 1841. and sold the same to the highest bidder on a Credit of nine months except so much as was necessary to defray the expences of the suit and of the sale, when Joseph Critchim became the last bidder and purchaser of negro man Jordan for the sum of $370.00

Wiley Council the purchaser of Matilda & child for		351.50
James Council "	of Mary for	101.00
Jason Holland "	of Lewis for	401.00
Albert Cross "	of boy George for	70.00
		$1293.50

you then put up to the lowest under-taker, the negro man Jacob, (who is entirely help-less and unable to perform any service) for life, when Wiley Council became the undertaker to support him for $304.00

leaving a balance of 989.50

your Comm^rs then deducted $15 the atto: & Clks fees and $15 the 5 p. Cent on the first $300 and $29.80 the 3 p. Cent Commrs on $993.50 the excess, making $59.80

leaving a nett balance of . . . $929.70

to be divided into six equal shares, thus $154.95

your Commrs then took six separate bonds from the purchasers, each for the sum of $154.95 with two approved securities payable to the parties as by said decree directed: we then delivered to Wiley Council as the guardian of Albert Council, Benj^a Council and Mary A. Council three of those bonds, each for the sum of $154.95 as aforesaid, taking his receipt for the same. we then delivered to Wiley Council one of said bonds, in his own right, one to James Council and one to Jonas Edwards in right of his wife, each for the aforesaid sum of $154.95 taking their re=

ceipts for the same, which will account for the purchase money aforesaid. Each of the distributees, of lawful age, then executed bonds to the said Wiley Council Admr. as aforesd in a penalty double the amount of each share, conditioned to refund due proportion of any debts or demands that may hereafter appear against the estate of said decd as by said deed directs.

All which is respectfully submitted.

Given under our hands this 30th day of April 1841.

Wiley Council
Samuell Vaughan
William H Vaughan

Dec. 29th 1841 Jun. Court Ordered & Ex. A Woodson Commr. return lands consisting of two hundred & ninety five acres & 85 cents return of Dower. Wm. & Lucinda Jordan of the 10th of the dower of Nicholas Perry. Ernest the Judge on oath by Commr.

Attest
John Scruggs

Wiley Council Admr.
~~Samuel Vaughan~~
~~William Vaughan~~

Councill's Ffs. et al.
vs. } Decree for sale
} of Negros
Councill's admor. et al.

48 7.97

In the County Court of Isle of Wight April 5th 1841

Albert Councill, Benj. Councill and Mary A. Councill infants by James Councill their next friend and James Councill and Jonas Edwards and his wife Martha Plaintiffs against Wiley Councill in his own right and as admr. of Benjamin Councill Defendant (In Eqy.)

This cause this day came on to be heard by consent of parties on the Bill and answer filed, and was argued by counsel; on consideration whereof the Court doth adjudge order and decree that Wiley Councill, Samuel Vaughan and Wm. H. Vaughan or any two of them, after advertising the time and place of sale at the door of the Court-house of this County and at some other public places for at least twenty days, do sell to the highest bidder on a credit of nine months, except for so much as will be necessary to defray expenses of suit and of the sale that for cash, such of the slaves of Benjamin Councill dec'd as may remain in the hands of the admr. of said Councill; that of the purchasers, the Comrs. who act take bonds with good security in such way as to enable the Comrs. to pay over the bonds in due proportion; that the Comrs. who act pay over of the nett amount one seventh to the guardian of Albert Councill, 1/6 to the guardian of Benjamin Councill, 1/6 to the guardian of Mary A. Councill, 1/6 to James Councill, 1/6 to Wiley Councill and the other 1/6 to Jonas Edwards this wife in her right & make report to this Court &c. And the Court does further order that if required by the admr. of Benj. Councill each distributee of lawful age and the guardians of the infants execute bonds to the said Wiley Councill admr. as aforesaid, in a penalty equal to double the amount of each persons share, conditioned to refund due proportion of any debts or demands that may thereafter arise against the estate of the said Benjamin Councill, with the cost attending the same.

Costs $15.02

Copy Teste. R. P. Young D.C.C.C.

Albert Council, Benjamin Council,
Mary A. Council infant sup by James
Council next fd. and James Council
another, Relators and Respondents

vs

Miley Council in his own right, & as admr. of Benjamin Council dec'd.

This cause this day came on to be heard by consent of parties on the bill, answer, filed, and was argued by counsel, on consideration whereof, the Court doth adjudge, order and decree that Miley Council, Lewis Vaughan & Elizabeth Vaughan or any 2 of them, after giving notice of the time and place of sale at the door of the Court House of this County and at some other public places, for at least twenty days, do sell to the highest bidder on a credit of 9 months, except so much as may be necessary to satisfy expenses of suit and of the sale & that for each share of the slaves of Benjamin Council dec'd. as may remain in hands of the admr. of said Council, that of the female slaves, the Com. who act, take bonds with good security or securities in such sums as to

enable the Cons. to pay on the bonds in due
proportions — that the Cons. est. to pay
on of the mett and one sixth to the pd.
of Allhut Comaille, 1/6 to the pd. of Begai
Comaille, 1/6 to the pd. of [illegible]
Mangeh Comaille, 1/6 to James Comaille
1/6 to Wiley Comaille, and the other 1/6 to
Donas Edwards, this infirm bon might to,
cause make appt to this Ct. to and the
Court does further order, that if required
by the admin. of Benj. Comaille, each
distributee — if lawful age & the pds.
of the infants' share into bonds with good
— to the said Wiley Comaille and
as aforesaid, in a penalty equal to the
double the amt. of each persons share,
conditioned to refund their proportion
of any debts or demands that may there-
after arise against the estate of the
Benj. Comaille with the costs attending
the [illegible]